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NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Third Assembly

Parliamentary Record

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G. L. DUFFIELD, Government Printer of the Northern Territory

NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Third Assembly

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The House Committee

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Sessional Committee — Parliament House

Mr Speaker
Mr Dondas
Mrs Lawrie
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PART 1

DEBATES

DEBATES

Tuesday 16 November 1982

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS

Air-conditioning of Demountable Classrooms

Mr VALE (Stuart): Mr Speaker, on behalf of the honourable member for Elsey, I present a petition from 115 citizens of the Northern Territory relating to the air-conditioning of demountable school classrooms. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of certain citizens of the Northern Territory, electors of the division of Elsey, respectfully showeth that the school community believes that air-conditioning is essential in demountable classrooms to ensure children are given good working conditions in tropical areas. Your petitioners therefore humbly pray that the Education Department will provide air-conditioning in transportable classrooms that cannot be adequately ventilated by fans because the buildings were designed for air-conditioning, and your petitioners, as in duty bound, will ever pray.

Tennant Creek Abattoir

Mr BELL (MacDonnell): Mr Speaker, I present a petition from 81 citizens of the Northern Territory relating to the Tennant Creek abattoir. 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:

The humble petition of the undersigned citizens of the Northern Territory respectfully showeth that many people in Tennant Creek have suffered significant disadvantage as a result of the decision by the federal Minister for Primary Industry to suspend the United States Department of Agriculture export licence for the Tennant Creek abattoir and that, accordingly, the Northern Territory government should use its best offices to encourage the federal Minister for Primary Industry to reverse his decision and to ensure the continued and nondiscriminatory employment in the Tennant Creek abattoir for the 1983 season and, your petitioners, as in duty bound, will ever pray.

Parks

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I present a petition from 3638 citizens of Australia relating to parks. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of Australia respectfully showeth that they are greatly concerned at the situation that exists whereby parks of all nature - that is, urban parks, scenic parks, recreation parks, nature and historic reserves, national parks and forestry reserves - are not excluded from land claims by Aboriginals. These areas are owned by the community and Aboriginals are part of the community. Therefore Aboriginals already own these lands along with the rest of the community. Because they are owned by the community and financed by the community for the enjoyment of all people for all time, the government has a moral responsibility to ensure these lands continue to remain the property of the people. They are national assets and cannot be owned by any one minority group. Your petitioners humbly pray that ministers of government in the Legislative Assembly act to ensure that these areas continue to be the property of all citizens of Australia and not be granted to any one minority group.

AUDITOR-GENERAL'S REPORT 1981-82

Mr SPEAKER: Honourable members, I lay on the Table the report of the Auditor-General on the Treasurer's annual financial statements for the year ended 30 June 1982 and upon other activities.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move 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 1981-1982, and 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.

TABLED PAPERS

Petroleum Lease No 3

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I lay before the Assembly a lease granted on 9 November 1982 to Magellan Petroleum. It is Petroleum Lease No 3 in respect of Oil Permit 175.

Fourth Annual Report of Northern Territory Ombudsman

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I table the Fourth Annual Report of the Northern Territory Ombudsman. I move that the Assembly take note of the paper.

Mr Speaker, the report generally confirms that ongoing standards of efficiency, courtesy and propriety are quite satisfactory in the Northern Territory administration. It is pleasing to report that that is just as it should be. However, it is disappointing that the criticisms of police procedures which have been raised in the Ombudsman's report have had to have been raised in this way. Although the Ombudsman raised a couple of specific matters with me during the year, he did not advise me of these general concerns. Given that I am both minister responsible for the administration of the Ombudsman Act and the minister responsible for police, I would have thought it only proper for such a matter to be drawn to my attention. I do not think the

issue of complaints against the police warrants anything like the focus given to it in this report.

There were 149 complaints against the police in the period covered by the report. In 1981-82, there were a total of 55 553 police actions involving people in the Northern Territory community. Each of these incidents had the potential to generate complaints against the police. During the course of the year, there were thousands of other contacts by the police with the public. Police contacts having the potential to generate complaints would be at least 2 or 3 times the figure of 55 553. The ratios on pages 9 and 10 of the report, in my view, are misleading and it would be quite wrong to draw any conclusions from them. Since I have not been made aware of all of the issues and circumstances, I am not prepared at this stage to take the view that the concerns raised by the Ombudsman are justified. I will of course now investigate the matters further since I have been made aware of them.

It is also disappointing to see the matter of staffing raised in the report. Again, the Ombudsman has not brought to my attention during the year that there were staffing pressures. It is really not acceptable to pull that sort of complaint from nowhere and make reference to it in the annual report. I have no difficulty with ensuring that the office is properly staffed. I do not consider this to be the appropriate way for the Ombudsman to raise the matter with me. The office of the Northern Territory Ombudsman is very favourably staffed in comparison with the other states. I table a bit of paper which sets out the staffing positions in New South Wales, Victoria, South Australia, Western Australia and the Northern Territory and I will read them for you: New South Wales - 37 staff and 1796 complaints; Victoria - 20 staff and 15 514 complaints from 1973 to 1981; South Australia - 9 staff and 782 complaints; Western Australia - 5 staff but no details of complaints; and Northern Territory - 11 staff and 389 complaints. If we are fond of ratios, the ratio of staff to complaints is something like this: South Australia 1:86.8; Victoria 1:86.2; New South Wales 1:48.5; and Northern Territory 1:35.4. Of course, Mr Speaker, it warms my lawyer's heart to see a recognition that legal expertise is necessary for the effective operation of the office. There may yet be a life for me after politics. I do have a recollection that, at the time of the appointment, the Ombudsman argued with me quite resolutely that legal qualifications and experience were not required for the job to be properly done. There are well-known procedures for raising staffing problems and I would expect the Ombudsman, like everyone else in the Northern Territory administration, to follow those procedures.

Debate adjourned.

MINISTERIAL STATEMENT
Employment in NT

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, concern about levels of unemployment is a major national issue. Unemployment is now at an all time high in Australia and, with a large number of school leavers shortly to enter the workforce, the prospects are that the unemployment situation will deteriorate further. The Northern Territory cannot be isolated from the national problem of unemployment. The Territory has done extremely well so far in creating new jobs. The growth strategy to which the government is committed has contributed to a job-creation performance by the Territory which is outstanding when compared with the rest of Australia. For the 1981-82 year, the average employment growth rate in Australia according to the Australian Bulletin of Labour was zero. New South Wales, Victoria, South Australia and Tasmania all lost jobs, while Queensland and Western Australia gained 2.4% and 1% more jobs respectively. For the same period, the employment growth rate in

the Northern Territory was 11.3%. This is a remarkable performance considering that the Territory population is also growing at more than 4 times the national rate and that the workforce participation rate in the NT is 10% higher than the Australian average figure. What this means is that the Territory has the lowest proportion of discouraged workers in Australia.

The figures for the 1981-82 year show that unemployment rates rose in every state in Australia except the Northern Territory. In its recent Australian Bulletin of Labour, the National Institute of Labour Studies stated: 'The only truly booming area in Australia at the moment is the Northern Territory where employment, the labour force and the population are growing at rates far in excess of the national average'. Despite this performance, Mr Speaker, I acknowledge that, in the current economic climate, we need to do all we can to promote further job opportunities in the Territory. I am particularly concerned about the employment prospects facing Territory school leavers as the school year draws to a close.

I have no illusions about why unemployment is rising in this country. First, the productivity of Australian workers is at best stagnating. Wage increases continue to outstrip the cost of living increases and bear no relationship to increased output by workers. At present, the rate of productivity increase in Australia is nil while wages are increasing at 18% per annum. The competitiveness of Australian businesses is therefore shot to pieces. Our producers cannot compete at home with imports nor can we compete in overseas markets. Until we achieve a better productivity performance and until we learn that we can only pay ourselves more if we produce more, the prospects of an expanding job market will remain a long way off. On our present course, the situation will become worse. Unemployment is not just a matter for action by government; it is a problem for the whole community, including those whose demands for higher pay choke off any prospect of employment for those now out of work.

To the extent that governments can give some encouragement and provide a lead, the main initiative rests with the Commonwealth. It has the policy weapons and it has the resources. Honourable members will know that the Commonwealth is now looking at possible initiatives, and the Territory government will certainly encourage those initiatives and will cooperate in every possible way. The options open to state or territory governments are very limited, but that is a statement, Mr Speaker, not an excuse. My government is giving urgent attention to the problem of unemployment in the Territory and will take every step which is reasonable, sensible and likely to be productive. Young Territorians leaving school are not responsible for the irrational and harmful policies which have produced this current unemployment malaise and they deserve all the support we can give them. However, some things are just not possible.

The opposition has called on us to undertake major capital works projects to provide new jobs. That would be all well and good except that, to provide the additional funds for these extra capital works projects, we would need either to sack substantial numbers of government employees or raise more taxes. If the objective is job creation, there is not really much sense in either of those proposals.

The task of creating jobs, Mr Speaker, requires more than political breast-beating; it requires a responsible attitude and careful thought so that whatever we do gives the community value for money. The task force which I established some weeks ago to look at the problems of Territory school leavers has estimated that there will be about 1200 young people leaving school at the end of this year. There are already about 1300 unemployed under 20-year-olds in the Territory. Of

course, not all of this latter group can be assisted by any initiatives on the part of government. Firstly, not all of them are Territory residents and there are some, particularly Aboriginal people, who choose to live in communities where there will simply not be opportunities for employment and, in some cases, where opportunities for work, such as in the tourism and ancillary industries, have been rejected. It has to be clear that, in the current circumstances, we cannot offer any comfort to those whose interest in the Territory is a casual dry season matter or to those who are not prepared to take opportunities for work which become available whatever and wherever they are.

Cabinet has considered the initiatives which the Territory government could take which would be responsible and which would help promote the employment prospects for school leavers in particular. I can advise the Assembly that we intend to pursue a number of initiatives. We will raise the number of apprenticeships available to young Territorians by extra funding to the Industries Training Commission for special advertising to draw the attention of employers to the availability of funds from the Commonwealth Employment Service, by removing apprentices from maximum staff allocations which currently govern employment levels in the public service and by providing funds to government departments and authorities to take on additional apprentices to their current intended intake. We will raise the number of trainees in the public service by removing trainees from the maximum staff allocations and by providing funds to departments and authorities to take on additional trainees. We will provide specific grants to local government authorities to enable them to take on additional apprentices or trainees. We are examining the feasibility of introducing a preferential system in tendering and in government contracts so that those organisations employing apprentices will receive the benefit of this preference. In addition, because of the trend towards greater involvement of subcontractors in areas such as the building industry, the government will be prepared to give support, including financial support, for the establishment of a pool of apprentice positions for Territorians and provide, through tender and contract procedures, for the training and employment of these apprentices in government works programs. This is a significant commitment and one which will require the full cooperation and support of private contractors. I would hope that contractors and industry organisations will respond to this offer by making suggestions and proposals as to how we could give effect to this kind of initiative in a way which will generate guaranteed new jobs.

The government will also give preference in the public service to school leavers in its recruitment for base level positions. We are prepared to establish task forces with funding support through departments, statutory authorities or local authorities where specific projects can be identified which could be undertaken by school leavers under the supervision of existing supervisory staff. We will be seeking financial assistance from the Commonwealth to support these initiatives to provide employment for school leavers and to enable us to give the widest possible support for the employment of young Territorians. Cabinet has also agreed to the introduction of an urban beautification program for Territory centres and this activitiy, which is in itself clearly worth while, will provide some employment support for school leavers.

I have also renewed my efforts in recent weeks to persuade the Commonwealth to move forward the proposed completion date for the Alice Springs to Darwin railway. I have pointed out that this project would generate substantial employment not only in the construction area but also in the supporting industries including the very hard-pressed steel industry. This is a project which, I submit, is of national significance. Other major projects in the Territory, such as the construction of the Channel Island Power-station and the establish-

ment of new defence facilities in Darwin and Katherine, will also provide new job opportunities.

I think that it is important to stress in the context of any discussion of job creation the critical importance of tourism for the Territory. Tourism has become a major private sector employer and has generated hundreds of new jobs. It is simply common sense to encourage the further growth of tourism. This industry will employ a large number of young Territorians, particularly those leaving school. To secure tourism growth, we need to stay out in front in the promotional area. The government has recently provided additional funds to the Tourist Commission to get on with the job of selling the Territory to next year's tourists. We also need the accommodation and other facilities to look after our tourists properly if we want to maintain the industry's growth rate. Every new hotel in the Territory means jobs in the construction industry this year and jobs in the tourist industry next year. It is encouraging to see the hotel development that is now taking place in Darwin and Alice Springs in particular. All people in the community who care about jobs for people and a secure future for Territorians will welcome and encourage this development.

It is impossible to indicate at this stage how many new jobs the initiatives I have announced might create. They depend on the cooperation of employers in the private sector and, of course, on the availability of funds. As I have said, there are about 1200 young Territorians leaving school at the end of this year and our objective has to be to assist all of them to find worthwhile employment. Unemployment is a community problem and needs a community response. My government has identified a number of areas where we believe we can give encouragement and set a worthwhile lead. I hope that employers, trade unions and other sections of the community will respond positively and join with us in a cooperative program.

Mr Speaker, I move that the Assembly take note of the statement.

Debate adjourned.

PLACES OF PUBLIC ENTERTAINMENT AMENDMENT BILL
(Serial 245)

Continued from 2 September 1982.

Mr SMITH (Millner): Mr Speaker, this bill was introduced in the sittings before last and, thankfully, was not proceeded with in the last sittings because, as I understand it, the minister received some responses from councils and decided to take them into consideration before moving further with the bill. The bill attempts to do a number of things. First, it attempts to make sure that amusement centres and particularly pinball parlours fall clearly within the act. Associated with that, the government has taken the opportunity to enlarge the range of conditions that can be placed on licensees under the act and also to increase fees and penalties. The bill has a completely new provision. Whereas, previously, a place of entertainment needed both a licence from the Liquor Commission and an entertainment licence, it will be sufficient in future merely to hold a licence from the Liquor Commission. Quite clearly, the bill is designed to cater for the situation which first revealed itself in the case of the establishment of the Wagaman pinball parlour where it was found that neither the city council nor the government had powers over the operations of that pinball parlour. My information is that other local governments have found themselves in a similar situation. This morning, I learnt that a pinball parlour has been established in Tennant Creek and the local council is concerned that, under the act as it stands now, there are insufficient powers for the council to regulate the conduct of that pinball parlour properly.

In his second-reading speech, the minister made it clear that it was the government's view that pinball parlours are a social asset if run properly. I would like to put it on record that the opposition agrees with this. It is clear that there has been a fairly dramatic change in the interests of children and young adults over the last 20 to 30 years. It is apparent that organised forms of entertainment have less and less attraction for this age group and, although we still need to provide organised entertainment for the substantial number of people who are interested, there is an increasingly large group of people who are more interested in the less formal entertainment areas. Of course, pinball parlours fall into this category. We share the government's view that they are a social asset and, if run properly, provide a considerable attraction to youth in the community and also should provide some reassurance to parents in the area that their children are in a properly run place where they are looked after.

I think one of the major concerns of people in the Wagaman area at the time the matter was raised was their fear that there would be a number of particularly young children wandering around late at night and that this would be encouraged by the activities of the pinball parlour. I must say that I am old-fashioned enough to believe that the ultimate responsibility for the whereabouts of children lies with their parents. I think it behoves parents to know where their children are at any particular time and, therefore, I think it is unfair to blame pinball parlours in this context.

I am appalled by the number of reports I receive from my constituents about 8, 9 or 10 year-old children wandering the streets of Darwin after midnight. Rarely a week goes by without me hearing reports about this. That does concern me but it is a much wider issue than the issue of pinball parlours and their effects on that sort of behaviour.

When I spoke to the councils throughout the Territory, they had a couple of concerns with the bill. One was that they were not consulted about the preparation of the bill.

Mr Robertson: That's bunkum.

Mr SMITH: The honourable minister says 'bunkum' but I think they have a pretty good idea whether they have been consulted or not and certainly they have said to me that they were not consulted. I think that, if they had been consulted, some of the problems with the bill might have been avoided. Hopefully, in his response, the minister will indicate that he has taken up the responses he has received from the councils.

The bill has some revenue implications for the councils and, in terms of the loss of revenue caused by removing their powers to license places that also require a licence from the Liquor Commission, I met a mixed response from the councils. Certainly, the opposition supports this. It reduces the amount of bureaucratic involvement necessary in applying for licences in this area and is a sensible solution. However, it appears to me that there may have been an oversight in clause 13 which says that the fees payable on the issue or renewal of the licence shall be at the rates specified in the second schedule. Further on, we find that the second schedule will be deleted. Quite clearly, that means that power has been taken away from the councils to impose a fee for the issue or renewal of licences and that has quite considerable revenue implications for councils. I hope and expect that the government will move in the committee stage to correct that fault.

A number of penalties for offences have been dropped and I invite the minister's comments on the reason for that. For example, section 11 will no

longer provide a penalty for additions or alterations to licensed places without permission. Under section 15, there will be no penalty for public entertainment taking place in an unlicensed place. Under section 17(2), there will be no penalty for the failure of licensees to accept restrictions placed on public entertainment by the minister and, under section 20, there will no longer be a penalty if exits are not cleared and kept clear. We all know that there have been some quite disastrous examples, both in Australia and overseas, where exits that should have been kept clear or open so that people can get out of them if necessary, have not been so kept and many lives have been lost. I hope that the minister will address himself to these matters. If I am wrong, I am prepared to look at that again. Certainly, it is my understanding that the penalty for that has been omitted as in the other cases that I mentioned.

With those reservations, and I think they are important, the opposition supports the bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, this proposed amendment to the Places of Public Entertainment Act will update it to take into account changed circumstances. A definition will be inserted of mechanical or electronic 'amusement machines' that are well known to us all. There is a redefinition of 'place of public entertainment' which I note omits those which are already licensed under the Liquor Act. I have some minor reservations on that which I will come to a little later on. The public entertainment definition has been varied to allow for places which have 2 or more amusement machines. Clause 6, which will repeal section 9, gives wide powers of direction to the minister in relation to the licence. The days and hours of operation come within his power which, except for liquor outlets, this government normally does not enter into. We prefer to let people organise their business in whatever way they want to. In this instance, it is considered important that hours of operation and days of operation be controlled. The number of people permissible, the ages of the patrons and noise and light also come within the minister's powers of direction. I am pleased to see that the behaviour of persons on the premises where public entertainment takes place is also included.

The licensee will be required to display the conditions of his licence prominently and to comply with those conditions otherwise he will be committing an offence. Most important, I feel, is the proposed new section 9(b) whereby patrons will comply with the licence conditions in the place of public entertainment and in the immediate vicinity. They are to obey reasonable directions relating to prescribed behaviour conditions which will be laid down in the licence. That is a point which I wish to return to shortly.

By proposed new section 13, the police will have considerable powers. They have always had the power to go to places of public entertainment and see that everything is under control. They will be given the power to warn the licensee and to give him time to comply with the warning. Then, if the warning is not heeded and it is felt necessary to close down the establishment, it will remain closed until the minister has had a chance to consider the situation.

Proposed new section 14 gives conditions under which the minister may cancel or vary the licence if he feels the place of public entertainment represents a public danger, is prejudicial to public health or convenience or constitutes a nuisance to nearby residents. Proposed new section 14A will give some redress to the licensee relating to the licence. The minister cannot cancel or vary the licence without first giving the licensee the opportunity to inform the minister why the proposed action should not be taken. The minister then has to give in writing his reasons for varying or cancelling

the licence. I think we would all agree that this would guard against heavy-handed ministerial direction. I note in the proposed new section 13 that the police have, in one sense, more power than the minister. I believe that common sense will prevail.

Under proposed new section 19, the police or any person authorised by the minister has power to require people to help in inquiries about alleged offences against the act. This includes the licensee or any of his employees or any person on the property or in the vicinity whom the investigator believes has information which could be useful in the inquiry. I note that it is an offence to give a false name and address and fail to comply with any request.

Clause 12 deals with the penalties. These penalties have not been updated since 1949. I believe that they are fair and reasonable.

I note from the minister's second-reading speech that the basic purpose of this bill relates to complaints about the pinball parlour outside Wagaman School and to continued public complaints about various aspects of places of public entertainment, particularly about noise and the patrons' behaviour. Two years ago, the member for Stuart and I raised questions about complaints from constituents concerning pinball parlours in Alice Springs. I believe that, if the amendments we have before us today had been in force then, they would have been very welcome indeed. I was quite satisfied to learn from discussions with the police that a lot of breaking and entering into shops and homes which occurred about that time involved children seeking 20c pieces to play the poker machines. It reminded me of a somewhat amusing story of a shop broken into where the 20c pieces were taken and the 10c pieces left behind. Obviously, the thieves did not realise that two 10c pieces could be converted into a 20c piece. Truancy was another problem at that particular time and gave reason for concern.

The police in Alice Springs suspected that the pinball parlours were places where drugs were being distributed. I have heard rumours of grog being sold in soft drink containers at those places. One in particular was the scene of quite a few fights at night time outside the premises. Also, in the vicinity of those places, there were a number of violent attacks upon people, often visitors to the town, which certainly did not help the town's image. The connection between the 2 is not 100%. In general, these 2 places in Alice Springs were dark, dingy, unattractive and generally considered to be undesirable. Fortunately, both have virtually gone out of business. The fad for video games and video tapes has helped in the demise of these particular pinball parlours. Maybe the people in Darwin can gain some heart that, in the process of time, their problems may disappear.

Two places in Alice Springs, the Youth Centre and the Dustbowl, have these amusement machines. They are in well-lit and supervised places. They seem to continue bringing revenue to the places concerned. They have parental acceptance, and I agree wholeheartedly with the previous opposition speaker that the key to the success of such things is that they must be acceptable to parents.

I believe there may be some unseen consequences of the bill. Appeals will go to the minister since he is the person with the power. I believe that people will appeal. I have had people ringing me up after midnight complaining about noise coming from the amphitheatre and the local casino. I wonder whether the Minister for Community Development would like to have the phone calls redirected. There have been complaints in that particular area, particularly from the elderly residents across the river who are hardly more than 100 m away. I welcome the amphitheatre in many ways; some marvellous artists have been presented there. I heard Kamahl there. On that particular night, it was very still and people

heard him a mile away. The acoustics can play some odd tricks but, at that particular concert, the noise level was beyond what was necessary for the people to appreciate Kamahl. At another time, I went to hear Marcia Hines. It had been raining and the amphitheatre was not able to be used. The concert was held inside and, even though this lady was screaming into the microphone, she was still being drowned out by the band. It was nothing less than a savage assault upon the eardrums. This is one of my hobbyhorses as members well know. I believe there should be some scientific control of noise levels. The outside area at Araluen which is being developed is also in a region where the local people will be subjected to excessive noise. I believe controls need to be thought about before it is completed.

Returning to the point of real interest to me, proposed section 9 says that the licence conditions will be well and truly spelt out. I particularly welcome 9A whereby the responsibility of patrons is to be declared and certain powers will be provided to deal with those who disobey. I am particularly interested in this because the Youth Centre in Alice Springs has some full-time employees and also many unemployed volunteers who help there, particularly on a Friday night when there may be anything up to 400 children around. It is a big supervisory job particularly as the complex is rather large and there is a whole range of entertainment occurring. The majority of children behave themselves but, on occasions, a minority have caused trouble. Unfortunately, some under-age kids drink grog either up on Anzac Hill or out on the oval and then come in and try to disrupt the Youth Centre. They have started a number of fights with patrons of the place. They disobey the directions of the people in charge and argue with the staff. There have been occasions where rocks have been thrown. Fortunately, nobody has been hurt but it does concern me that these people who are prepared to give up their time voluntarily to help run this place experience this form of abuse. I believe that the regulations will be very important. The offenders should be able to be evicted. This bill allows for police inquiries and people who are involved in or may have witnessed some incident may be required to give the evidence necessary to convict someone of an offence against the act. I believe that the regulations will need to be framed very carefully. I certainly welcome this bill because I believe the Alice Springs Youth Centre's good reputation deserves to be upheld and supported both by the police and by the minister.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to say a few words in support of this bill and also to raise a few questions in the course of my contribution. It is quite clear that this bill was initiated because of discussions within the community on the operation of pinball parlours and what could be done to ameliorate their more undesirable effects. I am in agreement with the sponsor of this bill and also the honourable member for Millner in saying that it is not a necessary conclusion that these places are bad for children. Indeed, I have been informed by some people who work with youth in my electorate that, in many instances, properly run pinball and amusement parlours could be quite beneficial because they tend to provide places where children can go without having organised recreation. These places also prevent the children from being pushed into more injurious types of amusement. I have raised on occasion in this Assembly some of the problems of youth in my electorate and some of the activities in which they indulge in their leisure hours. Many of these are not altogether wholesome.

Mr Speaker, it gives me some heart to see that we are not proposing to capitulate to the demands of residents and close these places down completely. Indeed, that was a demand made to me by some people in my electorate. I accept that this bill is proposed in the spirit of not closing down these places but simply controlling them so as to strike a balance between the needs of youth in the area and the requirements of residents for a quiet residential environment.

One of the questions which does arise when talking about the control of these places is to be found in proposed section 9. From my reading of the bill, it appears that, whilst the licences will be issued by the municipal councils in each locality, the conditions themselves will be determined by the minister. I hope that there will be some mechanism for delegation here because I would not like the municipal councils to reject applications for these licences simply because they do not know the conditions under which they will be given. I would not like to see the city councils abdicating their responsibilities with respect to this bill by refusing licences. These amusement parlours are a good deal less harmful than some other types of entertainment which young people might find for themselves.

Mr Speaker, I was also interested to note an amendment circulated by the honourable member for Nightcliff to the clause exempting premises which have no more than 2 machines. I think that the honourable member for Nightcliff is proposing that number be raised to 3. I think the honourable member for Nightcliff is taking into account that a number of shops and take-away food premises have 1 or 2 machines. These are not amusement parlours. They appear to be basically there in order to provide some entertainment for customers whilst they are waiting for their food to be cooked. It is not the intention of this bill to involve those premises which have only 1 or 2 machines.

My next point concerns the matter of the conditions of the licence. I see that the minister will have the discretion to apply conditions relating to the days and hours of operation and I support this. In many instances, the complaints have been about excessive noise late at night and a condition to that effect would overcome the objections of many residents. One condition which is not entirely obvious is the age of persons who may be admitted. In other parts of the world, this particular type of amusement seems to attract people who are rather older. I was surprised to see in one overseas country where there is a mushrooming of these places that they attracted people around the 30 to 40 age group. This rather puzzled me but nevertheless the people find the activity interesting. I must say that this was in a place where the availability of alcohol was extremely limited and perhaps this was an alternative source of entertainment. In Darwin, these places are patronised by quite young people. If we are trying to provide places which young people can patronise, I wonder about the relevance of the age condition. I hope that we are not going to put a maximum age of 18 or specify a minimum age. I notice that some of the people who play at these places after school are quite young and I would not want to see them necessarily excluded from this relatively harmless form of entertainment.

I have noticed that there are conditions for the police actually to close down the premises in the event of flagrant breaches which cannot be handled in any other way. That provision has been offset by another provision which states that reopening of the premises can take place after the minister has considered the circumstances under which it was closed down. I think that strikes a good balance in the requirements of all parties.

In closing, I hope the city councils will not regard this legislation as a power by which they can refuse the granting of these licences. I hope that they will see that these places do have some merit and that they will respond to the needs of youth in the areas in which premises are proposed to be established.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this legislation, my remarks will be brief. Like other honourable members who have spoken before me, I have no objections to pinball parlours as such and no objection to other similar places of entertainment if good sense prevails and reasonable control is exerted over these places. I think that this legislation is reasonable

and it will sit lightly on the people who run these places of public entertainment. The legislation has been highlighted by the siting of a pinball parlour in the northern suburbs recently but I do not think we should consider only pinball parlours.

The basic thrust of the legislation is to try to take into account diverging interests in the community. We have the interests of the people who wish to patronise the places of public entertainment from which, from time to time, undesirable noise levels may issue and also the interests of the local residents. The residents do not wish to have their evenings burst asunder by the noise that comes from these places. Somehow or other, this legislation has to do a Solomon. I gave this legislation a bit of thought. If pinball parlours and such places had been available when I was in my teens and younger, I might have been an avid patron of them. I think they are the sort of places that appeal to kids because they are bright and jazzy places. They certainly enable the patrons to develop a certain amount of skill in the use of electronic equipment and this may be of aid to them in gaining employment later on.

When I was a child a long time ago, perhaps I engaged in similar undesirable activities but there were no pinball parlours around then. When I was a child in a city down south, pictures were the thing. From about the age of 9, I remember seeing every change of program in the city of Perth during the school holidays. These days, that would be considered undesirable behaviour. It was not because I did not receive a good upbringing at home but because of the particular situation that my family and I found ourselves in at that time.

Mr Speaker, there are a few points in this legislation which are of interest. One particular point is in proposed section 13. There is a phrase there referring to the inspector of a place of public entertainment making a certain decision on certain grounds and considering whether the minister would be of the same opinion about that particular situation. Mr Speaker, this opens up a fascinating study of what a member of the police force or an inspector thinks the minister would think. No doubt it was put in for a good reason but I do not have a finely-tuned legal mind so the reason is perhaps not apparent to me as it may be to other members. The wording in proposed new section 13 appears to me to extend considerable discretion to the inspector of a place of public entertainment because the inspector or the member of the police force could always assume the mantle of ministerial omnipotence by always making the decision that he thinks the minister would make in the same circumstances.

Mr Speaker, the legislation gives the operators of places of public entertainment the right of appeal. It also gives the minister quite a bit of discretion. The whole legislation is an attempt to deal with a situation as it has been presented to this government and I feel that it will not sit too heavily on the community.

Mrs LAWRIE (Nightcliff): Mr Speaker, as honourable members will be aware, I have prepared a small amendment to the Places of Public Entertainment Bill which I support. I see the need, as the honourable member for Sanderson stated, to raise from 2 to 3 the number of machines which can be in premises without the need for a licence. I have had approaches from a firm which has been providing such machines in Darwin since 1960. It has expressed general support for the bill, but pointed out to me that it approached Bill Sullivan, the then Town Clerk, in 1962 and sought the council's opinion on the number of machines which could be accommodated in premises without the need for a special licence. That is 20 years ago and even then concern was expressed from within and without the industry as to the need eventually for licences. The figure which was arrived at was 3. In 1980, relatively recently, the company met with the Lord Mayor, Cecil Black, on precisely the same point and the same consensus opinion was reached that, above

and beyond 3 machines, there would probably be a requirement for licensing but the possession of up to 3 machines was considered, in the eyes of the Darwin City Council at least, reasonable without licensing and special provisions.

Honourable members will be well aware that a number of these machines are in food outlets - usually fast-food outlets such as fish and chip shops, pizza shops and takeaway food shops. Because of the agreement reached in 1960, it has been customary practice to install 3. As the company pointed out, this also allows for breakdowns which are not infrequent given the amount of use of the machines. With 3 machines in a shop, it is almost guaranteed that 2 will always be working and, for a percentage of the time, all 3 will be working. If the bill is passed without amendment, many premises which already have 3 machines in Darwin will be affected. I have received no indication from the government as to how it views my amendment but, if it intends to reject it, I ask the sponsor to establish how many people in the business community will be adversely affected. As I said at the outset, the reason for the amendment is largely historical. For 20 years, businesses have been assured by the body which they thought was the relevant licensing authority, the local council, that 3 machines were acceptable. Above and beyond that, a system of licensing would be introduced. On that understanding, I have prepared and circulated my amendment which I hope will receive the approval of all members in committee.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a few comments on this bill. I was delighted to hear that the member for Tiwi did not have the use of electrical or mechanical devices for recreation during her childhood. My first comment actually relates to the definition of 'amusement machines'. I am a little concerned at how wide the definition is. It occurred to me that a piano or even an organ could be described as a device, electrical or mechanical, designed and constructed for the amusement of its user through his manipulation of the machine. It would appear that Pfitzner's music store would of course have to come within the ambit of the act given the breadth of that particular definition. That of course is not its intention. The wording of the particular definition struck me as somewhat strange.

A second point I wanted to make was to endorse the comments and the amendment put forward by the honourable member for Nightcliff. As the bill reads, the presence of more than 2 amusement machines on the premises would qualify the particular premises as a place of public entertainment. As previous speakers have suggested, there are a number of establishments that might qualify. There are a number of stores in my own electorate which have 2 or 3 coin-operated games which would cause them to come within the ambit of this bill. I doubt that bringing those particular places within the ambit of the legislation is the intention of the government. For that reason, I am endorsing the amendment put forward by the honourable member for Nightcliff.

I wish to raise a third point which is related more generally to the operation of the act and to the operation of fund-raising events by a variety of community organisations. It bothers me that the wording of the bill may require occasional fund-raising events by community organisations to be licensed. In the event of their not being licensed, they may be subject to action under the principal act. I am referring to section 10 relating to unlawful use of places of public entertainment. A non-profit community organisation may have a particular fund-raising activity for the benefit of its members and it may come within the ambit of the definitions of this particular act and would therefore be carrying out an unlawful activity. Thought may have to be given to that at some stage.

My final point relates to the comments of the honourable member for Alice Springs. He made some comments generally about the operation of pinball

parlours and about youth services in central Australia. I believe that there needs to be a coordination of youth services in central Australia. It is a matter of some concern to me, having an involvement, as does the honourable member for Stuart, with the YMCA in central Australia. There seems to be a plethora of organisations involved in delivering services to youth in the town. Certainly, I have some misgivings in that area. Although it is not specifically relevant to this bill, whilst seeking to bring pinball parlours within the ambit of the Places of Public Entertainment Act as significant gathering places for young people in Territory centres, it is probably worth giving some consideration to some wider coordination of services for youth. For that reason, I mention it in the context of this debate.

Mr PERRON (Lands and Housing): Mr Speaker, in listening to this debate, I could not help feeling that some of the comments may reflect a misunderstanding by some members of the atmosphere that exists in pinball parlours. After listening to those speakers, I feel as if I am standing here to make a confession because I have in fact been in a number of pinball parlours and, during those short stays, I have rather enjoyed myself by playing the machines.

However, one honourable member expressed surprise that, in another country, people 30 to 40 years of age actually frequented those places. Mr Speaker, I am over the age of 40 and I still do not mind the odd 20 minutes in a pinball parlour if time permits - it does not happen very often - to play the game of Space Invaders. I think that it would probably do all honourable members a little good to lower themselves and play a game once in a while. Perhaps then they would have a better understanding of the situation.

Mr Speaker, I am not going to say a great deal in this debate other than that I feel that parents in the community who feel fairly strongly against pinball parlours would do well at some stage to go, with or without their children, to see what it is that attracts children so strongly to such places. I think that some regulation of the premises operating in Darwin and other places in the Territory at present is necessary, and that is what this legislation is all about. Parents who think that an afternoon in a pub or a beer garden is a good way to fill in time and entertain oneself - and that is certainly an activity enjoyed by many parents in the community - could learn a great deal by trying to understand what their children regard as entertainment in a pinball parlour. They might also understand a little more about the motivation of the children themselves.

That is all I have to say on this legislation. I felt that at least one member of this Assembly should confess that he is happy enough to go along to a pinball parlour to play from time to time because some of the remarks made to date would seem to indicate that many members have only viewed them from across the street and that is about as close as they will ever come to going into one.

Mrs O'NEIL (Fannie Bay): Mr Speaker, there are some items of legislation which seem to attract the attention of most honourable members of the Assembly and this is clearly one. Perhaps it is because most of us have received representations from time to time from constituents on this issue of amusement machines. Certainly, I have had representations because I have had a parlour operating in my electorate for about a year or so. I am pleased that most honourable members, perhaps intuitively, have come to the conclusion that these machines are not a bad thing as long as the establishments in which they operate are properly controlled. Honourable members will therefore be pleased to know that investigations which have taken place on amusement parlours in the Northern Territory and elsewhere in Australia indicate that they are perfectly harmless and some might even say beneficial places for the amusement of children and adults. A report was made by our Department of Community Development on

amusement parlours in the Northern Territory and this referred to an ACT report and a study conducted in Victoria by Mr van Moorst who is an expert on these matters. There is also a small study which was conducted by the Consumer Affairs Council in the Northern Territory. Along with others, apart from pointing out the need for adequate supervision of these establishments and their proper regulation from the point of view of public health and safety, that study indicated that in fact they were quite desirable places.

I too have seen these various games in operation and I believe that many of those people who find them fairly horrific have not in fact had the personal experience of seeing them played or playing them. Therefore, for the benefit of such people, I would like to take the opportunity briefly to describe one such game which I have played. It is entitled Frogger. Frogger is a game of calculated risk and calm nerves which rewards experience more than most such games. The Frogger screen can be broken into 2 areas, the road and the river, divided and surrounded by banks. The aim of the game is to get your frogs from one side to the other despite the hazards of trucks, snakes, sinking turtles and alligators and, if you succeed, you get all the way to the breeding hole. From the bottom of the screen, a frog must first negotiate the road with 5 lanes of traffic and then the river by jumping on logs and turtle backs. Five frog holes are on the opposite bank and all must be filled to earn a new screen with increased dangers. The first screen has slow moving traffic and the only danger is that the beginner will misjudge the distance or speed of his own frog's leap and accidentally brush against a fender or jump into the back of a passing car. One must always leave plenty of space before jumping after a car. The left hand frog hole is the most difficult to fill as the river current moves from left to right. The other aquatic hazard is diving turtles. These appear to be the same as normal turtles but periodically turn green and sink below the surface. Any one of 4 turtles is prone to this disturbing behaviour. Before one leaps, one must check the line to see where the last green turtle in that line was. Sinking turtles are never together in a line. Small purple frogs can be picked up from logs and carried to safety for bonus scores. If these are missed at first, one can always go back and pick them up again.

On the second screen, alligators appear and the traffic speeds up. One must not be intimidated by the increased traffic flow but use sideways jumps in the flow of traffic to reach the middle. The fourth lane of speeding racing cars is the main danger so one must try to join the third lane at a place where there is a corresponding gap in the fifth and break for it just after the speeding cars fly past. The alligators do not have to be avoided at all costs. One must simply avoid their jaws. They are mainly a danger when one wants to fill the lefthand froghole and is waiting for a log to appear. It is possible to get into a froghole with the alligator waiting there as long as it is not about to leap fully out. The third screen's snakes can also be trodden on as long as one avoids their gaping jaws. When logs are scarce, one has to make use of fast moving turtles to go back and find an emerging log. One is advised to be positive in one's joystick movements as many lives are lost by careless or accidental nudges. One may spawn many tadpoles.

Mr Speaker, when I played that game, it occurred to me that any such game which clearly increases eye hand coordination and requires both dexterity and a sense of humour cannot be of much danger to the youth of the Northern Territory and Australia. I am happy to support the legislation and hope that these games continue to be played in establishments which will be properly supervised as a result of the passage of this legislation.

Mr ROBERTSON (Community Development): Mr Speaker, it should not take me long to deal with the various issues raised by members. The first point raised

by the honourable member for Millner was the question as to whether or not the council under the existing act had jurisdiction in this matter. There is no doubt in our minds that the council has always been in a position to license pinball parlours and the like. There is absolutely no doubt that the government has been in a position to be able to do it. The purpose of this legislation is to put that question beyond doubt.

By way of reinforcing the opinion which we hold that the council has in fact been rather timid in exercising the powers that it already has, I would like to table the opinion of the Attorney-General's first law officer of the Territory to that effect. I do not wish it to be incorporated in Hansard but any member is welcome to read the opinion.

Questions were raised by the member for Millner as to fees. If one looks at proposed section 21A, and I understand that the honourable member has now picked this up, the penalties will not be deleted as a result of the amendments in the schedule at the rear of the bill before us. Indeed, the penalties have been substantially increased right throughout the range of offences. I am fully aware that the honourable member has realised that now.

The other point he raised was that, by omission of the second schedule, fees themselves, not penalties, would be deleted. If the honourable member reads clause 13 in conjunction with clause 14, he will find that that matter is also taken care of. It is perhaps rather a matter of him paying a little more attention to the legislation which was tabled in this place quite some time ago.

The further point raised by the honourable member for Millner was that the minister would have powers in respect of operations within municipalities. Section 340 of the Local Government Act says that, by virtue of that section, all references to the minister in the principal act are references to the council within that municipality. In effect, the minister has no function within the municipality unless of course he wishes to override the council. Because the act is subject to his general direction and control, he could do that but, obviously, he would not seek to. Those matters are for the council. If there is a question of interpretation by the police, they would be required to interpret the council's views as to standards etc. The terms and conditions of the issue of the licence would not be determined by the minister. As a result of section 340 of the Local Government Act, they would be determined by the local government itself.

Mr Speaker, the honourable member for Millner referred to consultation in respect of this proposal. The first meeting in relation to these amendments was conducted in April 1981. At a meeting of the full council, in the company of some 4 of the 6 ministers of the government, I discussed this matter personally with the Darwin City Council and the secretary of the Local Government Association in his capacity then as Clerk of the Corporation of the City of Darwin. It was a matter of misunderstanding. If the honourable member for Millner could misunderstand the intention of the legislation as to penalties and fees, then it is quite understandable that the councils misunderstood also. In making that statement, I am not being overly critical, Mr Speaker. It is always difficult having to refer from one act to another. Quite obviously, the councils thought that, without consultation, we were removing from them the powers they already had in respect of general places of public entertainment. Had they been aware of the act under which they operate, that concern would not have been necessary.

Mr Speaker, I gather that honourable members are generally in favour of the legislation. I might say that the government has no difficulty with the honourable member for Nightcliff's comments. I think we would be quite happy

to accept her proposal to change the number of machines from 2 to 3. As I understand it, there has been a widely-held view by sellers of these machines that 3 would be the figure agreed to by the councils. I believe that a number of delicatessens and the like have bought 3 machines on that understanding.

For the information of honourable members, the reason 2 was chosen is because that is the number of machines provided for in the Building Manual as constituting a place of public entertainment under those regulations. Those regulations are made pursuant to the Building Act. I would perhaps draw the matter to the attention of the Minister for Lands and Housing. He may wish at his discretion to approach Executive Council at some time to alter the Building Manual so that it falls into line with the substantive act. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mrs LAWRIE: Mr Chairman, I move amendment 133.1.

This will amend clause 4 by omitting from paragraph (c) 'more than 2' and substituting 'more than 3'. The substance of this amendment is to allow 3 entertainment machines to be in premises without requiring those premises to be licensed as a place of public entertainment. Whilst I do not wish to recanvass my second-reading speech, it would be discourteous of me if I did not explain to the committee again that it is a matter of history that 3 has been the norm throughout the Territory and was accepted by previous councils when the vendors of these machines sought advice. It is my opinion that to restrict the machines to 2 would cause unnecessary hardship to many owners of premises who have installed 3 and would not facilitate the purpose of the legislation which is to ensure the orderly operation of premises which are mainly or solely for the purposes of the operation of these machines.

Mr ROBERTSON: Mr Chairman, the government supports the amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

COMPENSATION (FATAL INJURIES) AMENDMENT BILL
(Serial 233)

Continued from 19 August 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this simple bill is in line with the government's policy of gradually bringing all Northern Territory legislation into line with recommendations of the Australian Law Reform Commission in respect of Aboriginal tribal marriages. Currently, the Compensation (Fatal Injuries) Amendment Act allows children of a family where the mother or father has been killed to lay a claim for damages but does not allow the surviving spouse to do so if the marriage is a tribal or customary law marriage.

This bill is a further attempt by the Northern Territory government to bring the Northern Territory statutes into line with the recommendations of the Law Reform Commission in this respect. The opposition supports it.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, one aspect of this bill is the recognition of tribal marriage - that is, marriage between one Aboriginal and another which does not have the normal certification which European marriages have. That is a key point here. If they have a marriage certificate, the matter is well and truly covered. If those marriages are recognised tribally by their peers, this bill will allow the surviving spouse to claim compensation. As has already been stated, children already can claim in this situation.

I would not say that all Aboriginal marriages are stable. I dare say the second part of the bill would cover the particular situation where marriage partners are changed. I must confess that I am not really enamoured of proposed section 4(3)(c)(i) but I give my total and full support to the tribal marriage provision. Although this Assembly on other occasions has accepted de facto relationships, I can see some problems with the wording 'living together immediately before the death of the deceased person'. One can conjure up, without too much difficulty, the situation where 2 people have lived together for a considerable period of time, have separated recently and one happens to be killed. Will the surviving 'spouse' receive compensation? Such terms as 'permanent' and 'bona fide domestic basis' are terms on which, if I were in the courts, I think I would want some degree of guidance and possibly a clearer definition. I suppose it is the way I am; it is a personal view. I am less happy about people not prepared to make a marriage commitment to each other receiving the benefits. Some people in the community would see it as somewhat of an attack on marriage. However, for the reasons that I have put forward in relation to the definitions, people in this situation will leave themselves at the mercy of the court's interpretations. They might well be advised to see the honourable member for Nightcliff and tie the knot legally there, and I do not have a share in her particular business.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in supporting this bill today, I agree with the sponsor of the bill that it is fitting that Aboriginal tribal marriages should be catered for in all legislation dealing with the subject of financial disbursements for relict spouses. Again in this bill, we see de facto relationships mentioned and given the recognition of a stable, legal, married relationship. I am not an old fuddy duddy on moral issues and I have nothing against de facto relationships. In fact, I recognise that trial marriages, like a de facto relationship, have many good points. The main one is that many a marriage can be saved because there was not one. However, I maintain a legal marriage is a commitment regularised by custom which should have a different and a higher status. Legal marriages may not necessarily be permanent but, for the time they are current, should be accorded a higher social and legal status than a de facto relationship. I know I am swimming against the tide of public opinion but I know that there are others who feel as I do and it is interesting to see so many people still wanting to get married today. However, legislation always follows public opinion and I think public opinion is slowly changing back towards the conservative way of viewing marriage relationships. In time, I think we will see a change back to recording our accord for legal marriages over de facto relationships. It has been my observation that de facto relationships are the very devil because you never know what status of appellation applies to the participants, but that is another story. I support the legislation.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

PHARMACY AMENDMENT BILL
(Serial 262)

Continued from 12 October 1982.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this bill provides a few simple amendments to the Pharmacy Act, most of which bring it into line with the provisions of similar legislation covering other medical and paramedical professionals in the Northern Territory. It provides for the appointment of a registrar for the purposes of the act who would be subject to the directions of the Pharmacy Board. It allows the board to delegate some of its powers and functions and one can anticipate that that delegation will in fact be made to the registrar. It has a further provision to allow the interim registration of pharmacists by the chairman of the board. This is designed to cover delays which might occur when it is impossible for the board to meet to provide complete registration. It will prevent unnecessary delays in pharmacists being able to practise their profession until the board registers them. The opposition supports this bill.

Mr HARRIS (Port Darwin): Mr Speaker, I do not think it would be any government's intention to try to prevent or delay someone from working in a profession that he is qualified to carry out. Certainly, the government has a responsibility to ensure that people are protected, particularly where a higher percentage of professionalism is required and where there is a danger to the health or the welfare of people in a community. In such cases, the government must have very strict controls. The situation is not one of refusing registration. Only those people who are fully qualified to be registered as pharmacists are in a position to be able to apply. As the minister mentioned in his second-reading speech, it has been a problem of time and meetings. He also mentioned that there had been up to 7 weeks' delay in having these pharmacists entered in the register.

In years gone by, of course, there was no real necessity for a provision for provisional registration to be issued. The population has been small and there really has not been the demand. As the population grows, more pharmacists will be required and there will be a need to enable provisional registration. The main thing to remember is that the criteria for registration as a pharmacist are not being lowered at all and the public is, therefore, protected. Only those people who are fully qualified will be able to obtain this provisional registration and it is for a restricted period anyway.

The other amendments will allow a little more flexibility as far as the board is concerned and will enable it to operate in a more efficient manner. I support the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this bill seeks to change the legislation relating to the conduct of pharmacists in the Northern Territory and is not particularly contentious. The legislation was requested by the pharmacy profession in keeping with our government's previous wish to accede to professional requirements in regulating professional procedure. As the minister said in his second-reading speech, other professions have also requested legislation regularising their practice: the academic requirements to practise, professional ethics and things like that. This bill treats pharmacists in exactly the same way as other professions are treated in other legislation.

A point worth mentioning is that more and more groups in our community, both professional and otherwise, are seeking legislation to control and restrict conduct in their profession, business or trade. The community at large does not want any more bureaucratic controls than are necessary. I think the people in the Tiwi electorate are an example of this, Mr Speaker. This request for control appears to be at odds with the general thinking of the community. However, I feel it is necessary and the people in the profession feel it is necessary because there are so many lazy, instant experts who try to set themselves up as the real McCoy. The genuine person who has spent many years and dollars obtaining a certain professional and business position wants to be sure that he receives the reward of community recognition of his achievements. They place a voluntary code of restrictions around themselves to achieve this end and to set themselves apart. I support the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

RACING AND BETTING AMENDMENT BILL
(Serial 263)

Continued from 13 October 1982.

Mr LEO (Nhulunbuy): Mr Speaker, all the proposed amendments to the Racing and Betting Act deal with the proposed conduct of certain betting facilities without requiring that a race actually be run. This is known as holding 'phantom races'. The turf clubs have been reduced to trotting out practically anything on 4 legs so that they can comply with the act. This is a ludicrous state of affairs. The legislation deals with what happens on racecourses and greyhound tracks. Perhaps it will provide punters with a little more competition if they like going out to the racecourse and seeing prices around the paddock instead of picking up fixed prices in the betting shops. That is a facility that is open to punters. There may be some questioning of it by the betting shops. However, my understanding is that it will not impinge on their present operations. It allows present practices to continue without this ludicrous farce every Saturday if a field cannot be made up. The opposition supports the amendments.

Mr HARRIS (Port Darwin): Mr Speaker, horse racing is a very expensive business, particularly if you are an unlucky punter or indeed an owner of a racehorse. The same applies to dog racing except that the finance required to keep a dog fit for racing is slightly lower than that for keeping a horse. I wish to direct my remarks to the horse racing aspect particularly, not because I am a fan of the sport of kings but because I have had some experience in keeping horses.

There is no doubt that the amendments that we have before us will mean a big saving for the Darwin Turf Club itself. I understand that that saving is approximately $3000 per meeting. If we take that over a 3 or 4-month period, it could be as much as $50 000. It is quite a considerable amount of money. If the Darwin Turf Club is to benefit by that amount, who will dip out? When you look into it, the losers will be the owners, jockeys and trainers because that is the figure that was paid out in prize money.

However, after going into this in more detail, I found out that all of the people concerned were reasonably satisfied with the proposal. The conditions

in Darwin at this time of year are not conducive to good horse racing. It is extremely hot, the humidity is high and it is very hard on the horses. As the member for Nhulunbuy said, often there are only 3 to 5 horses in a race and that satisfies no one. I think that the racing public wants at least 8 horses in a race. At this time of year, it is just about impossible to do that. On the other hand, from March to the running of the Melbourne Cup, which is the first weekend in November, there is every opportunity to have good fields of more than 8 horses. There is no problem during the carnival season.

The other benefit of this particular amendment is that we now have the opportunity to spell the horses for a 3 to 4-month period and the trainers and those involved with the horses should have a greater opportunity to prepare those horses for the carnival season. I do not really believe that there is anyone who will not work with the program that will be set by the Darwin Turf Club.

As the Treasurer mentioned in his second-reading speech, a great deal of money has been spent on the racing industry over the years, particularly in the last year. In the coming year, another large amount will go towards that particular industry. I am not objecting to that. Racing is a very important industry in the Northern Territory and one that must be supported. But I think it is important to mention here that the Darwin Turf Club itself needs to realise also that it has a responsible role and that it needs to operate on a business basis. It should not look to receive handouts from the government. Not only the turf clubs but other clubs generally have fallen into financial difficulties. In many cases, it is because of their lack of expertise in operating as an efficient business. I think that more of the public should become involved. There are many experienced people who could fulfil these roles satisfactorily and I think that more of these people should put their names forward for election to the various executive positions in the clubs, not only the turf clubs but other clubs around town. Those clubs must be run on a professional, business-like basis and not rely on government handouts all the time. I am not saying that is the case as far as the Darwin Turf Club is concerned, but the clubs themselves also have a very important role to play.

Mr Speaker, finally, I would just like to say that phantom meetings do not just happen. They still have to be approved by the commission. I am sure that the commission will be monitoring very closely the effects that phantom races will have on the racing industry generally. I think that all people involved with the sport of kings will definitely benefit from allowing phantom meetings to be run. I support 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.

LIQUOR AMENDMENT BILL
(Serial 264)

Continued from 14 October 1982.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this bill seeks to amend the Liquor Act in a number of ways. It is the sixth or seventh amendment to the Liquor Act which has been considered by this Assembly in the few years that that act has been operating. It has a number of proposed amendments. The first is to increase the size of the Liquor Commission by 1 additional member. Honourable

members will recall that we started off in 1979 with 3 members on the Liquor Commission. That has since been increased to 4 and it is now proposed that it be increased to 5. Honourable members will also be aware of the problems that have arisen from time to time with membership of the Liquor Commission. The number of resignations which have taken place from time to time have resulted in quite considerable periods when applications were not able to be considered promptly because of a lack of numbers. Therefore the opposition supports this proposal to increase the membership yet again by one and hopes that from now on the commission will be able to act without the delays which have occurred in the past.

A further minor amendment is to allow members of the commission to continue to serve or to be appointed even though they are over the age of 65 years. Certainly, this has the support of the opposition. Our legislation in the Northern Territory is perhaps a bit inconsistent here in that we have some posts in which there is an age limit and others in which there is not. The removal of this upper age limit is desirable in our view as it serves no useful purpose at present.

A third purpose of the bill is to increase from 14 to 28 days the period for advertisement and gazettal after an application for a licence has been lodged. It has been found that the period of 14 days which is allowed for advertisement often does not give sufficient time, particularly in relation to gazettal notices as these require notice to be printed. That seems to be a reasonable amendment which I feel honourable members will support.

The fourth amendment is a fairly straightforward one. There is a problem at the moment in that there is no clear provision for a revocation of a licence when the fee has not been paid by the licensee. This amendment quite clearly is desirable in that it makes it obvious that a person who does not pay for the licence or the renewal of the licence ends up without a licence. That was obviously a small problem in the existing act which needed to be clarified.

A further minor amendment ensures that the written records which are kept by a licensee in accordance with section 111 of the principal act will be kept in future in a form approved by the commissioner for the supervision of a licensee's records. This appears to be desirable.

There is one further proposal to which I have circulated an amendment. I apologise that members may have only received it a short while ago. There is a problem in the principal act relating to the return of property seized under section 96. I believe that this problem was pointed out by the opposition at the time the original bill was debated. Anything seized in connection with an offence may be forfeited, in accordance with section 96, but there is no provision in the act which sets out the way by which a person can claim an article seized if it has not been determined forfeit by the court. Clause 10 attempts to overcome this problem. While I have no objection to clause 10, I believe that the amendment which I have circulated is a more equitable and efficient method of ensuring that a person who has an item of property seized as a result of a charge under this act will have it returned if it is not forfeited. At the moment, the act imposes extreme difficulties upon a person whose motor car is seized, in particular, but whose subsequent conviction in court does not involve forfeiture of the motor vehicle. One would expect in those circumstances for a person to be able to claim his property without too much difficulty. In practice, there have been huge administrative and legal barriers set up in the path of such a person.

Mr Speaker, you would also be aware that this frequently impinges upon Aboriginal people in relation to the question of carrying liquor into dry areas

in motor vehicles. In the event that the court does not order the forfeiture of the vehicle, the chairman must write to the owner of the vehicle or the property indicating that he must claim delivery to him of the thing seized. If the person, through the vagaries of Australia Post or his inability to comprehend sufficiently the legalese, fails to make the claim to the chairman within 30 days of the service of the notice, then the vehicle is forfeited even if the court has not determined that that should be so. If a person does make such a claim to his property within the time limit, he cannot expect to ask a policeman to hand over his car keys. The claim for property is referred to a court of summary jurisdiction which hears a claim for property under the Justices Act. Even then, the magistrate may rule against him. All this time, the policeman is holding the vehicle in the station yard, trying to explain to the owner that he may not have his car until certain legal procedures have run their fairly laborious course and, in the meantime, countering numerous offers from other people who are in the market for used cars.

It would seem just and fair that property duly paid for and generally in the possession of a person should be made available for the use of that person. Quite simply, the magistrate sentencing the restricted area offender should either order the forfeiture of the vehicle as a type of auxiliary sentence or the convicted person, in the event that the magistrate does not order forfeiture, should have a reasonable chance of retrieving the property which is still legally his. The system thus streamlined would create fewer headaches for the police and result in a lighter paper workload for all concerned. It should be stressed that, if the court considers an offence sufficiently serious for the forfeiture of a vehicle, so be it. Otherwise, the person, whether convicted or not, should still have the right to claim possession of his legally-owned property. That is the explanation of the amendment which I have circulated. I believe it is a substantial improvement over clause 10 of the bill.

Generally speaking, the bill has the support of the opposition. It is a further step in streamlining the operation of the Liquor Commission which has had something of a stormy path from time to time in the several years since we created it in this Assembly. I still believe, as does the opposition as a whole, that it is a very worthwhile body for supervising the sale and consumption of liquor in the Northern Territory.

Mr HARRIS (Port Darwin): Mr Speaker, as has been mentioned by the member for Fannie Bay, the amendments before us do not warrant a great deal of comment. In his second-reading speech, the minister spelt out very clearly the aims of the amendments. The member for Fannie Bay also mentioned what is hoped to be achieved and what these changes will do. I support these changes. Perhaps the only comment that I would like to make is in relation to the removal of the age restriction on members of the Liquor Commission. It may be a minor amendment, as mentioned by the member for Fannie Bay, but it is very important. We should aim to have the best possible people available on the various committees, people with expertise and experience. Often the only way to obtain such experience is to be around for a few years. It is important that our legislation enable us to call on these people and not say that after they reach the age of 65 they cannot serve. All the experience and expertise gained over those years will be lost. I am very pleased to see this particular amendment.

We must ensure that all our statutory authorities have the ability to call on people who are best suited to serve and have input into those authorities. On many occasions, these people would be over the age of 65. I do not think we should ever place ourselves in a position to deny access to a very knowledgeable section of our community and I support, wholeheartedly, that particular amendment and the other amendments.

Mr BELL (MacDonnell): Mr Speaker, I rise to speak briefly in support of the Deputy Leader of the Opposition particularly in relation to the amendments that she has proposed to clause 10 of this bill. It is a matter that has come to my attention on a number of occasions. I have had several representations from constituents because of problems they have had in relation to property. As the honourable member quite correctly said, it is usually in relation to motor cars that are seized under the restricted area legislation and over which the courts make no order. As the honourable member explained, the current process of having such property restored is a particularly cumbersome one.

While I recognise that, without the amendment, the bill before us does provide considerable assistance in this regard, I think that the amendment the opposition is putting forward would require courts to make an order over property seized, and this is very desirable.

Mrs LAWRIE (Nightcliff): Mr Speaker, one could almost think that persons applying to be appointed to the Liquor Commission had a death wish because, of course, whatever the Liquor Commission decides in this contentious issue, 50% of the population will decide that it made the decision incorrectly. It is really a no-win situation, and I am quite sure that politicians are used to being in that position. But, of all the statutory authorities, this has to be one of the more delicate. In fact, I have the greatest sympathy for Liquor Commissioners notwithstanding the fact that they have put themselves forward for appointment. I certainly support the proposal for an additional member.

I have appeared at commission hearing as a witness from time to time and I have also attended as an interested member of the public. The hearings of the commission can be quite dramatic, Mr Speaker, and it needs a very strong chairman indeed to control competing and powerful vested interests. It is an issue in which every citizen feels that he is right and the rest of the world is wrong and he will have his say and he has a divine right to obtain liquor where and when he sees fit. A point of view that was put forward in the old Legislative Council days was that perhaps we would become more civilized with less regulation. I understand there is to be a very timely symposium on this subject next week and that the Minister for Health will be opening that seminar. Some of the competing interests will be able to put their point of view and there will be one from an individual suggesting the deregulation of the industry. However, I think that it is opportune to say that there has been public concern and criticism at the lack of appointment of a legally-qualified person to the commission. Such a person is certainly needed on the commission, not to give gratuitous advice to fellow commissioners who have exactly the same status but because witnesses will from time to time raise fine points of law and in fact may be legally represented. Certainly, it would be useful to have on the commission a person with legal training to give an interpretation to fellow commissioners if they so request. The main concern I have is that there should be at all times, if one can be found - a person with a death wish - a legally-qualified person as a commissioner.

It is also interesting to note that this is the first time we have had an amendment to allow an appeal. It has been the policy of the ALP opposition to introduce amendments to allow an appeal from the commission to a court. I note that there is not one this time. I would be failing in my duty if I did not express to the Assembly the strong feeling from all sections of the industry that that right of appeal should exist. From memory, this was proposed approximately 15 months ago and, at that time, the minister said that the whole concept of the Liquor Commission was under constant review but the Cabinet rejected an appeal at that time. I would ask him to indicate to the Assembly what reviews have taken place and if Cabinet is still of the opinion that an appeal provision should not be inserted into the Liquor Act.

Mr TUXWORTH (Health): Mr Speaker, I thank honourable members for their support of the proposed amendments. I will touch on a couple of things that were raised. The honourable member for Fannie Bay made the point that, in the 4 or 5 years the act has been in existence, it is the sixth amendment we have had. I would expect that, so long as society's attitudes change, there will be a need always for acts such as the Liquor Act to be reviewed from time to time. When we stop doing that, as a social group, we will get ourselves into trouble. The honourable member for Fannie Bay also foreshadowed an amendment. I do not have a copy of it with me but I am more than happy to consider the proposition. I will look at it overnight and commit the bill for the committee stage tomorrow. At that stage, I will be in a better position to advise the honourable member of my attitude.

The honourable member for Nightcliff touched briefly on the vested interests and the dilemma of the commissioners from time to time. I think that the honourable member's perception is very astute. There seem to be 2 groups in the community - those who have a divine right to consume any amount of liquor at any time, anywhere they like, and those who have a divine right to be able to supply it to them. It is striking a balance between these 2 groups with their divine rights that, regrettably, requires some regulation. I heard what the honourable member said about a proposition to deregulate the industry completely. I just hope that, if that ever happens, I am not around to be the one who has to pick up the pieces.

Mrs Lawrie: The Chairman of the CLP I think is putting it forward.

Mr TUXWORTH: Mr Speaker, the honourable member says it has come from the Chairman of the CLP. I do not mind saying that I do not care who it comes from. At this stage, he does not have responsibility for the social mayhem that would follow such a proposal.

The honourable member touched on a matter that is very pertinent: that commissioners are in a no-win situation. They will alienate themselves from their drinking partners, their friends and their fellow citizens by virtue of decisions they have taken in the best interests of community because others are not always in a position to have the understanding that they have. Regrettably, Mr Speaker, that is one of the difficulties that goes with being a commissioner. I commend them all for the effort they put in because I think their job is a thankless one in that sense.

The honourable member also raised the issue of appeals to a higher court and the possibility of having appeal provisions in the act. This matter was not considered at this time and I have no proposition before me that could demonstrate to me that an action or a hearing of the commission, in the past 12 months at least, has been such that it would justify a further hearing, either by the commission or another body. When somebody can demonstrate to myself or my colleagues that the commission is not serving the community well and that the way it conducts hearings and hands down decisions is in such a manner that it needs review at a higher level, then I would consider seriously the proposition of appeal. After 4 years of operation of this act, there has not been a reasonable demonstration of that to me.

Again, I thank honourable members for their support of the proposals in the bill. I foreshadow to the Assembly that I will be seeking that the committee stage be taken later so that I can give consideration overnight to the proposition put forward by the honourable member for Fannie Bay.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

DISASTERS BILL
(Serial 256)

Continued from 13 October 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the legislation before us has been debated in this Assembly on numerous occasions in other forms and I see no point this afternoon in going through a tedious repetition of the Chief Minister's second-reading speech. I will leave that to the government back-bench. The significant points of the legislation are that the bill allows the Chief Minister greater discretion than before in selecting the person to fill the key position of Territory Controller and in determining the composition of the Counter Disaster Council. This is something which meets with the support of the opposition. Of equal importance is that ministerial control is preserved as the Counter Disaster Council is subject to the direction of the minister in the performance of its functions.

While some accountability is maintained through the minister's power of appointment, the actual administration of the act is formally vested in the council by clause 9 of the bill. Quite extensive powers are vested in various offices of the organisation. We concede that, in the peculiar circumstances surrounding the kinds of disasters to which the Territory is prone, that is necessary. Indeed, under clause 42 of the bill, persons 'acting in the execution of the act are immune from civil or criminal action or proceedings' and no action can be brought against the Crown either. In supporting this piece of legislation, I must say that it is one of those refreshingly pleasant bills which is easy to read and I think that that is no accident, Mr Speaker. In the case of potential disaster for the Territory, it is one of the things that is required absolutely. Without going over old ground and talking about Cyclone Tracy, because it has been gone over again and again in debate in this Assembly, the one thing that came out of that particular operation was that it is essential that everybody know where he stands in relation to everyone else. Of course, we all remember the superb job that was done at the time by the Northern Territory Police Force. But, Mr Speaker, I must say that this legislation is excellent in the logical and clear way it proceeds from the organisations and the hierarchy of control being set up to what happens when each potential disaster or emergency is declared. I think it is an excellently-drafted piece of legislation which is very clear and easy to understand, as it must be. The bill has the strong support of the opposition. It is very clear, in clause 5, that the declarations of disaster or a state of emergency cannot be invoked in the case of war or acts of combat against an enemy of the country or in the putting down of a riot or civil disturbance or in any case where industrial action is taken. The bill makes it very clear that states of emergency and states of disaster cannot be declared under those circumstances. There are quite strong restrictions about when these things can be invoked. Because of the powers given under the crunch clause of the bill, clause 42, it is necessary to place these kinds of strictures and restraints on the operation of the legislation.

The Northern Territory Police Force again plays a very obvious role. I think that common sense dictates that the police are the people who should have this role to play, particularly in the Territory's isolated communities, because of the communication systems that police stations have with a central base in Darwin.

Clause 34 makes it absolutely clear that, where there is a conflict between the duties under this legislation of a regional controller or local controller who is a member of the police force - and I remind honourable members that the controller would be a police officer if there is a police station in the area -

and his duties as a police officer, his duties under this legislation shall prevail. It is laid out quite specifically that, under the state of emergency or state of disaster that is declared, the legislation shall prevail over the ordinary duties of the police officer. However, it makes it equally clear in clause 5, that 'notwithstanding anything to the contrary in this act, the Commissioner of Police shall at all times be responsible for the planning, control and direction of operations in connection with the prevention, detection or suppression of criminal activity whether or not a state of disaster or emergency has been declared'. I do not think that one could have much clearer definition of the state of affairs than that.

The particular advice that I would like from the Chief Minister relates to what is a disaster and what is an emergency. From reading the definitions in the bill, I would assume that an emergency is a set of circumstances which can be coped with satisfactorily by the combined forces of the private sector and the public sector within the Northern Territory and a disaster is something for which we require outside help. In both circumstances, the provisions of clause 42 apply: people cannot be prosecuted and neither can the Crown in respect of actions taken under the legislation. In the case of the declaration of an emergency, that declaration can be made by the Chief Minister and, in the case of a disaster, it is made by the Administrator or, in the absence of the Administrator, by 2 ministers acting together. I would simply like some indication from the Chief Minister as to the circumstances that would potentially surround the differentiation between the declaration of a state of emergency and the declaration of a state of disaster in the Northern Territory.

In closing, I say again that this legislation could be read and understood by any citizen of the Northern Territory who has a reasonable grasp of the English language. I commend the people who drafted the legislation in that way.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill and I will not rehash the debate in relation to the original Disasters Bill. I think that we all agree that there needs to be an efficient and effective emergency service and a system that is able to take into account any emergency that may arise. There also needs to be flexibility in that system to call on experience so that necessary amendments are able to be made. Since 1976, a number of amendments have been made to the Disasters Act as a result of experience. All of the amendments have improved the legislation and have enabled the Emergency Services to be fully utilised.

There is, however, one experience that I believe has not been given the attention that it should have been given. As a result, amendments have not been forthcoming and this has resulted in a situation that could cause loss of life or serious damage to property. I would like to canvass this particular issue today. Over a period of time, I have been concerned, and I am sure other members have been concerned, about the lack of powers that the authorities - and it does not matter whether it is the Darwin City Council or the various departments of the Northern Territory government - have to direct people to secure, tie down or remove materials that could be dangerous to people or could cause serious damage to property. The council bylaws are absolutely useless. They refer specifically to litter and rubbish. They also refer to materials that can attract vermin. Again, when health matters come into play, we have health regulations which can also be called upon. As far as neatly stacked building materials or whatever are concerned, there is no provision in our laws to have these removed if it is considered that they can cause damage. I think that we are all aware of the destruction that can be caused by windborne objects. Most of us have witnessed what can occur. I think it is important to have provision in an act to enable someone - I suggest the director - to be placed in a position where he can direct people to tie down

or restrain materials that could cause loss of life or serious damage to property.

I have tried to have properties cleared on a number of occasions and I have had reasonable success. However, I can assure members that I have not been able to get these properties cleared by calling on the powers that be. It has been a result of the responsible attitude of the people whom I approached to have these particular properties cleaned up. I believe that it is appropriate to have included in this act provision for someone to be placed in a position where he be able to direct people to tie down or secure material. In fact, I believe that, if this provision is not included in the legislation - and we are talking about counter disaster planning - it will weaken it quite considerably.

The education program that we have in the Territory is a good one. I think that most people respond to that program but there are those people who do not respond and, through their irresponsible actions, loss of life or serious injury could occur. That is something that has to be considered. I believe that we have to make sure that this cannot occur. I have also mentioned that I realise that Emergency Services is not the body that should act in a police capacity. That is the job of the police. I could use as an example the need to have arterial roads which are open. There always are schools or areas which are used as cyclone shelters. On properties which border these particular facilities, there could be materials that may be blown around. Someone should have the power to direct that these materials be tied down or removed. I think that is extremely important. I know that there is provision in the act to allow for money to be provided to help to clear rubbish etc but it is useless having that provision if someone cannot actually go onto the person's property to carry out the necessary work.

The disasters legislation has come a long way since 1976. I understand that the Director-General of the National Disasters Organisation has actually viewed this. He has said that he thinks we have good legislation. There is greater opportunity for local participation. There is also the opportunity for experience to be called upon and future amendments to be made. What we have ended up with is improved legislation.

The only other area that I would like to comment on - and I have also written to the Chief Minister about this - is clause 35 which was touched on briefly by the Leader of the Opposition. We see here a provision that, where the Administrator is absent from duty or away from the Territory, then the 2 ministers jointly are able to declare a state of disaster. That is fine. But if we look to clause 35(4), it would appear that the intention of this particular clause is that only the person or persons who initially declare the state of disaster are able to extend the state of disaster. If that is the case, then I ask what would happen if the Administrator or one of the ministers were injured, sick or unavailable for some other reason. There would be no one in a position to declare a state of disaster. I believe that an amendment should be made to that particular subclause so that a state of disaster may be extended by the Administrator or 2 ministers acting jointly for such periods not exceeding 14 days in each case that he considers or they consider necessary. I believe that we must examine the situation that can occur. It is highly improbably that this would happen. However, if it did happen, there is no provision to extend this state of disaster. I think that these are things that we have to look at and take account of. Much of our legislation has taken account of the situations that are not likely to occur.

I hope that the proposals that I have put forward to the Chief Minister will be given consideration. I believe that it is necessary for us to be able

to direct people to tie down rubbish which can be windborne and cause serious damage to property and loss of life. I think that there needs also to be provision whereby a state of disaster can be extended if the person who originally declared the state of disaster is for some reason unable to issue such a direction. I support the bill.

Mr SMITH (Millner): Mr Speaker, I rise briefly to address myself to the contents of this bill. Like the honourable Leader of the Opposition, I too congratulate the sponsor of the bill and those responsible for drafting the bill for the clear and unambiguous language in which it is drafted. Certainly, as the honourable Leader of the Opposition said, this is a bill that needs clear and unambiguous drafting.

The major concern in this type of legislation is to strike the necessary balance between taking away people's freedom and ensuring that you do not take away too much of their freedom. It is always a difficult problem but, as the Leader of the Opposition said, as far as the opposition is concerned a reasonable balance has been struck in that area and we do not have major concerns.

I would like to ask the Chief Minister a couple of questions concerning the declaration of a state of emergency. It is clear from examples in Queensland and other states which have state of emergency legislation - although not used quite as often as in Queensland - the state of emergency legislation is always more controversial than state of disaster legislation. It puzzles me somewhat that, whilst the Administrator or 2 ministers conjointly are necessary to declare a state of disaster, the responsible minister can declare a state of emergency on his own. It would satisfy me more if those 2 aspects were consistent. I would appreciate an explanation from the Chief Minister as to why it was felt by the government that 1 minister on his own could impose a state of emergency.

When reading the second-reading speech of the Chief Minister, I was pleased to note that an additional planning officer has been attached to NT Emergency Services. There have been some frustrations that I have been aware of, particularly in remote communities, in having emergency plans for those communities developed, particularly cyclone emergency plans. I have had some experience particularly after dealings with the communities on Groote Eylandt after their cyclone scare of 2 or 3 years ago. I know their concern to develop an effective cyclone emergency plan. They were most frustrated at that time by their inability to gain assistance from any of the government departments. Quite a bit of buck-passing went on between the various government departments and I know that one of the excuses that Emergency Services offered for not being able to give it the attention that many people thought was due was that it was understaffed. I would hope that, with this planning officer, the problems of remote communities can be given a greater priority than they were given previously.

The second area that I hope Emergency Services will take up in the near future is houses in the surge zone. In my electorate, there are about 170 houses in the surge zone. On examining the paper issued by the Minister for Lands and Housing some time ago, there appeared to me to be quite inadequate information for those people. I hope that Emergency Services will take it upon itself to ensure that people who live in the surge zone know that they live in such a zone and are aware of the need to evacuate if a cyclone comes.

I would point out to the sponsor of the bill a mistake that I think may have been made. It is in clause 39(2)(b). It refers to proposed section 34 and I think it should, in fact, refer to section 35. I have one final question about clause 46 which relates to offences by a body corporate and provides a

definition of who within that body corporate has responsibility for committing the offence. I ask if, in his opinion, subclause 46(b) means that shareholders of a company and members of a trade union, for example, are within that definition and would be thought to have committed the offence.

With those remarks, I indicate once again the opposition's support for the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this bill, I hope sincerely that it never needs to be enacted. However, we would be more than negligent in our duty if we did not have contingency plans for action to be taken in any emergency situation. Emergencies arise, sometimes with warning and sometimes without warning, and we must be ready at all times. We learnt the hard lesson in 1974 when, as a community, we were not ready for Cyclone Tracy. This legislation points the way for the Northern Territory to look after its own in case of an emergency. If we are to set our sights on statehood some time in the future, in this and everything else, we must be able to manage our own affairs. We not only learnt a hard lesson in 1974 with the havoc brought by Tracy, we also learnt the hard lesson of excessive control by Canberra because we had no legislation ourselves to deal with the situation. By 'excessive control by Canberra', I mean in the form of the Darwin Reconstruction Commission. Although it came up here and probably looked after our welfare and interests in a big-brother kind of way, nevertheless it certainly left a lot of resentment in its wake. Resentment of that kind of control by the bureaucracy was evidenced by the fact that there was an exodus from the Darwin area to the rural area. Those people are still there now and still have thoughts about excessive bureaucratic control. In any emergency situation that may occur in the future, I hope that control of the counter disaster procedures will not in any way copy the excessive control by the DRC. I hope that common sense will apply in any enactment of counter disaster measures.

Mr Speaker, when counter disaster provisions are enacted, not only must there be a firm and direct line of control but also provision for flexibility to meet certain situations with certain people. This brings me to the subject of human resources. In an emergency, we consider human welfare first before we consider material and resources welfare. It has been my experience in the few emergency situations that I have been in that, in a situation when we feel completely out of our depth, the best and the worst comes out. We do not behave as we normally would. I would like to think that most of us show the best side of ourselves in an emergency. When we show the best of ourselves, we usually think of other people. I have spoken of this before. One of the main disappointments in the situation after Cyclone Tracy was the fact that the human resource, the best side of people and what they could do for each other, was not considered very much, if at all. Knowing people associated with Emergency Services as presently constructed, who will probably be in control of the counter disaster organisation, I feel that they will be amenable to the suggestion that human resources not be neglected. If we not only look to the government for help but also look to help each other, we will get back on our feet as a community much better and much faster.

This legislation takes notice of compensation for injury and protection of employment rights. It encompasses the powers of entry onto land and the use of any gear in a state of emergency. It also takes cognisance of a declaration of a state of emergency and the powers of controllers and other people connected with the implementation of legislation. It is most comprehensive. I agree with members who have spoken before that it is a clearly drafted and readily understood piece of legislation. I support it and I hope it is not necessary that it be used for some time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I would like to thank all honourable members for their support for this legislation which is, unfortunately, necessary legislation especially here in the Northern Territory. Pretty well anywhere in the world it is necessary to cater for emergent and disastrous situations which might arise. I would like to say that the principal credit for the preparation of this legislation must go to the Director of Emergency Services himself and the Commissioner of Police who worked together on it. I was only able to contribute in a very small way towards the flexibility of the legislation based on my personal experiences working in the police station immediately after the cyclone when General Stretton was in the saddle up here. The draftsmen must be complimented for the style of the bill.

The Leader of the Opposition opened the batting by asking for some explanation of the distinction between disaster and emergency. In that regard, I think he answered his own question because he said that an emergency situation was one that we could probably cope with ourselves - and it is all a matter of assessment, I suppose, of the magnitude of the threatened or actual disaster or emergency - and a threatened disaster situation would be one that was beyond the private and public resources of the Territory or that part of it where it had occurred. There is some elucidation of the situation in clauses 35 and 39 relating to the declaration of states of emergency and states of disaster. Without in any way attempting to predict how the act might have to operate in any given set of circumstances, I would imagine that a state of emergency might be the sort of thing that would be declared if something is threatening and, depending on what happened afterwards, that would be when the state of disaster might have to come into effect.

The honourable member for Millner referred to the state of emergency that the Queensland and the New South Wales governments had to declare when their oil supplies were cut off. Something like that is catered for in our Essential Goods and Services Act. This bill does not really relate to that type of emergency at all and so I refer the honourable member for Millner to the Essential Goods and Services Act. The Queensland legislation, which is apparently somewhat along the same lines but is more sweeping, is called the Emergency Services Act.

In relation to the matter of the declaration by 2 ministers or the Administrator, the problem is that, in a situation which might give rise to a declaration of a state of emergency or state of disaster, who is able to tell what will happen to the Administrator or what will happen to ministers? That is why it seemed to me to be essential that there be an alternative to the Executive Council formally meeting and declaring the state of disaster. That is why I made that alteration to the original intention of the legislation which was simply to have the Executive Council in fact declare the state of disaster.

I have had a look at clause 39 and I too think that it should probably, as the member for Millner suggests, refer to clause 35. However, I intend to ask that the committee stage be taken later so that I can discuss with the Director of Emergency Services and the draftsman the proposals for amendment by the honourable member for Port Darwin. I will be doing that tomorrow morning and hope to have the amendments before the Assembly in the next day or two.

In relation to clause 46, to which the honourable member for Millner referred, it seems to me just looking at the legislation - but I will take advice on it - if the union is a body corporate, it would be treated exactly the same way as any other body corporate under that clause if that was what he was saying. I must admit that halfway through listening to what he was saying someone spoke to me and I am not quite sure that I got his full drift. If I have not answered his question satisfactorily, I will be happy to try to do so in the committee stage. Mr Speaker, I commend the bill.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

PLUMBERS AND DRAINERS LICENSING BILL
(Serial 181)

WATER SUPPLY AND SEWERAGE BILL
(Serial 182)

Continued from 26 May 1982.

Mr DONDAS (Transport and Works): Mr Speaker, I seek the leave of the Assembly to withdraw the Water Supply and Sewerage Bill (Serial 182) and the Plumbers and Drainers Licensing Bill (Serial 181). By way of explanation, I refer to the various suggestions for improvements to the bill made by honourable members during the debate. The question of how much plumbing work may be carried out by an unqualified person in particular was debated at length. I have appointed a committee to re-examine the bill in the light of the points raised by honourable members and, as a result, a lengthy schedule of amendments has been drawn up. Whilst some of these amendments effect a change in policy, the majority of them are consequential upon those few changes aimed at improving the wording of some clauses. Because of the number of proposed amendments, I have had a consolidated printing of the bill which incorporates the amendment schedules. It is my intention during these sittings to introduce bill serial 257 in substitution for serial 182 and serial 258 in substitution for serial 181 to avoid the time-consuming process of dealing with a large number of minor amendments and to allow members time to review the newly-consolidated bills.

Leave granted; bills withdrawn.

ADJOURNMENT

Mr STEELE (Primary Production): Mr Speaker, I move that the Assembly do now adjourn.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I suddenly realised this morning when I was gazing with some admiration at the earrings of the honourable member for Tiwi that the Christmas season was once more upon us. I was also reminded of that this morning by a petition that was presented to the Assembly from meatworkers at Tennant Creek. I intended to ask the Minister for Primary Production tomorrow what the status of the abattoir is at Tennant Creek and what its future is likely to be in 1983 but he may decide, if he feels inclined, to answer that in the adjournment this afternoon.

In respect of that particular industry, I put forward recently a submission to the Industries Assistance Commission's Inquiry into the Australian Abattoirs and Meat Processing Industry. Whilst preparing this submission, there were several aspects of the pastoral industry that clearly revealed themselves as requiring attention by the Territory government and it would certainly get priority under a Labor government in the Northern Territory. The most important factor in the location of the abattoirs appeared to be the cost of transporting the livestock. A study undertaken in the state of Queensland in the early 1970s indicated that the average transport cost of shipping beef was lower than the cost of shipping live animals by several dollars per head. There appears to be no reason why that situation would have changed much since then. There are also losses in the transportation of live animals that result from bruising, weight loss, death in transit as well as the costs incurred as a result of beasts going down at the point of slaughter. All of these factors tend to reduce the return

to the producer and I made these points in my submission.

Because of the difficulties involved in the Territory and the significance of the livestock transport costs, the overall costs of production to the beef industry takes on much importance. Figures from the Australian Agricultural and Grazing Industry Survey for the year 1979-80 clearly indicate the importance of transport costs to Territory beef producers. According to that survey, the average distance travelled per head in the Territory was 3 times that in Queensland and more than 3 times that in Western Australia. These longer distances greatly increased the chances of weight loss, bruising and actual death. Because of the importance of the transport in overall costs, I consider it would be a worthwhile undertaking for the Northern Territory Department of Primary Production, in conjunction with the Department of Transport and Works, to undertake an inquiry into the direct and indirect costs associated with transportation of livestock within the Territory with a view to improving the efficiency of the present system and thereby increasing the returns to the producer and the industry in general.

Mr Speaker, in preparing my submission, it also became apparent that there are currently a large number of fat cattle transported out of the Northern Territory for slaughter interstate. These figures would suggest that there is an under-utilisation of the current killing capacity in the Territory. Trends in the growth of the Territory's beef herd, coupled with the expanded cattle turn-off as part of the BTB eradication program and the eradication of feral buffalo herds, would suggest further pressure on the Territory's killing capacity in the immediate future. I would therefore recommend to the Territory government that it undertake a study of the capacity of the Territory's processing industry with a view to seeking another export licence.

As part of this study, I would recommend the following factors be considered: the possible cost advantages in processing the Territory beef herd in the Territory rather than shipping it interstate and the increased return to the Territory economy as a result of having more beef processed here, specifically the increased number of jobs created and the increased demand for input into the abattoir industry. It would also be necessary to investigate the benefits likely to flow to producers and the Territory economy through increased competition in the abattoir industry if a further meatworks were to be established.

The main factors governing the profitability of the slaughter operations are obviously the price received for the product and the cost of producing it. In the Northern Territory, costs are influenced by the utilisation of slaughter capacity and the variation that occurs in that level of utilisation. As you would be aware, Sir, the cattle turn-off season and hence the killing season in the Territory is restricted by pronounced seasonal conditions. The implications for the industry in the Territory of short killing seasons are well known and have in the past caused instability of employment and seasonal disruption to the regional economies of Tennant Creek and Katherine in particular. I would therefore suggest to the government that it give priority to an investigation of ways of extending the cattle turn-off season in the Northern Territory and further to examine ways of increasing the level of turn-off currently being achieved within the present seasonal restrictions.

As part of this study, I would suggest that certain factors be considered: first, the state of the road transport network in relation to cattle turn-off and its susceptibility to weather conditions; secondly, the potential for improved economical returns from an increased expenditure on outback road networks by way of greater returns to producers through higher turn-off levels and increased efficiency of meatwork operations by way of an extended killing season; and, thirdly, a review of the resources currently committed to beef industry

research by the Northern Territory government with the view to an improved effort in this area in order that the overall viability of the industry might be increased.

Mr Speaker, at the last sittings of this Assembly, the Minister for Primary Production acknowledged the need to reconsider the government's priorities in relation to the development of a more efficient pastoral industry in the Northern Territory. As a result of these acknowledgements, I would hope that, at these sittings, he would give a broad outline of these reconsidered priorities to assist what is one of our key areas of economic activity.

Mr BELL (MacDonnell): Mr Speaker, I would like to make a few comments in the adjournment debate about Aboriginal health worker training. The program of Aboriginal health worker training presently conducted by the Department of Health has many very positive aspects to it. I have had the opportunity to view these both first hand as a resident in an Aboriginal community and as a member of this Assembly in my electorate duties. I believe that the health worker training program has the positive aspect of recognising, to use an in-phrase, the fourth world status of many Aboriginal communities. It is a significant improvement on some of the assimilationist assumptions that characterised the delivery of health care in those communities previously. I think that even the people who were involved in delivering those services at that time would agree that that is the case. I believe that the program in general is something of which the Department of Health can be justifiably proud. There is certainly much good work being done in that particular area. When I was working as a teacher linguist at Areyonga, at one stage I was working quite closely with health workers on literacy programs that were important given the amount of new printed information that had to be absorbed by those people during their training.

Having said that, I understand that the minister is desirous of demonstrating to the world that this program is a positive one and has much merit. I can understand that he would want to demonstrate this to people from other states, particularly journalists who might carry the message of the positive work of this program to other people. However, Mr Speaker, what is of concern to me is that this should not be done at the taxpayers' expense. I am sure that you will agree with me that information-seeking exercises should be carried out by journalists and others associated with various media outlets in the course of general travel in the Northern Territory. One could quite easily understand that the minister might want to advise journalists who might be travelling to the Northern Territory that services may be available to show them what work is being done in the area of Aboriginal health worker training. I am concerned that that should not be done at the cost of either the taxpayer in the Northern Territory or the taxpayer in Australia in general.

To come to the point, I have obtained information that the Northern Territory government has incurred quite outlandish expenses in providing travel to the Northern Territory and accommodation and travel within the Northern Territory for a considerable group of journalists. In fact, I have a copy of a letter sent to the editor of Cleo magazine which the minister's office sent to the editor. The first paragraph reads:

> *I am writing to invite you to send one of your journalists to the Northern Territory between 10 October and 15 October to see at first hand what I believe to be an exciting and innovative health program of international significance.*

That invitation of itself is quite understandable given the sort of comments and the attitudes that are appropriate with regard to the Aboriginal health worker

training program. However, what is a matter of concern is what the letter goes on to say:

> *The Northern Territory Health Department will meet the costs of flying your nominees from their originating city to Alice Springs where representatives of my department who have been closely involved with this project will escort a small group around the Territory calling at various health centres. A charter aircraft will be used to fly from Alice Springs to Elliott on the Stuart Highway, to Borooloola on the edge of the Gulf of Carpentaria, to Umbukumba on Groote Eylandt, Yirrkala, Milingimbi and Maningrida in Arnhem Land. It is proposed the tour would terminate in Darwin where the Secretary of the Health Department and myself would be happy to answer any questions. The department will, of course, meet accommodation expenses incurred and meet the cost of returning your representatives to their home destination.*

The letter refers to a small group, some 9 representatives of various media outlets around Australia. Six of them are from interstate and 3 of them, I understand, are from within the Territory.

I probably also should share with the Assembly some details of the little junket the taxpayer has been footing on behalf of the department. The party apparently arrived in Alice Springs on Sunday 10 October and visits to the health unit were organised. Following that they were checked in at the Oasis Motel where they were served dinner. The following day, they travelled within Alice Springs to the Health Worker Training Institute and this was followed by travel to Hermannsburg, Yuendumu and Katherine where they checked in at the Pine Tree Motel and were provided with drinks and dinner. On Tuesday 12 October, they travelled within Katherine itself and inspected the Health Worker Training Centre and the Kalano Community and departed Katherine for Gove. On Wednesday they departed from Gove for Darwin via Yirrkala, Milingimbi and Belyuen and they were accommodated at the Telford Top End Hotel. After lunch on the Thursday at the Beagle restaurant, they departed from Darwin for points south, including Adelaide, Sydney and Melbourne. It was a fairly comprehensive itinerary, I am sure you will agree, Mr Speaker.

However, I think that a few questions need to be asked and answered. I think that the chief one of those is: how much did it cost? I want to know and I am sure other members will want to know just how much it has cost the taxpayer in the Northern Territory and elsewhere to fund this little public relations exercise. The second question is: what exactly was the return to the Northern Territory taxpayer? The third question I think that the honourable minister ought to answer in regard to these matters is: what is the general policy of the government in regard to funding public relations exercises? It seems to have a particular penchant for these at the moment. We have public relations exercises all over the place. We have the Chief Minister spending thousands of dollars on touting his land rights amendment package, which he has now changed his mind on, all over the place. In that particular case, the money went into a few southern advertising agencies' pockets and a few southern newspapers' pockets. It was not money spent on flying people all round the country and accommodating them at the taxpayers' expense.

I suppose the next question that needs to be answered is: what exactly is the Northern Territory government's policy as far as conducting public relations exercises like that and what does it imagine the Northern Territory people's attitude to it is? Mine is that I am somewhat horrified. The next question relates specifically to the minister's own department: what is his attitude to

conducting junkets of that sort? Have other similar junkets been organised and to what extent is the taxpayer being forced to foot the bill for exercises relating to other areas of activity of the Department of Health? Is the minister so unsure of his performance and the delivery of health care in the Territory that he feels the need to carry out such expensive public relations exercises?

The next question relates to the budgetary constraints of the Department of Health. Time after time, we are told how we are living in straitened times and how we must tighten our belts and economise. Exactly what section of the Department of Health's budget has been able to make good with funds for exercises like this? I would like to raise one more question. The Aboriginal Health Worker Training Program run by the Department of Health is a positive program. I think I have made that quite clear this afternoon. What the minister has not made clear, and I doubt very much whether he made it clear to the southern tourists whom he sponsored for a visit to the Territory, is: what is the relationship between the Aboriginal Health Worker Training Program, Community Health Centres in Aboriginal communities and community-controlled health services such as the one at Papunya, the one at Utopia and the Pitjantjatjara health service? Surely if he was interested in giving a balanced view of what is happening as far as health care in Aboriginal communities is concerned, he should at least have made some effort to involve people from those particular organisations in providing background for the people who travelled to and around the Territory?

In closing, Mr Speaker, let me just repeat those questions. I want some answers from the minister. How much did this particular trip cost? What was the return to the Northern Territory taxpayer? What is the policy of the Northern Territory government as far as expensive public relations campaigns are concerned? I do not know that any state government does such things. What other junkets of that sort has the Department of Health arranged? Finally, which specific budget allocations in the Department of Health have suffered because the minister has spent money in this frivolous fashion?

Mr DOOLAN (Victoria River): Mr Speaker, this afternoon, I would like to take the opportunity to thank you personally for your phone calls and your concern when I was recently hospitalised. I appreciate it very much. I would also like to thank the staff of the Assembly, particularly the Acting Clerk, Mr Ray Chin, and the Acting Deputy Clerk, Mr Norm Gleeson, for their visits. They were kind enough to bring me tobacco and, as you know, I am a pretty heavy smoker. It was most appreciated. Many people sent me cards and letters, Mr Speaker, and I appreciate that too.

I received one little gift which was most extraordinary. At one time, I was District Welfare Officer in Darwin and, at that time, I did not deal just with Aboriginal people; I dealt with all sorts of people from around the town in pretty unfortunate circumstances. Later on, I used to go to St Vincent de Paul of a Sunday and hand out a feed to the poor old fellows around the town who had nothing. Anyway, this shabbily-dressed, unkempt-looking gentleman arrived at the counter to visit me and he had a nicely-wrapped, little gift packet. It was from the boys at St Vincents. It was quite an expense for them. It was on pension day. It was a little shaving kit and I was quite touched.

Mr Speaker, most of all I would like to thank very much the honourable member for Nightcliff for her support and visits. She is magnificent. I think she is a great lady. I do not have much more to say. I think in times of adversity and trouble you find out who your real friends are and, to use a very old and time-worn cliche, I would like to wish champagne to my real friends and real pain to my sham friends.

Mrs LAWRIE (Nightcliff): Mr Speaker, recently honourable members may have received a newsletter from the Women's Electoral Lobby and some supporting documents which show that the women's centre, which was established in Darwin in 1975 and which has not received any government funding for the past 2 years, is apparently being considered by the Northern Territory government as a venue which can be better run by another organisation. I refer to the Salvation Army. Having been involved with the women's centre for some years, I took the trouble to visit it again recently and asked how it had been running in the intervening period without much government assistance and without any financial assistance. I received some very interesting statistics. These were not just statements without a basis in fact. They were not just a random collection but statistics which have been kept meticulously even though its staffing has been on an entirely voluntary basis and therefore difficult to maintain at a level which adequately services the community.

We are aware that Dawn House in the northern suburbs provides residential care for women who have fled the home because of domestic violence. However, the Women's centre in the centre of Darwin provides a variety of services, which are not available in other places, in a non-judgmental, caring atmosphere which is still very necessary in Darwin. Senator Bernie Kilgariff, in his recent newsletter pointed out the incidence of rape in the Northern Territory which is held to be 4 or 5 times the national average. It is usually rape associated with other physical violence.

The collective presently running the women's centre was concerned that it had heard on the grapevine that its future was in jeopardy and it asked Mrs Lyn Ryan, the present women's adviser to the Northern Territory government, to visit it. Mrs Ryan accepted the invitation and the collective spoke to her of the need which it felt it had fulfilled over the last couple of years. Unfortunately, she was not able to give any undertaking on behalf of the Northern Territory government. She was only able to listen and one hopes to take its concerns back to Cabinet. Although it has been receiving the house rent free and Transport and Works has recently upgraded the premises, for which the women's collective is very grateful, without any funding, even for a permanent 20-hours-a-week part-time counsellor, to keep this centre operating has been extremely difficult. Within its limited resources, over the past 2 years, that collective has demonstrated that it is the best organisation to continue to manage and run that centre.

I have the figures of attendance at that centre for the 6 months from May to November 1982: 25 women and 4 children received emergency accommodation; 19 women were counselled on their requests for information and referral for abortion, contraception and pregnancy advice; 7 women were referred to Dawn House for crisis care; 2 women presented asking for rape-related advice and assistance; 27 women attended a film night on rape on 27 October; 1 woman requested advice related to sexual harassment in the workplace; 8 women made use of the typewriter; 10 borrowed the lawnmower; 1 woman, a collective member, spoke to the Uniting Church, Nightcliff Branch; 2 women members addressed groups of school children to discuss rape, and these visits were organised by the staff of the Darwin and Casuarina Libraries because of requests received from the children themselves; 6 women, who are collective members, organised a fund-raiser at the Parap market and raised just over $100; and 78 women used the space as a drop-in, general information and library facility - often they came to chat, to have a little time out from pressing problems and to seek mutual comfort and support. These figures show a doubling up in that some women used the centre for a variety of reasons but they also show that a total of 181 visits or calls were made in that period. The centre has medical files on over 3000 women collected over the 5 years from 1975 to 1980.

Mr Speaker, 2 years ago, we discussed the funding of this centre and the women pointed out then and reiterate now that at no time did government agents approach them stating that it saw problems in the way in which they were running the centre. At no time did government agents suggest modifications to the way in which they were running that centre. They simply stopped funding the centre. No acknowledgement of the work of community services provided by that centre, especially rape crisis counselling, has ever been made by the government. No attempt has been made by the government over the last 2 years to make the centre more accountable to it. If it is not funding the centre, I suppose that is reasonable.

The Women's Electoral Lobby has recognised the worth of this centre and, in late August, sent to the government a submission supporting the centre and asking for a resumption of funding. This submission has not even been acknowledged in writing. It would be a pity if the government made a decision, without any further consultation with people who use the centre and other politicians like myself who know of its worth, to simply close it as it is presently being run and hand it over to another charity-based organisation. The Salvation Army plays a particular role in tendering welfare services to the community of this Territory but it is not a role which it could offer with the same adequacy as the women's collective. Women in crisis show a demonstrable reluctance to open up and express their problems to a male-oriented and religion-backed society, no matter how benevolent that society may be. The women's centre, as it presently exists, is still a multi-purpose facility and reference centre. It is a pity that the government is apparently considering the future of the centre without any initiative on the same government's part to meet with the collective and ask it for statistics, such as those provided to me, on the use of the centre.

Remember, Sir, this is being conducted with only voluntary labour. It has been extremely difficult to organise full-time rosters with only voluntary labour. All they require at the moment is adequate funding for 20 hours a week so that there can be a permanent coordinator at the centre to organise things. It is extremely difficult to do it on a totally voluntary basis and yet I believe the statistics I have given you tonight show that, even with that degree of difficulty, the centre has been doing a good job. The Women's Electoral Lobby is not exactly a radical organisation. It has members across the political spectrum. In August 1982, that lobby presented to the government a 7 or 8-page submission in support of the Darwin Women's Centre and has not even received an acknowledgement of its receipt. The Darwin Women's Centre produces an annual report which is available and which I would be happy to photocopy and give to the minister. The history of the centre has been well summarised by the present coordinator who is an entirely voluntary worker. These women have demonstrated their desire to continue to offer a range of services to the women of the Northern Territory and have done it well. How much better and easier the service would be if they only had the funding for 20 hours a week to provide that full-time coordination.

Mr Deputy Speaker, as much as I admire the Salvation Army, I most strongly resist any move to hand over this centre to such an organisation. I have yet to see any factual evidence that it could be better run by the Salvation Army or the Baptist Church or any other of the more recognised, registered benevolent societies. I would ask the minister if he would accompany me to the Darwin Women's Centre at the conclusion of these sittings to see what they are doing, to speak with them and to gain an appreciation of the very worthwhile and voluntary work that this collective is doing for the betterment of its sisters in this community.

Mr SMITH (Millner): Mr Deputy Speaker, I wish to speak on 3 matters. The first concerns the press statement issued yesterday by the Chief Minister on

changes to the Small Claims Act. The Chief Minister somehow forgot that he was in fact responding to a letter from me which pointed out that, despite the fact we had passed an amendment 7 months ago to the Small Claims Act which increased the amount that could be claimed from a maximum of $1000 to $2000 and despite the fact that it had been assented to by the Administrator in April, it had not been gazetted 7 months later. I wrote to the Chief Minister asking if he could do something about it and it has been gazetted. Hopefully, from now on, there should not be any problems.

However, there are 2 points that still remain. One point that I would like the Chief Minister to answer - if he ever attends the adjournment debate in the next few days - is why it took 7 months for a simple matter to be gazetted. I would also like an assurance from the Chief Minister that those people who, in the last 7 months, in good faith submitted claims between $1000 and $2000 will not be disadvantaged by the government's failure to undertake the elementary act of gazetting the assent given to this particular act.

Mr Deputy Speaker, this morning I asked the Minister for Transport and Works whether he had assured town councils in Katherine and Tennant Creek that, on the commuter flights operating between those centres and Darwin and Alice Springs respectively on Saturdays, the air fares for those people going to other centres would be the same as on weekdays when there was a direct service. The Minister for Transport and Works assured me that he had made that statement and that, as far as he was aware, that policy was being carried out.

I would like to inform the minister that that policy is not being carried out. People who wish to travel from Katherine on Saturday to go to a southern port and who have to go through Darwin are in fact paying for the Katherine-Darwin sector and then the Darwin southern port sector. That is not an inconsiderable sum. In fact, they are paying an extra $70 despite the minister's assurance that they would not be paying that sum. It is an extra $122 if a person wants to come from Tennant Creek to Darwin and use the connector flight to get from Tennant Creek to Alice Springs. The air fare is $122 extra and, on top of that, there is the expense of overnight accommodation because the commuter flight does not connect with the flight to Darwin. I am informed that it is particularly a problem in Katherine because a number of people have been caught in this way. In Tennant Creek, as I understand it, it has only happened a couple of times. It has happened to public servants and the thought has been in Tennant Creek that the government can afford to pay for it so it really does not matter. I would ask the Minister for Transport and Works to check this situation out, to honour his agreement with the 2 councils and to inform the Assembly before the end of the sittings that action has been taken to correct this.

At the same time, I would like to congratulate Airlines of Northern Australia for some initiatives that it has taken on the run down the centre. Another part of the agreement that it had with the minister was that it would introduce Apex fares and that has taken place. It has also introduced day return fares to Katherine - I am not sure about Tennant Creek. I think those sorts of initiatives are commendable. Certainly, I would like to place on record my congratulations to ANA for taking those initiatives.

The third matter that I wish to raise concerns rural roads which is more in the province of the honourable member for Tiwi. Following a TV news item last week in which a graphic example was given of the state of a rural road in the Wells Creek area, I was invited down to have a look at the road and the problems there. If you saw the TV item, you would have seen a rural inhabitant about 3 feet down a drain which had been caused by water over the last few months.

I accept that many rural roads have deep drains beside them and, because they are not cemented or concreted, they become bigger and bigger as more and more rain passes down them. What was particularly worrying about this was that the drain and the underground culvert which fed into it came out near a 22 000 volt powerline and that powerline was on the point of folding over. There was a rapid rate of erosion around this powerpole. The powerpole itself had not been concreted but had only been inserted to a depth of 5 feet. It was clear that, in the very near future, that powerpole would topple over.

There was a second pole further up the road at the T-intersection of Wells Creek Road and Henning Road. If anything, the situation there is worse. Again, an underground culvert was right opposite a powerpole but this was a 3-way power-pole. In other words, there were powerlines coming to it or going from it in 3 directions. One direction was right across Henning Road. It was quite obvious to me that, if this situation was allowed to continue much longer, at some stage which could not be precisely determined, it could well have toppled over with all of its 22 000 volts when a person on a horse or in a car was passing underneath it. That was most disturbing.

That was not the only problem in the area. What happened was that the Department of Transport and Works had taken the easy way out in constructing the drain. It had constructed the drain for a short distance and then decided that, rather than go a bit further and up a slight slope to the crest of Wells Creek Road and down the slope to Wells Creek itself, which would have kept the water along the side of the road all the way down to Wells Creek, it would take the easy way out and drain the water into one of the 5-acre blocks. Apparently, that particular 5-acre block has an easement on it and legally, I guess, the department had the power to do what it did. But, of course, water does not stay still on a slope so it did not stay on the piece of land with the easement but went through a number of other properties, without easements, on its way down to Wells Creek.

This makes conditions for the residents of those blocks most difficult indeed. Substantial erosion has been caused by water draining through their properties and already there have been many problems with access in the wet season. This has all occurred because the relevant department has not been prepared to put in enough money to do a proper job in the first place. I understand that, following the TV program, both the Department of Transport and Works and NTEC have been there to have a look. Again, I ask the responsible minister or ministers to provide this Assembly with information in the next few days on what has been done to solve the problems that I have outlined.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this morning I presented a petition from 3638 people relating to parks. This petition was organised and signed by ordinary people, all of them very concerned that our public lands, our parklands, reserves and national parks are passing out of community ownership. I consulted Chamber's Dictionary. I usually use the Oxford but I could only find a Chambers. The definition of 'national' was: 'Pertaining to a nation and or common to the whole nation'. Therefore, national parks belong to every-body in the community and the community must have title to the parks. Follow-ing on from that, the community has its legal representation in the Northern Territory government. The Northern Territory government should have title to parks and reserves which are for community use.

Nobody that I have spoken to disagrees with the idea or the reality of Aboriginals having title to tribal land where they are living. However, we cannot turn the clock back to before 1770. We must live with the times as they are. There are other people in Australia besides Aboriginals, and we are all

Australians. There are areas of land which must be set aside for community use, namely our parks.

More and more these days, recreation is becoming important. With the shorter working week, people have more and more time for recreation. They do not usually indulge in this recreation in their own backyards. They want to go to places; they want to go to parks. We must have areas of land of sufficient size to cater for all recreation interests. In the land register of the Conservation Commission, 46 parks and reserves are mentioned covering a total of 311 374.24 ha. Of these 46 parks and reserves, 12 have Aboriginal land claims over them and one possibly has a land claim over it. There are Aboriginal land claims over part of the Berry Springs Nature Park, the Daly River Nature Park, the Devil's Marbles Conservation Reserve, Douglas Hot Springs Nature Park, Escape Cliffs Historical Reserve, Finke Gorge National Park, Ellamurta Springs Conservation Reserve and Katherine Gorge National Park, including Edith Falls Nature Park. There is a possible Aboriginal land claim over the Katherine Low-level Nature Park, an Aboriginal land claim over Ormiston Gorge and Pound National Park, Simpsons Gap National Park, Umbrawarra Gorge Nature Park, and Waterfall Creek Nature Park. As I said earlier, the total area of parks in the Northern Territory is 311 374.24 ha. The area claimed by Aboriginal land claims is 268 301.06 ha. That is if my calculations are correct. If all the claims are successful, that will leave 43 073.18 ha in the title of the community. Excluding the Katherine low-level area, the total area of land under Aboriginal land claim of our Northern Territory parks is 86.5%.

I was asked how the Conservation Commission can run a park if it does not own it. How can control of the situation be maintained if someone else owns the park, not the community but a small group in the community? We would hope that a conflict of interests would not arise if there were shared titles. I will give an example and ask some questions about 2 particular types of wildlife. I think the questions need to be asked and consideration given to the answers. Let us consider the rock wallaby and the Oenpelli python in the Top End. According to legislation, Aboriginals have the traditional right to hunt native fauna. I just take those 2 particular species as examples. I could have taken others. The first question to be asked in this exercise is: are these 2 species in large enough numbers to support hunting? That is assuming there occurs a conflict of interest in management of the parks, which I hope will not occur. The second question is: would these 2 species be hunted with traditional weapons or would they be hunted with modern weapons? Is it necessary to hunt these 2 native species at all, considering even a basic income can buy other food of equal value to these 2 species of native fauna? The last question to ask is: can the interests of passive observation equate amicably with food harvesting of these animals?

Mr Deputy Speaker, I feel that for far too long many questions of this nature have not been faced and I would like to face them in a purely scientific way because I am concerned for the conservation of our wildlife for future generations. It has been put to me that, if our parks are passed into Aboriginal control by title being vested in Aboriginal groups, the possibility may arise that control of the parks will pass to the National Parks and Wildlife Service from the Northern Territory government. That would mean we will have increased control and management of part of our Territory coming once more from Canberra. I am not hinting in the slightest at any mismanagement of parks by the National Parks and Wildlife Service. The parks that it controls in the Northern Territory are well run by dedicated and knowledgeable staff. But let's face facts: the parks are controlled from Canberra.

If the Conservation Commission loses its nature parks, national parks, reserves etc to the Canberra-controlled National Parks and Wildlife Service, what concerns me are the positions of the rangers of the Conservation Commission. I have a great interest in the little people, especially the little people in the Conservation Commission; namely, the lowly rangers on the lower levels in the public service. These people have made their life in the Territory. With very few exceptions, they are long-time residents in the Northern Territory. They have their homes and their families established in the Northern Territory and they are not the sort of people who wish to move. Perhaps they cannot move. I know that, in some quarters, there is serious concern expressed about the future jobs of these rangers because, as it was put to me, it stands to reason that the National Parks and Wildlife Service, if it takes over any more parks in the Northern Territory, would have its own staff to fill positions. What would happen to the rangers on the lower levels in the Conservation Commission? Our rangers are not only the backbone of the Conservation Commission but they are also the backbone of the tourist industry.

By putting forward the petition this morning, I hope I put forward the views expressed by all those who signed it. I have made public certain concerns that these people and others have expressed to me. They are all concerned at the possibility of the title to community park land being lost to the community. I am talking about title to about 86% of our parks being vested in about 25% of our Northern Territory community and not the community as a whole. Parks are for the people - all the people.

Mr Deputy Speaker, I am concerned at the answer to a question I asked the Chief Minister this morning about the route of the proposed railway through the Batchelor area. He said that, in all probability, it would follow the Stuart Highway because of financial constraints, possibly by-passing the town of Batchelor. Before I start my remarks, Mr Deputy Speaker, I must declare an interest in this situation. If the railway passes on that side of the Stuart Highway, it will pass the boundary of our property at Batchelor. It is not that we expect to make millions from it; I do not think the ANR will be handing out millions for what we consider a valuable frontage. We do not expect that and I do not think that will happen. Nevertheless, I have declared my interest for all to hear.

In the interests of decentralisation of the Northern Territory, it is important for the line to go to Batchelor. Perhaps, at the moment, Batchelor is not of great agricultural or horticultural significance but there are quite a few people living there. If agricultural production proceeds in the area, it will become more important. I know it is necessary for the railway to pass through Adelaide River for reasons important to the people in the area but serious consideration should be given to running this line through Batchelor itself. Another reason has been put to me by one of my constituents. The proposed route of the railway line is working to his severe disadvantage in that he has a property over the east side of the Stuart Highway with only a very small part on the western side of the highway where it is proposed that the railway shall run. He wants to subdivide it. He is not a speculator. It is just uneconomical for him to continue to run that property with the balance on the east side of the highway. To run it with the present requirements for registration of his farm vehicles, it would cost him $52 a time to take his tractor and hay baler over there. At that rate, agriculture would become pretty expensive. This is one of the reasons why he wants to sell the blocks of land on that side of the highway. The Planning Authority has told him that it will not grant permission for subdivision because the railway may go through there.

Just up from Batchelor turnoff, on the Darwin side, is Woodcutter's ore body of lead, silver and zinc. It is not a particularly valuable ore body but, nevertheless, it is in that area. As I understand it, the railway will go over the richest part of it. It is not, at the moment, economical to treat the ore in Woodcutter's ore body but not too far into the future this ore body could be used economically for the development of the Northern Territory, particularly if a suitable treatment plant were established and other ore bodies were worked in conjunction with this one. If the railway goes right over the top of it, the little development project down at Woodcutter's will be lost. I will be pursuing the remarks I have made today by letter with Australian National Railways.

I had occasion to try to contact somebody about a bushfire on railway property recently. ANR people are as scarce as hens' teeth in the Northern Territory. Finally, I tracked someone down in Alice Springs. I hope that, as interest in the railway increases, we will have a few ANR officers around so that we can get in touch easily with them concerning any queries or complaints. Finally, Mr Deputy Speaker, whilst I agree that the railway is important to the Northern Territory as are financial considerations, I hope further thought can be given to rerouting the railway line near the township of Batchelor.

Mr STEELE (Primary Production): Mr Deputy Speaker, I wish to make a few remarks concerning the Tennant Creek abattoir. I was interested in the petition presented this morning. Obviously, it was a doomed wish at the time the meatworks closed and it could not reopen within a short time. Under normal circumstances, the abattoir would have continued killing cattle for little more than a month and closed down at the end of the cattle season. We pulled out some figures on the operation at Tennant Creek to see what had taken place there over the last 3 years that it has been operating. In 1980, it killed 45 584 cattle with an estimated value that year of $6 962 700. In 1981, it killed 36 728 cattle at an approximate value at that time of $5 319 972. In 1982, it killed 39 011 at an estimated value of $5 421 450. The killing in the 1980 season was the result of dry conditions and the numbers were fairly high. In 1981 and 1982, the seasons were fairly well balanced. It might be worth while to remember that, in 1982, the opening of the kill season was delayed some 6 weeks later than the projected opening date. A similar occurrence can be attributed to a shorter kill season in each of these years.

As a consequence of the loss of licence, the ANZ Bank called in its loans and served demand notices on 5 October. On 6 October, the bank appointed receivers and managers. The Souery Co is not in default with the Northern Territory Development Corporation and has paid an instalment that was due on 5 November. Any action by the corporation has been deferred pending receipt of the receiver's report. I understand the receiver wishes to contact us about this today. He has advised, however, that they have adopted a lease arrangement with R.J. Gilbertson Pty Ltd of Melbourne. This company is now in the process of obtaining relevant export licences and a US listing. It also has first right to purchase Tennant Creek abattoir. The effect of leasing the abattoir has yet to be evaluated and approved by the corporation. We have a position in the financing of the Tennant Creek abattoir which must be safeguarded in the new arrangement.

I was very interested in the remarks that the Leader of the Opposition made about his submission to the IAC and on the beef industry generally. I missed some of the things that he had to say. However, the government also made a submission to the IAC. We requested it to consider the current transport arrangements for beef exports to North America, the adoption of an Australian abattoir standard and additional registration for abattoirs supplying importing countries

with special requirements, balanced expenditure on industry research in northern and southern Australia and the Australia-wide introduction of a joint states-Commonwealth meat inspection service. Mr Speaker, the Northern Territory government is attempting to finalise its arrangements with the Commonwealth in respect of a joint Northern Territory-Commonwealth meat inspection service. Those discussions are taking place at present. I have little more to report on that matter.

Mr Speaker, I wish to comment on matters that the Leader of the Opposition spoke about. He mentioned the interstate movement of cattle, and I have here the 1981 figures on the interstate movement for slaughter: South Australia - 55 657 cattle; Queensland - 28 815 cattle; and Western Australia - 36 093. The Queensland and Western Australian abattoirs are positioned very close to the Northern Territory borders, the Mount Isa abattoir would be about 120 miles over the border and the Wyndham abattoir about 80 miles over the border. As far as the cattle herds in the Victoria River district are concerned, I should imagine that Wyndham would draw, on a theoretical basis at least, half the cattle in the Victoria River district. The Mount Isa abattoir, on a theoretical basis, would draw probably half the cattle available on the Barkly Tablelands.

Mr Speaker, there are some impediments to the movement of cattle to various places in the Northern Territory and interstate. The cattle going to Tennant Creek and Mount Isa are subject to one dip - either at the Queensland border or at the tick line for the Tennant Creek abattoir. Cattle going to Alice Springs are subject to 2 clean dips. I would say that cattle from the centralian area going to Adelaide do so because a better price is being paid in South Australia than at the Alice Springs abattoir.

In talking about the capacity of abattoirs to kill Northern Territory cattle, it would seem, on information available, that there are adequate export licences available in the Northern Territory. The abattoirs obviously could kill more - there is no doubt about that. The abattoir in Tennant Creek is probably the best in the southern hemisphere and has a capacity to kill about 700 cattle a day. Taken all the year around, that would be a lot of days with a lot of cattle. But it is not possible because of other factors. As the honourable Leader of the Opposition said, there is a very distinct dry season and a very distinct wet season. The dry season in pastoral language is called the annual drought. As the dry season lengthens, as it has in 1982, the cattle fall right away and obviously are unsuitable to be killed. It takes all those months from when the rain first starts to fall later in the year until about March-April before the cattle are in any sort of condition to be slaughtered. In addition, the practice on pastoral properties is that stations pay men off at the end of the year and do not re-employ them until March-April the following season.

There is probably a lot more that I could say about this but, as far as abattoirs are concerned, we have been considering the reopening of the McArthur River local kill abattoir for purposes of the BTB eradication program. We favour the upgrading of the Corkwood Bore abattoir for various market purposes. We favour existing abattoirs in the north but we do not favour the extension of any other abattoirs.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

DISTINGUISHED VISITORS
United Kingdom Delegation

Mr SPEAKER: Honourable members, I draw your attention to the distinguished visitors in the gallery: the United Kingdom Delegation of the Commonwealth Parliamentary Association. The leader is the Rt Hon Sir Angus Maude MP. The members are the Rt Hon Bruce Millan MP, Mr Donald Coleman MP, Mr Keith Speed MP, and Lord Energlyn. On your behalf, I extend a warm welcome to the distinguished visitors and trust their stay in Australia, and particularly the Northern Territory, will be a happy one.

Members: Hear, hear!

SPEAKER'S STATEMENT
Letter from Member for MacDonnell

Mr SPEAKER: Honourable members, it may have been noticed during question time yesterday that a particular honourable member exhibited obvious unparliamentary and audible evidence of exasperation in not receiving the call. In fact, the honourable member left the Chamber without observing the normal proprieties after the call for which he would have been eligible had been given to his colleague, the honourable Leader of the Opposition, following which the motion of the Leader of the House to call on business of the day was passed.

I have to report to the Assembly that a letter was received yesterday from the honourable member for MacDonnell, a grossly insulting letter to the effect that the member for Elsey's strongly racist ideas expressed in press reports have seriously affected the good conduct of business in this Assembly. Further, I was charged with preventing those representing the Aboriginal people from gaining an adequate hearing in the Legislative Assembly. The honourable member prefaced his letter by referring to a question he asked of me at the sittings which was so blatantly at variance with Standing Orders that I chose to ignore it. Under Standing Order 101, a member is entitled to ask a question of the Speaker relating to any matter of administration for which he is responsible. That Standing Order obviously refers to the responsibility of the Speaker in relation to the Assembly and not to his electorate duties or his philosophies.

Honourable members, I know that the majority of members on both sides have the capacity to differentiate between my duties as Speaker and those of the elected member for Elsey. I know too that the majority of members would have sufficient knowledge of parliamentary practice to refrain from writing insulting letters to their Speaker, but instead, if it was a matter of sincere concern, to publicly move by motion upon notice a lack of confidence in the Speaker. The honourable member for MacDonnell has this recourse open to him and, unless he chooses to adopt that course, I would expect to receive his public apology for the scurrilous diatribe he has directed to me. In the meantime, I intend to adopt the precedent set by Speaker Archie Cameron in the federal House of Representatives and will refuse to 'see' him.

TABLED PAPERS
Balderstone Report on Agricultural Policy

Mr STEELE (Primary Production)(by leave): Mr Speaker, in September last year my federal colleague, the honourable Peter Nixon, announced the formation of a working group to prepare a policy discussion paper on agriculture.

The objective of this task force was to identify major policy issues and options for the Australian agricultural sector in the 1980s. In a relatively short time, the 5-man group got down to business and conducted extensive discussions with a multitude of industry leaders, individuals and top government officials involved in Australian agriculture. They have now delivered a most comprehensive and wide-ranging report which I present to this Assembly.

This report recognises that Australian agriculture is generally highly competitive. It advocates reduction of excessive protection in industries such as milk, eggs, tobacco and citrus, while recognising the sound long-term prospects of extensive grazing and broad-acre cropping. The report suggests a need for a greater infusion of funds from the Commonwealth government and agricultural producers for applied research. It stresses the importance of coordinated action to achieve national policy objectives in areas where state constitutional powers prevail. It addresses itself to wide-ranging issues in the areas of Commonwealth-state policy issues generally, economic policy, government assistance, marketing, trading, transport, research and extension, resource management and social issues affecting the rural community. I am sure that some of the options put forward by the group will be controversial and will therefore succeed in generating discussion on the underlying issues. Mr Speaker, I move that the report be noted.

Debate adjourned.

MOTION

Aboriginal Land - Agreement between Commonwealth and NT

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that this Assembly endorse the agreement between the Commonwealth and the Northern Territory in respect of Aboriginal land in the Northern Territory in the belief that, through these measures, the community of the Northern Territory in general will benefit.

The agreement states that:

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 the determining and 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 unreasonably 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 Aboriginals; and

D. if the Aboriginals 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 will give a public undertaking that pastoral leases will be transferred if purchased by Aboriginals on the open market.

4. The Northern Territory government will 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. This will include Uluru and Alligator River II land claims.

6. Northern Territory government will negotiate with Central Land Council about alternative land for the Luritja Trust to ameliorate ill-will which resulted from the alienation of part of the Amadeus land claim. The Northern Territory Minister for Lands and Housing will convene a meeting of all interested parties with a view to an accommodation satisfactory to those parties.

7. Legislation will be introduced to amend section 50(1)(a) of the Aboriginal Land Rights Act to prevent future applications for claims being made by the land council for land in which the estates and interests are held by or on behalf of Aboriginals.

8. The Northern Territory government will enact legislation to:

A. grant perpetual leases to pastoral areas;

B. eliminate forfeiture provisions in respect of such leases;

C. provide financial sanctions to ensure compliance with terms and conditions set; and

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 Aboriginals, 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 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 applicant for a mining interest 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 will proceed for stock routes, reserves and public purpose land, and the Aboriginal Land Rights Act will be amended accordingly.*

Mr Speaker, in introducing this motion, I have deliberately used words very similar to those adopted by the Northern Land Council on a motion from Mr Yunupingu which states: 'The Northern Land Council accepts the principles contained in the proposals in the belief that, through demonstrating willingness to cooperate with the Northern Territory and Commonwealth governments, the community of the Northern Territory in general will benefit'. That is what these proposals and this agreement are all about - for the benefit of the Territory community - and, if this Assembly is not looking first and foremost to that benefit, then what are we doing here? It is a matter of record that the Northern Land Council subsequently rescinded Mr Yunupingu's motion. It did that after considerable pressure from land rights groups interstate which have an identifiable interest in keeping the land rights debate on the boil.

Here in the Territory, land rights have been achieved, and in a generous form, allowing people to establish not present-day needs but historic right. The Northern Land Council and all land councils must work, firstly, in the best interests of the traditional owners and claimants that they represent. That is their duty, just as it is the duty of this Assembly to represent firstly the total community which it is elected to serve. What are people in the Territory telling us in the Assembly and the land councils? I will read a few sentences from a letter from a very concerned community at Galiwinku, signed by community elders and leaders, which arrived on my desk last week. It reads in part:

People should be asking questions about this action to stop the split from equalness. This could lead to a wide path between black and white unless someone looks into this problem. We welcome the NT government and others to come and talk about this unequalness. We need some qualified person to come and get this information in a listening way. It is important for everyone to get together and trying us all back to equalness as it was before.

Some, Mr Speaker, might find the language a little quaint but I do not and I think I know exactly what is worrying these men. It is also worrying me and a great number of other people whom this Assembly represents. About 4 months ago, when I outlined these proposals to the National Press Club, I pointed out that, when the Land Rights Act was debated in the federal parliament, the backbench had argued that an unlimited period for land rights claims to be lodged could cause 'continual bitterness between the Aboriginal and European communities in the Territory'.

Sir, I seek leave to have incorporated in Hansard a copy of the speech that I made on 28 July this year to the National Press Club.

Leave granted.

A QUESTION OF BALANCE

The term, 'Aboriginal Land Rights' is one of the most emotive phrases to have entered Australian political language.

Through most of Australia it engenders feelings ranging from bad conscience to hostility.

In the Northern Territory we could greet use of the term with pride.

That is, we could, if we - and by 'we' I mean Territorians of all races - are allowed to put the whole question behind us once and for all.

This could happen in the Territory because the call for land rights has been answered, in the form of inalienable Aboriginal freehold ownership.

That outspoken advocate of land rights, Charles Perkins, said in Canberra last year: 'Aboriginal people in the Northern Territory can be fairly satisfied with what they've got - about 25% of the Territory freehold, and when all claims are met, probably about 42%'.

'And that', he said, 'is a good effort'.

Today 28.32% of the Territory is Aboriginal freehold, and a further 18.35% is under claim, totalling 46.67%.

Aboriginal people already own more than 406 548 km^2 of the Territory - an area the size of all of Victoria plus Tasmania and then some.

Territory Aboriginals, about 0.2% of the total national population, will own over 8% of the mainland.

As Charles Perkins said: 'That is a good effort'.

Arguments about who owns Australia are simplistic and destructive.

All Australians, black and white, own Australia. The term, 'Commonwealth of Australia', speaks for itself.

Aboriginal land rights in the Northern Territory are a fact of life.

Land ownership has led to a re-emergence of pride and purpose in many Aboriginal communities.

My government's concern is that land rights really work in the Territory community.

Through land ownership Aboriginals will be able to participate in the economy, or decide not to. That will be up to them.

Today, more than two thirds of Aboriginals in the Territory - 20 000 out of 29 000 - live on land to which they hold inalienable title or which is under claim.

Since of the remaining 9000 or so, more than 5000 are urban dwellers, the Territory government's main land rights concern now is to help the more than 3000 Aboriginal people living on pastoral properties without security of title, and to protect those who might be disadvantaged by the anomalies in the land rights legislation.

Our record shows our concern. Twenty seven per cent of land, including some of the best, within the town of Alice Springs and 325 ha of prime land in Darwin have been handed over, free of charge, to Aboriginals by the Territory government.

By arrangement with traditional owners and the Northern Land Council, and by special legislation through the Territory's Legislative Assembly, the Cobourg Peninsula - the pride of our conservation reserves - was handed over to Aboriginals as freehold and the area preserved as a National Park.

A similar arrangement could be made for Uluru, site of Ayers Rock and the Olgas - but I'm getting ahead of myself.

The Territory government has made land available to Aboriginal groups, despite decisions from the Land Commissioner not to recognise some claims.

Mr Justice Toohey found against Borroloola people on their claim for several islands in the Sir Edward Pellew Group, in the Gulf of Carpentaria. In the event, we agreed to give them title to most of the islands.

And we went further, interceding with Mt Isa Mines, the owners of Bing Bong Station, to obtain for the same people some 810 km^2 of that station, and providing half a million dollars to assist the outstation movement in that area.

In return the Territory government received a one kilometre wide transport corridor allowing for future development, including the exploitation of the world's largest silver, lead and zinc deposit, at MacArthur River, nearby.

Such forward planning is vital to our future. It is this duty, to protect the broader interest, that has from time to time led to the Territory government's being labelled as against land rights.

So, what are the problems? Why the need for amendments to the act?

The full story of the Borroloola Land Claim provides part of the answer. The Aboriginal Land Commissioner, did uphold the Borroloola people's claim to some islands in the Sir Edward Pellew Group, including Vanderlin Island.

This island included land held under grazing licence, and a special purpose lease, by a part Aboriginal family, the Johnstons, whose forebears on their mother's side were Aboriginal people of that area.

As you may know, alienated Crown land, such as pastoral and special purposes leases, can't be claimed under the act.

That is, as long as the leaseholder is white!

But the provision of the act designed to give Aboriginals rights, have done exactly the opposite for the Johnstons, who have lived on Vanderlin Island, and run their cattle there for about 70 years.

Their 'Aboriginality' means that they can be legally kicked out of their home and that is exactly what seems likely to happen, because the act allows land leased by Aboriginals to be claimed.

Nor is this the only case of its type. Claim has been laid to Beetaloo Station near Newcastle Waters, held under lease by one Aboriginal group for many years, by another. Litigation on this now goes forward to the Supreme Court.

If that claim is successful the group that has lived on Beetaloo for more than three generations will lose all its rights to the station.

These are two serious examples of anomalies the act has produced.

But in the present political climate, the nature of our proposals could easily become obscured by emotionalism.

My purpose is to brief you on our proposals, in a way which recognises the emotions involved but puts them into perspective.

The question of land ownership has been a root cause of almost every dispute that has divided man from man throughout history.

The ability to be able to strike a reasonable balance has proved to be the only real solution to such disputes.

My appeal then is for compromise. Our concern is to assist Aboriginal's who are not helped by the act to gain secure land title, and to resolve the divisive issues that still confront our multi-racial Territory. My constituency is in Darwin whose population is less than 50% Anglo-Celt in origin, and contains no less than 20 sizable Asian and European ethnic groups.

Perhaps for reasons like the diversity of its population make-up, the Territory has always been particularly conscious of, and ahead of the rest of Australia, in addressing itself to the land rights issue.

As early as 1966- before the national referendum - the Territory Legislative Council on a bi-partisan basis, introduced special legislation granting land rights to Aboriginals. The Commonwealth, through its nominated members, replaced the elected member's bill with amendments to the Crown Lands Act.

When the Land Rights Act was passed in 1976, debate over land rights in the Territory had already raged for some 13 years - from the time of the

famous bark petition to the federal government from the Yirrkala people of Arnhem Land.

Since then, in six years, only 15 of the subsequent 60 land claims have been heard and settled.

More than two thirds of the claims are still outstanding. At that rate it will be 1995 before the Territory will have put the last arguments behind it - if there aren't any repeat claims.

During parliamentary debate on the bill the government rejected suggestions from its own backbenchers for a cut-off date by which all claims should be lodged.

The backbench argued that an unlimited period for claims could cause 'continual bitterness between the Aboriginal and European communities in the Territory' and a possible 'backlash' of resentment.

In fact, the Territory community has been fairly stoic but those backbench warnings should have been heeded.

A very real undercurrent of tension does exist.

In reply, the then Aboriginal Affairs Minister, Mr Ian Viner, quoted the architect of Territory land rights, Mr Justice Woodward. He used the learned Judge's words to argue that time was needed for Aboriginals to consider their position on future claims.

Today I will quote that same extract of Mr Justice Woodward's final report. He said: 'Aboriginal people should think carefully before laying claim to any areas which are not going to be of value to them - particularly since they have unimpeded access to the country at present if they want to visit it for any traditional purposes'.

The Judge was referring, in part, to a provision of the Territory Crown Lands Act, still on the books, which allows Aboriginals to enter and remain on pastoral land, as long as they can show they have traditional attachment.

Some Aboriginals - or more particularly perhaps the lawyers working on their behalf - have not heeded the Judge's words. Almost every tiny scrap of land available has been claimed by one group or another.

It is easy to understand why some Territorians are showing anxiety about the extent of the operation of the act.

An information pamphlet, produced by the Department of Aboriginal Affairs, soon after the Land Rights Act was introduced, was aimed at reassuring the anxious.

Purporting to explain what land rights would mean, the DAA pamphlet said: 'Former reserve land granted to Aboriginals totals ... 18.4% of the Territory. Claims have been or are expected to be lodged over another 10%, all of which is vacant Crown land. Much of the land available for claim is desert. Extensive areas will not be claimed because there are no longer any traditional occupants ... if all claims were granted - and this is unlikely - approximately 30% of the Territory, at the most, would be given over to Aboriginal ownership'.

Having read that you can see why it's not just black Territorians who believe that the Commonwealth sometimes misrepresents the true situation.

The then Minister for Aboriginal Affairs, Mr Ian Viner, wrote in an article in the Northern Territory News: 'In recent months I have read and heard many alarming rumours about the Aboriginals of the Northern Territory - how they are getting 50% of the land...I want to put an end to these rumours because they are not only untrue, but dangerous to future racial harmony'.

History has proved Mr Viner right. The figure of 50% was wrong - by 3.33%!

Neither the Commonwealth nor Mr Viner intended to mislead anyone. The comments in the pamphlet and in Mr Viner's article are a clear indication that there is considerable difference between the intention of the act and its actual implementation.

The Commonwealth made the mistake of assuming that those representing Aboriginal groups would exercise some restraint in laying claim to land.

It was obviously never envisaged that claim would be laid over land which was, or was earmarked to become, national parkland for the benefit of all.

The act is discriminatory in that it precludes claims over Commonwealth national parks and public purpose land, but permits them over land dedicated to such purposes by the Territory government.

Yet the Territory government has no power to acquire easements over Aboriginal land for even the most rudimentary public purpose, such as power lines.

But accepting all that, one of the most worrying aspects of the future extent of land rights is the ability to convert currently productive leases to inalienable Aboriginal freehold, as a result of their purchase by Aboriginals.

This ability means that the potential for the conversion of land to Aboriginal title is almost as great as the Territory's estate.

Now, the Territory government has no objection whatsoever to Aboriginals holding pastoral leases - in fact we've done nothing but encourage it.

Nonetheless as pastoral leases are converted to freehold, the normal requirements for such leases to remain productive lapse.

I should point out that,when the Aboriginal Land Fund Commission was established in the early 1970s, the principle that pastoral properties purchased by Aboriginals should remain productive was accepted by all.

This concern is not therefore exclusive to the Territory government. But it is a very real worry.

Our pastoral industry has been a traditional mainstay of our economy and, in the long term,that lack of control over productivity could seriously threaten the economic viability of the whole industry.

Many Aboriginals are experienced stockmen.

Pastoral ownership is a natural future direction for many enterprising Territory Aboriginals. Willowra Station, near Alice Springs, is a particularly fine example of successful Aboriginal enterprise.

When Mr Justice Woodward produced his final report of the Aboriginal Land Rights Commission in 1974, he voiced some prophetic reservations about his own recommendations.

He said: 'I have experienced great doubt on a number of issues - particularly those relating to mineral rights and to additional claims in pastoral lease areas...there must be uncertainty as to the way in which many of the proposals will turn out in practice'.

He said that there should be flexibility to allow arrangements to be reviewed periodically.

Mr Justice Woodward was not the only authority to express reservations about such matters.

In October 1979 the Commonwealth government commissioned Mr Barry Rowland QC to review the application of land rights in the Territory.

His report of August 1980 stated in particular that the Commonwealth should take a hard look at the conversion of pastoral leases to Aboriginal title and the incidence of claims to stock routes.

Like Mr Justice Woodward, the Territory government wants to ensure that land rights in the Territory work.

So, what are the principles of the Land Rights Act?

Firstly, the act recognises that Aboriginals have a deep commitment to their land.

The act recognises this principle by granting to land trusts for traditional Aboriginals inalienable freehold title.

It also imposes some out of the ordinary provisions on that title.

There are provisions for extra compensation to traditional land owners for disturbance of their land.

While minerals on Aboriginal land remain the property of the Crown, cash payments which have, to date, amounted to double Crown royalties, are paid to Aboriginal owners.

At the same time, recognising 'communal native ownership' - the principle argued in the Gove land rights case - title is not held by the relatively few traditional owners, but by land trusts.

Lastly, of course, under the act, Aboriginals may not sell their land.

These are the basic principles.

Rather, they are designed to meet its shortcomings.

So, what are these shortcomings?

- *Aboriginal pastoral owners can lose their leases to other Aboriginal groups; (at this moment 10 Aboriginal owned pastoral leases are subject to claim. In two cases, the leases are being claimed by Aboriginals who are not the present lessees);*

- *There is no cut-off date for the lodgement of land claims;*

- *The act allows unsuccessful claims to be lodged again and again, endlessly perpetuating divisiveness;*

- *Productive land, purchased for or on behalf of Aboriginals, may be converted to freehold title - putting it beyond normal requirements for land to remain productive;*

- *National parks, created under Territory law, may be claimed, threatening normal rights of access for the general public;*

- *The act makes no provision for Aboriginal communities living on pastoral properties to gain secure title to land they have occupied for many years.*

The package we are putting forward seeks to correct these problems, without, in any way, compromising the principles of the act. Let's have a look at the proposals.

THE PROPOSALS

1. *The NT government will give public assurance that areas subject to claim will not be alienated, without consultation with land councils. (It's worth noting here that the act only functions as a result of the Territory government's forebearance. We could have completely frustrated its operation by alienating all vacant Crown land any time since 1978).*

2. *The NT government will enact legislation to allow land grants to Aboriginal communities living on pastoral leases.*

3. *The NT government will undertake to transfer Pastoral Leases to Aboriginals when such leases are purchased on the open market (not that we haven't in the past)*

4. *The NT government will enter into negotiations with land councils for the granting of titles to national parks subject to claim.*

5. *Such negotiations will include the two unsuccessful land claims over Uluru and Alligator River II. These areas take in Ayers Rock and Mt Olga in central Australia, and a portion of Kakadu National Park in the north.*

6. *The NT government will negotiate with the Central Land Council on alternative land for the Luritja Trust to compensate for past alienation of part of the Amadeus Land Claim in central Australia.*

7. *Commonwealth legislation will be introduced to prevent land claims being made on land being held by or on behalf of Aboriginals.*

8. *The NT government will enact legislation to:*

   (a) *Grant perpetual leases over pastoral areas for Aboriginals;*

   (b) *Eliminate forfeiture provisions on such leases;*

   (c) *Provide financial sanctions to ensure compliance with terms and conditions set for such leases;*

   (d) *Determine covenants in consultation with prospective lessees.*

9. *The NT government will encourage maximum training and employment of Aboriginal people, particularly where projects are undertaken on land owned by Aboriginal people.*

10. *The right to claim stock routes, reserves and public purpose lands will be repealed by the Commonwealth Parliament.*

These 10 points would effectively mean that:

The Territory government will provide means by which the more than 3000 Aboriginals living on pastoral properties, and who presently gain no benefit from the Land Rights Act, can gain secure title to living areas within those properties.

The Territory government will make it possible for Aboriginals to convert pastoral leases to perpetual leases, under preferred conditions.

The Territory government will give title to Uluru National Park, including Ayers Rock and Mt Olga, and make an arrangement whereby it will continue as a national park, administered jointly by the Northern Territory Conservation Commission and traditional Aboriginal owners.

The Northern Territory government will negotiate with land councils for similar joint management arrangements for other NT parks over which valid land claims have already been lodged.

What the Territory government seeks in return is that the Commonwealth act be amended so that the right to lodge land claims to pastoral properties purchased by Aboriginals in the future is repealed. We do not ask that Aboriginals should relinquish claims over properties already purchased. On the other hand I do believe the Commonwealth should act to ensure equitable solutions to the Beetaloo and Vanderlin Island situations rather than just washing its hands of the problem as at present.

Secondly, we ask that the Commonwealth repeal the right for Aboriginals to make claims over NT national parks, and stock routes, stock reserves and other public purpose areas under NT law.

There has been suggestion that these proposals came 'out of the blue', as though they came to the new Minister for Aboriginal Affairs overnight, in his enthusiasm for his new portfolio.

To date there have been some 18 months of meetings, commencing in March 1981 and involving the then federal Minister for Aboriginal Affairs, the chairmen of the three land councils and myself.

In fact, these particular draft proposals were first submitted to the

Central Land Council and the Northern Land Council in August 1981.

The Central Land Council withheld its position, and the Northern Land Council accepted the proposals in principle.

The terms of the Northern Land Council's resolution of September 1981 accepting them is worth quoting: 'The NLC accepts the principles contained in the "proposals" in the belief that through demonstrating willingness to co-operate with the NT and Commonwealth governments the community of the NT in general will benefit'.

Both councils indicated they wished to be involved in the development of any detailed drafting instructions, and that they wished to study any draft legislation before it went before either the federal or Territory parliaments.

As a result, a working party of Commonwealth, Territory government officials, and chairmen and lawyers of the Central and Northern Land Councils have met six times, as recently as the end of last month (28 - 30 June), to consider those drafting instructions.

In a few moments you will no doubt have some questions for me. I will answer them as best I can. But firstly I will put some questions to you.

- *Should conversion of Territory land to Aboriginal freehold be completely open-ended?*
- *Should there be no government requirement on people to use pastoral land productively?*
- *Should land claims be allowed to be lodged repeatedly - in other words should an 'if at first you don't succeed, try, try and try again' policy continue?*
- *Should there be no time limit for the lodgement and hearing of land claims?*
- *Should Australian Crown land, already dedicated to a public purpose, be able to be claimed and - if such claims are successful - normal public access be denied?*
- *Should the great majority of Aboriginals living on pastoral properties be prevented from gaining secure title to the land on which they live?*

If your answer to any of these questions is 'No' - then you have concluded that some changes are necessary.

The package of proposals is, I submit, a real attempt to strike a balance of interests. It will assist a large number of Aboriginals to obtain secure title to land on which they live. It will enable title to be granted to Aboriginals over national parks while preserving the broader public interest. Most importantly it will go a long way to ensuring that, after nearly 20 years, the land rights debate in the Northern Territory can be settled once and for all.

Certainly, its implementation will require all parties involved to give some ground - in a real sense, but in that regard I take comfort from the words of Mr Justice Woodward in his 1974 report: 'This leads me to my next point of concern about these proposals. I regard it as generally

undesirable to try to find solutions today for a period as far ahead as forty years. I believe, as I have said elsewhere, that we should try to find solutions for today for the foreseeable future. Any promises made now should be capable of being redeemed within the next ten years or so. We cannot now envisage what the social or economic climate may be like in forty years time and I believe that it would be wrong for us to try to solve today's problems by entering into commitments which later generations would have to make good. The Aboriginal people should be told what the government is prepared to do for them in the next decade and they should judge both the government and the community in the light of those undertakings. As I indicate later in this report, I think it is important that there should be provision for a formal reconsideration of the situation at regular intervals in the future'.

The Northern Territory government's role is not that of a protagonist in this issue.

Our duty, and our intention, is to resolve the question of balance.

Mr EVERINGHAM: Mr Speaker, to be quite fair about it, I would like also to table at this time a pamphlet called, 'A Question of Balance' which was circulated, almost immediately after I made my speech, by Reverend Chris Budden of the Uniting Church in Darwin. I believe it is also endorsed by a Reverend Mr Udy of the Uniting Church. I also enclose a number of comments prepared by officers of my department on the accuracy of some of the statements made in this booklet, 'A Question of Balance'. I seek leave to table both these documents. I do not necessarily seek those to be incorporated in Hansard.

Leave granted.

Mr EVERINGHAM: The quote from the backbenches was that this unlimited period could cause continual bitterness between the Aboriginal and European communities in the Territory. I added that, to date, the Territory community, and I meant the full community, had been fairly stoic. Since then, we have witnessed a land rights march in Katherine of a different kind and the formation of an association in Tennant Creek to oppose land rights in the area just as hearings get under way. Because it has taken so long for land claims to be heard and because the whole process is becoming increasingly tied up in legal disputes, we are beginning to see the bitterness of which those backbench members warned.

Mr Speaker, these proposals will effectively settle many of the outstanding issues that presently complicate the land claim process and create considerable disquiet in the Territory community. They will give title to national park areas to bona fide traditional claimants. They will ensure Northern Territory management involving traditional owners of Territory wildlife parks. They will obtain for Aboriginals living on pastoral properties secure title to living areas. They will ensure that productive pastoral land remains so and preserve stock routes, water resources and the like for general public purposes. In short, they will overcome many of the issues that are presently causing divisiveness within our community and will do so in a fair and equitable manner without undercutting any of the principles contained within the Land Rights Act of 1976.

Mr Speaker, I am asking that this Assembly present a united resolution to our Commonwealth colleagues of all political persuasions expressing our desire to ensure 2 things: firstly, that the principles and intentions of the

Land Rights Act approved in 1976 by the Commonwealth parliament are endorsed without reservations; and, secondly, that, although recognising the necessity for the processing and hearing of land claims, the divisive debate on land rights be allowed to be put behind us as soon as possible in the interests of the total Territory community. Certainly, the proposals require different sectors of the public, Aboriginal groups, both black and white pastoralists and the general public, to give a little. The gains would far outweigh the concessions for all affected groups.

This Assembly can stand on its record of support and respect for Aboriginal land rights and for the cause of Aboriginal advancement. We have enacted supportive legislation to the Land Rights Act and there is no need for me to detail the legislative and administrative initiatives in legal, constitutional, educational, health and service areas. We passed one such piece of legislation only yesterday in respect of Aboriginal tribal marriages under the Compensation (Fatal Injuries) Act. These have contributed significantly towards making the Northern Territory the most progressive part of Australia in matters affecting Aboriginal communities and individuals. No government in Australia, including the Commonwealth, could claim such an impressive record of effort, expenditure and achievement in its area of responsibility towards the Aboriginal population and in a period of only several years.

Certainly, the land rights proposal being offered by governments in New South Wales and Victoria fall far short of arrangements in the Territory. I imagine that members on the opposite bench would experience some embarrassment if they are called on to explain the workings of land rights now being proposed in those states to Aboriginal constituents. In New South Wales and Victoria, public purpose land seems to have been put beyond possibility of Aboriginal claim. Aboriginals will have to establish present-day need not traditional ownership, and consent to mining on Aboriginal land will either not be needed at all or can be approved by a straightforward majority decision. I am not critical of those arrangements. I only ask that members on the opposition benches keep those examples in mind as they speak on this motion.

The proposals are the result of nearly 2 years of gruelling negotiations involving representatives of the Territory and Commonwealth governments and the 3 land councils.

I anticipate that during the debate members opposite may raise the issue of the Warumunga Alyawarra land claims. On 14 October in this Assembly, in answer to a question, I gave a history of that claim detailing the way in which new pockets of land were claimed subsequent to the original claim lodged in November 1978. Those areas are portions of stock routes, stock reserves, water conservation and recreation reserves and, incidentally, include the Wauchope airstrip and commonage just across the road from the pub and a national trust area. All have been earmarked for public use for good reasons. For the record, the exact portions are: 156, 502, 560, 694, 723 and 2339 which are all stock reserves; 2340 and 2341 which are portions of stock routes; 2342, 2343, 2345 and 2346 which are water conservation areas; 2344 which is the Wauchope commonage; and 539 which is the Devil's Marbles Reserve.

These pockets of land were separately and subsequently lodged with the Aboriginal Land Commissioner after, I would suggest, the employees of the Central Land Council examined the map of the Tennant Creek area with a magnifying glass. One of the pockets of land laid claim to is measured by the square metre. All others but one are measured by the hectare. Only one, the

Phillip Creek stock reserve and proposed bore reserve, is measured by the square kilometre and that area is just 26 km^2. In total, they represent less than 5% of the Warumunga Alyawarra claim. I should add that 3 portions, 153 154 and 155, are enclosed within the larger portion 2344. Because some people seem to have turned the object around this issue, I emphasise that the government decision does not prevent Aboriginals from having access to that land just like everyone else. In fact, 'alienation' seems the wrong word since the action taken by the Territory government seeks not to alienate land but to preserve it for the use of the public. On the other hand, if those areas were to become inalienable Aboriginal freehold, then certainly other Australians would have no right of access. Mr Speaker, we would have the ridiculous situation in which people would be stepping across the road from the front door of the Wauchope Hotel onto Aboriginal land and where the airstrip and water supplies were available to people other than traditional owners only with permission. The same would apply, of course, to the stock routes and reserve portions of the Devil's Marbles Reserve.

Mr Speaker, in order to enlighten those outside this Assembly who may misunderstand our actions, it is important to emphasise that the government has not gone out and alienated little bits of land in order to frustrate the Central Land Council. It was the Central Land Council which identified those small portions and slapped claims over land which is, for good reason, reserved for public purposes. All we are seeking to do is to preserve the status quo pending the outcome of the draft proposals that you now have before you. I have personally attended talks, written letters and telexes and made all efforts to persuade the Central Land Council Chairman not to proceed with these claims until our negotiations are either completed or abandoned.

Mr Speaker, I seek leave to table the correspondence between the Chairman of the Central Land Council and myself in relation to this matter which extends over a period from February of this year until 2 November this year.

Leave granted.

Mr EVERINGHAM: That correspondence is an attempt on my part to have the Central Land Council abide by an undertaking in respect of stock routes and public purpose areas which their solicitor gave in the telex to me in February. I have warned in this Assembly that, if the claim proceeded over those areas, then the government would take action.

It is not this government that has breached understandings but the Central Land Council. That council has happily participated in negotiations over exactly the same issues that arise in the Warumunga Alyawarra claim while apparently having no intention of complying with any of the understandings reached at those talks. I believe that land councils are sometimes badly advised. There seems to be a group within the employ of land councils, which group certainly seems to be in the ascendancy in central Australia, which appears to be more interested in confrontation with government than with securing the interests of their clients. That element could do considerable harm to the cause of land rights in the Northern Territory by polarising the issue in the community and by making essentially sympathetic people begin to doubt the entire workings of land rights. Territorians are well aware that assurances from the Commonwealth that no more than 10% of Territory land could be claimed under the act demonstrated only the naivety of our federal legislators.

Mr Speaker, before I finish talking about this particular claim, I should add that there is one Aboriginal group which is directly affected by

the decision. The group has established itself at Nooriddji, or Ooraddigee as it is identified on most maps. The leader of that group, which moved onto the land in 1977, Nelson Jabananga, has expressed concern that the government may evict people. This week, I sent an oral message by an officer to assure Nelson Jabananga and other leaders of the group that there was no intention of government to prevent them remaining where they are. Further, the government will find out what their requirements are and how they can be best accommodated on a needs basis.

Despite what some members opposite may tell people, confrontation is not a policy of this government. On the other hand, of course, we confront the problem of claims laid for stock routes and other public purpose land. This represents a problem to a government and a parliament with a responsibility to all sectors of the Territory population. I believe most Aboriginal pastoralists would not object to perpetual leases as opposed to inalienable freehold. In fact, many such pastoralists would see the latter as restricting their options in the future just as already there are higher income Aboriginals who are beginning to regret that the land on which they live cannot be used as collateral and the home that they build cannot be inherited by their children in their own right.

I have today and on many other occasions given my support to the principles of land rights, but I cannot help feeling that it will not be long before historians record that, in the final analysis, the 1976 Land Rights Act was with all the best intentions in the world the most restrictive and paternalistic piece of legislation ever to have hobbled the cause of the Aboriginal advancement. That is looking further into the future and is only relevant to this debate in making the point that, in time, the legislation will almost certainly undergo radical change to accommodate new circumstances and aspirations amongst Aboriginal landowners. In short, there is nothing sacred about any law; it must be changed to suit the people for whom it was made. I believe that, after 6 years of the act's operation, we have gained enough experience to judge the need for some adjustments that will be of more benefit to the various sectors of the Aboriginal community than to anyone else. I am certainly prepared to go to Galiwinku 'in a listening way', to quote from the letter. I hope all members of this Assembly are prepared to listen to the message that is coming in from our electorates: that people on all sides are worried and concerned that, if the land rights issue is allowed to drag on interminably, then it will do severe damage to the ability of black and white to coexist and cooperate in a future Northern Territory.

Mr Speaker, this Assembly has a duty to the total community to act in its best interests. I ask for the support of all honourable members.

Debate adjourned.

MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 273)

Bill presented and read a first time.

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

This bill proposes to amend section 6 of the Motor Accidents (Compensation) Act to ensure that Territory motorists are indemnified by the Territory Insurance Office against any third party claims whilst travelling interstate.

The purpose of this bill is to clarify the position of Territory motor vehicles being driven interstate. It has recently been drawn to our attention that the Territory Insurance Office could deny liability for interstate accidents and the nominal defendant or other authority in the other state would have to meet the costs of such claims and seek recovery from the owner driver of the vehicle. This was never the intention of the act and the Territory does not seek to avoid its obligations through the existence of a technical loophole.

I can assure all honourable members that the Territory Insurance Office, through its administrative discretion, has been accepting liability for Territory vehicles whilst interstate. Interstate vehicles in the Territory are similarly required to carry adequate cover from either a third-party insurer or equivalent scheme in their home state. I am introducing this as a matter of urgency so as to make it quite clear to interstate authorities that Territory vehicles are adequately indemnified whilst interstate. This is of particular importance during the Christmas period when there are a large number of vehicles interstate from the Northern Territory.

I commend the bill to honourable members and point out that an application has been made to you, Sir, for urgency for this particular piece of legislation during the course of these sittings because it is exclusively to correct a technical loophole which would cause severe disadvantage to a person who has paid a contribution to the no-fault insurance scheme in the Northern Territory yet finds that he could still be charged by a nominal defendant interstate for an accident that occurred with his vehicle.

Debate adjourned.

SOCCER FOOTBALL POOLS AMENDMENT BILL
(Serial 266)

Bill presented and read a first time.

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

The government initially provided for the running of the Soccer Pools game in the Territory by issue of a licence to Australian Soccer Pools Pty Ltd in August 1978. The game is now run in 5 states plus the ACT and the Northern Territory with a common pool. Initially, the game offered a colourful new facet to the gaming market and significant duty has been received by the participating governments with large returns to players. Over recent years, the gaming market has changed considerably and the Soccer Pools game suffered through its complicated structure when compared with the simpler lotto games and, more recently, the overwhelmingly successful instant games. Since 1980, the total return to all participants has declined dramatically and the pools game had to be revised if it was to continue as a viable gaming alternative for the Australian public.

A new game called '6 for 36 Pools' was devised by the company and, following consultation with all states, approval was given for the introduction of the new game from 6 September 1982. The Territory government was involved in the negotiating process and one of the conditions that was imposed upon the company was that it pay an increased rate of duty. The rate of 32.5% on subscriptions up to $100m per year and 35% on subscriptions in excess of $100m per year has been agreed to by all participating governments. It will be noted, Mr Speaker, that the lower rate - that is, 32.5% - is in line with that pertaining to the Northern Territory Sports Lotto game.

This bill provides the necessary change to the legislation and I commend it to honourable members.

Debate adjourned.

MOTION
Employment in the Northern Territory

Continued from 16 November 1982.

Ms D'ROZARIO (Sanderson): Mr Speaker, it gives me some pleasure to contribute to this debate and commend the Chief Minister for his statement yesterday. In listening to the Chief Minister deliver his statement, I must say I was extremely pleased to see that his speech writer had had recourse to the budget debate of last month. Indeed, many points that had been raised by members of the opposition in that debate were incorporated in the Chief Minister's statement on employment initiatives for school leavers. It is pleasing that, despite the fact that it came probably a month too late, some decisions have now been taken in respect of employment-creating opportunities.

As members will recall, there was a very lengthy debate on the budget last month and it is my view that the budget debate is the proper time to bring these concerns forward. I recollect that much of my contribution to the debate was about the problem of unemployment. On that occasion, I suggested some means whereby unemployment could be constrained and some techniques that would be available to the government in order to do so. My motive for doing so was the statement in the Treasurer's speech when he introduced the budget that a decision had been taken that there would be no specific schemes to increase employment but that the government was hopeful that the general measures that had been taken would provide sufficient employment opportunities for Territory people. As instanced by most budgets which have been brought down this year, we now see that it is not sufficient simply to take that attitude and that some specific measures have to be taken in order to quell the rising tide of unemployment which is occurring not only in the Territory but in the rest of Australia.

I see the honourable minister's statement as being very much in keeping with events that are happening in the rest of Australia with respect to the unemployment situation. When the federal Treasurer brought down his budget in August, he postulated that the number of unemployed would reach 450 000. Since that time, and even at the time we debated the Territory budget, unemployment had already crossed that threshold and, as I recall it, stood at 504 000 people. At the end of October, the number had risen to 546 000 and was becoming steadily worse with jobs being lost by the federal Treasurer's own admission, at the rate of 600 per day.

Mr Speaker, we now see on the federal scene a rather hurried and panicky move to call a Premiers Conference on 7 December in order to discuss this very question. I understand that the Chief Minister will be represented at this particular meeting and it is hoped that some consensus can be arrived at as to what could be done to maintain employment in Australia. The reason for this is that this particular problem is not one that can be handled in isolation by the Territory or various state governments, and the federal government has so far refused to see the problem. It now finds itself faced with a complete blow-out in its figures and has reacted rather belatedly.

As the honourable Chief Minister gave quite a bit of coverage in his statement yesterday to the national scene, perhaps I could also take up the points that he made and try to relate them to the Territory scene. We were

told that, at the end of October, unemployment reached 8.2% in Australia and that it was the worst in 40 years. Further, despite the assurances given by the honourable Minister for Employment, Mr Macphee, the honourable federal Treasurer, Mr John Howard, and others, we were told this figure was not likely to be turned unless specific policy instruments were directed to that end. The Cabinet's own economic advisers are reported to have informed the Cabinet that unemployment would reach 10% by mid-summer, which is very soon upon us. That report was on the front page of the Financial Review of Friday 12 November.

In that same issue, it was reported that a key adviser to the Prime Minister, Professor Clifford Walsh, had announced his resignation from the position, and not before time I imagine. Professor Walsh has seen the writing on the wall and decided to hasten back to academia which presumably would cause him less trouble. This report was prepared at the same time as the Australian Business magazine ran a major article on the chief advisers to the federal Cabinet. A very photogenic picture of the adviser to the Prime Minister appeared and the public was informed that this particular gentleman had been a key figure in the framing of this year's budget even to the exclusion of Treasury officials. So, we can only conclude that there are signs of panic on the federal scene. Rats are deserting the sinking ship and now federal and state ministers are getting together in order to do something about it.

Mr Speaker, the particular methods that were spoken about by the Chief Minister were discussed at some length by members of the opposition and, indeed, by some government members during the budget debate in the October sittings. One proposition which I put forward was that the capital works program be expanded. At the time, it was treated with some scorn by the Chief Minister. He informed us that, in fact, every available cent that was available to the government had been disposed of. Well, it now appears that there are several other people who also think that this should have been the way to go and we are told now by people who are genuinely concerned about the unemployment situation in Australia that that is one of the few policy weapons available to the government in order to stem the rising tide of unemployment. It has been estimated that, in order simply to maintain unemployment at its present level, which is unexpectedly high at 8.2%, at least a 2% increase in productivity is required. In order to reverse the trend, it is estimated that an increase of 6% in productivity would be required. That would be to turn back the trend which looks like hitting 10% in the next quarter.

Having been told that the proposal to expand the capital works budget was not a good one, I now find that the Chief Minister seems to have had a change of heart and I can only say that I thoroughly applaud this particular development. At the time I suggested to the government that the federal government be asked to accelerate certain of its commitments to the Territory. The 4 large ones that I recall I mentioned were the north-south railway, the bicentennial roads program, the defence facilities at Tindal and the construction of the civil terminal at Darwin Airport. I am very pleased to find a reference in the Chief Minister's statement yesterday that he is addressing at least 2 of those questions: the north-south railway and the defence facilities at Tindal. I gained a clear impression from the Chief Minister that he was also now attempting to get those 2 projects accelerated.

Mr Speaker, we were told in the Chief Minister's budget contribution that every cent had been disposed of but I am pleased to see that some money has been found for certain positive initiatives which are outlined and about which I would

now like to speak. We heard from the Chief Minister yesterday that most of the initiatives were to be oriented towards the acquisition of skills. This particular matter was canvassed at length. I do recall the honourable member for Nightcliff making quite a significant contribution to this particular issue in last month's sittings. I commend this proposal because I do believe that, whilst it will provide employment opportunities in the short term, they will not be sustained unless those people who are availing themselves of those opportunities are also collecting skills along the way. That is the only way in which their long-term prospects of employment will be improved.

Therefore, I was very pleased to see that the initiatives are heavily skills oriented and they are directed in the main towards apprenticeship training. There are a couple of things that the government has decided to do which the opposition heartily commends. One of the things that will be done is that the number of apprentices will be increased and the apprentices will not be taken into consideration for the purpose of determining staff ceilings. I think that is a most commendable proposal and will provide opportunities for school leavers in occupations which will enhance their skills for future employment.

Whilst I am talking about this particular proposal to increase apprenticeships, I must say that there has been brought to the attention of members of this Assembly over the last 2 years by the Master Builders Association a concern that there will be deficiencies in the skilled workforce unless certain actions are taken. The Master Builders Association has expressed its concern that there may actually be shortages of some types of skilled labour in the future. So I think that, by concentrating on apprenticeship intakes and giving incentives to people who employ apprentices, those proposals will be received, not only by the school leavers but also by their prospective employers.

Mr Speaker, another matter which was raised by the Chief Minister was in respect of a preferential system for tendering. This matter was covered also by the honourable Minister for Transport and Works in reply to a question that I asked him yesterday during question time on whether or not the local business preferential policy would in any way be altered. I must say that I agree that there must be some qualitative preferences given to local business rather than a simple quantitative one of being 5% within what otherwise would have been a successful tender. So I can only say that I hope that this particular method of giving preference to people who tender for public contracts if they employ apprentices should be supported by the community and by private business and should assist school leavers in obtaining jobs.

I was disappointed to hear the executive director of the Master Builders Association say that he thought only 20 such positions would be available in the Darwin area if this system came into force. I would have hoped that the system would be more readily taken up and that a larger number than that would be available.

Mr Speaker, we also heard from the Chief Minister that Cabinet had agreed to the introduction of an urban beautification program for Territory centres. Members will recall that this method was resorted to in February 1980 when the government brought in its mini-budget. Again, I spoke in the budget debate on that and commended it then as I do now. One of the points that has been mentioned with respect to this particular type of project is that the unemployed tend not to respond because it is not only shortlived but they know it has been specifically created for the purpose of providing temporary unemployment relief. I would hope that this particular program

will be implemented in the manner that a number of other programs are being implemented and that apprentices in horticulture would also be permitted to partake in it thereby creating a long-term solution rather than simply providing temporary relief.

We heard from the honourable Chief Minister that one of the constraints upon the growth of jobs was the wage demands of some of the workers who remained in employment. We have heard a lot about this in the last few days, probably as a consequence of the federal government suggesting to the states that they constrain the wage increases of their own employees. The federal government has suggested that people in public employment should be prepared to moderate their wage demands and somehow or other this will flow through to the private sector. The facts are that this is unlikely to happen. Not only is it unlikely to happen but the basis on which it is put is really quite erroneous. We have heard that, whilst productivity has been zero, wage increases have been 18%. I would dispute that figure of 18%; it is about 13% in the source that the Chief Minister used himself. One of the reasons why wage demands are made is because of the rising cost of living. The Chief Minister would be well aware that, in the period that he mentioned, June to June, the 13% wage increase almost perfectly matched the inflation rate. So it is not simply a question of workers making unreasonable demands; it is a question of workers trying to offset the effects of inflation and it is directly as a result of the Fraser government's policy of trying to fight inflation first and leaving unemployment to care for itself that this situation has arisen. Now, rather belatedly, the Prime Minister and his advisers are running around telling everyone that persons in public employment should be prepared to make wage sacrifices in order to reverse the consequence of his policies.

Mr Speaker, in closing,may I say that I look forward to all employers taking up the initiatives that have been outlined in this statemen by the minister. I also look forward to a more positive role being played by the Industries Training Commission. One of the problems,as I see it,is that the Industries Training Commission has given very little direction to employers as to what types of employees are available. On the other hand, it has also given very little information to prospective employees, such as school leaver, as to what the demand for labour would be in particular areas. Hence, those people have not been able to take the education options available to them in order to obtain employment later. When the discussion took place on the introduction of the Industries Training Commission Bill, I rather gathered that it would undertake some serious manpower planning. I acknowledge that that particular commission has only been in operation for 3 or 4 years but I still think that, because of changing labour markets, it should have contributed a bit more not only to employers but also to prospective employees.

Mrs LAWRIE (Nightcliff): Mr Speaker, with this statement on unemployment, we find that Cabinet has made a dramatic about-face in the space of one month, even as to the number of school leavers. During the budget debate on Tuesday 12 October, I mentioned a figure of 1000 school leavers. The following day, the Minister for Transport and Works said that the figure would not be as high as 1000 and that it would probably be 800 or only 700. After the investigations have been carried out for the Chief Minister, the figure is now put at 1200. The government has decided to do its homework.

Mr Speaker, also in that debate, I outlined to the Assembly the dramatic decrease for 1983 in the projected intake of apprentices in government departments. I spoke of the Department of Transport and Works and NTEC. I shall read those figures again. They are for first year intake apprentices. They

are not cumulative and relate to the Department of Transport and Works. In 1977, that department had 10 apprentices; in 1978, it had 17; in 1979, it had 25 - remember this is intake; in 1980, it had 20; in 1981, it had 30; and this year, it had 15 - the intake was halved. Until now, the 1983 intake was expected to take only 6 in Darwin and 6 to 9 throughout the Territory.

In his reply to my remarks, the Minister for Transport and Works did not find much wrong with that and said things must be looked at as a whole and private industry had its part to play - and no one has ever suggested it does not. But now the Chief Minister has stated clearly that government departments will increase their intake, and for that I am truly thankful as, I am sure, are the school leavers. I agree with the honourable member for Sanderson and the Chief Minister that, in job creation, particularly in relation to school leavers, it is important to impart trade skills to people so they will continue to be productive members of society.

Mr Speaker, honourable members may be aware that it is a sad fact that, at Christmas time, there are likely to be 20 apprentices, whose indentures have been cancelled, seeking other masters. The reason for the cancellation of their indentures is that their present masters are going out of business in the Territory. Some have gone broke and others have decided to wind their businesses up and go south while they can. That is a commercial decision for them to make, although in many cases I think it is the wrong decision, and I am sure the Chief Minister agrees. Nevertheless, those firms are going south and local apprentices are in the unhappy position of trying to find other masters to take them on mid-indenture.

It is not the policy of the Industries Training Commission to attempt to do this for them. I ask whether the Minister for Community Development would institute a policy within that organisation to enable it to assist, officially, any apprentice who loses his indentures through no fault of his own. At the moment, the apprentices are told simply to try to find another master. Notwithstanding that official policy, there are people within ITC who go out of their way to try and identify likely employers of those people who are really left high and dry halfway through a trade course.

I welcome the initiatives in this document, but they are a couple of months overdue and I am afraid that, in some cases, we are shutting the stable door after the horse has bolted. One month ago, on 12 October, I put forward a positive suggestion for alleviating the plight of these school leavers. I suggested to the government that it look at a tendering system which had a preference for local firms engaging local apprentices and training them. Again, the honourable Minister for Transport and Works decided that that would not work. He said that, if we start to impose preferential clauses on the types of people who are going to be able to tender for the various jobs, we will get ourselves into a bigger mess than we are already in. It is always refreshing to hear the honest words of the honourable Minister for Transport and Works. That is what he said a month ago: that he could not see any merit in my stand and it was likely to be even messier. The Treasurer agreed with him.

I am pleased to see that the Chief Minister apparently feels that the government has the capacity to overcome these difficulties, that it will not lead them into a greater mess and that, hopefully, it may lead to greater local employment for young Territorians. However, I did say I thought we were

shutting the stable door after the horse had bolted. Recently, 3 very large contracts were let: the Berrimah Police Station, the Darwin Performing Arts Centre and the Marrara Sports Complex. Honourable members will be aware that each contract is split into two: one is for the building and the other is the mechanical contract. It is in this mechanical contract that we see the large employment of tradesmen, particularly sheet metal workers, electrical fitting mechanics, refrigeration and airconditioning mechanics and boilermaker welders - both in the electrical and metal trades. Unfortunately, without any preferential system and without any clear advice from government, the Marrara Sports Complex went to a southern firm, McNeice. It tendered $400 000 for the mechanical contract and was awarded it. A local firm tendered $440 000 and missed out. That difference of $40 000 was supposedly saved by giving it to the southern firm which will be flying in labour and will not be using local people.

However, my advice is that more than $40 000 is being spent on an advertising program to promote the Industries Training Commission and the Darwin Community College trade courses. So we are spending a larger amount to promote those 2 organisations, both of which have my approval, than we would have spent actually to employ apprentices on those jobs had the contracts gone to local firms.

For the Darwin Performing Arts Centre, there were 9 tenders, 4 of which were from within the Northern Territory. The mechanical contract went to a Melbourne firm. There will be no great spin-off within the Territory. I mentioned the Marrara Sports Complex and the Berrimah Police Station that went to the same firm: McNeice. The locals have missed out again. McNeice, I believe, comes from Brisbane. For the 3 big contracts that will be completed over the next couple of years, the mechanical side - which employs the tradesmen - has gone to southern firms. The Darwin Performing Arts Centre, in fact, will be a 3-year job and it would have been good if the majority of that work had gone to local firms employing and training local people.

Mr Speaker, I note in the minister's statement the raising of the number of apprenticeships. That is an excellent initiative. The Chief Minister announced extra funding to the Industries Training Commission for special advertising to draw the attention of employers to the availability of funds from the Commonwealth Employment Service. I have not found one employer who does not know of the availability of those funds. In fact, the ITC, on its present budget, has done an excellent job, as have the Careers Reference Centre and a variety of other organisations, in bringing to the attention of employers the quite substantial benefits which are available to businesses if they employ apprentices. I do not think we need the extra funding for further advertising. Every employer whom I know of is well aware of it. The money spent on that advertising would have been better spent in taking up the difference between contracts so that local firms could have gained the contracts and then employed apprentices. It is not much good advertising the advantages to a firm that has no work. That is what is happening, particularly in the electrical and metal trades at the moment. The local firms do not have the work. You can advertise the benefits of taking on staff until you are blue in the face but, if firms have no work, they cannot take apprentices on.

It is very poor staff-training policy to take on young trade apprentices and then employ them doing odd jobs which are not related to their trade. Many firms have had to do that lately. They do not like it and neither do the apprentices, particularly electrical fitting mechanics - the budding electricians. I know several of them who, for the past 3 months, have been

sweeping, painting and doing odd jobs around their master's home and workshop - anything. Unfortunately, none of those odd jobs contributes one bit to their trade training. But one cannot blame the master. At least he is retaining his apprentice, paying his wages, ensuring he goes to his block release at the Darwin Community College, hanging on and hoping against hope that he will get a few contracts soon and get back to the normal business of trade training.

Mr Speaker, all government Cabinet ministers must be aware that I speak the truth because they have the means to check through ITC, through employment agencies and through the Master Builders Association everything I have said. If they want from me privately the names of firms which are wrapping up, putting their houses on the market and going south, I will supply them. I will not do it here because it is probably even more unfair to have those firms named in Hansard. It is not their fault; they just do not have the business. They are in fact cutting each other's throats at the moment, dropping prices, simply trying to get some work to keep their firms operational and their staff in training.

Mr Speaker, whilst I welcome unreservedly the statement of the Chief Minister for a preferential tendering system, and for doing all the government can - and that is a considerable amount - to boost apprenticeships and promote tourism and other industries which can be large employers, I would respectfully suggest that money earmarked for advertising to explain the benefits of employing apprentices to private industry is not really needed. The government is well aware most firms have at least one apprentice anyway and therefore know of the benefits and the subsidies that can be received. To my knowledge, they would like to take on more apprentices, if only it were possible to get a little work to keep them going.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to support the motion by the Chief Minister in relation to employment and employment prospects as they do or do not exist at the moment. I would like to preface my remarks by looking at an overview of the situation. I believe, and I say this with some regret, that people in this country have worked very hard to get into the mess they are in at the moment. It has taken a concerted effort by quite a number of people. I am not laying the blame on anybody but, certainly, people on all sides of our political spectrum, business community and labour market can share some of the blame for it.

I think it is very interesting to compare outselves with a couple of our neighbouring countries. If we consider Japan, 40 years ago it was recovering from the devastation of war. Over a period of time, through hard work and good business sense, it has built up a country that is very prosperous by any standards. I believe that, next year, the standard of living in Japan for the average citizen will pass the standard of living of the average Australian. That is not a bad sort of a feat given that it is a country that has very few natural resources. Favourably or unfavourably, we could also compare ourselves with South Korea. In effect, that country has been at war since 1951. While much of the physical war is over, there is no doubt that a cold war is continuing in that country every day to a degree that there are air raid warnings and practices twice a week. These are organised at the highest government level and apply to everybody in the community. Despite all this, it has built up a thriving community through hard work and effort, and it has very little in the way of natural resources.

Against that background, our own country, which is not overcrowded in any sense and which certainly has an abundance of natural materials, continues to slip slowly down the scale. For that we can thank ourselves to a great degree. I am of the view that the plight that Australia is in now is one that it has talked itself into and one that it can solve itself if it puts its mind to it as a total community. I believe that the Northern Territory has a couple of options: it can join the states in feeling sorry for itself or it can get on with the job of looking outwards and finding creative ways of providing employment for those people who so desperately need and want it. That is the challenge that lies before us as legislators: to assist that to happen.

The other very important point is that we are the greatest importers of unemployment in this country. There is no doubt in my mind that people in the states regard the Northern Territory as a place of development, growth, prosperity and opportunity. There are many thousands of people coming into the Northern Territory each month looking for a job because they know they will not get one where they came from. Their prospects are not good and they do not have a great deal of hope but they do have the gumption to buy a ticket or get in their car and drive north in the hope that what is going on up here can provide a piece of action for them.

Mr Speaker, I do not see that situation changing. Our position is very good compared with other parts of Australia and we will be looked upon whether we like it or not as a land of opportunity for people who want to have a go. For that reason, I believe that we will continue to import unemployment from the other states. That just makes our challenge greater and it is one that we ought to meet. I think about it and I see various options. We can wallow in our misery and blame others. We could print money and create deficits. We could create schemes for which we do not have money. We could organise and be participants in wage and cost freezes and we could do a range of other short-term things which might provide immediate relief for a small number but which, in the long term, would have to be financed out of the public purse. The other option I see is for us to be more positive and aggressive in a manner that I will now try and highlight. The difficulty with this proposal is that we are talking about programs and possibilities that will provide jobs down the line and not now, in the New Year or even in the middle of next year.

Mr Speaker, we have an opportunity to continue to encourage entrepreneurs to come to the Northern Territory to take up activities and opportunities that they see as exciting and ones that they are prepared to put their money into for the future. That possibly is very real because we have mechanisms for attracting these people and we certainly have activities here that appeal to them. We can continue to encourage the inflow of capital from overseas, and it is no secret that many Northern Territory projects are financed with foreign money. It never ceases to amaze me that Australian investors who come to the Northern Territory want their deals rolled in gold and government guaranteed while people from other parts of the world do not see a need for that and are prepared to have a go here. That opportunity to create and introduce wealth to the Territory is one that we should be working hard at.

Also, we have to become more efficient and competitive. At the risk of labouring the point I made a moment ago, compared with our northern neighbours, we are not efficient and we are not very competitive and that is why we are sliding down the scale. We have an opportunity to encourage new large-scale industries and concomitant diversification. These industries will promote jobs. We also have the opportunity to expand some of our existing industries. In some cases, that expansion is long term whilst, in other cases, it is very small and would only provide for few jobs in the immediate term.

Mr Speaker, the honourable members on both sides have so far canvassed the apprenticeship scheme, job creation, preferential tendering and local preference tendering. I accept that all of those things will provide immediate short-term assistance for a few people and that we should be embarking on those programs in a constructive way. But I see the real opportunity is there to provide employment that will last for years and even generations.

The honourable members opposite referred to the apprenticeship programs of the Department of Transport and Works and NTEC. I believe the member for Nightcliff was critical of the intake of apprentices in these areas. It is very much the same in the Department of Health. We can take in any number of people but we reach a point where we must say to them: 'We regret that, when we phoned you, there was not a job opportunity for you'. That is one of the things that we must address in expanding these programs. We are creating tomorrow's difficulty in that we do not have employment for the people whom we have trained. That can be as unfair as the present situation.

Mr Speaker, another difficulty that we have, and it is a very real one, is that there are many struggling businesses down south which see the Northern Territory as a land of opportunity. They are coming over the border and, in many cases, are prepared to bid for jobs on the basis that they will lose large amounts of money. They are prepared to do that rather than see their workforce and construction teams disbanded and plant and equipment sold up. We cannot turn our backs on the fact that southern businesses are prepared to accept great financial loss to keep their teams intact and to do work in the Northern Territory. In some cases it is not possible to support the local bloke because the southern firms are prepared to lose 6-figure sums on a contract just to maintain a cash flow and their workforce until the slump ends.

Mr Speaker, I am very much in favour of supporting local tenderers rather than interstate tenderers but, when tenders from interstate are way below any tender that is offered in the Northern Territory, we must consider our responsibility to the taxpayers. There is the dilemma.

I will touch on a few projects that I think are worthy of mention today because they offer job opportunities. Some of them are in the very early stages of planning but should not be dismissed out of hand because, in the course of time, they will produce results. The meatworks contribution to the Northern Territory economy is quite substantial and the impact of the meatworks in my own town of Tennant Creek is without doubt quite significant. Its early closure this year caused a great deal of trauma, and that is well known to members. One of the options and challenges for us to take up is to kill not just for 40 weeks or 48 weeks of the year but for the whole year round, which would extend the working year of the people who rely on the meatworks for their living. That possibility means rethinking the ways we transport stock in the Northern Territory. But, if that is the challenge before us, I believe we should take it up.

One possibility that has been put to me, and I think it is a very real one, is that some of our northern neighbours are interested in a halal kill works in the Northern Territory. We should consider a cannery to supply the halal kill to the 600 million Moslems in the world who want their meat killed in that way. I regard that sort of project as a very important one for the Northern Territory, particularly for towns like Tennant Creek, Katherine and Alice Springs.

Another prospect is the consideration of horse meat export. The Minister for Primary Production has instigated a study on this project. It turns out that the traditional suppliers for the Japanese market have problems with

foot and mouth disease in their countries. The Japanese are shopping around for alternative suppliers. Given that the Indian Army remount program was supplied from the Northern Territory in the early 1930s, it is not an impossible proposition at all that we could become horse meat exporters to a market like Japan where horse meat in fact brings a better price than beef. Even though the market is not as big as beef, it certainly is one that we should be looking at.

Mr Speaker, I am one of the advocates of the expansion of the tourism program in the sense that the tourist industry is the most manpower intensive industry in the Territory. It offers more job opportunities for Territorians than any other industry simply because there is no limit to the number of tourists that we can pump through here. There will be a limit to the number of pounds of uranium we sell, the ounces of gold we mine and the aluminium that we mine, but there is no limit to the number of people we can bring through the Northern Territory. Continued expansion in that area will mean the creation of more jobs.

Mr Speaker, it is not all gloom and doom. We do have some projects in the pipeline that will create a considerable number of jobs, some in the construction phase and others during the operational phase. The announcement by the Minister for Transport and Works of the NTEC pipeline contract in the southern end is but one. The development of the Yulara Tourist Village will create great employment opportunities. The concept of sending Centralian gas to South Australia is gaining momentum daily and will come to pass in the course of time. It will be a reasonably big project which will provide employment. The refinery for Alice Springs is not that far away. All the projects that I have mentioned so far will provide employment opportunities.

The continuation of our oil exploration program will also provide employment. Oil exploration programs are drying up all over the country but ours is being maintained at a steady level which we hope will continue, particularly onshore. It is my belief that at least another 50 holes must be drilled in the Centralian area in the next 2 years. That will provide employment for a number of people and the spin-off to industry will be quite good.

There is also the prospect of the Granites mine coming into production in the next 12 to 18 months as a result of an agreement being reached now between Flinders Mines and the traditional owners in central Australia. The Peko group is re-examining its future with Explorer 46 in the Centre. Again, the lead time for developing those is considerable but the continued employment prospects there are quite good if we can get them off the ground. I believe that we can. I reiterate my belief that both Jabiluka and Koongarra will proceed in the next 12 to 18 months and that the opportunity for employment there is very important and should be sustained.

Mr Speaker, just to recap for a moment, the Ranger, Nabarlek, Jabiluka and Koongarra projects will provide between them about 2300 jobs for people in the construction phase and a further 1400 to 1500 in the operation phase when they all come on stream. That is a considerable number of jobs. I believe that we, as a community, should be supporting on a bipartisan basis the provision of that employment. Those jobs do not include the spin-off work to other members of the community. I am still of the view that we should be pressing very hard for the establishment of a hexafluoride enrichment industry in the Northern Territory. In the long term those industries together would provide about 1000 jobs.

I think that we have to set aside some of our beliefs and prejudices and work together to ensure that jobs become available. I have had a tilt from time to time at the Leader of the Opposition - and I am not going to do it today - about the fact that he supports a uranium policy that prevents jobs but, on the other hand, talks about job-creation schemes. All I would say to him today is that I think the time has come for us to rise above all of this and have a common goal to create as many jobs as we can in any industry, whether it is uranium or whatever, for as many people as possible. Surely, as responsible members of the community, which we are supposed to be, that is the line that we ought to take. I say to the honourable member that, if he wants to approach the uranium industry in a bipartisan manner, I would be grateful to have him on board as a supporter. I do not think that the Northern Territory obtains any particular kudos from our Assembly being divided over an issue that is so important to us. I believe we ought to get on with the job of creating jobs.

Mr Speaker, in conclusion, I would like to say that our great challenge is to stop talking ourselves into a recession and to get on with the job of creating wealth that can be spread by people working in jobs.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I think that the entire community at times despairs of politicians but there is one small sector of the community that must particularly despair of politicians - the statisticians. The Chief Minister's statement yesterday on employment was a perfect example of how, for their own purposes, politicians can grossly and deliberately misuse statistics to paint an unreal picture of the situation. It must be to the despair of the people who put them together.

The honourable member for Sanderson and the honourable member for Nightcliff both very adequately covered the point that I will now dwell on. That is that we are pleased to support the statement of the Chief Minister in respect of employment for school leavers in that a great many of the initiatives that have now been enunciated by the government were those very initiatives that were put forward in the budget debate by the honourable member for Nightcliff and, in particular, by the honourable member for Sanderson. At the time, the government, and a number of ministers in particular, poured scorn on these initiatives. We are perfectly happy to see such a complete turn around in the space of 4 weeks, and we are pleased to give our support to the initiatives that have been announced. However, the Chief Minister did make some considerable use of statistics during his speech. They were, in fact, misused and have painted a completely false picture of the position in the Northern Territory. I would like to quote from the statistics in the Department of Social Security Bulletin for October 1982. I quote directly from the document:

> *Unemployed, sickness and special benefits. Since figures shown in the last bulletin for 25.6.82, unemployment figures for the NT have increased considerably. From 25.6.82 to 29.10.82, the number of unemployed has risen from 5360 to 6599 which is an increase of 1239 or 23.1%. From the end of February to the end of June, the increase in unemployment benefits for the Northern Territory was 458 or 9.3%. As can be seen from the graph and table showing unemployment, sickness and special benefits, the main increases over the period from June to October 1982 have been experienced in the Darwin and Casuarina regional offices with 25.7% and 51.4% respectively.*

Mr Speaker, I do welcome the actions of the Territory government in attempting to maximise the number of job opportunities that will be available to this year's school leavers. I agree with the Chief Minister that concern

about the high level of unemployment is now a major issue. In fact, this is quite an understatement as unemployment is now beginning to break down the very fabric of the Australian community. It would be foolish to pretend that things are not going to get worse. I would also agree with the Chief Minister when he says that the main initiatives for a recovery from this position rest with the Commonwealth government because it controls most of the policy, the weapons and the resources needed to do the job. It has, in fact, had these policy weapons and these resources since 1975 but we are in 1982 with the economy all but out of control.

The reason for our present position is therefore largely the result of the economic management of the federal government. After 7 years of this government, and its fight-inflation-first policy and all will be well, we have an inflation rate of 12.3% and an unemployment rate nationally of 8.3% and growing. The government's management has led to a massive loss of jobs in heavy and manufacturing industries. What we are now witnessing is the de-industrialisation of Australia.

It is all very well to talk of restructuring the Australian manufacturing sector to provide opportunities for new and viable industries. Such a line of argument is supportable and has been put by both sides of this Assembly at various times in relation to the costs that this unnecessary protection places on the Territory economy. But as a result of the policies and economic management of the Fraser government, many modern and previously viable industries are collapsing around us. It is not just the ones that are weak and ill-managed.

That basically ends my support of the statement made by the Chief Minister in the Assembly yesterday. The Chief Minister told the Assembly that the Northern Territory had well and truly outgunned the rest of Australia in terms of employment growth. He said that, over the period of the financial year 1981-82, there had been no growth at all in the number of people employed in Australia. He said that the states of New South Wales, Victoria, South Australia and Tasmania had in fact recorded a decline in the level of employment over that period. We were told that Queensland recorded an increase of 2.4% in the number of people employed while the remaining state of Western Australia experienced an increase of 1%. In contrast, he said the Territory recorded a massive increase in employment in the order of 11.3%. He dwelt at some length on that.

The Chief Minister gave as the source of his figures the Australian Bulletin of Labour. That is this little blue document which I also get. In fact, the source of the statistics that the Chief Minister was quoting from was the Australian Bureau of Statistics publication, the Labour Force Australia, catalogue number 6203. The 11.3% was a very impressive figure to say the least, but it is worth taking a look at another 12-month period of employment creation in the Northern Territoty using precisely the same source of data as the Chief Minister but bringing it a little more up to date. The Chief Minister used the figures June 1981 to June 1982. I used the same source of statistical information for the 12-month period September 1981 to September this year. Over that period, and I quote from the same data as the Chief Minister, the numbers employed in Australia as a whole declined by 0.8%. Employment levels in the states of New South Wales, Victoria, South Australia and Tasmania all declined. In contrast, the numbers employed in Queensland increased by 1.1% and, in Western Australia, by 2.2%. But what of the Northern Territory, which had experienced an 11.3% growth in employment over the year to June 1982? We find from the same source that the later figures

for the year September to September give the Territory an increase in employment of 1.7%. If that is not a carefully selective and misleading use of statistics, I have never seen the like of it.

According to the same source of statistics used by the Chief Minister, the Australian Bulletin of Labour, the Northern Territory is in rapid decline. If you examine the figures more closely, the picture becomes even bleaker. In September of last year there were, according to the ABS Labour Force Bulletin, 60 400 people employed in the Northern Territory. In December, 3 months later, the same source said there were 56 400 people employed in the Northern Territory indicating a loss, in statistical terms, of 4000 jobs in 12 weeks. Mr Speaker, we must have been devastated by losing 7% of our employees to the dole queue in just 3 months. I simply use those statistics from the same source as the Chief Minister to indicate just how misleading the bald use of statistics can be.

It makes what has been happening down south pale into insignificance. The source of information that the Chief Minister drew upon to measure the rate of job creation in the Territory is based on a national survey which, in a small sample like the Territory, is obviously subject to wide variation. That is precisely the point I want to make. Unlike any other state in Australia, according to the last census, we have a total population of 127 000 people. So, unlike the larger and more stable states in terms of population, our statistics are subject to this incredibly wide variation and, therefore, it is totally false and misleading to use them in the way the Chief Minister has. I would suspect that we are doing a little better than the rest of Australia but there is a need to paint a realistic picture of our position.

The Chief Minister then went on in his speech to inform the Assembly that this 11.3% growth in Territory employment was remarkable given that our workforce participation rate was 10% higher than the Australian average figure. Indeed, he dwelt on statistics. He suggested that this indicated that the Territory had the lowest proportion of discouraged workers in Australia. Again, the Chief Minister has shown himself either to be quite uninformed or to quite deliberately misuse statistics. According to the Bureau of Statistics, the labour force participation rate is the labour force expressed as a percentage of the civilian population aged 15 years and over. As all members would be aware, the population in the Northern Territory is concentrated in younger age groups than is the case nationally. A reference to the Australian Year Book would indicate that very quickly. Therefore, it is obvious that, because of our young population, more people will be in the labour force than nationally. Basically, we do not have as many old people in the Northern Territory as in the other states.

We were also told yesterday that it was painfully obvious why unemployment was rising in Australia. Productivity was stagnating and wage increases were outstripping the cost of living. The Chief Minister said that wages were increasing at 18% per annum. But again, a closer look is required at these bald figures which were thrown around so carelessly by the Chief Minister. According to the Australian Bulletin of Labour - the data source extensively used in the speech by the Chief Minister - average weekly earnings increased by 17.4% over the year 1981-82 but award wages increased by only 11.7%. Hourly wages increased by 13% over the same period. It is a very selective use of statistics. The discrepancy therefore between the 2 award figures can be accounted for by the introduction of a 38-hour week in the metal and the building and construction industries. The difference between these 2 figures

and average weekly earnings can largely be explained by changes in the composition of the employed workforce.

During the labour-shedding phase of a recession, the condition we are now experiencing in Australia, the rising numbers of unemployed tend to be - and this is not startling information - less experienced, less skilled, less mature and less well paid than the ones who stay employed. While the workforce contracts to fewer and higher-paid workers, without any rise at all in wages, average weekly earnings will record an increase. To use average weekly earnings as a measure of the increase in the level of wages is, therefore, a hopeless indicator given the current state of the economy. I am sure the Chief Minister knows that.

The Chief Minister should rely a little less on headlines in newspapers as a source of information and use these same statistics in a more responsible way. The Institute of Labour Studies again suggests that the rise in wages has been in the order of 13% rather than the Chief Minister's 18%. It is the same data that he is using. We have an inflation rate of 12.3% nationally, and 13% in the Northern Territory. That would suggest to me that there has been little increase in real wages over the last 12 months rather than the Chief Minister's claim about wages outstripping the cost of living. Why doesn't the Chief Minister ask the people who call him on talk-back radio how rapidly their incomes are moving ahead of the cost of living? Ask them how much income tax they pay as a result of any wage increase they may in fact receive and a very different picture of the situation will emerge.

Mr Speaker, the Chief Minister pointed to wages as the reason for the loss of our competitive position in the international marketplace. Again, we only received part of the story. Our competitive position has been eroded because of our high rate of inflation relative to that of our trading partners. You do not have to be a smart economist to work that out. Certainly, the Commonwealth government has made a significant contribution to that state of affairs. I refer, of course, to the decision of the Fraser government to introduce substantial increases in taxes and charges. The last federal budget provided for more than $1000m worth of additional indirect taxes, many of which are still in the pipeline. These increases of federal charges and taxes alone contribute in the order of 2% to the inflation rate.

The second upward pressure on the CPI will result from the proposed increase in the price of petrol on 1 January 1983 under the government's crude oil levy scheme. Following the progressive devaluation of the Australian dollar over the past couple of months, involuntarily I might add, the January price adjustment is expected to raise an extra $210m from Australian motorists. This is on top of the estimated $3200m from existing petrol taxes in the last budget.

Mr Speaker, the Territory indeed has a major problem with unemployment. The Chief Minister tells us that we are still booming along and that anyone who says otherwise is anti-development. He also tells us that it is principally the fault of the workers that we are in trouble because they are madly bidding up wages, that workers' incomes are now well and truly outstripping the cost of living and that it is the fault of the employees that Australian products are no longer competitive overseas. The Chief Minister has been shown to be either half-wrong or completely wrong in most of what he told this Assembly yesterday in what was an irresponsible and deliberate misuse of statistics that are available to anyone - his was a very selective use of them indeed. We have an unemployment problem in the

Northern Territory. We may have some modest growth in employment, but it is not 11.3%. From the June to June figures that he used, it is 11.3% and, from the September to September figures from the same information, it is 1.7%. Because of our small population, there are those wide variations. It is unreal to use statistics in that way. Certainly, we are not in the position where increased wages in the Territory are easily outstripping the cost of living. From the same data source, there has been a wage increase nationally of 12.3% and an inflation rate in the Northern Territory of 13%. It is about time the Chief Minister spent a little time in his own backyard in the Northern Territory and found out what is really going on here.

Mr DONDAS (Transport and Works): Mr Speaker, I would like to pick up the point the honourable member for Nightcliff made earlier this morning. At the last sittings of the Assembly in October, I made a statement to the effect that the Department of Transport and Works was endeavouring to institute new procedures to allow apprentices, especially first-year apprentices, to be trained by the government and indentured to local private enterprise at a later stage. It is a very expensive process to try to fit out and pay a first-year apprentice. That was the start of it. At the same time, I did say that I thought that there would be about 800 school leavers coming out at the end of this school year. Of course, the honourable member for Nightcliff has thrown it right back at me today because the statistics show that about 1200 will come out of the 1982 school year. If the honourable member had continued to read the copious notes that she used this morning, she would have seen that I had said that, about the end of October or early November, statistics on the number of school leavers are provided by the Department of Education.

Yesterday, the honourable Chief Minister referred to Year 10. I would not have thought that too many parents would allow their children to leave in Year 10 if there were no extenuating circumstances. But the point is that, this year, 193 Year 10 students are contemplating leaving school. That is in Alice Springs and Darwin alone. In Year 11, out of the overall figure of 956, 473 students in Darwin and 140 in Alice Springs intend to leave. That is surprising.

Mr Speaker, when I think of school leavers, for some strange reason I think of Year 12. I always try and combine a portion of Year 11 with year 12 to arrive at a reasonable figure of the number we can expect to place in the workforce. In Year 12, there are only 316 students leaving Darwin high schools. But with all those figures, we are still not sure how many will continue their education in other parts of Australia or will be transferred with their parents. There are so many variables. When I look at the 800 figure, I wonder what the final figure will be next February when school enrolments are made public.

It is important that the government has taken this initiative and has expressed its concern. The honourable member for Nightcliff acknowledged today that we are looking at the problem of school leavers coming into the workforce. Of course, there are certain areas that I said needed attention. After the Chief Minister's statement yesterday, the honourable member for Nightcliff should be happy that we will change tender procedures which will mean that people who employ apprentices will have more chance of winning contracts.

The important thing is that, at the time I made that announcement, I thought that we would be getting ourselves into more problems by tying up nominated subcontractors by requiring them to employ apprentices whilst we operated under the existing tender procedures. We would have found ourselves

in all kinds of trouble. The government acknowledged that and has looked at the various procedures. It has now amended those procedures to allow the initiatives it has taken to have effect.

The member for Nightcliff made reference to interstate firms coming into the Northern Territory and winning contracts. We cannot stop new firms tendering for jobs in the Northern Territory no more than we can stop the unemployed from Victoria or New South Wales coming into the Territory and looking for work. The member for Nightcliff made great play about a firm called NcNeice. McNeice did win a contract. It won part of 3 contracts. The first contract was for part of the police complex at Berrimah. What the member for Nightcliff did not say was that its tender was $200 000 cheaper than any of the other tenders. What the member for Nightcliff did not say about the other contract, the Performing Arts Centre, was that the tender was $100 000 cheaper than the other tenders. So, in 2 particular jobs, an amount of $300 000 was involved. When we talk about the Marrara complex, we awarded a contract to PDC Constructions for over $2.7m. That company nominated McNeice as one of its subcontractors. The Northern Territory government did not have anything to say about it because PDC won the contract. The member for Nightcliff said the difference between the 2 jobs is $40 000. That means that the main contractor saved $40 000 which, in turn, meant we saved $40 000. In 2 contracts, the Berrimah complex and the Performing Arts Centre, $300 000 was saved. That $300 000 can go to other jobs. The member for Nightcliff did not mention that.

Mr Speaker, I will give the Assembly some indication of what the Department of Transport and Works will do in regard to the initiatives taken by the government. The department is looking at the various aspects of training and taking additional apprentices this year. In October I said that the intake was restricted because of the staff allocations of the department. But one of the initiatives taken by the government is to remove those staff allocations in respect of apprentices. That will certainly help school leavers wishing to join the workforce. We are looking at identifying other areas where employment can be provided for unskilled school leavers. Nobody has spoken about the unskilled school leavers. Not all of them will gain their matriculation and not all of them will pass their final year exams. But employment must be provided for them and the department is examining how to provide it, perhaps through manual work such as cleaning the roadsides, painting bridges, painting buildings etc.

The Chief Minister advised that we were examining a preferential tender system for contractors who employ apprentices. Mr Speaker, I certainly applaud that. In fact, in Cabinet my colleagues certainly respected the desire to vary the process. The position 2 months ago was that a person who put in for a job won the job on his price, irrespective of whether he employed apprentices or not. In fact, I had a tender from a firm which employed 4 or 5 apprentices. It put in for a job and missed out by several thousand dollars, even taking into consideration the 5% preference. It lost the job to a person who had not been in Darwin very long; he was almost operating out of the back of a truck. Nevertheless, under the system that we had then, that particular person, provided he had the technical expertise, won the contract irrespective of whether he had apprentices or not. The government realised the particular problem and has taken measures to overcome it so that people who do employ a large number of apprentices can be considered.

We will be making another move which very few people have heard of, not even my Cabinet colleagues although I believe they will support it. We spend about $3.5m on engineering consultants. The department will request that those consultants take on trainees. If they are attempting to win government contracts, they should be taking on trainee draughtsmen.

In September, the Department of Transport and Works advertised a preferential system for base grade positions. I believe that, with the initiatives now being taken by the government, there will be some hope for school leavers not only to join the Department of Transport and Works but other government departments which will follow the initiatives that we are taking.

We are concerned and we always have been concerned. If we do not take some steps towards trying to implement new procedures and initiatives, then I believe the members of this Legislative Assembly will not be doing their jobs. As I said in October, every year we are faced with the prospect of trying to place school leavers. In this particular year, with the downturn in the economy, the problem will be further exacerbated. I believe that the initiatives now being taken to try to alleviate some of the concern that school leavers have will certainly be welcomed by them.

Mr EVERINGHAM: (Chief Minister): Mr Speaker, the unusually vitriolic attack by the Leader of the Opposition upon me for making a statement in respect of employment of school leavers is perhaps something that I should learn to accept. He accused me of misuse of statistics. If anyone is guilty of misuse of statistics, it is the Leader of the Opposition himself. He is guilty of hypocrisy as well in that he used the application of indirect taxes by the Fraser government to accuse it of contributing to inflation whilst, at the same time, making absolutely no mention of the tax cuts that came into force despite the cavilling of the opposition about action in the Senate to stop them on 1 November.

Mr Speaker, I would just like to refer again to this Australian Bulletin of Labour Volume VIII No 4 of September 1982 in the framework of the statement that I made yesterday about the employment of school leavers. At the beginning, I set out some facts about employment in the Northern Territory in the last few years. Towards the middle of the statement, I outlined why I believe Australia's manufacturing industry is shot to pieces through lack of productivity and, at the conclusion of the statement, I set out details of the numbers of young unemployed presently seeking work or presently in receipt of unemployment benefits and details of the number of young people whom we expect to leave school in the course of the next few weeks and to be joining the workforce.

This Australian Bulletin of Labour is issued by the National Institute of Labour Studies Inc which is an institute that exists under the aegis of the Flinders University of South Australia. The board of governors that is responsible to the council of the Flinders University of South Australia for the conduct of the affairs of the institute are listed hereunder. There are about 20 or 30 of them. I would not like to read them out, Mr Speaker, but they are all distinguished Australians. I would simply like to say that, amongst them, are Mr John Ducker, the former President of the New South Wales Trades and Labour Council, Mr Bob Jolly, presently Treasurer in the Labor government in Victoria, Mrs Jan Marsh, the ACTU National Industrial Advocate, and Mr Peter Nolan, also of the ACTU.

This bulletin was issued in September and these are some of the excerpts of the statements that it makes. I do not think this institute can be accused of any partisan bias: 'The only truly booming area in Australia at the moment is the Northern Territory where employment, the labour force and the population are growing at rates far in excess of the national figures. Employment - with the exception of the Northern Territory, growth in employment has moderated significantly over the period'. That is on page 200. On page 202 it says: 'In sharp relief to the national pattern of employment trends, in the Northern Territory the rates of employment growth have been well above the national rates'. Again on page 202 it says: 'However, unemployment rates rose everywhere save in the Northern Territory'. On page 203 it says: 'In contrast to the experience of all the other states, unemployment in the Northern Territory actually fell between 1981 and 1982'. On page 207 it says: 'In stark contrast is the Northern Territory where unemployment is falling; participation rates are rising'.

No one is trying to hide the fact that this bulletin refers to the period up to September 1982. I am talking about unemployment because we think we have a problem, but I have been attacked today on 2 grounds. I have been attacked for being responsive by the Leader of the Opposition, by the member for Nightcliff and, I think, by the member for Sanderson. They said that they mentioned these matters in debate in the Assembly earlier this year. These same things have been debated in this Assembly on numerous occasions but we are now being attacked for being responsive to suggestions being made by the other side. I cannot see what point there is in the other side putting forward suggestions if they do not want us to be responsive to them.

I have apparently been attacked by the Leader of the Opposition for emphasising the unemployment problem. That is the way I see it. There has been absolutely no misuse of statistics. I believe that I have presented a fair historical picture of unemployment in the Northern Territory up to the present recognising in the conclusion of my statement that unemployment is a community problem and that we have to attack it together. It is a great shame that the Leader of the Opposition did not take the opportunity to join with the government, at least on this occasion, but rather chose to engage in further personal denigration of myself.

Mr Speaker, a number of honourable members mentioned projects which are ready to proceed but which should be speeded up. There is one project which could start tommorrow if the problems attaching to it were sorted out, and it is a multi-million dollar project. It would attract about $200m in capital works and establishment costs. Of course, it is the Koongarra uranium mining project proposed by Denison. That company, through its vice-president and Australian manager, who met with me yesterday afternoon when the member for Millner was saying that he wished I was here for the adjournment debate, was telling me that, if the problems that it has with the traditional owners of the area and the Northern Land Council could be cleared up speedily, it has contracts in hand, could commence construction and would like to commence construction tomorrow. That would provide a very significant source of employment, both in the construction workforce during the course of the next 2 to 3 years and permanently thereafter. Unfortunately, I believe that presently a study is being undertaken as to whether the uranium should be milled on-site or off-site and that study appears to be proceeding at a snail's pace.

There is only one other point to which I would like to reply. The Leader of the Opposition apparently indicated his disagreement with my views in relation to protection.

Mr B. Collins: No, I agreed with you in part.

Mr EVERINGHAM: Well, agreed with my views in relation to protection of Australian industry. Quite frankly, I think Australian industry has priced itself out of the market and priced itself out of competitiveness. There is no doubt that high wages and the relative inefficiency of the industries are responsible for that. At the moment, the Premier of New South Wales, Mr Wran, as part of his package for helping Australia out of its economic malaise, has called for more protection for manufacturing industry in New South Wales.

In relation to the point on money for advertising raised by the member for Nightcliff, I will certainly quiz the responsible officers in relation to that. I will not authorise further expenditure of money for advertising unless I am satisfied that it will be beneficial. I would have thought that the experienced officers who proposed it would not have done so unless, in their view, it were necessary because obviously they could have indicated that the funds should go for the purpose of direct employment.

In relation to McNeice, the contractors from Brisbane, winning some contracts here, how did John Holland, Civil and Civic and so many other companies become Territory companies? By winning contracts here. I would imagine that any company that has 3 contracts here will probably establish here. I would be surprised if it did not. I would be surprised if it did not employ local labour. Of course, that is one of the laws of the commercial jungle and that is what we are talking about when we say that protection is bad for the Australian manufacturing industry. If we cosset our local industries and do not ensure that they sharpen their pencils when they should be sharpening their pencils, they will not be able to compete successfully. Recently, with the Treasurer, I attended a meeting of representatives of the Master Builders Association, the Chamber of Industry and the Chamber of Mines on these sorts of matters. We were there to find out how we could assist them. I will not mention which personalities were involved, but it is quite clear that the Master Builders Association believes that members of the Confederation of Industry could sharpen their pencils.

I simply reiterate that the government is concerned about unemployment otherwise we would not have called on this debate. It is not for any superficial reason. In fact, we have caused initiatives to be made in this area in the past and will continue to do so as and when necessary. Mr Speaker, I hope that we can do our very best to accommodate the very significant number of young people joining the workforce this year. I ask all sectors of the Territory community to assist us to do that.

Motion agreed to.

CROWN LANDS AMENDMENT BILL
(Serial 195)

Continued from 16 March 1982.

Mr SMITH (Millner): Mr Speaker, the Northern Territory Cattle Council, in its May-June newsletter, made a comment on the progress of the Crown Lands Amendment Bill through these sittings and I think I could do no better than

start by quoting it:

> *Although there appears to have been considerable public debate and thought put into this bill, it continues to find its way into the 'business adjourned' basket. At this rate, the bill will be old enough to vote itself in before the Assembly decides to address this important piece of legislation.*

Mr Speaker, as you are well aware, this bill has been before the Assembly for quite some time. In fact, if my memory is correct, it was introduced in about March 1981. After laying on the table for all of last year, the original bill, Serial 123, was withdrawn and replaced by the present bill, Serial 195. It has intrigued me why there has been a delay in discussing the bill. Obviously, it is an important area. Certainly, the government has not given us or anyone else any good reason why it has not proceeded with the bill. I must state at the outset that I am disappointed that the opposition has not had an opportunity to debate the principles of this bill at a much earlier stage. It would have been much healthier to allow the debate to take place and, if the government had some reservations, to delay proceedings at that stage.

Mr Speaker, this most important bill will affect 55% of the Territory's land and, on my calculations, that is an area of about 743 000 km^2. This bill is important in the ongoing process and the ongoing debate on how to make effective use of the Territory's land. It does a number of things, most of which the opposition agrees with. Because it has been so long since many of us have looked at the bill, I might spend a little time going through the major recommendations, thus departing from the precedent set by the Leader of the Opposition yesterday.

First of all, it increases the number of Land Board members and enables more than one board to sit at any one time. It allows for easier incorporation of uneconomic pieces of Crown land into existing pastoral leases. It provides for perpetual leases. It removes the penalty of forfeiture for breach of covenants on perpetual leases. It provides for reasons for the right of access over pastoral land to recreational areas when requested by the minister. It states that term pastoral leases will expire at the end of their term and it provides guidelines for taking up of agricultural development. They are the major recommendations of the bill. As I said, the opposition supports most of them.

We support most of them because most of them deal with reducing the amount of red tape and the extent of bureacracy needed to get changes in existing leases or to incorporate uneconomic pieces of Crown land or other such things. They make sense to us and we wholeheartedly support them. However, there are a number of areas that I would like to spend a little time on. I think the most important recommendation in the bill is the recommendation which states that in future all pastoral leases should become perpetual pastoral leases. This of course was a recommendation from the Martin Report which examined land use in the Northern Territory. I think it was 1980. About that time, there was a report being prepared on the same subject in South Australia and that report was the Vickery Report. It is interesting on this key point: the Martin and Vickery Reports came down with conflicting recommendations. The Martin Report supported perpetual leases and the Vickery Report opposed perpetual leases. It is interesting again that both reports used similar sets of reasons to argue their case. I think in the view of many people, the reasons against the issue of perpetual leases are certainly more numerous than the reasons in their favour.

The main argument used by those supporting perpetual leases is of course that it will give pastoralists more security and, particularly, it will enable pastoralists to increase their power to borrow. Now both Martin and Vickery specifically point out the fallaciousness of this argument. The ability of pastoralists to borrow is not related to their tenure - except in a very special circumstance which I will come to later - but in their ability to repay the amount of money that they borrow. The ability to repay the amount of money they borrow is based very much on their cashflow and the turnover of stock on their properties. Under the present system, the only time the financiers may be reluctant to lend to pastoralists who have an adequate cashflow is at the time of rollover. Of course, that problem has been dealt with previously and, in my view, has been solved. We now have a situation where pastoralists, within I think the last 30 years of a current lease, can apply for a rollover. There is no uncertainty towards the end of their lease about whether their lease will be renewed. This removes the uncertainty about their tenure and certainly, in the view of many people, should remove arguments about whether they will be able to borrow money.

A second point which was raised the Martin and Vickery Reports was that, if you gave pastoral lessees perpetual leases, they may make some sort of capital gain out of it. This is based on the reasoning that pastoral lessees entered the industry without compulsion and at a price which reflected the tenure that was available at the time of entry. If we change that tenure, the reasoning goes, it may increase the amount that the property is worth.

A third reason that was put up in evidence in both reports as opposition to perpetual leases was that they could impose considerable costs on future governments. There is increasing concern in the community about the compatibility of the pastoral industry with the environment in arid areas. With extra knowledge, it is possible that existing pastoral areas could well be decided by a future government as being at risk if the pastoral industry is allowed to continue on it. By granting perpetual leases to pastoralists in those areas, the cost to government of buying the land back increases.

On the reverse side - the arguments for the creating of perpetual leases - the major argument advanced by Martin and Vickery is the psychological impact that the granting of perpetual leases will have on pastoralists; that is, it is possible that pastoralists will feel more secure and hence willing to invest more money. That is an interesting concept which the opposition, after a long period of consideration, is prepared to accept. It is prepared to accept that the granting of perpetual leases will provide a psychological boost to the pastoral industry and that, on balance, it will encourage better utilisation of the pastoral lands.

One would hope that, in taking the decision whether a present term lease will be converted into a perpetual lease, much regard should be paid to the history of that property in meeting its covenants. We were informed in the last sittings that 46% of pastoral properties throughout the Northern Territory were in breach of their covenants in one way or another. Unfortunately, the minister has not replied as yet to my question on notice to determine what sort of breaches these were. But whatever the breaches were, they should not have occurred and the bill does state that properties in breach of their covenants will not be given perpetual leases. I would hope government will adhere to this stringently. If it does so, it will have the one-off opportunity to ensure that pastoral properties meet their covenants. Of course, it does that by having the big stick that, if they do not meet the covenants, they do not get their perpetual lease. Therefore, that could be one short-term advantage of the perpetual lease arrangement.

One other concern that we have concerning perpetual leases is that the government really does have a fairly limited power after a perpetual lease has been granted to vary the covenants on that property. It seems to me that a government ought to have the power from time to time to vary covenants as new information comes to light but, according to my reading of the Crown Lands Amendment Bill, this power is not there. As I read the bill, the only time that covenants can be varied after a perpetual lease has been granted is on the request of the lessee. I would at this stage ask the government to consider whether it is prepared to include an amendment which would give it the power during the life of perpetual leases to vary the covenants on the lease. If not, I think at a later stage the opposition would be interested in doing such a thing.

A second major concern in the bill to the opposition is the proposal to abolish the forfeiture provision for continued persistent and wilful breaches of covenants. The minister stated in his second-reading speech: 'As a further incentive, and as a security for future investments, the government has decided not to include a provision of forfeiture for the proposed new perpetual pastoral leases'. To be frank, the statement does not make sense. I cannot see how, in a situation where the minister would be looking at the prospect of forfeiture - that is, after serious and wilful breaches of the covenants - that the question of further incentives and securities for future investments apply. If such a situation is reached, and it is clear that a property has been badly mismanaged in one way or the other, it would be most improbable that lending institutions would be prepared to lend. After a warning, if this mismanagement continues, it is appropriate for the sake of future Territorians that the forfeiture provisions apply. That is not only to ensure that the properties are being properly managed but also as a protection for neighbouring properties because quite often breaches of covenants involve matters such as inadequate fencing which could cause a situation of stock wandering on neighbouring properties. I believe that, after warnings and after incurring the financial penalties that will be introduced by this bill, if the lessee is still not prepared to meet the covenants, it is only fair, proper and in the interests of all Territorians that the government has the power to take that property back and to give it to somebody who is prepared to make better use of it, again in the interests of all Territorians.

The Martin Report addresses itself to the question of forfeiture as well. It says: 'The fact that there have been very few forfeitures leads the committee to believe that the threat of that ultimate sanction has been a powerful aid to government in ensuring the development of pastoral lands'. That is a very strong statement in favour of the retention of the right of government to order the forfeiture of properties. It is only one of 2 areas where the government has gone against the recommendations of the Martin Report. I have not heard a sufficient reason from the government that would encourage the opposition to support that particular clause.

We welcome the financial penalties that have been introduced for breach of covenants. We feel that they fill a gap in the previous legislation. If forfeiture is left in, we have a graduated series of penalties and ultimately forfeiture and we think that is fair and appropriate.

It must be remembered that the nature of ownership in the pastoral industry is changing. The family unit, like yours, Mr Speaker, is quite rapidly being replaced in many properties by large companies which are owned either elsewhere in Australia or overseas. To many of those large companies, the financial

penalty for breach of covenants - $10 000 plus $100 a day - is chickenfeed. It amounts to $36 500 in one year. In certain circumstances, these large national and international companies may well be able to make a commercial decision that it is cheaper to pay that amount of money than to fix a breach of covenants. I think that is what is laid down in the bill. I would be interested to know if the government is aware of that and if it intends to do anything about it under this legislation.

In the opposition's view there is one serious omission from the bill. The passage of this Crown Lands Amendment Bill is an appropriate time for the inclusion of a clause providing for excisions for Aboriginal groups on pastoral properties. Both the Gibb and Martin Reports recommended creation of community areas for Aboriginal groups on pastoral properties. Although the Gibb Report is now some years old, there still have been very few moves to do this. The opposition has drawn up amendments which would allow Aborigines to make a claim for a living area on a pastoral lease. Our amendments, in fact, are remarkably similar to the proposal that has been put forward by the Chief Minister. The major difference is that we would allow Aborigines who have an historical association with the land but are not currently resident on it to apply for excisions on that land. We have decided not to proceed with that amendment at this stage as we believe the debate which is currently going on in the community should be allowed to continue. Of course, we will express further thoughts on that area tomorrow.

Mr Speaker, this legislation is not the end of the road. The opposition sees it as an important milestone in the development of land use policies. In fact, it could be said that, in one sense, the easy part of the task has been done and what remains is certainly the more important and probably the harder task: to ensure that pastoral land remains within the control of the government to the extent that it can ensure that it is being used effectively, efficiently and desirably. In that context, the national conservation strategy is important. All members of the Assembly will be aware that there is presently a draft copy of the conservation strategy being circulated around Australia. As I understand it, a conference will be held to discuss a final paper in February and it will go before the Premiers Conference in June next year. After that paper has been finalised and there is a firm national conservation strategy, we may need to look again at the Crown Lands Act to see if it is appropriate in the light of the extra information that we might have.

Mr Speaker, as a last comment, I would like to read into Hansard a statement made by Thomas Payne in the 1850s. Most members would have already seen it, but I think it does sum up the feelings of sensible people on both sides of the Assembly about the value of land to man: 'Land is the basis of everything. We hold it in trust for future generations. It is not an inanimate thing. It is the foundation of all vegetable and animal life including man and should be treasured accordingly. On the other hand, human life is fleeting. In all decisions, therefore, the permanent interests of the land come first, the passing interests of individuals second. History abounds with many illustrations of productive lands misused which have become barren wastes. Let this not happen here'.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to make a few comments about the Crown Lands Amendment Bill. The main reason that I rise is to mention some concerns that have been stressed to me by the Northern Territory Historical Society and I would like the minister to take note of the comments that I am about to make.

I was invited to be the guest speaker at a gathering of the Historical Society some months ago. Prior to my speaking to the Historical Society, it held a meeting. During that meeting, the issue of the Crown Lands Amendment Bill was raised and a number of questions were directed to me. It was quite clear that there was some misunderstanding on the part of the Historical Society as to what the Northern Territory government was about. As most people would be aware, the government has placed a great deal of importance on recording and documenting the history of the Northern Territory. Indeed, the Northern Territory government has instigated programs to look at all aspects of our history and to record and document our past. When self-government occurred, we realised that our history was slipping away from us and the Northern Territory government placed a great deal of priority on researching our history.

I think that the Northern Territory Historical Society misunderstood the government's views relating to our history. At some stage in this exercise, there is no doubt that there was a breakdown in communication between the minister's office, the Department of Lands and the Historical Society. I know for a fact that there was correspondence which was not answered. Whenever this occurs, it does little for improving the understanding of the various people who correspond with the government. At that particular time, there was a change in portfolios and there was a mix-up. I know that it was not intentional. It is some time ago now that this issue was raised with me and I believe that it is important that the comments that were made to me should be raised with the minister.

The Historical Society felt that the bill in its present form fell short of providing preservation for and public access to areas and objects of national heritage importance. It also felt that, with transferring from the pastoral lease system to a perpetual lease system, this would be disastrous as far as sites of historical significance were concerned. Its major concern was in relation to greater security of tenure.

I listened with interest to the comments made by the member for Millner in relation to security as far as perpetual leases are concerned. Whilst there are other considerations that have to be taken into account when trying to borrow money, such as servicing ability, as far as borrowing is concerned, the security plays a very important part. In fact, if there is no security, there is no way in the world you will get any money. As far as people on properties in the Territory are concerned, it will definitely improve their ability to obtain finance to help them on their way.

It is very similar to the situation we had when perpetual leases in the Darwin area were converted to freehold. There were many lending institutions that did not accept the perpetual lease as security. They wanted a firmer commitment and the freehold title was the type of tenure that they were looking for. Let us not be misled. As far as borrowing money is concerned, the form of tenure is very important. I believe that perpetual leases go a long way to giving people greater ability to obtain money to assist with development of their land.

It was put to me by the Historical Society that there must be proper provision for access, preservation and presentation to the public of objects of cultural and historical significance. As I said already, provision has been made in the bill for access to be made and also for some conservation.

However, it relates mainly to interest areas, to fishermen and to recreationalists, but no mention is made of sites of historical significance.

If we look at proposed section 37(k), we see that the bill deals only with watercourses, lakes, the sea and designated camping areas along the boundaries of the watercourses, lakes and seas that have been mentioned. There is no mention here of sites of historical or other interest to the public.

It would appear that, if the Director of Conservation mentioned to the minister that there was an area of historical significance, and intimated that the lessee should give access to the public, the minister has no power to require the lessee to enter into a covenant to that effect. I query whether or not the historical aspects could be included in that particular section.

If we look at the proposed new section under clause 20, Report on Areas of Interest, my note reads: 'Although adequately broad in some sense with regard to the Conservation Commission's interest, this is negated by the fact that the Conservation Commission has indicated that there would be difficulty in identifying areas that should be made available and this is quite separate from the problem of securing access. The Conservation Commission aims at identifying and describing areas of scenic and recreational value but not areas of historic significance, education or conservation interests'.

Mr Speaker, those were some of the comments made to me by the Historical Society. The other concerns put forward were that the government appeared not to have given consideration to the national conservation strategy of which the Northern Territory government is part and had also not given consideration to the Standing Committee on Science and the Environment's land use policy and inquiry in 1981 and the Australian Conservation Commission's Foundation Conference on Focus on Lands. This conference was held earlier this year and I might say that the bill had been drafted at that particular stage. They were saying that consideration had not been taken of that particular conference.

Those are the issues that I wish to raise and I ask the minister to give some assurance that access will be obtainable for historical purposes. Because of its past record, I believe the government will make sure that this is the case. I ask also that some consideration be given to having the Historical Society assist with the identification of sites of historical significance in the Northern Territory.

PERSONAL EXPLANATION

Mr BELL (MacDonnell) (by leave): Mr Speaker, if there has been any reflection on the Speakership of this Assembly as a result of a letter I wrote yesterday to the Speaker, I publicly apologise. Any reservations I may have had about the impartiality of the Speaker in regard to the substance of that letter have been subsequently dispelled by personal communication.

Mr BELL (MacDonnell): Mr Speaker, in rising to address the bill before us, I note that it was in fact consequent upon the Martin Inquiry into Pastoral Land Tenure about which I made my maiden speech in this Assembly. Consequently, there are some comments I would like to make about the bill.

The honourable member for Millner made very comprehensive comments on the opposition's attitudes and, in several regards, I seek to corroborate those comments.

In his second-reading speech to this particular bill, the minister said: 'The government has looked very closely at the problems of finance and incentive for those lessees and their families who have committed their lives and their futures to the pastoral development of the Northern Territory'. It seems to me that this in fact gives the somewhat less than accurate impression that all pastoral leases in the Northern Territory are held by individuals, families or family companies. As you would be aware, Mr Speaker, that of course is not the case. I believe that one of the serious problems of land administration in the Northern Territory is that the registered offices of some of the companies that hold pastoral leases are in other states and, I believe in some cases, in other countries as well. This is no doubt the motivation for clause 22 of the bill before us today which deals with the service of notices and refers to the case of a corporation without a registered office in the Territory. Those particular provisions of the bill are welcomed.

As I represent a rural electorate and have received representations from holders of pastoral leases within my electorate, I would make the point that there is a considerable distinction between those pastoral lessees who are individuals and families as opposed to those pastoral leases which are held by large, non-Territory companies. It seems to me that the point needs to be made that, quite clearly, the families and family companies have a much greater personal stake and personal commitment to their leases and to the Territory as a whole than the large companies for whom pastoral leases are merely an asset to be disposed of at will in the event of less favourable economic circumstances.

As the member for Millner mentioned in his second-reading speech, the opposition supports the granting of perpetual pastoral leases. However, it should be pointed out that, in conservation terms, this issue is not by any means a non-contentious one and many authorities on land management have expressed their misgivings about the change from terminating pastoral leases to perpetual pastoral leaseholds. There is a real danger, as the honourable member mentioned, that some lessees will in the long term degrade pastoral land by inappropriate land management techniques. For example, I believe it hardly scaremongering to suggest that such a lessee may be tempted to carry more stock than his lease will bear for the sake of short-term profit and to the ignore of the long-term needs of land maintenance.

I would like to make some comments on the section of the bill that deals with pastoral leases over uneconomic areas. The current bill seeks to amend section 10B of the principal act. Section 10B was inserted in 1966 and it is perhaps an indication of the degree to which the situation has changed in the Territory. For that reason, I thought it was apposite to comment and to quote from the relevant speech. I quote from the Parliamentary Record of Thursday 10 March 1966 when the then Director of Lands, Mr Richardson, in speaking to a Crown Lands Amendment Bill, said that the particular bill 'deals with an important matter and it is intended to provide the legal machinery to enable odd pieces of pastoral land to be thrown open for leasing to adjoining lessees. I have indicated to the Council on several occasions before that almost all pastoral land in the Northern Territory that is capable of economic development on the basis of a living area has already been alienated'. If the land, Mr Speaker, had already been alienated in 1966, it seems a little strange that, 16 years later, there are

still economic areas. I am wondering exactly what might be the application of this section of the bill.

The Director of Lands went on to say in reference to other semi-arid areas adjoining existing pastoral leases: 'There are many instances where such land could be granted to adjoining lessees as permanent leasehold and we propose by this bill to enable this to be done'. This suggests that there were many prospective applicants for such land and, in fact, the director confirmedthis at the end of his second-reading speech when he said: 'We have had many applications from pastoralists for the lease on a permanent basis of these adjoining lands'. It would appear then, in the light of the history of the application of the Crown Lands Act, that there would not be many uneconomic areas which would still be eligible to be claimed as uneconomic areas.

Finally, I wanted to make some comments on the section dealing with the report on areas of interest. Clause 20 of this bill inserts a new section which puts a statutory obligation on the minister to request the Director of Conservation to examine the area and report to him as to whether or not an area wholly or partially within the pastoral leasehold should be reserved for public interest and what access to that area should be required by the public. Since the act has been amended in this way to take into consideration non-pastoral interests, it is surprising that the new bill does not seek to take into consideration Aboriginal interests in the area over which a perpetual pastoral lease is sought.

Mr Speaker, I would have thought it was in the general interests of good government in the Northern Territory that some indications of the ritual, mythological and ceremonial importance of certain areas to Aborigines would be taken into consideration. That is particularly important given that the majority of residents in pastoral areas are Aborigines. Also, I am surprised that the bill makes no attempt to resolve the deadlock that has developed over the provision of economic living areas for resident Aboriginal groups on pastoral leases. As the honourable member for Millner said in his second-reading speech, no doubt that particular issue will be canvassed at length in a debate later in the sittings. With those few comments, I commend the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to speak to this bill, I would like to say at the outset that I welcome most of the amendments that have been put forward. There are a few queries I still have but it is a welcome piece of legislation. The Crown Lands Act was introduced in 1931 and it was only a couple of months ago that I was able to get an official consolidated copy. It is rather ironical that we are amending it again. I hope we do not have to wait quite as long for a proper consolidation of this bill with the main act.

I would like to deal with specific clauses. My first query relates to proposed new section 6B, in particular the definition of 'senior member': '"Senior member" means a member appointed under section 9(2)(c) as a senior member and includes the Deputy Chairman'. If we look at paragraph(c) of the principal act, we see it talks about senior members but I am still not certain what a senior member is. I guess it is just a title. I do not know whether it refers to people with greater experience or to older people. To me it seems a bit of a catch 22.

I was very pleased to see the numbers in the Land Board increased from 10 to 14. I think it will make the Land Board's work easier both in its meetings and its sittings. Also, by making it possible for more than one sitting to take place at the same time, it takes cognizance of the fact that the Territory is a pretty large place. The honourable minister mentioned that in his second-reading speech. The chairman decides whether there will be more than one sitting of the board at a particular time.

Clause 5 mentioned that the principal act is amended by inserting 'after section 9'. I think that should be section 9A because, in the consolidated act, section 9 is followed by section 9A.

I understand that a sitting of the board relates to a specific issue, and there could be more than one sitting at a time. At a meeting of the board it would be more fitting to consider policy.

Clause 8 deals with pastoral leases in uneconomic areas. I am not really against uneconomic areas being included in pastoral leases but I would like to think that some care will be t a k e n by the Land Board. Currently, uneconomic areas added to existing pastoral lessees take into consideration things like stocking rates, droughts, whether it is a good or a bad year, subdivisional prospects and also the market for cattle, assuming it is a cattle pastoral lease. I do not think uneconomic areas should be granted willy-nilly because they happen to adjoin a pastoral lease. All those things must be taken into consideration before an addition to a pastoral lease is made.

Clause 8 relates to section 10B in the principal act. Proposed section 10B(6) mentions the fact that it is not necessary to surrender a lease in order to have an adjoining area added to it. I understand that, to surrender a lease and have a new lease issued, is rather cumbersome compared with what is recommended in the piece of legislation before us. Here the current lease will be endorsed with a memorandum containing the conditions mentioned in the legislation before us - 'variations of the reservations, covenants, conditions and other provisions of the existing adjoining pastoral lease' and anything setting out changes of the land the subject of the lease.

Now we come to clause 9 relating to classes of Crown leases. This is the first mention in bill of conversion of a pastoral lease to a perpetual pastoral lease. I first read this in the Martin Report. I had no hesitation in accepting the idea. Mr Speaker, unless you have owned land in any quantity, you are not aware of the psychological satisfaction of having greater security of tenure. To convert from a pastoral lease to a perpetual pastoral lease certainly gives greater security of tenure, quite apart from financial reasons such as mortgages etc. This feeling cannot be described but people really want security of tenure. Many years ago, we lived in Queensland. We had 20 acres of leasehold land. It was just about the time when a very long-term Labor government was voted out and a Liberal coalition government was voted in. The flood of applications to covert from leasehold to freehold was so great that it took us many months to convert our leasehold to freehold. It probably did not change much for us in reality but, like many other people, we wanted more security of tenure. The pastoral lessees want more security of tenure and I think to a man or a woman would want a perpetual pastoral lease.

The interests of conservation and development can be equated with this idea. From memory, it was mentioned in the Martin Report, and it is included in this legislation, that, if a person wishes to convert from a pastoral lease to a perpetual pastoral lease, the covenants must be fulfilled. This would entail upgrading fences, putting buildings in order and it would also entail entering into the active program for the eradication of brucellosis and tuberculosis. It would entail soil conservation and probably cover the issue of stocking or destocking, having regard to the particular area of the Territory occupied by the pastoral lease.

All those requirements that have to be considered before the pastoral lease is changed to a perpetual pastoral lease make it easy for me to accept the idea. I feel it would work for the betterment of the Territory. First, it would aid in the eradication of brucellosis and tuberculosis from the Territory. Secondly, this conversion would not just result from an application made by the pastoralist to the Department of Lands in Darwin and a letter back saying,'Okay, you can have your perpetual pastoral lease'. It would entail an application to the Land Board, an application to the Minister for Lands and Housing and consultation with the Conservation Commission. Having regard to all those checks and the calibre of the people in the Conservation Commission, I feel certain that it will not be to the detriment of the Northern Territory to adopt that form of leasehold tenure.

Proposed section 24AA provides that breaches are to be referred to the board. This relates to the forfeiture of a pastoral lease. I would like to discuss also the fines that can be imposed on a person who does not work his perpetual pastoral lease properly. This is merely a continuation of current legislation. If the covenants are not fulfilled, the lease is liable to forfeiture. It has not happened often and all other avenues of getting the leaseholder to bring the lease up to scratch are resorted to before forfeiture is enforced.

The member for Millner said that perpetual pastoral leases should be forfeited if conditions of the lease are not maintained. Perpetual pastoral leasehold gives security of tenure not unlike freehold. If we continue the forfeiture angle from pastoral leases to perpetual pastoral leases, what about freehold land? If people do not actively maintain freehold land, will we forfeit that freehold land? I do not think that that could be countenanced at all.

If a person does not maintain a perpetual pastoral lease, he is liable to a fine of $10 000 and $100 for each day during which the offence continues. The member for Millner seemed to think that these perpetual leasehold properties in the Northern Territory would only be held by very wealthy companies. I think the maximum penalty of $10 000 is a bit savage. Certainly, it would make sure that there were no breaches but I would like to see it changed. To my way of thinking, the penalty is far too great.

Mr Speaker, when these matters come up for consideration by the Land Board, the only consolation that I can draw is that the Land Board would be manned - and I use that word asexually - by other pastoral lessees and other people interested in the pastoral industry who would know exactly the situation pertaining at that particular time. To impose a fine of $10 000 on the particular leaseholder for not looking after his lease properly is pretty steep. It might be more fitting if fines of this order were imposed by the courts and not the Land Board.

Clause 11 relates to the transfer of a lease. I am assuming that, if the mortgage has already been entered into under the current legislation, it would continue under this new legislation. This legislation says that, if the leaseholder wishes to mortgage a pastoral lease, it is no longer necessary to obtain the minister's consent. I quite agree with this but there is an anomaly which has been pointed out by other people. For other Crown leases, which include Darwin town area leases, if a mortgage is still necessary on these leases, the minister's consent must be obtained. This anomaly should not be allowed to continue. I would like to see some consideration given to it.

With clause 13, terms and conditions of pastoral leases, we come to the very contentious issue of public access onto pastoral leases. I have spoken of this before in relation to my electorate because it would mainly relate to pastoral leases around the major towns in the Territory. In my electorate, there would be at least 5 pastoral leases that would be affected by clause 13. If the minister is to give his consent for the public to go onto pastoral leases, it must be given with a great deal of care. We also have to consider not only the views of the city people seeking recreation but we also must consider what the city people bring with them when they come to seek this recreation. I am not speaking of a mythical situation; I am speaking of actualities. I am speaking of the incidence of bushfires, the problems during breeding programs caused by gates being left open, the breaking of fences either accidentally or on purpose, the pollution of watercourses, litter and the shooting that no doubt these people will engage in. I am speaking of actual incidents that have happened on pastoral leases in my electorate when the public had complete and uninhibited access.

Whilst all these recreational pursuits are taking place, somehow or other the pastoralists have to make a living. We are getting away from the idea that the pastoralist has to make a living. If everybody mucks it up for him, how the devil can he make a living? Nobody has considered the extra work that access by the general public to his lease will cause. The member for Millner mentioned the area of land held under pastoral leasehold tenure in the Northern Territory. If the general public has access to pastoral leases for recreational purposes, I think that it is only fitting that they should also have access under the same conditions to the large areas of Aboriginal land for recreational purposes.

Clause 15 amends section 38A of the principal act. The maximum area for a pastoral lease in the Northern Territory currently is 5000 square miles and this legislation intends to increase that area in certain situations and on certain conditions. I would approach this rather warily and I suggest that the Land Board and others approach it rather warily. I understand that it is intended to be advantageous to the leaseholder. I would expect the Land Board members to consider the exact situation of the lease - whether it is in a marginal rainfall area or other fragile area - and to take into account the stocking rates and the ecology of the land. The water reserve for the area and the incidence of feral animals would also have to be considered. The markets applying to the cattle, if it is a cattle property, would also have to be considered. These matters must be taken into account before more land is given to a property which has the maximum area at the moment because we may end up supporting uneconomic leases.

In relation to proposed section 38AA, I feel that the minister does have enough power to compel owners of perpetual pastoral leases to manage their leases properly. The person must demonstrate his 'husbandry', a pretty wide term which also includes management of the land. If the land is not managed properly, animal husbandry cannot be managed properly either.

I think the argument that I have heard put forward relating to clause 17 is rather facile. It is headed 'Agricultural Development on Pastoral Leases' and refers to section 40A of the principal act. If a person does not notify of any agricultural development he proposes to carry out, he is liable to a penalty of $2000. If, after 2 years, he wants to engage in agricultural development and still does not make proper notification of this, he is again liable to a penalty of $2000. I understand that the facile argument was that this clause is in the interest of statistics because the statistician has to have agricultural returns for the Northern Territory. That does not make sense at all. I think we in the Northern Territory should be only too pleased for a pastoralist to use his land more intensively. To have a maximum penalty of $2000 just because he happens to forget to write to the Land Board or the minister does not make sense. Similarly, if after 2 years he decides to go into agricultural development again, we should encourage him and not fine him again.

Coupled with my remarks about the savage penalty of $10 000, I would like the minister to give earnest consideration to those 2 points. I know we must have orderly marketing in the Northern Territory if agricultural development is to proceed. A notification from a leaseholder that he does not intend to engage in agricultural development might help ADMA, for example, to better assist the industry. But I feel that the Department of Primary Production officers should know anyway. After all, they are the ones who matter.

Clause 18 deals with the uses of land for other purposes. I was at a bit of a loss to work it out. If a pastoral lessee obtains permission to use his lease for a particular project not connected with agriculture, and he uses the lease for another project, he is liable to a $10 000 fine. I think that is too savage, although I agree with the idea that, if he gets permission to use it for day tours, for example, and changes it to motel use without any notice to anybody, he should have to justify why he has changed the use.

Clause 19 sets out clearly what the leaseholder must do and what qualifications he must have before he can take up a perpetual pastoral lease, which makes it easier to understand by those people who are interested.

I was rather interested in proposed new section 48(1)(f): 'It shall recommend to the minister that a perpetual pastoral lease of the whole or of a specified part of a land included in the existing lease be granted to the applicant'. It seems to me that the lessee has another option open to him. He does not have to convert his whole pastoral lease to a perpetual pastoral lease. He only needs to convert the specified part of it.

Proposed new section 48A is headed 'Report on Areas of Interest'. It relates to a person applying for a perpetual pastoral lease to the minister and the minister requesting the Director of Conservation to examine the area. I consider the action of the minister would be quite adequate for the situation. I do not really think it is necessary to have the public involved, conservations groups involved or anti-this or anti-that groups involved because my faith is in the people at the Conservation Commission. They are not a lot of airy-fairy people who live in the clouds. They have their feet firmly planted on the ground. If they inspect an area and do not think it is the correct and proper thing to do at the time, I feel that they will not side necessarily with the application for the conversion to a perpetual pastoral lease.

Mr Speaker, not so long ago this government introduced a provision whereby a lessee could convert up to 50 000 acres of leasehold to freehold. It has been put to me that consideration should be given to converting current pastoral leases in the same manner. I know that pastoral leases can be converted to economic areas of 50 000 acres or less and thus qualify to be converted to freehold tenure. But I would like to see consideration given to allowing the conversion of no freehold on current pastoral leases. I know it would present problems for future subdividing. It might also present problems with conversion to perpetual pastoral leasehold. But I feel it is a subject worth considering.

I will conclude my remarks by saying that I have welcome the amendment to the Crown Lands Act but with the reservations that I expressed about the savageness of that $10 000 penalty and also the access of the public to pastoral properties. I think the minister would show discretion in any action he took on that matter. If the public has access to pastoral leasehold land, to the inconvenience of the pastoral lessee, then it should also be given access to Aboriginal land for the same reasons.

Mr STEELE (Primary Production): Mr Speaker, I think that most of us have spoken on the philosophical proposals by way of the former report that was before the Assembly and, as has been indicated, people have been waiting with bated breath for the finalisation of this legislation. The bill has significant implications for the pastoral industry. It is the product of close and detailed consultation with all sectors of the industry and the public in general. Officers of the Department of Lands are to be commended for their dedicated work in producing a bill that accommodates as far as possible the views of the many differing interests and groups that have had input into this amendment to the Crown Lands Act.

In supporting the bill, I would like to talk about 2 aspects of it. The granting of perpetual leases to pastoralists who can meet the requirements under their existing term pastoral leases will have many important benefits for the industry in the Northern Territory. It will provide greater security of tenure for those people and families in the Territory who, through hard work, have dedicated their lives to building up a well-established property that has great benefit to the Territory in general. It will also encourage and provide great incentives for those who are not presently eligible for conversion to a perpetual lease to upgrade infrastructure and improve their properties to this level. Absentee landlords or apathetic owners of the present term pastoral leases will have the added incentive of improving their properties before the end of their current lease. They will have no right of renewal if they have not reached the standard necessary for conversion to a perpetual pastoral lease.

I would say that, in talking about absentee owners, as a general observation, absentee owners own good country. They do not own rubbish country. During times of extreme hardship, absentee owners who own good country spend a lot of money on those properties when the private owner does not have money to spend on his property. That is historical. As well, absentee owners maintain full employment when the private owner has paid off most of his men. That is also historical.

Every member of this Assembly will be aware of the government's firm undertaking to eradicate BTB in the Northern Territory. The eradication or reduction of BTB is a condition of perpetual leasehold and will further the government's resolve in this area. The granting of perpetual leases will also have the added benefit of enabling the lessees to have greater access to commercial sources of finance for property development improvements.

Members will be aware that I indicated in my policy speech on the future of agriculture in the Northern Territory that there will be increasing demands placed on both government and commercial sources of finance for a wide range of purposes as each agricultural base expands. The amounts of finance required both in toto and on an individual basis will be large. Greater participation in financing of agricultural produce will be required from the finance institutions and the amendments to the Crown Lands Act will go some way towards obtaining this by making it possible for pastoralists to offer their perpetual leases as security against borrowings.

Aside from these more important aspects, the bill currently before us greatly improves and advances many other areas of the act. By increasing the number of members of the Land Board, it allows more than one board to sit at a time. This will reduce the workload of the present board and also enable speedy processing of applications for lease conversion. By allowing uneconomic areas of land to be added to an existing lease without the need to surrender it and having a new lease issued incorporating the additional areas, the amendment avoids a costly and time-consuming process.

With regard to breaches relating to a lease, this bill also proposes that it now be possible for notice to be served on a corporation which does not have a registered office in the Northern Territory. This is of obvious importance to ensure that absentee landlords, particularly those who speculate, as did Minsec in the Gulf some years go, fulfill the covenants required of them and give the people of the Northern Territory more control of the Territory's land.

My second point concerns another important aspect of the bill. This allows for areas of public interest within a pastoral lease to be set aside and excluded before a perpetual lease is issued. This aspect is becoming more and more important in line with government policy to provide recreation areas for Territorians and, of course, for the increasing number of overseas visitors we are expecting. The bill also proposes that reasonable access be provided to members of the public to watercourses or lakes within a pastoral lease, or to the sea, including access to, and the use of, defined recreational camping areas adjacent to such watercourses, lakes and the sea.

Mr Speaker, I would like to make a few general observations about what might have to be taken into account in dealing with land use in the future in the Northern Territory. It seems to me that some radical changes may have to be effected to keep pace with the structural changes that are taking place in the pastoral industry: the impact of the reduction of the national beef herd by millions over the last 3 or 4 years, of severe and sustained droughts which are having an effect on land use in Australia, the fact that some 2 dozen meatworks have closed down in Australia in the last 2 years and consumer preferences in some countries in respect of the product the Northern Territory is producing. Some countries in the western world are moving away from our product and this is a consideration that we have to give some thought to. The cost of production of the product, and inflation generally, the distance from markets and the value of produce to the growers must all be considered. Mr Speaker, our product has a long way to go and not many people are very close to the product.

The options available to the Northern Territory government and planners in land use have precedents in the past, both international and national. What we have to consider is that subdivision creates its own problems. It has created poverty in some cases, particularly in some Australian cities.

A process of aggregation follows on from that in certain cases and sometimes a general stagnation occurs as industry leaves the area. It seems to me that we need to examine our situation carefully. We have 130 000 people located in several centres over 0.5 million square miles. There may be no precedent to call on for the future course of land use in the Northern Territory. I think these are matters that we need to dwell upon. With all the reports we have instituted in the past and the fact that we are changing the legislation to accommodate present needs, future requirements need to be examined and some radical changes possibly implemented.

Mr VALE (Stuart): Mr Speaker, I rise also to speak in support of this bill which proposes amendments to the Crown Lands Act. These amendments have been the subject of the widest possible discussion in the industry and debated for well over a year now. I believe that these amendments accommodate, as far as possible, the many differing views and conflicting interests of the many groups that have had input into the legislation.

The main aim of this bill, of which all honourable members are aware, is to reform the provisions of pastoral tenure in the Northern Territory so that term pastoral lessees may now seek conversion to perpetual leasehold. This reform is long overdue in the Territory and will be welcomed by all sectors of the pastoral industry, especially by those owners of stations and properties, like many of those in the electorate of Stuart, who have dedicated their lives and the lives of their families to creating and building up well-established properties that are a credit to them, the Territory and the pastoral industry.

One of the major consequences of the amendments is that pastoralists with perpetual leases will now be able to borrow against the value of their land. However, that borrowing power will also depend on the productivity of the property. In the past, holders of pastoral leases have been able to borrow only against the value of stock and machinery. Mr Speaker, I am sure that you will recognise the importance to pastoralists of this move which will give them access to greater loan funds. Perpetual pastoral leases will also mean a secure form of tenure for these people. That will be ample reward for their hard work and dedication which, in some cases, has taken place over several generations of Territorians. And such perpetual pastoral leases will be deservedly earned, have no doubt about that. One only has to look at the conditions and the requirements that have to be fulfilled before applying for conversion to a perpetual pastoral lease to know that many of the properties in the Northern Territory will not be eligible automatically for conversion to perpetual pastoral leasehold.

Some of the conditions that will apply to a lessee seeking conversion to a perpetual pastoral lease are that he is qualified by experience, has sufficient financial backing and has taken reasonable steps to eradicate or reduce the incidence of BTB. The creation of this more secure form of tenure, as proposed by this amendment, will also have the important effect of providing great incentive for those who are not presently eligible for conversion to a perpetual pastoral lease to upgrade infrastructure and improve their properties to this level. The effect of this encouragement to achieve a higher standard will bring long-term benefits to the pastoral industry as a whole in the Northern Territory and, ultimately, this will greatly benefit all Territorians.

This bill also aims to give the Territory more control over land within its borders. For far too long, Mr Speaker, we have been subjected to some

absentee landlords from southern Australia who have had little or no interest in the Northern Territory or its welfare. Specifically, this bill proposes that a notice relating to breaches of a lease can now be served on a corporation which does not have a registered office in the Northern Territory. By this I am not saying that all, or even a majority of, the absentee owners of properties in the Territory have ignored the Territory's interests. What I am saying is that this proposed amendment will go a long way towards ensuring that this does not happen again. These amendments to the Crown Lands Act are long overdue and I welcome them for what they will mean to the pastoral industry and the Territory as a whole.

In conclusion, I would like to make this remark relating to some of the comments that the member for MacDonnell made concerning overstocking. Mr Speaker, you will recall that in the late 1950s and early 1960s in central Australia, towards the end of that 7-year drought, one of those many scientific experts who frequently visit central Australia passed the remark that central Australia had been overstocked and overgrazed and would 'never recover'. History shows that, within a few short weeks of the January 1966 rains, central Australia was a mass of new and vibrant growth. So much for the honourable member for MacDonnell's remarks and those of some scientists about overstocking.

Mr B. Collins: Are you advocating overgrazing?

Mr VALE: I am saying that the allegations that pastoralists have overgrazed or overstocked properties in central Australia has been made in the past and, with very few exceptions, is untrue.

Mr Speaker, I support the legislation.

Debate adjourned.

ADJOURNMENT

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, there are 2 items that I want to raise. The first relates to a question that I asked the Minister for Health this morning regarding the medical engineering services in Alice Springs. Honourable members might wonder what medical engineering is. There is a branch of the Department of Health, called the Medical Engineering Branch, which provides installation, maintenance and repair services to technologically-advanced equipment used in the delivery of health care.

A total of 25 people are employed in this branch. Twenty work at the Darwin Hospital at Casuarina and the remaining 5 at or from the Alice Springs Hospital. The branch provides services in 3 distinct fields: medical electronics, x-ray and dental equipment. Generally speaking, technicians working in this field are specialists and cannot be supplemented or supplanted by people without appropriate qualifications. It is not, Mr Speaker, the sort of work that you can take to your local electrician. So it can be seen that they provide a very essential health service in the Northern Territory. I am informed these people also provide services to non-government organisations such as the blood bank and St John Ambulance Brigade.

This branch of the Department of Health has experienced substantial staff shortages recently, particularly in the Alice Springs area. Existing staff in the Alice Springs workshop have been under considerable strain for most of this year as a result of resignations, the transfer of 1 staff member to Katherine hospital and staff taking leave. As a result, all the areas of work, particularly in Alice Springs, have fallen well below the usual standard. That is according to the staff themselves. No area has been running as effectively as it should. Staff morale has fallen considerably and the standard of work, patient care and safety has dropped to unacceptable levels. However, despite submissions being made by the staff to the department to ensure that staff levels are kept at an acceptable level, I understand that nothing has happened.

A further problem arose for these poor people in regard to their accommodation in Alice Springs. I wish to quote from a letter, a copy of which was sent to me from the Association of Drafting, Supervisory and Technical Employees, Northern Territory Branch, to the Department of Health in September 1982. It reads as follows:

I am writing regarding the working conditions in the Medical Engineering Branch, Alice Springs Hospital. I first raised this matter in a letter dated 18 August 1981. In your reply of 3 September, you advised a programmed upgrading of building. To date, no upgrading has taken place. Staff were more than reasonable and continued to work under adverse conditions on the understanding that upgrading would take place. As the upgrading was continually promised and then did not eventuate, the staff in desperation had the premises inspected by the Industrial Safety Inspector, a Mr Pope from the Department of Mines and Energy.

Mr Pope was extremely concerned at the conditions in the Medical Engineering Branch at Alice Springs and gave the department 28 days to notify its intention to rectify the potentially dangerous situation. Mr Pope also requested inspection by the Northern Territory Fire Service. This inspection found that the premises did not meet the necessary requirements of the Fire Brigade's Act. In light of the now proven unsafe conditions applying in the Medical Engineering Branch, staff sought alternative accommodation as it was realised upgrading the present premises would not be economically feasible.

The letter goes on to say staff were initially advised that a vacant ward would be made available. Subsequently, that vacant ward was not made available.

On Thursday 21 September, the hospital Secretary informed staff that ward 2 would not be available. Staff now require an urgent reply as to the intentions of the department regarding suitable premises as the deadline for the reply to the Department of Mines and Energy has expired and staff are facing the imminent closure, for safety reasons, of their existing premises.

Mr Speaker, that letter was dated 23 September and my information is that those valuable technical staff employed by the Department of Health continue to operate in premises which have been determined by the Department of Mines and Energy safety inspectors as being dangerous and by the Fire Brigade as being dangerous. There seems to have been no action taken by the Department of Health to overcome this problem.

I understand that some of the technical equipment which they have is not being used in an attempt to make conditions somewhat less hazardous. Nevertheless, it is a pretty disgraceful situation for one government department to ignore in effect the safety requirements which are laid down by the department which has that responsibility. I am sure that honourable members responsible for electorates in the southern region of the Northern Territory will be very concerned to hear that that is taking place.

Some action does apparently appear to be taking place in the Department of Health regarding the Medical Engineering Branch generally, but it is not to provide it with safe premises. I have been told that a proposal is being investigated to hand over this work entirely to the private sector in the form of a former employer of this branch who is now in private business in Alice Springs. I am further informed - and this disturbs me very much, Mr Deputy Speaker - that this might well involve the transfer of a substantial amount of equipment, perhaps by purchase or on lease, to the private sector so that the work could be carried out. In my view, that would be an entirely inappropriate procedure. It is not a situation where the transfer of this work would provide a possibility of choice for residents of the Northern Territory. There is really only the need and the space for one group of people to be carrying out this work. If the branch in Alice Springs is disbanded and the work is performed by the private sector, those staff in Alice Springs will not be available to provide relief in Katherine, which they have provided in the past, and there will not be that flexibility in providing this service throughout hospitals in other centres in the Northern Territory as currently prevails.

If indeed the department is carrying the minister's privatisation policy to the extreme of transferring this specialist technical area to the private sector, certainly the minister should have the good sense to ensure that it does not happen. In the long run, it will mean a downgrading of the standard of service which we have enjoyed in this area in the Northern Territory. This is a highly technical area; it is not one that people expect to be performed for profit. Frequently it cannot be done in that way. It is expensive but it is a function in which standards must be maintained. Given the small population we have in the Northern Territory, it is appropriate that it be provided by the government. I certainly hope that the government continues to provide it.

There is a further matter which was raised in the Assembly yesterday by the member for Millner relating to amendments to the Small Claims Act. Until I heard his adjournment speech, I was not aware that the delay in implementing the amendments which I moved in the Assembly in March this year, increasing from $1000 to $2000 the upper limit of claims made under the Small Claims Act, had caused him the concern that it has caused me.

This is a matter close to my heart because not only did I move the amendment, which was approved by the Assembly, but shortly thereafter I received a submission from one of my constituents. This gentleman had been involved in a consumer matter which had dragged on since January 1981. He wrote me a letter which I received about April of this year, which was shortly after those amendments were passed in this Assembly. I was happy at that time to be able to assure him that, as a result of the change of amount in the Small Claims Act from $1000 to $2000, he would be able to pursue this matter, which had dragged on for such a long time, under the Small Claims Act.

However, now we find that those amendments still have not come into

effect. There is a problem - as you know Mr Deputy Speaker in your capacity as Chairman of the Subordinate Legislation and Tabled Papers Committee - with the regulations having to be disallowed in this Assembly. I am informed also that there is a further delay in having the appropriate forms printed. Therefore, 8 to 9 months after the amendment was passed, that procedure is still not available to those people who wish to avail themselves of it.

My constituent had a particular problem. As I said earlier, he wrote a letter. I shall take the opportunity to read it in the Assembly because it concisely outlines the long delays he has experienced with this consumer problem. The summary of the case is as follows:

In conjunction with a periodic maintenance check on my car, I noticed on Suttons Motors front desk a brochure re Tidy-car. I subsequently engaged Suttons Motors to have the work done. This was carried out on 27 January 1981.

This is a procedure for putting a coating on the vehicle to make it shiny.

Within 2 weeks, crazing was observed and Tidy-car was contacted through Suttons Motors to inspect and work on the car. Within another 2 months, crazing was evident on the boot, the roof and the bonnet. I lodged a complaint with Tidy-car on Stuart Highway Stuart Park. They told us they could not do anything for us. They also showed us a brochure sent from their company in Sydney stating that extreme care should be exercised on applying protective coating to imported European cars with metallic ducoing.

In April, I contacted Consumer Affairs and made a formal complaint. I had an interview with an officer and he said he would look into the matter. After 2 phone calls at regular intervals, I finally received a letter dated 23 September. In conversations with the Consumer Affairs office, I was told that these things take time. I also received before this a copy of the letter sent to Mr Berry from Sutton Motors dated 7 July. After again several phone calls and a personal appearance with Consumer Affairs, I approached the Ombudsman regarding my case. An officer took details and said he would help me. A phone call by him ascertained that the case was in the hands of the Department of Law and was awaiting their processing. I also wrote privately to Tidy-car, Sydney on 11 December 1981 asking them what could be done and I received their reply on 1 January 1982. I wrote again to Suttons Motors. I wrote again to Tidy-car in January 1982 and received a reply on 16 February 1982. Consumer Affairs wrote on 21 January 1982.

I saw an officer and spoke to him. He assured me that he would expedite procedures so I should receive an early reply. I phoned Consumer Affairs on March 1982. I spoke to an officer. I rang Consumer Affairs in April and was told that there was 60 or more letters to be typed and sent out and mine was simply one of these. I received a final letter dated 21 April 1982 only to be told by Consumer Affairs: 'However, I am not able to give you legal advice and it might be in your best interest to consult a legal practitioner'.

That was nearly 12 months after the complaint had been lodged by my constituent with Consumer Affairs. My constituent raised the following questions with me:

Why do we support a department which finally, even though they suggest I can consult a legal practitioner, cannot or will not take a case to court? This leads to my way of thinking that local business people must consider Consumer Affairs a great joke. Certainly Consumer Affairs ask questions. Even these are apparently in the most mild, innocuous terms. But then they say: 'Oh well, let the consumer pursue the actual complaint?'

Secondly, local business people must feel safe in deceiving their customers if they wish to do so. When does Consumer Affairs take action if ever in any case in the Northern Territory?

I can remember the Chief Minister saying last year that there would appear to have been only one.

Why is it necessary to take a case to Crown Law if no action is to be taken? I consider this irrelevant and a waste of time and money of the Crown Law Department. Have Consumer Affairs any powers at all? If so, what? If not, why have this department? Why have Consumer Affairs offered no opinion as to whether I have a reasonable grievance?

Mr Speaker, I thought that my constituent had a right to be fairly angry. The matter had gone on for over 12 months. He had been told that Consumer Affairs had referred the matter to the Law Department and, in the end, he received no advice at all except to go and see a private lawyer. Well, he came to see me with his story. I said: 'Well, never mind. We have just moved this amendment and you can take an action under the Small Claims Act since the value of the work I am told is between $1000 and $2000'. But now we have had this further delay of 8 months or more in getting this amendment into effect. Mr Deputy Speaker, I know it would be possible for this gentleman to take action under other legislation in the local court. We know that the purpose of the Small Claims Act is to avoid this expense: the need for legal representation, the possibility of having costs awarded against him etc.

Mr Deputy Speaker: Order, the honourable member's time has expired.

Mr PERRON (Treasurer): Mr Deputy Speaker, I would like to just mention 2 points which are a little topical in these times of increasing unemployment and economic difficulty within this country and across the world. The first one is one of my pet beliefs in relation to the economy and rising unemployment. I have spoken on this subject before in the Assembly.

I believe that a significant portion of the problem that we face today is one of social change and attitude to work. I am not for a moment saying that the problem of unemployment is not a serious one. I am not denying for a moment that there are very many people in this country who are unable to obtain work even though they would like to. My sympathy in particular goes to those families where there is no family breadwinner at all and no cne in the family can get employment. That is the most serious aspect.

However, I have always felt that the social change, whereby it has become acceptable over the last couple of decades for both partners to work - even families with small children - has been a large part of the problem. I believe those days when unemployment in Australia related to a small percentage of the workforce have possibly left us forever because it has become fashionable for at least 2 parties in a family to be working. I am sure that all honourable members would be well aware of many couples in the community where both parties are working and where neither would even

contemplate giving up work. That is for a whole variety of reasons in many cases, not simply economic ones.

I was having a look at some statistics on this subject earlier today. Unfortunately, the latest ones that I could obtain which bore any relationship to it were 1978-79. Of course, that is going back quite a few years. However, in that year, the census figures indicated that, of 3.7 million families in Australia, 2 million had 2 or more income earners in the family. That was not just husbands and wives working. In many cases, no doubt, children were working as well. Just the same, if we took census figures of a decade or 2 earlier - I hope at some time to do that - I believe very strongly that we would find a very real difference in those figures.

It seems to be almost fashionable these days - unfortunately so in many cases - for children to be placed in child-minding centres from a very early age so that the family can have 2 incomes again. In my former role as Minister for Community Development, I had some contact with the child-minding situation in Darwin and heard of cases where children only 6 months old were placed in a creche no doubt to stay until they were ready for pre-school and primary school. I thought that was very sad. It was the sort of thing that did not happen very much in my parents' time. Therefore, there has been a change in social attitudes.

Social pressures work against a woman or a man in a relationship deciding to stay home so that a couple live on a single income. By social pressure, I mean that it is fashionable that everybody should go to work. If a person stays home to look after the kids, somehow that is considered dishonourable. I think that is very sad. Just the same, the point I am trying to make is that today there are hundreds of thousands of dual-income families which did not exist before. I am sure that that is a very significant contributor to unemployment in the country and I think that is one of the reasons why we may never get back to what used to be termed full employment. I doubt that this country will ever be able to sustain full employment for every male and female in the country who is physically able to work. I just do not see it ever happening.

If the governments, industries and unions in this country were to re-examine some of the basic principles that are contained in industrial awards in this country, unemployment could be greatly reduced. One, which I believe is very important, has an enormous potential for creating jobs and movement in the economy. It is a matter of getting leaders who have the courage and the wisdom to consider in depth the problems of implementing it before taking it to the people it would affect to see if agreement could not be reached. If it took years, then so be it.

I am talking about unsociable hours, a subject on which I have spoken before in this Assembly. It seems to me that it is time to re-examine the system whereby the industrial awards in this country dictate that a person who works anti-social hours - that is, hours outside 8 am to 5 pm - should be paid some sort of levy. The number of industries that this affects is simply enormous. Every aspect of industry is affected: factories, powerhouses, airlines, road transport, the tourist industry etc. If an employer requires employees to come back after 5 pm or before 8 am, he must pay them overtime rates. The concept which has been advocated by some, and which I support personally, is the one that we should have a system whereby people work 40 hours a week, or perhaps a couple of hours less if that is the norm, before getting overtime. It would need to be regulated inasmuch as a person would be required to work 8 hours a day for 5 days to get up his

40 hours. I would not expect anyone to have to work 10 hours a day for 4 days before he received any overtime.

If factories could, for example, employ each of the 3 shifts a day for exactly the same wage bill, it would absolutely alter the structure of the cost of goods, transportation and services in this country more than any other initiative has ever done. The flow-on effect just on productivity and prices would be absolutely enormous. It means that a person who worked from midnight till 8 am would not get double time just because they are anti-social hours. That person would get a normal pay for 40 hours, the same as a person who works from 8 am to 5 pm is paid. In most shiftwork jobs, the shifts are rotated anyway. People work a night shift for a month or 2, then an evening shift and then a day shift. Waiters and people in the tourist industry and the catering industry would have to work nights, probably without the opportunity to move to other shifts. But they, in many cases, work from, say, 6 pm to midnight, or 8 pm till 2 am.

I do not see why the country should bear this burden of penalty rates for hours of work simply because they are not between 8 and 5. Under this concept, of course, once one worked 40, 38 or 35 hours - whatever is the norm - in a week, then one would go onto overtime. If one worked more than 8 hours a day, he should be paid overtime but only for the extra hours. If a person was required by an employer to work from midnight till 10 am, then he would get 2 hours at the overtime rate. Those things I can accept.

This issue is really a social one in that our system requires billions of dollars to be paid to people on the sole ground that they work outside the hours 8 am and 5 pm. There are many people in the community who would not work from 8 am till 5 pm in a fit if they could avoid it. They get into a lifestyle of working evening shifts and nightshifts which is perfectly acceptable to them. I can understand that. They would not want to change. They have the opportunity to do things which they could not do if they worked during the daytime. I can understand entirely why some people would prefer to work other than between 8 am and 5 pm.

I believe that, with the possibility of this country moving into more difficult times, it is time that employers, unionists and governments gather around tables to discuss the solutions to this country's international competitive problem and its unemployment problem. When they do that, they might look at questions such as this and also questions such as permanent part-time work and job-sharing. As I have said before, Mr Deputy Speaker, I think we are going to enter an era of not just looking at the redistribution of income - which I know is one of the platforms of socialist philosophy - but we will need to look at the redistribution of work itself.

Mr LEO (Nhulunbuy): Mr Speaker, I was going to address myself to 2 matters this afternoon. However, the honourable Treasurer, in his endeavour to find solutions to today's pressing economic and employment problems, has perhaps provided me with something I should comment on.

While it is indeed the prerogative of this Assembly to discuss and debate any matter, I certainly do not see it is beneath us to discuss or debate anything, including shift penalties. However, I would remind the Treasurer that these penalty payments are not necessarily overtime rates. These penalties that are paid to shiftworkers are paid not only because of sociological reasons. There has been a wealth of medical and psychological thought devoted to the effects of shiftwork and the reason for penalty rates. I know it happens to be ...

Mr Perron: You get sick if you work at nights?

Mr LEO: Yes, that is quite correct. The Treasurer has just struck upon it.

Mr Speaker, I am certain you respect the Arbitration Commission's impartiality in industrial matters. It makes its decisions only on substantiated grounds. The Arbitration Commission allows certain claims. Amongst those are shift penalties, and those claims must be substantiated. It is not simply a case of 'we want, we want, we want'. There must be certain evidence provided to the Arbitration Commission to justify claims. Certainly, evidence has been provided to the Arbitration Commission in the past and I imagine it will be provided in the future that all shiftworkers should incur some extra payment. I am afraid I do not have any decisions in front of me but, if the Treasurer wishes, I will certainly dig out some reasons for it from previous Arbitration Commission hearings.

I asked the Minister for Transport and Works yesterday a question relating to a fire that occurred in the Jape building. The minister indicated that the Fire Brigade was now completely satisfied with the fire prevention equipment that has been installed within that building. I accept the minister's assurances. I am quite sure that the people who work in that building will be pleased to hear that everything is now all right.

However, there was a certificate of compliance issued for that building. It is my belief that the Fire Brigade makes certain recommendations before a certificate is granted. That certificate was issued and, quite obviously, certain things were not installed or functioning correctly in that building at that time, particularly fire prevention equipment. I would ask the minister to explain how that certificate could possibly have been issued with so many obvious fire prevention faults within that building. I cannot understand it. Perhaps the minister can provide me with some logical explanation. I would certainly like to hear it.

Mr Speaker, I wish to speak on a matter related to employment. I have been lobbied recently by 2 employee representatives. It was not about wages, increased penalties or a union problem. It concerns the employment of Northern Territorians. These 2 people spoke in relation to a matter which has arisen in Alice Springs. The Yulara Tourist Village is a substantial construction project. I believe there is to be some $110m spent there to which the Northern Territory government has made some contribution. I congratulate it.

It would appear that subcontractors are being hired on the basis of cheapest tender, which is the correct way to proceed in these matters. However, I am led to believe that less than 10% of the people employed on this project are Territorians. I have been told that the subcontractors, contractors, concrete workers, etc have in the main come from Western Australia. Alice Springs has a fairly high level of unemployment. Certainly, it is in a better position than some other communities in Australia but it is definitely feeling the pinch of unemployment.

I am talking about construction work which will probably only last 18 months. But if a Northern Territorian can get a job for 18 months, I think that everything that this government can do to provide those Territorians with jobs should be done. I would not care to tell the government how to manage its business but it would seem to me that we are indeed importing unemployment, as the honourable the Minister for Health remarked earlier, because these contractors who are coming from outside the Northern Territory are bringing

their labour with them. Especially in projects where the government has some direct interest, there may be some very definite ways in which it could influence the employment of Territorians, particularly in a place like Alice Springs which has a high rate of unemployment.

Mr EVERINGHAM (Jingili): Mr Deputy Speaker, once again I must draw to the attention of members a number of deaths of Territorians since this Assembly last sat. Bill Allcorn died at his home in Parap on 3 September 1982 aged 80. He first came to the Territory in the 1920s to work on the installation of the fuel oil tanks on Stokes Hill. Later he was involved in one of the first trucking businesses and, as late as 1956, was still carting firewood to serve the domestic needs of Darwin homes. Mr Allcorn remained in the Top End right through the war. With a truck and a team of men, he was employed by the post office to keep the telegraph line cleared. He is especially remembered for an epic journey by a truck on an unmade road to Oenpelli during the Wet in 1942 where he picked up mission people from that area to be evacuated from the Top End. For the last 10 years of his working life, he worked with the Commonwealth Works Department until his retirement in 1967. He had already built his home at Parap to his own requirements and lived quietly, the house surviving Cyclone Tracy. The late Mr Allcorn never married.

William Stanley Byrne died in Brisbane in August, a month short of his 82nd birthday. He was born in Darwin in 1900, one of 4 sons of William Joseph and Elizabeth Byrne who had married in Darwin in 1890, William Joseph having come to the Territory in 1886 with the famous Durack overlanding expedition. The family took up Byrneside Station near Brocks Creek which, with the amalgamation of Elizabeth Downs and Litchfield Stations, later became the famous Tipperary Station which, when it was sold, was 3560 square miles. During the war years Stanley and his brother Leo ran the property and this included supplying meat to the army. There were several much-talked-about race meetings for the troops also held at Tipperary during the war. The property was sold in 1967 to the Tipperary Land Corporation and Mr Byrne thereafter retired to Brisbane where he lived the rest of his life.

The death occurred late in September of Ann Dean, wife of Roger Dean, who was Administrator in the Northern Territory from 1964 to 1969. During the years she lived in Darwin, Mrs Dean was an active and tireless worker for charitable organisations, particularly in her capacity as president of the Northern Territory branch of a considerable number of Territory organisations, mainly concerned with women's interests, and for these she also worked very hard. She was extremely well-regarded, both by the public and by her staff, who regarded her as a friend. After leaving Darwin, the Deans were posted to San Francisco where Mr Dean was Consul-General, but latterly the late Mrs Dean has acted as secretary to Senator Carrick. She is survived by her husband and 2 children.

The Reverend Christopher Thomas Frow Goy OBE died in Melbourne on 28 August 1982 in his 85th year. From 1935 to 1941 the Reverend Goy was a Presbyterian patrol padre with a parish encompassing Darwin in the north, Roper River to the east, Tennant Creek to the south and Port Hedland to the west. Each year during those times, he and his wife covered 15 000 to 16 000 miles in a truck before returning to their New South Wales' base for annual leave. Of necessity, the Reverend Goy learned elementary dentistry, radio technicalities and the rudiments of mechanics, in addition to the usual tasks which fall to clergy in remote areas. They carried in the truck vital survival items in addition to food and medical equipment, No 8 fencing wire being paramount.

During those pre-war years, the Reverend Goy was responsible for negotiating the purchase of the land for the Australian Inland Mission where the Inter-church Club and the Presbyterian manse were built next to where the Uniting Church now stands in Darwin. From late in 1939, Reverend Goy was based in Darwin as senior army chaplain and, in this capacity, served until 1943 when he returned to a parish in Victoria. The Reverend Goy was in Darwin at the time of the bombing and has left a first-hand account of his experiences in his book 'A Man is his Friends'. In 1956 he was appointed moderator of the Presbyterian church and held senior positions in the masonic order, with which he was also involved when in Darwin. He is survived by 2 sons and 2 daughters.

Mr Deputy Speaker, Hazel Jones, Secretary of the Royal North Australian Show Society for 8 years, and assistant secretary for many years before that, died tragically on 17 September leaving a husband and 3 daughters. Mrs Jones worked tirelessly on behalf of the show society and it is, indeed, sad to see a comparatively young figure cut down while still in her prime. The Jones family originally came to the Territory from Queensland on a working holiday in 1961 and spent 2 years at Tennant Creek. In 1963 they went to the Centre and spent several years living and working in Aboriginal communities. They came north in 1967 and went to Elcho Island before finally settling in Darwin in 1969. As the children grew up, Mrs Jones spent a great deal of her time with her children's sporting activities and was particularly involved in softball. She is remembered as an outstanding organiser and to her must go much of the credit for the most successful shows held in Darwin during recent years.

Another notable recent death was that of Father John McGrath who died in Sydney on 14 September 1982. Father McGrath was born in 1892 and joined the Missionaries of the Sacred Heart in Sydney in 1926. He came to the Territory in 1927 and, until his return to the south in 1948, served the church on Bathurst Island. It was Father McGrath who first tried to alert Darwin by radio that the Japanese attack on 19 February 1942 was under way, but his warning went unheeded. After leaving the Territory, Father McGrath took positions in Brisbane, Adelaide and Sydney before retiring in Sydney. At the request of the people of Bathurst Island, whose language he spoke fluently, Father McGrath's remains were brought to the Territory for burial on Bathurst Island.

Mrs Maud Nelson was another distinguished Territorian whom we have recently lost. She died in her 99th year, having come to Darwin with her husband, Harold Nelson, in 1913. In the early years, the family lived at Union Reef and Pine Creek while Harold worked in the Mines Department diamond drilling. He then became a union organiser, while the railway was being built between Pine Creek and Katherine, between 1917 and 1919. In 1922, Harold Nelson was elected to the federal House of Representatives and the family, then numbering 6 children, moved to Melbourne. In those days of poor communications, it was not possible for the federal member to commute. The family returned to the Territory in 1934 and settled in Alice Springs where Mrs Nelson became active in such organisations as the CWA, of which she was a foundation member and also the YWCA. She is survived by her son, Jock, who was Administrator of the Northern Territory from 1973 to 1975, and 3 daughters, all of whom are resident in the Old Timers' Home in Alice Springs.

Claude Wallace died in Adelaide on 26 September at the age of 70. He is survived by his wife Maisie. Mr Wallace first came to the Territory in about 1950 to work as a carpenter for the Commonwealth Works Department. After several years, he met and married his wife and in about 1956 opened a joinery shop in Priest Street, Alice Springs, from where he operated for about 15 years. After a heart attack, he decided to retire and bought about 30 acres in the farm area of Alice Springs. He began to develop a sanctuary and aviary and later a chicken farm. About 3 years ago Mr Wallace retired to Adelaide. He was a much respected citizen in Alice Springs during his residence there.

Edwin 'Shorty' Latham first came to the Territory with the navy in 1944, during which time he played as much football as possible. After his discharge in 1948, most of his working life was then spent in the Territory, firstly with the Commonwealth Railways, then the Welfare Branch, Stores Branch and, latterly, with the Department of Health. During his period with the Welfare Branch, Mr Latham actively encouraged the promotion of sport amongst Aboriginal people. He was for many years a player, umpire and coach associated with the Northern Territory Football League, mostly with the Wanderers and the Nightcliff football clubs. As Acting Superintendent of Stores after Cyclone Tracy, he played a large part in organising relief stores to the stricken city and is warmly remembered in this regard. Mr Latham left the Territory on his retirement in 1976, but later returned to live with his youngest son and died in Darwin Hospital on 25 September, aged 67.

Mr Deputy Speaker, I am sure all honourable members join with me in extending our sincere sympathy to the members of the families of those people.

Mr TUXWORTH (Barkly): Mr Deputy Speaker, I would like to cover an issue that was raised in the adjournment debate yesterday by the honourable member for MacDonnell and again in question time this morning by the honourable member for Fannie Bay. The issue was a press tour that was organised by the Department of Health with my blessing to give southern journalists an insight into the Aboriginal health program in the Northern Territory, and, in fact, some of the work that is going on in remote areas.

Just to give a bit of background to this, I would like to put it into perspective for honourable members. The department, as members know, has a budget of $87m. We have about 108 facilities spread throughout the Northern Territory at which we provide health services. The department provides 50% of its beds to Aboriginal people and they make up about 25% of the community population. Further, we have 250 health workers on our payroll within the department, which is about 10% of the workforce. There are about another 150 European staff in the department who work directly with health workers in remote areas, and I refer to doctors, sisters, drivers - a whole range of people. Apart from that, Mr Deputy Speaker, we have the full resources of the department, its budget and 2700 people working in the area of Aboriginal health in one form or another, not always for the entire day.

Our big problem is how it is all perceived by the Australian community at large. Some of the perceptions that our southern relations have of the way we deliver health care in the Northern Territory is not terribly glamorous. There are people - and I would be happy to name a few such as John Hargrave, Dr Dyrting and Dr Devanesen and Kerry Kirke in Alice Springs - who between them have about 70 years service as doctors to the Aboriginal communities in the Northern Territory. On top of that, we have the sisters, health workers and other members of the department who work hard every day providing community care.

One of my great concerns is the way that criticism hits upon the people

in the department. Generally it is aimed at me but, in most cases, it gets at the officers of the department who spend their whole day trying to bring good health to Aboriginal people. I might just add that among the most vocal critics have been the World Council of Churches, the Catholic Commission for Justice and Peace, some uninformed reporters, TV teams seeking sensation, self-professed experts and political activists. The thing that really sticks in my gut about them all is that the majority of them have never set foot inside the Northern Territory. That really gives me the heebie-jeebies.

Mr Deputy Speaker, to give you an idea of some of the rhubarb and claptrap that is printed about things happening in the Northern Territory, I have a news article of 26 August 1982 from Canberra. It says: 'For example, in the Northern Territory, the crude death rate for Aboriginals in 1978 was 13.5 per 1000 compared with 4.8 per 1000 for the total NT'. What the other 10 inches of the column does not tell us is that that has fallen from 74 per 1000 10 years ago. That is an interesting statistic that was omitted so that it did not affect the story.

I have another one, and I will table these for the benefit of the honourable members. It is from the Sunday Mail: 'The Face to Shame a Nation. Shock Issue'. The story is irrelevant. It is good to be able to pour scorn on the staff of the department. Here is another written by a fellow called Paul Mann for the front page of the Sunday Mail in Adelaide on 4 July. This guy spent 26 hours in the Northern Territory writing a well-informed, completely documented, unsolicited article about something on which he did not get any detail. He showed himself through the hospital, did not bother to talk to Dr Kerry Kirke and saw Dr Devanesen over a beer.

That is the real concern I have: the way our delivery of health care is portrayed to southern people. To be fair, they pay for a great part of our health services. When they read tripe like that, it is not unreasonable that the taxpayers of Australia think that they are being robbed. All we get out of it is that our staff is denigrated and our programs ridiculed. Our situation has really been misrepresented and those articles will highlight how it is done. It is all done in the interests of a good story. They do not worry about the truth because that might not sell the papers.

Mr Deputy Speaker, in an effort to turn this around, I spoke to the local paper but it did not think the issue was really heavy enough for it. I went to the ABC and my press secretary spoke particularly to Matt Peacock who runs the Aboriginal half hour on television on Friday night. He could not handle it - it was not heavy enough. In an effort to get the story over and at the request of the secretary of the department - and one I wholeheartedly concur with - a trip was organised. I will tell you who was in the party. There was a journalist from Cleo which has a circulation of 246 000. There was a journalist from New Idea which has a circulation of 661 000 and a journalist from People which has a circulation of 183 000. That would give us a circulation of over 1 million people. In addition to that, we scored 3 people from the ABC Weekend Magazine team which has an audience of 3 million people. I would point out that the Weekend Magazine item will be on the national network this Sunday week and I would encourage honourable members to look at it. The cost to the ABC of doing that show worked out at $2000 a minute or a cost of $26 000 for the film. In terms of reaching the people of Australia to tell them that we are endeavouring at every level to try to provide good health services to people, I think the exercise has been worth it. I would like to inform the honourable member that the total cost to our department was the princely sum of $12 000 out of an $87m budget.

Mr Deputy Speaker, the member for MacDonnell was concerned yesterday that we were frittering away taxpayers' money on a junket. I do not regard it as a junket and neither did the people who sat in the aircraft at 9000 feet for 2 or 3 days and lived in swags and generally did not enjoy the fruits of life as much as they might.

Mr Bell: Fair go.

Mr TUXWORTH: If the honourable member will just be patient, he can talk his head off in a minute.

For $12 000, we are taking a story of significance about a very innovative program on the Aboriginal health front to 4 million Australians in order to add balance to some of the rhubarb in the papers I just tabled. For $12 000, we obtained 13 minutes of prime time on national television and stories in 3 major magazines wherein people are charged at the rate of $5600 per page, $6300 per page and $1100 per page for advertising. That is a pretty substantial gain in my view. If the honourable member for MacDonnell thinks that is frittering money away on a junket, he is in a different world to the one I live in.

I believe that the 2700 staff in the department who work very hard to provide good medical care to everybody in the community are from time to time entitled to some support. I believe that there are successful programs, mostly ones that they innovate and work hard at themselves. Expenditure should not automatically be regarded as waste because something is presented in a different way than what it has been in the past. I am concerned that the effort of the staff should be recognised. They are not lazy people lying on a beach having gin slings all day; they are hard working people. I do not believe that the portrayal of disinterest and disregard found in articles like that one I tabled should be seen by the rest of the country as the norm in the Northern Territory. It is not.

Another point is the matter of isolated failure. There will always be failures. The man who has never made a mistake has never made anything. We are no different and the department is the same. I do not believe that isolated failure from time to time ought to be portrayed to the nation as the norm in the Northern Territory because it is not true and it is not fair to the people who work hard.

The honourable member for MacDonnell, in his closing remarks, asked why Papunya was not included.

Mr Bell: And a couple of other places.

Mr TUXWORTH: There were a couple of other places.

Very simply, we were very keen not to include Papunya because Papunya is an independent health service. It seemed important to me that it not be regarded as something that the Northern Territory department is responsible for and we should not be confused with it. I spoke at some length a few weeks ago on the situation at Papunya. It is not a situation that I would regard as satisfactory by any means and certainly it is not one that I would want journalists from the southern states writing up as one of the Northern Territory government's gems.

Mr B. Collins: You were trying to give them a biased view?

Mr TUXWORTH: Mr Deputy Speaker, if the honourable member finds that distasteful, then I am sorry. The option is open to him to invite anybody he likes to go to Papunya and do a story on Papunya as an independent health service whenever he likes.

Mr Bell: Would the Department of Health pay for it?

Mr TUXWORTH: No, the Department of Health will not pay for it. The honourable member should not have any trouble attracting people to go and see an independent health service because they are regarded by many people in many places as the epitome of how to deliver health care. That view is not shared totally in the Northern Territory. Papunya is a good example of why it is not such a good deal. I do not wish to go into the matter of Papunya today at all. However, it is not totally satisfactory.

Mr Deputy Speaker, I would just say to the honourable member that that $12 000 out of a budget of $87m to present to the people of Australia the activities of the Department of Health in the Northern Territory is very little. There was no political pressure on the people. They could write what they wished. Here is an article by Diana Kennedy from the Northern Territory News who ultimately went on the trip with the other journalists. She wrote her story in her own way. I think it is pretty fair and reasonable. It is critical and it is fair. All I ask of the press is that, when it writes a story about the department, it is honest and fair.

Coming back to the $12 000, Mr Deputy Speaker, I reckon it was a steal to get that sort of coverage. If the honourable member cannot accept that, I have a great deal of sympathy for him.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I would like to preface the remarks I am about to make by stating clearly that I am not attempting to continue the debate on the honourable Chief Minister's statement on employment. I would like merely to continue my remarks on a matter which I raised during the October sittings: the grave problem of employment in Aboriginal communities.

Mr Deputy Speaker, following a question I asked yesterday, the Chief Minister spoke of the difficulty experienced in inculcating work motivation amongst Aboriginal people living in Aboriginal communities. The Chief Minister is undoubtedly correct because it is pretty difficult. I further believe that the Chief Minister is quite genuine in his desire to improve employment opportunities in Aboriginal communities but I believe that this government is going about things in the wrong manner.

Figures issued by the Industries Training Commission show that there are over 4000 Aboriginal people of working age in the Territory at present registered as unemployed. This is an absolutely minimum figure. There are a great number of Aboriginals not employed who have not registered as unemployed persons, many of them because they do not want to accept the dole which they refer to very often as sitdown money. If this government is really interested in doing something to alleviate the dreadful and soul-destroying effects of unemployment in Aboriginal communities caused through the lack of job opportunities, it is necessary that officers go out into the field to these communities and find out how the people themselves relate to the community in respect of jobs and then organise appropriate training courses.

The Chief Minister, in all sincerity I believe, has suggested that tourism be promoted as a source of revenue for Aboriginal communities. The fact is that, from some years of personal experience, it is my belief that most tourists

would have to undergo a crash course on reasonably decent manners before they would be acceptable to Aboriginal people. Incidentally, the Chief Minister was correct in saying that I criticised his circular letter to Aboriginal communities in 1979 when he invited them to make contact with him or his officers if they were interested in tourism. In my years on settlements, we used to have what were known as open days when a blanket permit was issued for tourists to visit the settlement. Most of my staff would shudder at the news and God alone knows how the unfortunate indigenous people felt about it. The tourists who visited settlements where I was superintendent used to wander about taking pictures, not of the attractive aspects of the settlement but, more often, of the most unattractive sights - things like rubbish tips, mangy dogs or people disfigured through Hansen's disease. Aboriginal people seemed mostly to be regarded as curiosities or freaks. Tourists spoke about them as though they were not present while they were speaking and remarks such as 'aren't they lazy' or 'ugly' or 'smelly' or other cruel or ignorant and hurtful comments were often said aloud.

Mr Deputy Speaker, the Aboriginal Employment and Training Branch of the Commonwealth Employment Service has no less than 32 officers with a mandate to take the services of their department to the people, to identify training needs and to provide access to trainees for programs. However, the Aboriginal Employment and Training Branch of the Commonwealth Employment Service feels that, because of the lack of dialogue between the Northern Territory Aboriginal Liaison Unit and itself, its work is being frustrated and, instead of getting on with the job, most of its time seems to be spent in interminable waffling at all manner of conferences and on all manner of committees.

The Commonwealth Employment Service has all the necessary information for training courses and is increasing it all the time. If the Aboriginal Liaison Unit took more note of what CES already has, it would enable far more trainees to take courses. This training would be most valuable and productive in Aboriginal communities, with a particular emphasis on self-development programs. In 1981, for instance, the Commonwealth Employment Service spent $1.7m on various programs: on-the-job training; formal courses such as office training, carpentry, joinery and building courses; pre-trade courses; and special programs for which permission had to be obtained from the federal minister. However, in some of these programs, up to 60% of the funding was absorbed by the administrative costs. In a previous adjournment debate I remember complimenting this government on its initiative and foresight in running a certificate course at the community college to train Aboriginals as powerhouse attendants. However, I do not think that I would have been so lavish in my praise had I known then that the air fares to and from communities and accommodation costs for course members were paid by the Commonwealth Employment Service. Also, the CES funded 1 of the 2 lecturers, Mr Andy Lauder.

Officers of the Aboriginal Training Branch of CES feel that, if the government met funding for administration courses, then they would be enabled to spend their own allocation as it should be spent; that is, by providing more access to trainees to undertake programs. The strategy should be to encourage Aboriginal people to identify their role in communities and assist them to perform the tasks which they themselves nominate. The current situation is that the government has set up a body called the Aboriginal Employment and Training Board of Management. However, the CES Aboriginal Employment and Training Branch has not even been invited to be represented on that board, despite the fact that it provides the major part of the funding.

Unemployment in Aboriginal communities does much more than decrease the cash flow in those communities. It is soul-destroying, disillusioning and heartbreaking to people willing to work but with no jobs available and no incentive. It causes disruption in homes and increases crime. People who, through no fault of their own, cannot find employment over a lengthy period, must eventually lose any incentive and possibly the ability to work. As a result, eventually they lose their self-respect, which is a tragic thing.

Before the honourable Treasurer, as he did in presenting the budget, or any other honourable minister tells us that the government is giving a strong performance in generating employment opportunities in the Territory, I would like to see a strong performance in generating employment on Aboriginal communities along the lines that I have suggested.

The honourable Chief Minister has stated that, if anyone has any better ideas on how Aboriginal people can gain useful employment, he would be grateful to know of them. Aboriginal people have been said to lack the ability to undertake tasks that require intense concentration. Any logical person who takes the trouble to observe an Aboriginal painting with its intricate designs and its myriad markings could not help but realise that the utmost intense concentration would be required to execute such a painting. Aboriginal people have an amazing ability to concentrate on intricate tasks and they do so with great patience and ability. To observe an Aboriginal person poised in the bow of a dugout canoe, bracing himself against the vagaries of the sea, poised with a spear in one hand, sometimes for periods of upwards of a half hour or more, stalking perhaps dugong or turtle or whatever, must realise that, despite the contrary opinion of many Europeans they do not lack the ability to concentrate and have almost unlimited patience. Therefore, I suggest to the Chief Minister that if, as he suggests, he is concerned - and I believe that he is very sincere in saying that he is greatly concerned with the unemployment situation on Aboriginal communities - I suggest he look to avenues other than the conventional ones to which his government has already addressed itself.

Mr SMITH (Millner): Mr Deputy Speaker, I wanted to make a contribution to the unemployment debate earlier today.

Mr DEPUTY SPEAKER: Order! The member must not refer to a previous debate.

Mr SMITH: Mr Deputy Speaker, you have temporarily disconcerted me so I will collect my thoughts and move on to something else.

I was somewhat amazed by the comments of the Minister for Lands and Housing. It always amazes me that people in his situation, people with a comfortable income, can have the effrontery to tell people earning $11 000 or $12 000 a year that they are greedy and they ought to be making sacrifices to get this country, or any part of the country, on its feet. It particularly upset me that the minister could say that one of the major causes of unemployment in this community was the fact that we have many 2-income families.

Mr Deputy Speaker, I would suggest that the minister has lost touch with his community and that it would pay him either to go round his electorate or, if he has forgotten the streets in his electorate, he could come with me around my electorate and we could visit households where there are 2-income families and listen to their stories. One of the most common complaints that

I get from people in my electorate is that it is necessary these days for both members of the household to go out to work. It is a commonly-held belief - and I think it is true - that, in so many households in this country, unless both people go out to work, they do not have the necessities to live not an extravagant life but just a comfortable life. In reaching this decision, people are affected by a large number of things.

One which looms rather large in the minds of a substantial number of people has been the rather dramatic increase in Housing Commission rents over the last 2 years. I cannot give you the exact figures but there has been a dramatic increase in rents, as the government goes hell-bent under federal government direction towards this magic market-rent concept. The result of that is many women, who by choice would not work, have been forced out into the workforce to obtain enough money so that they can pay the rent. Conversely, now that renting a house has become such an unattractive proposition, people are looking more seriously at buying their own home and the same situation applies. People on a salary of $11 000 to $14 000 or even higher cannot afford the present high rate of interest and the high cost of housing in the Northern Territory. To buy a house, they need 2 incomes.

It is that fact rather than what the minister seemed to be implying - that people are after more and more luxuries - that drives people out into the workforce. He made that point and, in the very next breath, he put forward an argument that would drive more and more women out into the workforce - he wants to abolish overtime. I guess he can try to have it both ways but certainly I think he should realise that his solution to the second problem will worsen his first problem. I conclude by saying that I find it amazing that the Treasurer of this Territory, responsible for a $1000m budget for the first time, can come up with such simplistic solutions to what is ailing us at this time.

Mr Deputy Speaker, my next remarks are prompted by a response of the Minister for Transport and Works in question time this morning in which he furthered the debate that has been taking place between he and I on funding for sports. Basically, he said that I had been providing misleading information on the government's efforts in the sport and recreation area. I submit that the Minister for Transport and Works is probably his own worst enemy because he has a classic inability to say the same thing twice on the same subject.

The latest example that I would like to give to you concerns the Marrara Sporting Complex stages 1 and 2 and the timing of such stages. In September, shortly after the budget was brought down, the minister issued a press statement which said that stages 1 and 2 would proceed together and that both should be opened by Christmas next year. He further said that it makes sense socially and economically to build and open both facilities together. On 12 November, the Minister for Transport and Works had this to say: 'Stage 2 which will house high-class basketball courts is now at the preliminary design stage. I expect tenders to be called at the end of the dry season and the courts to be in use by early 1984'. There is a definite contradiction there. Previously, he said that both projects would proceed together. We all know that the tender for stage 1 has been let and work will start shortly after he turns the turf on Friday. Here, he is saying that the preliminary design work for stage 2 is being undertaken and stage 2 will not be completed until early 1984. In his first press release, he stated that stage 2 would be completed with stage 1 by Christmas 1983. That sort of confusion which is constantly being spread by the minister is confusing sports bodies in the Territory. A large number of the minister's problems would disappear if he

was able to tell a consistent story on what his government is doing.

That brings me to a second point: his claim that the government was spending in this financial year about $4.5m on sports facilities. That consisted of $3m for stage 1, $1m for stage 2 and about $500 000 for upgrading of the ex-Fannie Bay health stores. From his news release of last Friday, I demonstrated that $1m for stage 2 will not be committed this financial year at all but will be committed next financial year. That reduces us to $3.5m. The $3m for stage 1 is on a dollar-for-dollar basis from the federal government so that reduces the amount the government is committing there to $1.5m. The $500 000 is not an actual commitment of money but in fact the value of the building at Fannie Bay. From the magic figure of $4.5m that the minister proudly quoted this morning, we come down to the fact that the government has committed $1.5m in capital works this financial year. That is an impressive sum of money and certainly, on a per capita basis, is much better than the states do. I do not deny that. What I do become upset about and what sporting organisations become upset about is when the minister tends to exaggerate and when he cannot tell the same story twice.

Mr Deputy Speaker, I would like to conclude by making a few comments on how employment opportunities in the Northern Territory can be increased under the broad topic of buying locally. You will see why I say 'the broad topic of buying locally' when I make my comments. The Community College of Central Australia has been most active in running courses for bartenders, food waiters and wine waiters. One of my constituents has done the 3 courses. The courses are each of 6-weeks duration and, during that period, the students are provided with some sort of allowance. He has come out of it with certificates saying that he is competent in those 3 areas. What happens when he tries to find a job in the hospitality industry in the Northern Territory? He is always beaten to the punch by others who have experience. What is particularly upsetting to him is that many of these people who beat him to these jobs with experience are people who regard the Territory as their temporary home at best. This young person has only been out of school for 12 to 15 months and has desperately searched around for jobs but has not been able to find them. He has taken the courses offered to him by the Community College of Central Australia. He is a permanent resident yet he is beaten to jobs by people from outside the Territory on what can kindly be called working holidays. I am not sure what the answer is but I think there must be some scope for the government to impose some pressure on the hospitality industry to make sure that people who go through the Community College of Central Australia course do get a fair go and some sort of priority for jobs in that industry.

Another thing that has been brought to my attention is the government purchase of furniture for its own departments. We will all be aware that, in the last couple of months, 1 or 2 firms supplying furniture here experienced very difficult times. In fact, one or two of them are at present facing bankruptcy. I am informed that the Chief Minister's Department buys most of its furniture from the south. My information is that it buys most of its furniture from 2 southern firms, Co-ordinated Design, and Supply and Framac. If this in fact is true, I think it is a deplorable situation. We have local firms, most of which have been around for quite a few years and have an extensive range of furniture which suits most people in the Northern Territory, yet the government gives its business to southern firms who neither have a permanent office in the Northern Territory nor employ permanent staff. If it is serious about the question of employment opportunities for young people and others in the Northern Territory, I ask the government to have a close look at purchasing arrangements in that area and other areas and to make sure that, wherever possible, it does buy locally.

A third example is the demolition of Block 1. We are all familiar with what happened with the demolition of Block 1. John Holland won the contract and then subcontracted to Whelan the Wrecker. We all know that Whelan the Wrecker basically brought its workers from the south.

Mr Perron: Not too many workers were involved in that job.

Mr SMITH: That is correct, because most of it was done by a machine which, for want of the technical term, we will call a ball-and-chain machine. The ball-and-chain machine was brought up from Sydney by Whelan the Wrecker while there was one lying out at Berrimah unused. If that ball-and-chain machine had been used by Whelan the Wrecker, that would have been a substantial benefit to the contractor at Berrimah. That is the sort of thing that this government ought to be looking at.

The further point I wanted to make was to support the comments of the Chief Minister this morning on the use of Grumman Trackers. Take one step to the right. I have been concerned for some time about the prospect that the Grumman Trackers would take the jobs of people presently in the coastal surveillance industry. Many of the people in the coastal surveillance industry are survivors from the Connair days. There are both pilots and observers who were working for Connair and have been able to find jobs in coastal surveillance. It appalled me that there was a prospect that they would lose their jobs if the Grumman Trackers came to the Northern Territory. I am happy that the Chief Minister has defined his position a little more than it has been defined in the past. In fact, he sees Grumman Trackers as a complement to the existing coastal surveillance service and not a replacement for it. I am sure that will reassure a number of people presently involved in the industry.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, today I would like to point out a discrepancy regarding the health monitoring of 3 uniformed groups of people in the Northern Territory Public Service. In view of the public expectation of their work, it is to the detriment not only of these people but also to public as a whole. I refer to the inadequate health monitoring of the members of the Fire Brigade, Correctional Services and the Police Force. I am not saying that any of the personnel of these 3 uniformed groups necessarily are unhealthy or medically or physically inadequate. I am saying that, if they had regular medical physical checks, they would be a lot better.

To enter the Fire Brigade, you must pass a medical exam but after that there is nothing. A person can be in a serious state of ill-health and still be a member of the Fire Brigade because nobody seems to worry about it. I have heard from members of the Fire Brigade that there was a rumour about 6 months ago that medical and physical checks would become necessary on an annual basis but nothing has come of this.

Intending members of the prison service have to attain a certain standard of medical health to join the service. After that there is nothing. I have checked it out but I have been told that there is something in the legislation regarding the members of the prison service to say that they shall have periodic medical checkups but these checkups are not enforced.

To join the Police Force, there is a very rigid medical test that has to be undergone by all those people who want to join, but there is nothing after that. I understand that the cream of the Police Force, the Task Force, does not even undergo periodic medical checkups. It has continuous physical fitness programs but, apart from that, nothing. The public expectation of police performance is very high. We hear a lot about the stress experienced by members of the Police Force. I think I am correct in saying their retiring age is 60

but there is movement afoot to bring their retiring age back to 55. We expect such a superb state of physical and medical fitness from them to make them the answer to a maiden's prayer but they cannot continue to keep a superb state of fitness to cope with any emergency if they do not undergo regular medical checks and followup fitness training. Stress also has a relationship with physical fitness. If there were regular medical and physical fitness checks, perhaps the police might not be working under such a state of stress as some of them appear to be at the moment.

It has been put to me that these medical checks would cost money as would the followup treatment. It is a small price to pay if we expect to have a physically fit Police Force. People have said that it is an inordinate amount of money to pay considering the numbers in the Police Force and when we consider the cost-benefit studies. I do not think that we should consider it from that point of view. Are we going to run our police into the ground and then pension them off at an early age or just have them die on the job?

A policeman died in a rural area from a heart attack after an incident. I am not saying that this particular person would not have died from a heart attack in any case but, if regular medical checks had been undertaken, his condition may have been found out earlier and treatment could have been given. There is another case of a very young policeman who contracted a very serious disease. I do not think it is terminal but it is certainly very serious, necessitating his treatment down south. If regular medical checkups were undertaken, his condition might have been picked up earlier.

Mr Deputy Speaker, if we compare the state of medical fitness of these 3 uniformed groups in the Northern Territory Public Service with the 3 armed forces - the air force, the army and the navy - it appears to me that there is a gross deficiency in our care for these people. In the RAAF, there is an annual medical checkup of all their crews. The age limit is 47 years. There is also an annual medical checkup of all air traffic control officers and an annual medical checkup of air defence officers. The ground staff personnel have an exam at the age of 20 and every 5 years after to 40, every 3 years after that to 49 and every 1 year after the age of 49. As well, there are medical checkups after any South-east Asian tour of duty and medical checkups before any discharge. As well, there is a health promotion program in which cholesterol tests, urine tests and ECGs are taken.

The army has a slightly different way of ascertaining medical and physical fitness of their personnel. They have physical tests twice annually and medical tests annually. The person to whom I was speaking was not quite certain of the age but he thinks that the army personnel are given further medical tests at 40.

The navy has a big program to the fore now: a push against obesity. If one of the navy personnel is obese, he is considered unfit to be posted to tropical areas, remote areas and ships without medical officers. There is no physical fitness program as such in the navy at the moment but this is seriously being considered. In the navy, there is a medical test on entry to the service, re-engagement, on change of branch or category, on promotion and on discharge.

Considering all the tests on members of our armed services, and rightly so, I feel that the uniformed groups in the Northern Territory Public Service are not considered with the sufficient care that their operations demand.

The Minister for Primary Production gave me an answer to a question this morning and I would like to express some concern at his answer. I will be writing to him at the end of this sittings to see if I can persuade him to change his mind. This is in relation to the staffing at the Coastal Plains Research Station. This research station has an area of 4667 ha. In the Wet of 1979-80, a 5-year redevelopment plan was started. At that time, there were about 10 people on the staff. The minister said this morning that there were only 6 on the staff which means the white ants are still going strong out there because about a month ago there were 7. The positions held are: the manager who is a technical officer grade 2, a mechanic, a leading hand operator, 2 operators and 2 industrials.

It was pointed out to me that the Coastal Plains Research Station lacks the services of a clerk. Usually, we denigrate the services of clerks because many people say they proliferate like rabbits. Nevertheless, their services are necessary at certain times. The clerk who used to work at the Coastal Plains Research Station also filled in for field work. The last clerk was a multi-purpose, very useful fellow. But now there is no one. The staff themselves, which I was told numbered 7 but now is 6, have to look after their own financial paperwork. They were offered the services of a clerk for 4 hours a week but this was refused. I feel they might have been better off in accepting the offer even if only for 4 hours a week.

It has been said to me that the minimum work requirement for a clerk at the CPRS is 60% of the 40-hour week. I think honourable members probably have a pretty fair idea of what goes on at the Coastal Plains Research Station but, for those honourable members who do not, the Coastal Plains Research Station is out of cattle now and into buffalo. It is gearing up for pasture programming. The bulldozers were brought in recently to clear more land. They dragged the logs for an area to make new horticultural ground for experimental work. The pastures are being cleared.

What is more important, and I can speak from personal experience, with nobody to do the office work, there is Buckley's chance of contacting anybody there unless one rings at about 8.05 am or 1.05 pm, when they start work. After that, nobody is in the office. This is especially so in the Wet when the busy time for the research station is nearly upon them. Because there is nobody in the office to answer the telephone calls, they are incommunicado if anybody wants to get in touch with them. They are out working in the fields.

To conclude, whilst I thoroughly agree that it is admirable that they are all employed in the field on work that the research station is geared for, nevertheless, I will be pursuing the matter further with the minister to see if I can get him to change his mind about the staffing situation.

Mr Speaker, before I conclude, I would like to add my remarks to those of the Chief Minister regarding the death of Hazel Jones. For more than 20 years, I was associated with the North Australian Show Society before it became a royal society. In that time, we had 4 secretaries: Mrs Beaton; our Acting Deputy Clerk, Mr Gleeson; Mrs Edna Shean; and Hazel Jones. I must say that, in all that time, we have had very good secretaries of the Show Society. It is due in no small part to the pleasant and competent way these people have worked over the years, especially Hazel, that the show society has achieved the status in the community it has today. I would also like to mention that one of Hazel's daughters is working at the Legislative Assembly at present.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I must rise to support my colleagues, the honourable members for Nhulunbuy and Millner, in their responses to the attacks made by the Treasurer on particular types of workers. It is quite true, as the honourable member for Nhulunbuy pointed out, that wage rates relative to overtime and specific hours of work are not determined mainly on the worker's right to a good social life but, indeed, in many cases, with regard to the medical well-being of the worker concerned and the nature of the work.

When the honourable member for Nhulunbuy made this point, the Treasurer interjected by saying: 'Do you mean to say you get sick at night?' Depending upon the type of work you are engaged in, Mr Deputy Speaker, the answer to that question could very well be yes. What the Treasurer refuses to countenance is the fact that these awards, like many other working conditions, are determined by industrial commissions having regard to the facts that are presented to them. It is quite true, as the honourable member for Nhulunbuy pointed out, that workers are required to substantiate their claims before they are acceded to.

When I heard the Treasurer making these remarks, I was reminded of an inquiry that was held in the Northern Territory 2 years ago. It related to leave requirements of certain employees who were not covered by awards. The inquiry was conducted by Mr Commissioner Taylor and, in the conduct of that inquiry, he had occasion to instruct a particular witness in basic principles of industrial law that were not apparent to her. I think it would have done the Treasurer well to have read these transcripts or to have been present so that he could have had the wise instruction of the commissioner on that occasion. I do not think the matters are too far removed. The Treasurer spoke about wage rates in respect of overtime and working at odd hours. The matter to which the commissioner addressed himself was leave privileges. As we know, Mr Deputy Speaker, these matters are determined on much the same sorts of principles.

It is quite true that there are certain workers who prefer to work when others are not working. Their occupations tend largely to be nocturnal and the Treasurer referred to them. I am not speaking of burglars and perpetrators of other nefarious activities, but simply people like entertainers or cocktail bar attendants etc who tend to work late into the night long after the rest of us have retired.

If I might come back to the instruction given by Commissioner Taylor to a witness who admitted that her knowledge of industrial law was very limited, the question in this case related to how maternity leave is derived in awards. I think the principle is the same whether we are speaking about maternity leave provisions or the amount that should be paid to workers on overtime or in other penalty hours. The commissioner said that there was considerable medical evidence and the commission came to its conclusions on the material then put before it. I am speaking here about maternity leave. He said: 'Now, let me say that, if you did read that, you would see that very extensive medical material from probably Australia's most high-ranking gynaecologist and women's specialist, who gave very detailed information about the effects of motherhood on women, what happens to them early in the piece and just before birth, breaks they should take from doing anything after birth and all those sorts of things'. The witness responded: 'I am obliged to Your Honour for that information but I wonder if similar medical evidence has been sought on the average man'. The commissioner said: 'On the what?' The witness: 'On the average man'. I am pleased to say, Mr Deputy Speaker, the commissioner was able to answer the question put by the witness for indeed it appears that medical information has been gathered on

the average man working in specific types of industry.

The commissioner instructed the witness as follows: 'At the time I was responsible to the brass and copper industry, and I had a case brought by the Ironworkers Association as to employees in that industry, the evidence was documentary and medical and it was to the effect that employees in that industry, because of the nature of the industry, were entitled to more sick leave than was the general norm. At the time, the general norm was 1 week a year, 5 working days, and in that industry, because of the material before me, I was satisfied that the incidence of sickness in that industry required a bigger grant than 5 days per year, and I extended the 5 days to 8 days'. He went on to assure the witness that these decisions were arrived at on the medical evidence presented to the person determining the award. Of course, that was the point being made by the honourable member for Nhulunbuy.

It amazes me that the honourable member for Tiwi should have so much regard for the physical well-being and mental well-being of certain types of employees. Her very commendable attitude is so at odds with the attitude of the honourable Treasurer because it is well known that there are certain medical conditions associated with hours of work. I believe that evidence has been presented in determination of certain awards on matters such as hypertension, sexual impotence, insomnia and also the incidence of accidents at certain times of the day. So, if the honourable Treasurer would now like to tell us that all of this is nonsense and that you cannot get sick because you work at odd hours of the day, I would have to tell him that the weight of medical evidence provided to industrial arbitration commissions around the world is certainly to the contrary.

Mr Deputy Speaker, the next matter I wanted to bring up was one that I felt reflected badly on the electorate at large. At the moment, there is something of a wrangle going on between the Chief Minister and local government. As a result of this wrangle, I heard an extraordinary statement made by the Lord Mayor the other day to the effect that, if it were not for the fact that backbenchers and other members of the Assembly had not enough to do, then aldermen would be more able to fulfil their particular functions.

It appears that all of this came as a result of remarks made by the Chief Minister to the effect that local government ought to be abolished because it was largely conducted by part-time people who could not find the time to attend to their duties. Whether or not one agrees with that statement, the fact of the matter is that the Lord Mayor's remarks did not in any way contribute to a sensible attitude towards this particular question.

I plead guilty to being one of those members who deals with all manner of matters which are rightly the province of local government. The reason I do this is simply because my constituents come to me with these problems. I for one am not going to tell them that they should not come to me and that they should go to their aldermen. If they come direct to me I take it that they have made the decision to come to me rather than to go to someone else. By the same token, I do not refer people who come to me with matters that are within the province of the federal government to go and see the Territory member, Mr Tambling. If a constituent comes to me on a matter such as social security or immigration, then I deal with it. I might say that it is to the credit of federal departments that they realise the role played by local members of this Assembly by providing detailed briefings on all changes of policy so that members can adequately deal with the electoral representations that are made to them.

As I say, I thought the Lord Mayor's remarks reflected badly on the electorate because he is telling people that they are foolish to come to us instead of going to them. If he were at all serious about it, I would ask him how one contacts by telephone certain aldermen in this town because a number of constituents have come to me after they have made an attempt to contact the alderman. So I assure the Lord Mayor that I will continue to represent my electorate on whatever problems they bring to me and that I have no intention of standing aside in order that he may advance an argument for having full-time aldermen.

Mr Deputy Speaker, the third matter I wanted to raise is of interest to the honourable member for Casuarina, both electorally and also in his ministerial capacity. It is in relation to the pedestrian circulation problem at the Casuarina Shopping Centre. The shopping centre is located within the honourable member's electorate and it is also I think a matter that his Department of Transport and Works could attend to in due course.

The situation has arisen because of increasing development in that particular locality. Since the original shopping centre was built, it has doubled in size. There has also been an addition on the other side of Trower Road in the form of Casuarina Plaza which is a brand new shopping centre. There has also been a substantial development to the north of the centre in the form of government office blocks. Particularly in the peak shopping hours, the pedestrian circulation between Casuarina Plaza, the new shopping centre and Casuarina Square is quite hazardous. This situation will only be exacerbated when further developments planned for that area are implemented. I believe that there is quite an extensive development planned for that area, including the provision of a tavern.

Mr Deputy Speaker, I have raised this matter because this particular shopping centre is very much patronised by my constituents, who I think would probably make up half of its trade catchment. Many of them have made representations to me to ask the minister to have this particular problem looked at with a view to improving the safety of pedestrians who wish to cross between Casuarina Plaza and the Casuarina Shopping Centre. I think that, before the new development which is proposed, which includes the tavern, takes place, the minister should give some thought to this particular matter as this shopping centre will in time be larger even than the shopping centre within the Central Business District.

Mr BELL (MacDonnell): Mr Deputy Speaker, due to the lateness of the hour, I wish to make my comments brief. I really cannot let the righteous indignation of the Minister for Health, that was displayed during the adjournment debate this afternoon, pass without some comment. There are a number of questions that he failed to mention. I will get on to that. The first point I would like to make is that at no stage yesterday did I make any criticism of any of the officers in his department. In fact, if he had been listening carefully to what I had said, he would have heard what I had to say about the Aboriginal Health Worker Training Program.

Mr Tuxworth: I did not say anything.

Mr BELL: Well, I think that, if the honourable member consults Hansard in the morning, he will at least find he was imputing some sort of criticism on my part. He certainly suggested that the officers of his department required support. I think that, on the part of a minister, that is a laudable objective.

I think that I am probably at least as well acquainted at grass roots level with the operations of sections of his department in my electorate as he may be and, for that reason if for no other, he probably would do well to pay a little attention to what I have to say. If he believes the officers of his department require some support, he would do very well to reject the sort of bunker mentality that he insists on demonstrating in regard to the provisions of health services in Aboriginal communities. He made some fairly scathing remarks, for example, about health services at Papunya. He was seeking to say that health standards were improving but said, perhaps with some justification, that not enough attention was given to the improvement of that situation. Whether his department collects statistics in that regard or not, I do not know, but perhaps he would do well to monitor whatever improvements occur in Papunya. I think he would probably find that there have been some changes over the last few years.

He referred rather bleatingly to adverse reports in media outlets of various sorts. He made a number of complaints that the reporting was unbalanced. I heartily agree that it may be necessary to require some balance in that regard. However, I really cannot be satisfied that the honourable minister has made enough effort to obtain that sort of coverage and that sort of provision of information without spending the taxpayers' dollar. He mentioned, for example, that he approached Matt Peacock of the ABC who, he suggested, was not interested in such a story. I wonder - and I hope he will be able to give us an answer to this some time - just how conscientious were his efforts to get the sort of balanced reporting that he has expended and what sort of letters were sent to the editor of Cleo magazine or any other newspaper, television or radio station in Australia. As I suggested in debate yesterday, there would have been more appropriate ways of securing the coverage that he required.

There is one other question that the honourable minister did not address. He did not address the issue of which section of the department's budget this $12 000 came from. He waved his arms in the air and said $12 000 is a mere drop in the ocean by comparison with the $87m budget that he deals with. I do not regard that as a satisfactory answer. I really think that the honourable minister has a responsibility to be a little more precise in explaining where exactly that budget allocation came from.

The 2 points I wish to make then are, firstly, that I believe that the honourable minister was under some responsibility to approach media outlets on the understanding that they would cover these stories when they came to the Territory for other reasons - rather than chucking taxpayers' dollars around for dubious reasons - and, secondly, that I would like some more specific information about what section of the Department of Health budget that $12 000 came from.

Motion agreed to; the Assembly agreed to.

Mr Speaker MacFarlane took the Chair at 10 am.

MINISTERIAL STATEMENT
Telecommunications Services

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, the Report of the Committee of Inquiry into Telecommunications in Australia was tabled in the House of Representatives on 28 October by the Minister for Communications, the Hon Neil Brown. A copy of the report has now been received. In view of the significance of this document to the future development of the communications in the Northern Territory, I would like at this stage to give members a brief account of the main recommendations.

The report is the subject of detailed analysis by the Commonwealth government and a study of its possible impact on the Territory is being undertaken by officials. The report recommends that the Wireless Telegraph Act 1905 and the Telecommunications Act 1975 be replaced by a new Telecommunications Act along the lines of model legislation included in appendix C of the report. Copies of appendix C and the attendant commentary have been distributed to members.

Under the new act, the Australian Telecommunications Commission would be abolished and replaced by an incorporated company, Telecom Australia Ltd, owned 100% by the Commonwealth government. The government's relationship with the company would be that of shareholder and full responsibility for business management would rest with the board of directors of the company. The minister's statutory powers of direction would not extend to Telecom's pricing policy, company management or staffing procedures and the minister would not have power of intervention in purchasing policies or contracts for goods and services. A separate organisation, Telequip, would be set up to undertake the marketing of terminal equipment. The act would also incorporate the establishment of a new national telecommunications advisory council.

In the recommendations, Telecom and Austat, the company formed to operate the domestic satellite, are seen as future national common carriers of telecommunications. The report also recommends that independent networks should be permitted subject to ministerial authorisation and there should be no restrictions on the use of independent networks in respect of the classes of the traffic carried. Telecom should be permitted to compete on an equitable basis with independent operators engaged in common carrier activities and unrestricted use and resale of leased Telecom capacity should be allowed.

The report recommends that Austat should not be permitted to own local terrestrial networks but should be allowed to operate leased networks and also to operate the major city earth stations. Satellite users should be permitted to incorporate leased satellite capacity and independent networks and be free to choose their source of supply, installation and maintenance of earth stations and associated terminal equipment.

In the report, the private sector is seen as performing a significant role in the supply, installation and maintenance of all types of telecommunications terminal equipment. Telecom's network interface should be a junction box in a property boundary on the outside of the building and the wiring of premises should be reorganised to permit effective private sector participation in that field. The private sector should also be permitted to participate in all aspects of terminal equipment marketing and the responsibility for technical standards for such equipment should be transferred from Telecom to an independent standards authority.

Of particular significance to the Territory is a recommendation that interconnection should be permitted between independent networks and the national terrestrial system subject to ministerial approval. The implementation of this recommendation would ensure that health, emergency services, education and other social service networks could be interconnected with the national system. Networks associated with industrial development would also be assured of interconnection with the national network. The report recommends, however, that Telecom should continue to provide public access telephones although local councils, Australia Post or community organisations should be free to provide public telephone services.

Concerning Telecom's business management, the report recommends that it should support the local industry only when it is in Telecom's commercial interest or when a general government policy applies, but that the company should aim at a 50% use of contractors for capital works. Telecom's research and development section should contract out of pure research and concentrate on applied research related to network development or transmission systems. The report recommends that cross-subsidisation should be reduced to levels which Telecom can absorb while remaining competitive and that direct subsidy, funded from sources external to Telecom, should be introduced for any class of subscriber which government wishes to assist. Pricing policies for satellite carrier systems should be non-discriminatory and Telecom's pricing policies should reflect costs but minimise price discrimination.

Mr Speaker, I wanted the opportunity of bringing this report to the attention of members at an early stage and, in so doing, I would emphasise the profound significance of modern telecommunications to the Territory and its future development. I move that the Assembly take note of the statement.

Motion agreed to.

MOTION

Aboriginal Land - Agreement between Commonwealth and NT

Continued from 17 November 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, it would be impossible to debate in the time allowed to me each one of the proposals in the 10-point package of the Chief Minister because some detailed reply would be needed. I will give that at a later time in this Assembly. However, the actual motion itself can be disposed of in 60 seconds because it is a dishonest motion and it cannot be supported by this Assembly. The motion reads: 'That this Assembly endorse the agreement between the Commonwealth and the Northern Territory'. It then goes on to outline the package. I am in a position to advise this Assembly that no such agreement exists. A question was asked on this matter in the federal parliament a little more than 1 hour ago, and I will give the detail of the answer later during this debate. The text of that answer is that no such agreement exists between the Northern Territory government and the federal government. It is an absolute disgrace under those circumstances. I can assure the Assembly the full text of that answer given an hour ago in the Senate was read out to me. It is a disgrace that this motion should even be before the Assembly. It is a dishonest motion. No such agreement exists so how can we endorse it?

In fact, the federal Minister for Aboriginal Affairs is on the public record on this matter. At a press conference given by Mr Wilson at Kakadu National Park on 7 June this year, he made statements to the following effect:

the package proposed by the Northern Territory government was in the nature of 'an ambit claim' and he was willing to negotiate with the land councils; all the federal and NT governments have agreed on were 'some principles' and there was still 'a great deal of consultation to go on'. In relation to some drafting proposals put forward by the NT government under the package, he said that 'the Aborigines were concerned about some of the same things the Commonwealth was concerned about, particularly a right for the NT government to compulsorily acquire Aboriginal land'. Mr Wilson said in respect of this proposal of the NT government: 'We would not have entertained them for a moment'. I say again to the Assembly that it is clear from a reply to a question asked in the federal parliament an hour ago that no such agreement exists.

It is clear from what Mr Wilson has said that he regarded these proposals to be in the nature of what he himself said was an ambit claim and not an all-or-nothing package as has been put forward by the Chief Minister. Unless the Chief Minister, during the course of this debate and prior to the vote being taken on this motion, can give evidence of an agreement, stating the terms of the agreement, the date on which the agreement was made, the names of the persons on whose behalf the agreement was made between the NT government and the Commonwealth, then it is untruthful of the Chief Minister to suggest that this agreement exists. I can assure the Chief Minister that, if he does do that, then someone was being misled in the federal parliament this morning.

Mr Speaker, on this ground alone, this motion must be rejected by the Legislative Assembly of the Northern Territory. A further reason why I consider the motion to be incompetent is that, by the recent action of the Northern Territory government in regard to the Warumungu Land Claim, it has in fact torn apart the proposal that the package should be on an all-or-nothing basis. It is totally in line with the Chief Minister's approach to all these matters: there is one rule for him in the Territory and another rule for everybody else. The first part of the so-called package is that 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. I will demonstrate shortly that that sort of assurance from the Chief Minister is worth absolutely nothing and never has been.

The Chief Minister has consistently rejected any suggestion by the land councils in relation to the package either in dealing with matters separately or in amending certain proposals. On the other hand, the government has unilaterally alienated very important parts of the land claim in breach of its own proposal before the Assembly. We all know the Chief Minister's views on consultation. Anyone who opposes his view is told that his view will not change. It is not difficult to understand the concern and dismay of people who have to deal with the Chief Minister and consistently see these double standards applied.

I shall quote from the telexes that the Chief Minister tabled in this Assembly yesterday. Time prevents me from going into this in detail, but I will do so in a later debate today. The Chief Minister has claimed the Central Land Council breached undertakings regarding the Warumungu Land Claim and, of course, he has to establish that his action in alienating those areas is justified. The claim is simply not correct. A fair examination of the correspondence between the Chief Minister and the Central Land Council clearly shows that the government never completed the necessary steps for any agreements or undertakings. This is a matter that I shall raise later in the Assembly. Today, I only have time to deal with the last telexes exchanged between the Chief Minister and the CLC. They reveal the firm intention of the CLC to negotiate and conciliate and show clearly the duplicity of the Chief Minister,

particularly in view of the facts regarding the alienation that we now know about. I quote from the telex transmitted immediately prior to the land claim hearing:

> *From Mr Stanley Scrutton, Chairman of the CLC, to the Chief Minister.*
>
> *The executive agreed in principle to an adjournment of claims to the stock routes and reserves presently claimed, which are situated within the boundaries of pastoral properties. We see this as an opportunity to re-establish serious negotiation on the issue of excisions for Aboriginal communities on pastoral leases and claims to stock routes and reserves on pastoral properties.*

I quote the relevant part of the reply the Central Land Council received from the Chief Minister: 'Because of the uncertainty that still exists in relation to these stock routes and stock reserves, it is my intention' - note that it says 'my intention' - 'to take the necessary action to bring about their alienation'. That telex was sent on 3 November in the full knowledge of the Chief Minister that the alienation had already taken place on 29 October. He said in his telex that it was only his intention to do it yet he knew that it had already been done. That is the kind of double-dealing by the Chief Minister that land councils find it very difficult to handle.

It is quite clear that, in order to resolve issues involving land rights, a proper process is required, and that means seeking information from those persons concerned, considering the various views involved and being prepared to change certain stands that the government may take. I notice that, among those who would need to change their attitudes as outlined in the Chief Minister's statement the other day, the government was not mentioned. A process of consensus is what is required, not single-minded action by the government or, more particularly, by the Chief Minister. It is quite obvious that he is committed to the destruction of a proper and fair working of land rights legislation in the Northern Territory.

Mr Speaker, I have never suggested that there are no areas in relation to land rights that do not need review from time to time. Indeed, no less authority than Mr Justice Woodward, in his report on land rights, made the point that there should be flexibility in relation to land rights issues. I quote from that report: 'Any scheme for recognition of Aboriginal rights for land must be sufficiently flexible to allow for changing ideas and changing needs among Aboriginal people over a period of years'. He then went on to give a number of reasons for that.

It is quite clear that a process of negotiation had been commenced between the NT government, the Commonwealth and the land councils in relation to the resolution of some difficulties regarding the application of the Land Rights Act. However, this process was abruptly brought to an end in June this year when the Chief Minister announced his all-or-nothing package.

It is not necessary to be terribly wise or an industrial relations advocate to know what a nonsensical position that is. I would like to see someone go to the table with a union, a mining company or anyone else and say: 'We are here to negotiate. This is what we want and we are not going to change a comma of it and, if you do not like it, you will miss out on the lot'. It is not very hard to understand the difficulties that Aboriginal people have in handling that. I believe that the matter of conflict in relation to land rights can be resolved

in a fair and amicable way and that the government should turn its resources to achieving this rather than pursuing its current approach.

Mr Speaker, it is no wonder that Aboriginal people and the land councils that represent them view the Everingham government, and the Chief Minister in particular, with mistrust. On too many occasions, they have seen the government use underhanded and duplicitous means to achieve its ends. I quoted the telex that demonstrates that only too clearly. Again, we have seen it in relation to the land claim at Tennant Creek. The government made a decision to alienate important parts of the recent land claim and that decision was made in contempt of the judge, the Aboriginal people and the land council representatives. The government allowed the proceeding to go on for 3 days before its counsel finally announced that the government had, in fact, alienated the land on 29 October. I quote from the transcript of the court hearing at which Mr Hiley appeared for the Territory government:

> *Mr Hiley: I am instructed that the leases were executed by the minister last Friday, 29 October 1982, but they have not yet been executed by the lessee corporation.*
>
> *His Honour: Perhaps I could be offered an explanation as to why it is that, if these leases were executed on the Friday before this hearing commenced, I was not informed about them until the conclusion of the third day of the hearing?*
>
> *Mr Hiley: I will seek instructions on that, Your Honour.*
>
> *His Honour: You are unable to give me any explanation, Mr Hiley?*
>
> *Mr Hiley: That is correct, Your Honour.*

That is a great way for the government to deal with the courts.

Mr Speaker, in my view, this is an example of the difficulty that the land councils have had in dealing with the Chief Minister. Following the announcement of the alienation, I wrote to the Chief Minister asking him to advise me when the alienation had occurred. On that same day, 5 November, I received a telephone message from his office that the land had been alienated on 29 October - the same answer that had been given to the Supreme Court judge in this case.

In a recent interview on After Eight, the Chief Minister indicated that government counsel had informed the Aboriginal Land Commissioner of the alienation as soon as he was in a position to do so. From that, we understand that the statement made by government counsel on 4 November that the land had been alienated on 29 October was, in fact, correct. However, on 15 November, the Chief Minister wrote in a formal reply to my earlier letter, that the land had in fact been alienated on 5 November, the day after it had been announced in court. It is quite clear that he was not telling the truth to someone, and I would like him to explain who it was. I suspect that he is trying to reconstruct history to deflect the criticism that has been directed at him and that he has been contemptuous of all parties - including the judge - involved in the land claims. He is now trying to assert that the alienation did not, in fact, occur until 5 November and I have written evidence of that. How could government counsel possibly have indicated on 4 November that the land had been alienated on 29 October? I suspect that the Chief Minister will now argue that the lease was not signed by the NT Development Land Corporation until 5 November, ignoring the fact that the government made a clear statement to the judge of its alienation on 29 October. I recount the details of the matter to

indicate to this Assembly what type of double-dealing the Chief Minister is prepared to engage in. Instructing government counsel at the hearing to perform a pea-in-a-thimble and a 3-card trick before a justice of the Supreme Court degrades both the office of the Chief Minister and the Chief Minister personally.

What concerns me in relation to these proposals is that they are put on an all-or-nothing basis. They are there to give an appearance of negotiation. There are 2 main matters of concern in these proposals. The first one relates to excisions and it is accepted generally that excisions are justified. I quote from the recent report of the Ruddock Committee, on this very matter, of which our own federal member, Mr Grant Tambling, is a member: 'The committee is also concerned at the number of Aboriginal people who are not at present resident on pastoral properties but who might return to those properties if excisions were granted. We, therefore, recommend that procedures be developed to allow former residents of pastoral properties now living in town camps to apply to have areas excised from these pastoral properties'. Thus, one of the formal recommendations of the Ruddock Committee was that procedures to allow former residents of pastoral properties now living in town camps to apply to have areas excised from those pastoral properties be developed.

Mr Speaker, the other major matter for concern is the suggested amendments to the Land Rights Act. The government could have resolved many of these issues long before this if it had shown some degree of good faith by introducing legislation and mechanisms for excisions. Once Aboriginal people saw that that was what the government was prepared to do instead of just talking about it, they would have agreed to other suggestions in relation to matters contained in the package. It is quite clear to me that, if excision legislation had been introduced, a great deal of compromise could have been obtained in relation to those matters from Aboriginal people. I have had discussions with both land councils and they are prepared to do precisely that.

These changes, in the form suggested by the government, are again simply not necessary. Perhaps all the Aboriginal people need to do to get a resolution on this matter is to deal with someone they can trust. The suggested amendment to section 51A of the Land Rights Act is to prevent future applications for claims being made for land in which the estates are held by or on behalf of Aboriginals. This provision is one of the cornerstones of the act and the amendment which the government is proposing is ill-considered. The basis on which Aboriginal people claim these areas is still under the criteria set out in the Land Rights Act. Despite the fact that Aboriginal people obtain an interest in the land by purchasing that interest on the open market, the same as any other person, the reason for this special concession being available to them to convert it to Aboriginal title is if they can show traditional attachment to that land under the Land Rights Act. It is accepted that there is an anomaly in relation to the application of this provision where one Aboriginal group purchases an interest in the land. We suggest that it does need to be fixed. From discussions I have personally had with the land councils, I know that they are prepared to fix it.

From my own investigation of the current situation in relation to land rights, I know that the land councils are agreeable to certain proposals in relation to the current operation of the legislation. However, the difficulties that are being created at present have been created by the government, and particularly by the Chief Minister. It is the manner in which he has approached this matter and the act of bad faith by this government in relation to the whole question of land rights that have created the current climate. I suggest that,

over the last 12 months, this climate has been deliberately, politically engineered by the Chief Minister.

Then comes the whole question of national parks and public places. I know a resolution to this problem can be found if all the parties feel that they are dealing with each other honestly. That is something Aboriginal people cannot say about dealing with the Chief Minister. It has been proven in the case of Kakadu and the Cobourg Peninsula area that the competing interest of Aboriginal people in land and the larger community interest in having access to places of public importance and public parks can be settled. In the words of the Chief Minister himself, when debating the Cobourg agreement: 'The Northern Territory has the unique opportunity to show the rest of Australia what can be achieved by cooperation, by goodwill and by the citizens of the Northern Territory working together for the benefit of all'. That was in March last year and most of that goodwill on the part of the Chief Minister seems to have evaporated somewhat since then.

Mr Speaker, I do not have time to go through all the proposals in the government package - but I will later - nor to outline detailed recommendations that I would make for the resolution of some of the problems that I perceive in relation to the application of land rights legislation. However, I would like to make this point clear: people in the Northern Territory should not be bluffed by national advertising campaigns of the Everingham government in relation to land rights matters. Because of the performance of this government, what is needed now is a fresh approach to all of these issues. The government will do great harm to the Territory by continuing on the path that the Chief Minister has set for it. We all know that the pride of the Chief Minister is at stake. He has stuck his neck out on the basis of negotiating on an all-or-nothing proposal. I wonder if this is the way that the Chief Minister would negotiate with Pancontinental or anyone else: 'Yes, let's negotiate. But, before we start, this is what I want and I will not accept anything less'. That proposal is ridiculous. The Chief Minister expects Aboriginal people to take him seriously when he continues this approach even though there are other alternatives available to him.

Mr Speaker, I would be ashamed if this Assembly endorsed these proposals that have been put before it by the Chief Minister in an attempt to justify the stand that he has taken for the last 5 months. It is quite clear to me, and I have no doubt to other people, that this type of approach can only result in divisive feelings in the community. If this does occur, then there is only one person who is responsible, and that is the Chief Minister. He claims constantly that he has the interests of the whole community at heart. That is a laudable aspiration, but you cannot have the interests of the whole community at heart when, in the same breath, you isolate part of the community. It is in the interests of all of the community that a proper resolution be found. That will not happen if the Chief Minister pursues his current approach. I have not the slightest hesitation in saying that he has engineered this situation quite deliberately. A reasoned approach is required to these issues. The government should abandon its current position and should attempt to negotiate those items in this proposal that I know can be negotiated. That is the proper approach to negotiation. To use any approach that comes close to Mr Everingham's idea of negotiation ...

Mr SPEAKER: Order, the honourable Leader of the Opposition will use the words 'Chief Minister' and not 'Mr Everingham'. That is not parliamentary procedure.

Mr B. COLLINS: I understood it is perfectly proper to use the person's name, Mr Speaker, but I will certainly comply.

Mr SPEAKER: I will examine the Standing Orders to make sure I am right. In the meantime, you will use the words 'the honourable Chief Minister'.

Mr B. COLLINS: ... comes close to the honourable the Chief Minister's idea of negotiation, Mr Speaker, is going to be an exercise in futility. It is time that he assessed whether he intends to go further down this hopeless road or it is time he went back to the junction and looked in another direction.

Mr Speaker, I am quite prepared, and always have been prepared and always will be prepared, to contribute to any constructive debate concerning the resolution of problems in relation to the application of land rights legislation. There are many issues and there are, I believe, solutions to the problems. However, those solutions will be lost if people are continually being met with the Chief Minister's form of negotiation. The government has responsibilities that go outside selling a package of ideas to the National Press Club and then returning home and telling a different story. I spent an adjournment debate talking about that. It was of some interest to me that there was not one word in rebuttal of the charges that I made against the Chief Minister because he knows perfectly well that he cannot rebut it. He gave concessions to the press at the National Press Club in Canberra that a couple of weeks before he was not prepared to give to the Aboriginal people affected by his legislation. That evidence exists on the Chief Minister's very own video tape of the meeting. That is a disgrace.

What the Chief Minister was too dumb to realise is that Aboriginal people can think and that the delegation of Aboriginal representatives present, probably at the back of the room somewhere, at the National Press Club immediately took his approach of sweet reason back to their people and that conflicted somewhat sharply with 'that's that', which is what he told them a couple of weeks before, and that is a disgrace. Sending telexes saying to a land council that you intend to alienate land when you know you already have and giving assurances to the National Press Club that you will negotiate on anything but telling Aboriginal people that you will not, creates a climate of distrust that is impossible to work within. I can understand how frustrated Aboriginal people must feel in dealing with a man whom they cannot trust.

Mr Speaker, let me conclude by making a statement of general principle. I believe that there are certain aspects of the land rights legislation and its administration that need review. What is required is an approach to these matters so that the real problems can be addressed on their own merits. Trying to bludgeon people into submission, as the Chief Minister is doing, and of course we all know it is his style, will not get anyone anywhere. Prior to June this year, all the parties were negotiating and talking to each other in relation to these difficult areas. Five months later, that process is completely destroyed, and I suggest deliberately, by the Chief Minister and we have a government confronting Aboriginal people who justifiably feel insecure in dealing with the government in view of his actions. The whole situation is deteriorating. What is needed is not a dishonest motion by this Assembly endorsing a non-existent agreement, but a statement by the government that it is prepared to renew and revive negotiations and that it is prepared to look at each point individually and to reach agreement on those points that I know can be resolved.

Mr Speaker, we cannot support this motion, and not because I do not want a resolution to the problems. Indeed, I do not think there is anyone in public

office in the Northern Territory who wants a resolution more urgently or, indeed, and I have no hestitation in saying this, is better equipped to bring it about than myself.

The full terms of the motion were advised to the federal parliament. This morning, in the federal parliament, the government was asked if there was an agreement between the NT government and the federal government. Senator Baume, representing Wilson in the Senate, replied: 'It cannot be said that there is an agreement between the Commonwealth and NT governments. There is still further negotiation to go on'. What the Chief Minister is asking is that the Northern Territory Assembly today endorse a lie.

Mr ROBERTSON (Education): Mr Speaker, I had proposed to deal in some depth with the issues before the Assembly at the moment. I had proposed to deal with the history of the matter which has brought us to the position we are now in. However, the first words and the last words used by the Leader of the Opposition will divert me from that course, particularly the very last word he used. He used it, not us.

The honourable member is well aware that he has not been truthful himself - in fact far from it. He must be aware that there is an agreement along the lines of this motion between this government and the Commonwealth of Australia. He has quite consciously hoped that we could not refute the complete falsehood upon which he has based the excuse not to debate the issue before us until after the press had gone. The only things that we heard from the honourable member which related to the motion before us and the agreement concerned those areas which further favour the Aboriginals and further negate against the interests of the other 75% of the population. He never touched on any other issue.

Let us deal with the whole basis of his argument as to why this Assembly should not agree to the motion. That is based purely upon his assertion that there is no agreement between the 2 governments. The answer in the federal parliament was put forward as a statement of fact by a minister representing another minister in another chamber of the Commonwealth parliament. The Leader of the Opposition is well aware that a press statement was issued simultaneously in Canberra and Darwin by the Minister for Aboriginal Affairs, Mr Wilson, on 2 June 1982. It is a press statement issued by him and it is the statement upon which this government bases its faith in that agreement.

We have had this understanding, in which I have been personally involved, over a long period of time and that culminated in the statement of 2 June 1982 over the hand of the Minister for Aboriginal Affairs. Upon what basis can this government operate other than the public word of the minister? I am quite certain that the minister himself would not repudiate the statement he issued at the time that I have just mentioned. It deals in depth with every single point of substance which is contained in the agreement between the Commonwealth and ourselves for which we seek the endorsement of this Assembly. The entire basis of the Leader of the Opposition's argument for rejection of the motion fails miserably. As Leader of the Opposition, he has not given one other good reason why the agreement should be proceeded with.

Mr Speaker, what I propose to do now is to try to give some reasons why it ought to be proceeded with rather than throw in complete red herrings like the Leader of the Opposition has done simply because he does not wish to debate the real issues in a public forum. It is precisely the same political expediency as we saw in his sidestepping in relation to the uranium issue. He will not come clean because he realises how deeply concerned the wider community of the

Northern Territory is on this very divisive issue. Clearly, he wants to run away from the issue. He had 20 minutes to speak but he chose to bring in totally irrelevant, illogical and untruthful arguments so he would not have the opportunity to say the very things that he now says that he wants to say. The man is being quite hypocritical.

Mr Speaker, we all know the history of the movement for Aboriginal land rights in the Northern Territory which led to Mr Justice Woodward's comments. We are also aware that this legislature, long before there was a fully-elected Legislative Assembly, dealt with the issue of Aboriginal ownership of land. It is nothing new. It is a process which has been continuing since 1966. Mr Speaker, you would be well aware of the days when the Legislative Council was made up quite differently from what it is today. Senator Kilgariff, the late Mr Justice Ward, Mr Ron Withnall and Mr Fred Drysdale, among others, set up a select committee to inquire into land tenure for Aboriginal people. You would be aware, Mr Speaker, that that proceeded over a period of time and through a number of pieces of legislation to the acceptance by the federal minister at that time of up to 40 leases being considered for Aboriginal people.

Mr Speaker, if one goes back to a debate of 31 March 1976, Dr Goff Letts, the then Majority Leader, said: 'This Northern Territory legislature has always done all it has been asked and more with regard to Aboriginal land rights legislation. It was one of the first legislative bodies in Australia to take initiatives of its own volition. It is certainly prepared to do all that it is asked now, that is, all that it is reasonably asked'. Since it came in, this government has done precisely the same thing and in good faith.

Mr Speaker, you would also be aware that when those arrangements for security and title to Aboriginal land for traditional owners in the Northern Territory in the 1960s was brought together in this place, there was not one murmur of disharmony in the Northern Territory. What has happened since? With the advent of the Whitlam government, part IV of the ordinance under which all of this was done was suspended unilaterally by Canberra. Part IV was immediately suspended and Mr Justice Woodward was appointed.

What did Mr Justice Woodward see as being his principal role? Let us first look at what his terms of reference were. Quite obviously, Mr Justice Woodward was not asked to inquire into the merits or otherwise of Aboriginal ownership of land and nor should he have been because the Legislative Council of the day and the public accepted that that was a reasonable proposition. Certainly, he was not asked to inquire into the merits of the case. He was told that, having regard to the Labor government's commitment to provide tenure for Aboriginal land, his task was to examine methods of achieving it. What he had uppermost in his mind was what he stated in his second report: 'The promotion of social harmony and stability with the wider Australian community by removing, as far as possible, the legitimate causes of complaint of an important minority group within that community'. In using those words, he certainly did not envisage that trying to satisfy the requirements of that minority would lead to an ever downhill progression towards the dissatisfaction of the majority. If any member in this Assembly or any member of the public seriously believes that the actual application of the provisions of the Land Rights Act has not led to disharmony, that person must be blind and deaf. I am not saying that the provisions of the act have done it but rather the way it has been carried out and the way in which the land councils, in particular, have behaved.

Mr Speaker, the suggestions before us and the undertaking of the Commonwealth to so legislate would not be necessary if reason itself had prevailed in

the way the land councils, particularly the Central Land Council, operated within the powers provided to them by the Land Rights Act. It is not the act. That is why the Chief Minister stated that 'the principles of the act be endorsed'. I have no problems with the principles other than to say that I personally stand by what I have always said: it should be legislated for in this place and not in another.

Mr Speaker, let us look briefly at why the Territory's public is concerned and why bitterness has arisen. Between 1966 and 1969, there was a complete redesign of the Northern Territory's land tenure system, particularly the land system relating to the Tipperary area and the so-called coastal plains. This redesign was done under a series of acts, one of which was the NT Rice Agreement Act and the other was contained in the Land Provisions (Interim Arrangements) Ordinance. These included examinations of the Tipperary area, Litchfield, Elizabeth Downs, Douglas, Oolloo, Dorisvale, Claravale, Florina and the coastal plains. Areas under consideration were also the old Woolner site, the western half of Marrakai, the Mary River Reserve, Munmalary, Mudginberri and other black soil plain areas. We have heard 'Oolloo' mentioned on a number of occasions here over the last few sittings. You, Sir, are well aware that, under the transitional provisions of that particular piece of legislation, that country was set aside for future agricultural and public purposes.

The Chief Minister said that the Central Land Council 'must have examined the area around Tennant Creek with a magnifying glass'. Mr Speaker, if the Chief Minister misled the Assembly in anything in this matter, he did then because it could not have been a magnifying glass; it must have been a microscope. What has happened is that, instead of the legitimate aspirations of Aboriginal people being examined and dealt with by the Aboriginal Land Commissioner, a blanket claim has been placed on every square millimetre of land from the South Australian border to the top of the Territory, including areas like the Simpson Desert, for heaven's sake, notwithstanding the very words of Mr Justice Woodward that this was inappropriate.

We have a position where each and every stock route in the Northern Territory is now under threat. Sir, you will be aware of the history of those as well. You will be aware of the time, probably pre-Gilruth, when the stock route system was first brought into being. You will recall that it was during the Second World War that the original patterns of disease in Northern Territory stock were identified. It was for these reasons that stock routes were set up. The advent of road trains did not alter the validity of the need for stock routes to be maintained in the Northern Territory. As a matter of fact, from Brunette Downs this year alone, I understand some 20 000 head of cattle have used that particular stock route. The land councils must have known how absolutely provocative it would be to slap a land claim over stock routes. We have dealt with the difficulties inherent in their handling of the areas set aside for agriculture. The effect on the public's impression of Aboriginal land rights, as a result of a claim over stock routes, was even more disastrous - splitting properties in 3 and that type of thing.

It is little wonder that, because of the way the act has been operated, there is a necessity for change which even the Leader of the Opposition admits. We are asking the Assembly to endorse the changes which, notwithstanding what the Leader of the Opposition says, have been agreed to between the 2 governments. As to what the Leader of the Opposition says, I have not seen anything from Senator Baume. Because of the way the Leader of the Opposition is in the habit of twisting the truth, I will not know what the truth is until I see it from a source other than him.

In respect of stock routes, let me assure the Assembly that the government believes that their maintenance is absolutely necessary. There is no doubt at all that we will have a continuing requirement for facilities for loading and unloading, for the dips and quarantine - for instance, at the reserve at Mittlebah where all facilities are still in use. Mr Speaker, the government merely wishes to protect the broader public interest. The crazy part about it is that, by alienating such things as stock routes, the land councils would have us placed in a position where the rest of the community does not have access to those areas. If they remain as they are, the very people whom the land councils represent will not be affected because they will still maintain their right of access. The whole matter has reached the stage where I believe the public of the Northern Territory is completely disenchanted with the way in which this act has been administered and with the selfish manner in which the land councils have behaved. If it cannot be done by negotiation and by reasonable conduct, then clearly the alteration to the status quo must be by way of legislation.

The Leader of the Opposition referred to the Chief Minister as having authorised the alienation of land in respect of the Warumungu Land Claim near Tennant Creek. If one is talking about provocation, the very document that we are looking at says: 'No claims will proceed on stock routes, reserves and public purpose land and the Aboriginal Lands Act will be amended accordingly'. Mr Speaker, let us look at who has acted in bad faith. The Leader of the Opposition tells us that this matter can be done by further negotiation notwithstanding that it is now over 20 months old and it is 18 months since the press statement upon which the government relies was issued by the Minister for Aboriginal Affairs, Mr Wilson.

Let us look at the question of faith. The Leader of the Opposition would have us believe that the Central Land Council will come to an agreement with the Northern Territory government if only we continue to negotiate. The Central Land Council proceeded with the application to the Land Commissioner at the very hearing in respect of which the Leader of the Opposition accused us of having acted in bad faith. What choice did the government have? In the middle of the negotiations, the Central Land Council was seeking with the Land Commissioner the setting down of hearings of claims over stock routes and public land - land such as Simpson's Gap and the Devil's Marbles. We were expected to stand by notwithstanding that it unilaterally went ahead with the application to the Land Commissioner. We are supposed to cop that sweet. In light of the bad faith displayed by the Central Land Council in proceeding with an application - not just lodging it - to hearing in the face of everything that had gone on for 18 months, what choice did this government have but to proceed with the alienation of those lands?

Mr Speaker, if the hearing resulted in a positive result for the Aboriginal groups and then went to Canberra, it would have been far too late to start negotiation. It would have been all over Red Rover. This government would be totally remiss in its responsibility to the broader community if it allowed such a situation to occur, a situation born solely out of the bad faith displayed by the Central Land Council. The Australian Labor Party want nothing for the rest of the community at all as long as it can fulfil this overwhelming desire to satisfy every need of the Aboriginal groups that the Leader of the Opposition seems to think he represents rather than be Leader of Her Majesty's Opposition for the Northern Territory. Mr Speaker, there is no way in the world that he would say it. He will go back into Arnhem Land and say: 'Look what I have done for you folks'. He will not say it in here for the simple reason he knows that he will be singularly unpopular with the people in the northern suburbs, the people of Tennant Creek, the people of Alice Springs, the people of Nhulunbuy, and, of course, the people of Katherine.

Mr Speaker, it is not this side of the Assembly which has acted in bad faith at all. We have had to act in respect of the land claim in Tennant Creek out of urgency. The fact is that, notwithstanding what the Leader of the Opposition claims was bad faith on the government's part in seeking to alienate the land, the situation is quite the contrary. We were merely acting in response to an act of bad faith by the Central Land Council. There can be no other reasonable interpretation on it. In light of the undertaking of the Commonwealth, which clearly in any construction of the English language would lead any reasonable person to accept that there exists an agreement between this government and the Commonwealth, there is no alternative, in my view and in the interest of the whole of the Territory, but for this Assembly to endorse the package which contains the fundamentals of the agreement between ourselves and the Commonwealth.

Indeed, I was at those conferences. It was acceptable to the Northern Land Council. It was acceptable, as I understand it, to the Tiwi Land Council - there was no representative of that organisation at the meeting - and the Central Land Council's response at that time was that it was not in a position to ratify it because it had to consult traditional owners. That is fair enough. Instead of taking it back to the traditional owners, it immediately mounted a national campaign against the very proposals that it said it would seek instructions on. I was involved and that is a fact. Mr Speaker, we talk of bad faith.

Mr SPEAKER: Order, the honourable member's time has expired!

SPEAKER'S RULING

Mr SPEAKER: The House of Representatives Practice, page 460, Control and Conduct of Debate says: 'Reference to and Reflections on Members. In the Chamber, a member may not refer to another member by a name, but only by the name of the electorate division he represents. Certain office holders are referred to by the title of their office. The reason behind this rule is to guard against all appearances of personality in debate. However, it is the practice of the House that, when appointments to committees or organisations are announced by the Speaker or a minister, the name of the member is used'.

Mr BELL (MacDonnell): Mr Speaker, I think that, in spite of the words of the Minister for Education, the Leader of the Opposition has more than ably demonstrated 2 things. I think that the Chief Minister's capacity for negotiation has been characterised by impatience and irascibility. I think he has shown that his broad-brush approach to negotiations on these complex issues has been not only inappropriate but ineffective as well. That is the first thing that the Leader of the Opposition quite clearly demonstrated. Secondly, the Leader of the Opposition demonstrated that, for the purpose of this particular debate, this notice of motion is vitiated by its very terms. The very terms have been vitiated, as the Leader of the Opposition demonstrated, because the agreement that the notice referred to does not exist. That is in spite of the Minister for Education's insistence to the contrary.

The only evidence that the honourable minister could produce to show that that agreement did exist was a press statement of 2 June and I think that the Leader of the Opposition demonstrated that, by subsequent statements, the Minister for Aboriginal Affairs has backed off from that agreement. If he has backed off from it, I would suggest that the agreement ceases to exist. Finally, and most importantly, the Leader of the Opposition demonstrated that, in answer to a question in the Senate today, the minister representing the Minister for

Aboriginal Affairs said words to the effect that no agreement was in existence. I quite appreciate that, because it is so recent, the Minister for Education may be unaware of that fact. But I suggest that there will be plenty of news for him when he picks up his paper today.

Mr Speaker, the particular subject I wish to tackle today is the substance of the Chief Minister's speech. It made very interesting reading. It is the shyster lawyer at his best. The point I want to start with is his reference to the Northern Land Council and its motion suggesting that there should be some sort of cooperation with the Northern Territory government. What the Chief Minister failed to mention is that the Northern Land Council rescinded that particular motion. It rescinded it because the draft proposals that were part of that negotiating process, terminated by the Chief Minister, were not acceptable. There were certain legislative amendments that were likely to flow from those draft proposals that were not acceptable to the Northern Land Council and that was one of the reasons why the Northern Land Council rescinded its motion. Most importantly, of course, the Northern Territory government indicated that it was putting an end to negotiations by its precipitate statement of 3 June when it announced the so-called land rights package.

It is probably worth while giving some concrete evidence of the Chief Minister's stated opinions in this regard. In a telex to the Northern Land Council, dated 3 June, he said: 'Everybody knows, and the Minister for Aboriginal Affairs made it quite clear, that there is a great amount of work yet to be done'. That was on 3 June 1982. Suggesting that there is work to be done is quite inconsistent with the stance of the Chief Minister that the package should be carried out on an all-or-nothing basis. If anybody was in any doubt as to the Chief Minister's intransigence in this regard, those doubts would have been removed by his statement reported in the Northern Territory News yesterday: '"I am prepared to talk to anyone, anytime, about this", Mr Everingham added, "but it must be the total package, not issues in isolation"'.

Another aspect of the Chief Minister's speech that I found interesting was his quote from a message that he took from the people at Galiwinku who were interested in maintaining some sort of process of negotiation with the Northern Territory government. The Chief Minister made great play of the phrase, 'in a listening way'. The community wanted people from the government to approach them 'in a listening way'. That is a very Aboriginal expression; it comes out very clearly in Pitjantjatjara. I hear it quite frequently in my electorate work. However, one is forced to wonder if it is not merely empty emotionalism on the part of the Chief Minister when he quotes things like that, and suggests that he is interested in approaching people in a listening way, when he precisely demolished that on-going process with the Northern Land Council and the Central Land Council.

The Chief Minister has said that it is taking a long time for land claims to be heard and the whole process is becoming increasingly entangled in legal dispute. We have nothing from the Northern Territory government to suggest ways in which the land claim process can be accelerated. There is nothing in the government's proposal to that effect. The Chief Minister is continually bleating about the divisiveness of the on-going process of land claims. If the Chief Minister were really interested in removing divisive elements, perhaps he should be interested in speeding up that process of resolving land claims. But what solutions has he suggested? In this regard, it should be pointed out that the legal disputes that have arisen from the operation of the Land Rights Act have principally originated from the actions of the Northern Territory government. Not the only example, but the most recent example, has been the Warumungu Land Claim. I am sure the Chief Minister himself, and no doubt his legal advisers, knew that it was even money that the case would end up in the

High Court. I think it is worth mentioning in passing that the alienation of land in the Warumungu claim is, of course, not the only example of the government's bad faith in this regard.

You will recall, Mr Speaker, debates in this Assembly last year when exactly the same process was carried out in my electorate, in an area south of the Tempe Downs lease, Northern Territory portion 1097. I do not propose today to rehearse that debate but I think that, in this context of the government's bad faith, it is more than apt to raise it in this regard. It was raised at the meeting at Ayers Rock which the Chief Minister attended. If ever we saw a demonstration of bulldozing, that was it in a nutshell. The Chief Minister will recall that I said at that meeting that the draft proposals he was touting around at that stage were vitiated. They were vitiated for precisely that reason and now, by alienating land the subject of the Warumungu Land Claim, the Chief Minister and the Northern Territory government have merely compounded their errors. When we turn to look at who has been creating the disputes, who has been making sure that the operation of the Land Rights Act has not been smooth, it is the Northern Territory government led ably and, as I said, in a total bulldozing fashion, by the honourable Chief Minister. At every opportunity, he has sought to fuel the fire of division within the Northern Territory community to ensure that the operation of the act is less than smooth.

The Chief Minister asserts that the proposals he has been touting will settle many of the outstanding issues. However, the Chief Minister will recall also from the Ayers Rock meeting, if he has half a memory, that I said to him that it was an issue of faith in the Northern Territory government. I mean honestly and sincerely that it is a matter of approach, a process of negotiation that the Chief Minister has to learn. I have no doubt about the competence of the Chief Minister in a wide variety of areas. In this particular area, he has shown that he has much to learn and a little bit of humility on his part would go a long way to making land negotiations in the Northern Territory run much more smoothly.

The Chief Minister wants a united resolution to ensure that the principles and intentions of the Land Rights Act are endorsed without reservation. These are fine-sounding sentiments. The government's track record cannot be set right by a resolution of this Assembly. If the Chief Minister is honest in endorsing the principles and intentions of the Land Rights Act without reservation, he should put his own house in order first. The divisive debate on land rights that the Chief Minister wants to put behind us is one of his own making. He has shown that he is quite prepared to fuel this debate by provocative action and confrontation instead of negotiation. Again, if the Chief Minister is committed to the concept, let him show the strength of his commitment by his actions. In view of his past actions, his words to this Assembly can only be perceived as empty. The Chief Minister details every section of the community - and this is an interesting point - and he expects concessions from every section of the community except the government. He insists on excepting his own government in his call for everyone to 'give a little'. It is he who needs to give a little and show that he will negotiate fairly and not on this arrogant all-or-nothing basis.

The Chief Minister claims further that the proposals, announced on 2 June 1982 were the result of nearly '2 years of gruelling negotiations'. Let us face it, the Chief Minister is stretching a point there. Again, I quote from the Chief Minister's telex to the Northern Land Council dated 3 June to which I have referred already in this debate: 'You know, and I know, that 14 months of work have gone into working towards this agreement'. Let us go through that again. The first quote indicated that the Chief Minister claimed that the

proposals announced on 2 June were 'the result of nearly 2 years of gruelling negotiations'. Then he telexed the Northern Land Council and said that 14 months of work had gone into working towards this particular agreement. I suggest that, if the Chief Minister cannot get his figures right, there is little wonder that land councils in the Northern Territory have very little faith in the Chief Minister's ability or intention to negotiate honestly in this regard.

In closing, I reiterate what the opposition has quite clearly demonstrated in this debate. Firstly, we have demonstrated the Chief Minister's inability to govern in this regard and, secondly and most importantly for the conduct of this debate, we have shown that this particular motion should be withdrawn.

Mr PERRON (Lands and Housing): Mr Speaker, during the debate we have heard a great deal from the opposition about the Chief Minister being a terrible person, that he is running the show by himself, that he is a terribly selfish man and that he is not prepared to negotiate. We have heard precious little, of course, about the principles that are involved in the motion before the Assembly, the proposed legislation before the federal House and, indeed, the very question of the position of land rights and how it is perceived by the Northern Territory community.

It should be clearly understood by members of the opposition, even if they perhaps care to overlook it to support their arguments, that there has been an option before the Territory government ever since 1 July 1978 to go out of its way deliberately to frustrate the intent of the Aboriginal Land Rights (Northern Territory) Act. For 4½ years, we have had the option to alienate land in the Northern Territory - to alienate the whole of it by a simple act. We have not chosen that course of action at any time. Indeed, the Chief Minister has gone to enormous lengths to talk, negotiate and discuss matters. As a matter of fact, without doubt, the Aboriginal sector of the Northern Territory would be the group most consulted by government in the short history of this government. The record speaks for itself. Meetings have gone on indefinitely.

I would like to touch on one principle in particular which I believe is of great concern to the Northern Territory: where do land rights under the Commonwealth act really end in the Northern Territory? What is a position of satisfaction and what is the attainment of a level of land rights in the Northern Territory which is seen as being just? I start by quoting a well-quoted authority on Aboriginal matters and land rights in Australia, Charles Perkins, who has been reported as saying that Aboriginal people in the Northern Territory can be fairly satisfied with what they have: 25% of the Northern Territory under inalienable freehold title and, when all claims are met, probably 42% of the Northern Territory under inalienable freehold title. That is according to Mr Perkins. He thinks that is a fairly good effort on behalf of Aboriginals for the Northern Territory and that they should be satisfied with that. However, I am advised now that some 28.32% of the Northern Territory is currently Aboriginal freehold land. If that is added to areas under claim, the total is something like 46.6% of the Northern Territory. If those areas under claim are granted to Aboriginals, the figure will be even greater than Mr Perkins thinks is a fair deal and will amount to nearly 50% of the Northern Territory.

Mr Speaker, I would like to quote just briefly from the address the Chief Minister gave to the National Press Club on this subject, which no doubt all members have read. It contains a quote from a document issued by the Department of Aboriginal Affairs in 1979 which dealt with a number of articles relating to Aboriginal land rights in the Northern Territory. That pamphlet said:

Former reserve land granted to Aboriginals totals 18.4% of the Northern Territory. Claims have been or are expected to be lodged over another 10%, all of which is vacant Crown land. Much of the land available for claim is desert. Extensive areas will not be claimed because there are no longer traditional occupants. If all claims were granted, and this is unlikely, approximately 30% of the Northern Territory at the most would be given over to Aboriginal ownership.

I think that is very important because that statement by the federal Department of Aboriginal Affairs quite clearly indicated the way the federal government at that time perceived Aboriginal land rights as administered under the federal act. We see that the matter has gone quite beyond what was envisaged by the very legislators who brought this act into being.

Another booklet produced in 1979 by the Department of Aboriginal Affairs contains a number of short articles on the subject of Aboriginal land rights. Honourable members may recall that there was growing concern in the community at that time about the extent to which Aboriginal land claims would reach in the Territory. The federal minister, I think rightly at the time, felt that he should produce a number of articles to try to quell fears in the community and promote understanding on this very subject. In one of those articles, the then federal Minister for Aboriginal Affairs said:

In recent months, I have read and heard many alarming rumours about Aboriginals in the Northern Territory, how they are getting 50% of the land and how afraid people are that their own land may be taken over. I want to put an end to these rumours because they are not only untrue but dangerous to the future racial harmony to which I have already referred.

Mr Speaker, again we had confirmation, not from the Department of Aboriginal Affairs but from the Minister for Aboriginal Affairs, the very man who introduced the act into parliament. He indicated how he saw the legislation would apply and how far the subject would go before the degree of satisfaction that I referred to earlier was reached. He said that the claimable land in the Northern Territory was nothing like 50%. He said they were merely vicious rumours which would create racial tension.

Mr Speaker, today we have figures ranging from 18% of schedule 1 land plus another 10% which totals 28% for claimable land. In fact, that percentage has since increased to nearly 50%.

I would like now to quote from a document produced by the Northern Land Council called 'Land Rights Wrongs'. This document contains many articles from the Northern Land Council which attempt to clarify the land council's position on this subject. When we are considering exactly how much land can be claimed and granted in the Northern Territory, we must also consider section 50 of the federal act which allows claims to be made over pastoral properties owned by Aboriginals. Concerning section 50, this document produced by the Northern Land Council states on page 5:

This section of the act specifies that, where a pastoral lease is held by Aboriginal people, application can be made to the Land Commissioner to have title converted to Aboriginal land. While shortages of funds have meant that this option has only been exercised once to date, it provides the only hope under the existing Land Rights Act for Aboriginal people in pastoral areas to gain land.

Mr Speaker, that is the first admission I have seen that it is only the shortage of funds which has prevented more pastoral leases in the Northern Territory being purchased by Aboriginal groups with a view to their conversion to Aboriginal inalienable freehold title. As we all know, uranium royalties, in particular, and royalties generally, will in fact mean that Aboriginal organisations will increasingly have access to funds and will be able to spend those funds in all manner of ways for the benefit of Aboriginals. It is commendable that Aboriginals should become more financially independent. However, this document indicates that it is only the lack of funds which has prevented the purchase of more pastoral properties with a view to their being claimed. I am glad that this intention by the NLC to purchase further properties has been clarified.

We know that some 55% of the Northern Territory is held under pastoral lease. If we look upon the federal act as having no cut-off date and allowing repetitive claims, we see that, over the next few decades as funds are accumulated, the potentially claimable Northern Territory land, in addition to the land which has been granted or claimed to date, would be this 55%. Without going into fine detail, under the existing act, 90% or perhaps even 95% of the Northern Territory is potentially claimable. Obviously, not all that land would be granted but it is claimable. I believe that this is a cause of some considerable alarm for Territorians. I am very pleased to hear the NLC clear up the matter by stating that it is its intention, as funds allow, to proceed on that course. It reinforces in my mind the view that this package of proposed amendments to the federal act has been put together with a view to rationalising the present situation. It seeks to rationalise the present open-endedness and try to quell fears in the community that, indeed, the scenario that I mentioned - over 90% of the Northern Territory possibly becoming claimable - could become fact. That matter must be put to rest if we are to have any peace in the Northern Territory and get on with the job of learning to live together in the community.

I noted that, in discussing the subject this morning, the ALP seemed very well versed in attacks on the Chief Minister and very short on any arguments of principle. In the absence of anything to the contrary, it seems that the ALP does not support any amendments to the act to contain its open-endedness. The Leader of the Opposition mentioned that he sees inequities in the act and I think he even mentioned that Aboriginal-owned pastoral properties can be claimed by other Aboriginals. He felt that those things should be corrected, and no doubt they should be. However, he did not take it very much beyond that and he certainly did not talk of any broad principles of change that the ALP saw as desirable in the interests of the Northern Territory as a whole. Really, we are talking about the attitudes of various groups in the Northern Territory, the organisations representing Aboriginals and perhaps those people who see themselves as being non-Aboriginal. Unfortunately, it has led to somewhat of a them-and-us outlook, as you would be well aware, Mr Speaker.

In looking through the document produced by the NLC, I noticed a philosophical discussion about the future of the Territory and possible statehood. I thought this was an interesting reflection of the attitude of the NLC towards this question. I quote one paragraph: 'Land rights and statehood can coexist. The Northern Territory has a golden opportunity to create a unique state where the Aboriginal inhabitants and the European conquerors are able to work side by side in order to achieve a state of racial enlightenment. There is no doubt that this philosophy demands the mutual cooperation of both parties'. When one is calling the other a 'conqueror', Mr Speaker, I gather that might be a little tongue-in-cheek: 'Such cooperation and understanding on behalf of both parties could advance the Northern Territory to a unique example of bi-cultural respect

and harmony. It is possible. It is achievable. It is desirable'. I am sure we all feel it is, Mr Speaker. 'All that is required is for the Commonwealth government to assume the role of effective mediator'.

Mr Speaker, I think that that last line destroyed the principles that were being put forward. It says that we can live together, that the Northern Territory should move towards statehood, that it can accommodate Aboriginal land rights and all we need is a mediator to keep the 2 parties apart. I think that was a most unfortunate addition. It is not an expression of goodwill that we can work this out together in the Northern Territory. It is an expression of an intention that, as soon as there is trouble, it will run off to the Commonwealth government to ask it to keep the parties apart.

In conclusion, I would like to say that the opposition should tell us if it believes that the wider Northern Territory community is unconcerned over issues such as the unlimited time allowed under the present act for land claims, the fact that over 90% of the Northern Territory is potentially claimable, the fact that unsuccessful claim areas can be reclaimed and reclaimed, virtually forever, and the fact that claims can be made over Territory national parks. Interestingly enough, claims cannot be made over Commonwealth national parks. The result of such claims for national parks could, in fact, lead to prohibition of entry to the public. A great deal has been said on this subject. No doubt, whilst goodwill exists, any parks which end up in a situation similar to that of Cobourg, for which the Northern Territory legislated to recognise Aboriginal ownership and entered into joint management proposals, will work very well as long as that goodwill can be maintained.

The fact is that parks, which may end up Aboriginal inalienable freehold, can obviously be closed off to the public at a future time. I do not see that any agreement that is entered into today could absolutely ensure that that would never happen. In the absence of a total assurance that the public of Australia would forever have access to parks, such as Katherine Gorge should it become Aboriginal land, then it is no wonder the wider community is concerned for these areas, which are seen by the public as being public land - by 'public', I mean including everybody. If members of the opposition cannot grasp that that is what the community is saying to us - at least, the non-Aboriginal community is, and obviously there are different views on this subject - I suggest that they talk to the first non-Aboriginal person they see when they walk out of this Assembly.

I notice that, to date anyway, the honourable members for Fannie Bay, Sanderson and Millner have been very silent on the subject, not only in this Assembly but publicly. I hope they will speak on this subject. When they do so, I hope they do not take the course of their leader and merely try to use up their time on personal abuse of the Chief Minister. Perhaps they could address some of the principles involved and give us their views on how they see the various community requirements being met by this Assembly.

Members interjecting.

Mr SPEAKER: I would like all honourable members to realise this Assembly is here for the efficient dispatch of business and the orderly conduct of debate. Therefore, I will allow no interjections and, certainly, no running commentaries.

Mr B. COLLINS: Just for some further guidance on that point, Sir, I think that is in some conflict with a previous ruling you have given.

Mr Robertson: Are you making a point of order?

Mr B. COLLINS: Yes, indeed I am. I am asking for ...

Mr Robertson: Make the point then.

Mrs Lawrie: Are you in charge of the Assembly?

Mr B. COLLINS: Mr Speaker, in fact the question was addressed to you not the Leader of the House, if he would pull his head in for a minute.

Mr Robertson: You do not have a point of order.

Mr B. COLLINS: I am asking, Sir, for the guidance of the Chair. It is perfectly proper for any member to do that at any time, as you know, Sir. It does seem to be in conflict, Mr Speaker, with statements that you have made previously on the question of interjections. You have said, Sir, that interjections add some degree of life and interest to a debate, provided they are in moderation. I think that conflicts somewhat with saying that you will not allow any at all, Sir.

Mr SPEAKER: I cannot stop interjections because they are so swift but I will do my best to prevent them because they slow down the debate. I will not allow running commentaries under any circumstances.

Mr DOOLAN (Victoria River): Mr Speaker, in speaking to this debate, I would like to point out that it seems to me that government members always seem to try to depict Aboriginals as greedy people trying to gobble up most of the Territory as fast as they can. They invariably claim that, because Aboriginals already control a considerable area of land in the Territory, a great injustice is being done to the European population. They seldom, if ever, mention the fact that Aboriginals can claim only unalienated Crown land.

Mr Speaker, in debating this particular issue, I believe that the Leader of the Opposition has very aptly shown that the mythical agreement on this package presented by the Chief Minister between the Commonwealth and the NT government is in fact non-existent. The member for MacDonnell went so far as to say that the Chief Minister's actions in various consultations with Aboriginal people were the actions of a shyster lawyer. Nothing that the Minister for Community Development or the Treasurer said has dissuaded me from agreeing with what the honourable member said. In short, like so many of the statements of the Chief Minister made in relation to his concern for Aboriginal people, I cannot help but believe this amounts to what could only be described, in language acceptable to parliament, as meadow mayonnaise. On the one hand, the Chief Minister makes statements to the press and in the Assembly which purport to indicate that he has a genuine concern for the Aborigines in the Northern Territory yet he continues to instruct officers of the Northern Territory departments to oppose the concept of land rights which come before the Aboriginal Land Commissioner. I said once before and I continue to say that I consider that the Chief Minister is like Polonius in Hamlet - he disseminates. In fact, he seems to be capable of assuming one colour to blend in with one particular circumstance and to adopt another colour to blend in with another particular situation. Like a chameleon, he can change his colour to suit a situation and he has proved this over and over again. He pretends to have a genuine and sincere regard for Aboriginal people yet it is my belief that he himself is the prime mover and the chief instigator of most of the racial tension that has been occurring in the Territory.

The Minister for Community Development mentioned this morning a quote from the former leader of the government, Dr Goff Letts, that the NT had led the way in giving equal rights to Aboriginals in Australia, or words to that effect. In fact, I can clearly recall that, either in late 1976 or early 1977, the then leader of the government, Dr Letts, issued a press release which appeared on the front page of the NT News saying that, if the 1976 Land Rights Act went ahead as it was, he himself predicted massive civil disobedience in the Northern Territory. Incidentally, that was enacted by the Fraser government. I have not seen any massive civil disobedience. We have had protests on land rights in Katherine and apparently now in Tennant Creek, but I think they have come from people who do not clearly understand that land claims can be made only over unalienated Crown land. In fact, the majority of these land claims have been made only over land which has already been assigned to Aboriginals. This is what I want to point out.

Many years before the Land Rights Act was passed in Canberra in 1976, Aborigines owned a considerable portion of the Territory, as you well know, Mr Speaker. I would like to read to the Assembly a list of the reserves held by Aboriginal people before the Aboriginal Land Rights (Northern Territory) Act was passed in 1976. Mr Speaker, the date of the first proclamation of Wongoak or Bathurst Island Reserve was 1912, 64 years before the 1976 Land Rights Act. It was an area of 800 square miles. Melville Island, Buchanan Island and other islands within 3 nautical miles of Melville Island were proclaimed in 1941. They covered an area of 2200 square miles. This was done 35 years before the 1976 Land Rights Act. Bagot, only 57 acres, was proclaimed in 1938 - 38 years before the Land Rights Act. Woolwonga of 195 square miles was proclaimed 14 years before the Aboriginal Land Rights Act. The Wangites or Wagait Reserve was proclaimed in 1963. It occupies an area of 550 square miles; that was proclaimed 13 years before the Land Rights Act. The Daly River Reserve, including the Perron Islands, was proclaimed in 1963 and covers an area of 5200 square miles - 13 years before the Land Rights Act. Maranboy was proclaimed in 1923. It is 6 acres only - 53 years before the Land Rights Act. Arnhem Land was proclaimed in 1931. It covers an area of 37 100 square miles. That was 45 years before the Land Rights Act. Beswick Reserve was proclaimed in 1953. It occupies an area of 1315 square miles - 23 years before the Land Rights Act. Catfish, now Lajamanu, was proclaimed in 1948. It occupies an area of 845 square miles - 28 years before the Land Rights Act. Warrabri was proclaimed in 1960. It occupies an area of 170 square miles - 16 years before the Land Rights Act. Yuendumu was proclaimed in 1952. It occupies an area of 850 square miles - 24 years before the Land Rights Act. Jay Creek was proclaimed in 1945. It occupies 116 square miles - 31 years before the Land Rights Act. Amoonguna was proclaimed in 1961. It occupies 1210 acres - 15 years before the Land Rights Act. The south-western reserve - that is, the Petermann Ranges, Haasts Bluff and Papunya - was proclaimed in 1920, 56 years before the Land Rights Act. It occupies an area of 44 800 square miles.

In addition to those, there are some whose status is in doubt. They include Woolner (1892), Manassie (1892), Larakeah (1892), Woolwonga (1892), Mallae (1892), Warramunga (1892) - all 84 years before the Land Rights Act. In 1909, the Mudburra Reserve was proclaimed. That is an interesting reserve. It may be of interest to the Minister for Primary Production that that is now Humbert River. It should never have been granted as a pastoral lease. It was proclaimed in 1909 as an Aboriginal reserve and, through some sort of a miscarriage of justice, a grazing licence was proclaimed over the Humbert River area and subsequently converted to a pastoral lease. I think that Mr Charlie Schultz was the first bloke to get it, but I may be wrong.

I do not have the areas of reserves proclaimed in 1892. However, the other areas cover 94 141 square miles of the Territory, plus 1276 acres. The most recent was proclaimed 14 years ago and the oldest was 90 years ago. Most of them, and I certainly would not include Humbert River in this, are rubbish lands - lands Europeans had tried to do something with but which were of no use. For instance, there were 2 attempts to form cattle stations in Arnhem Land. Because it is mainly sandstone escarpment and coastal plains, it is totally unsuitable for use as cattle country and it was abandoned. The biggest reserve which I mentioned was the South Western Reserve of 44 800 square miles. It would be flat out keeping a goanna to a square mile let alone roaming cattle. Most of it is rubbish land that they could do nothing with, at least until minerals were discovered.

What I am endeavouring to do is to cut out some of this nonsense about Aborigines trying to take over the Territory and all the good country. It is not right. In my own electorate, there are some Aboriginal properties such as part of old Wave Hill, Dagaragu and Amanbidji which was formerly Kildurk established by the Duracks. There is another Aboriginal property in Peppimenarti which Byrne has tried to do something with. It is billabong country, salt water country and black soil plains. It is pretty damn useless, although Byrne would have had it a long time ago. The honourable Chief Minister yesterday afternoon paid tribute to one of the Byrne brothers who has recently died. I think that much of this rot that goes on about it is deliberately fermented. People do not realise that it is not good land. Nobody wanted the place until minerals were discovered on it.

Mr Speaker, I do not intend to go into any further detail about this hold-a-gun-at-your-head, cop-it-or-else, package. If the Chief Minister wants to go ahead with it, that it his prerogative. He would win anyhow because he has the numbers. It is totally unfair. I think that most of this racial business that is being espoused comes from very ill-informed people who do not really understand what they are talking about.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I felt the tenor of debate this morning was interesting. It had a lot of persiflage about it. The opposition did not concentrate heavily on the issue. It is that issue that I would like to deal with this afternoon, and perhaps seek from the members opposite a clarification of their position in relation to some matters that I will come to in a minute.

The Leader of the Opposition made it quite clear that he believes there is need to amend the Aboriginal Land Rights (Northern Territory) Act.

Mr B. Collins: In a limited fashion.

Mr TUXWORTH: Mr Speaker, that really is the point. The honourable member's perception of what sort of amendment there needs to be should be spelt out. The other thing that the honourable member said, which is really a confirmation of what has been happening in the last 18 months, was that he knows that the land councils will negotiate changes. There is no secret about that because they have been at the table for a long time and with the consent and knowledge of the Commonwealth which was also represented at some of the discussions.

The Leader of the Opposition this morning avoided the issues. In my view, the issues were those matters that were raised in the motion by the Chief Minister in his speech about the question of balance. The opposition did not get to any of the issues this morning. They covered the emotional side and ran off at the

mouth a little with abuse and criticism about what the Chief Minister should have done and should not have done. The obvious question to ask is why would the opposition make such an attack when there is so much meat on the bone to be chewed with this particular issue. There is a 6-page speech on the question of balance and a 2-page notice of motion on the Notice Paper today that would provide enough meat for anybody to chew on. I will make my view quite clear to the honourable member opposite. He is not particularly interested in taking a public stance on this issue because he has an electoral problem.

Mr B. Collins: Tell us about the agreement.

Mr SPEAKER: Order, order!

Mr TUXWORTH: Mr Speaker, let me just tell you about the member's electoral problem, which is more to the point. The moment he starts snapping, he is in trouble.

Mr SPEAKER: Order! I have asked honourable members to observe the rules of debate. I hope they do not make things too tough on me because I am quite prepared to insist that Standing Orders be observed.

Mr TUXWORTH: Mr Speaker, this issue for the honourable Leader of the Opposition is very much like the uranium issue that he tried to talk his way out of the other day. He has painted himself into a corner politically and cannot say what he would like to say because he will lose his 3 city seats. He cannot say the things that people want to hear because he will alienate himself from the country seats. It is really a tight rope that he has to walk.

Mr Speaker, because we have come this far in the debate, I do not think it is unreasonable that we ask what the view of the opposition is on a range of points. If the concerns raised by the Chief Minister are reasonable and if there are points in the motion this morning that are unreasonable or could be improved, let somebody on the other side stand up and say what they are. Let us hear about it. That is what it is all about. We have not had that today. All we have had is invective and abuse.

I would just like to raise the point that it is fair that somebody should stand up and tell us that our views are unreasonable and why. It is more pertinent for the ALP as a political body in this country to tell the people where it stands on the issue. The Leader of the Opposition this morning was even weaker than he was on the uranium debate, but he was more politically astute because he was walking that tight rope pretty well. He did not address any of the terms of the motion or the details mentioned in the speech about the question of balance. Neither did he make any suggestions about what course the Northern Territory people could take to resolve the matter.

Mr B. Collins: Let's hear it from you.

Mr TUXWORTH: Mr Deputy Speaker, he is going to hear it from me. I would not like to disappoint him so I will run through them for him.

In the paper, 'A Question of Balance', the Chief Minister raised shortcomings. Aboriginal pastoral owners can lose their leases to other Aboriginal groups. At this moment, there are 10 Aboriginal-owned pastoral leases subject to claim. In 2 cases, the leases are being claimed by Aboriginals who are not the present lessees. This is very relevant to my electorate because both the parties concerned are in my electorate. I would be interested to hear the views

of the opposition. Is it fair and reasonable for Aboriginals who have lived on land for nearly 70 years and worked it as pastoralists to have it whipped away from underneath them because of a weakness in the act? Is that fair and reasonable? If it is, say so.

The other point that the honourable Chief Minister raised is that there is no cut-off date for the lodging of claims. Is the Leader of the Opposition and his colleagues saying that we should never have a cut-off date? If he has that view, then that is fine, but let us tell people about it so we understand where our differences lie.

The other point raised was that the act allows for unsuccessful claims to be lodged again and again and thereby endlessly perpetuate divisiveness. If honourable members opposite really hold the view that areas should be claimed over and over, then that is a view they are entitled to but it is not unreasonable that they say so. They could say it this afternoon in quite clear and unequivocal terms.

Another point raised by the Chief Minister in his paper is that productive land purchased for or on behalf of Aboriginals may be converted to freehold title and be exempt from the normal requirements that the land remain productive. If the Labor Party subscribes to a view that that should be the case, it is not unreasonable for its members to get up today and address it as an issue.

What about claims over national parks created under Territory law which might threaten the normal rights of access for the general public? If the Labor Party in the Northern Territory sees that as an optimum position and one that should exist in the Northern Territory, it is welcome to point out the fallacy of the position that we are arguing.

The last point is that the act makes no provision for Aboriginal communities living on pastoral properties to gain secure title to the land they have occupied for many years. How do the Leader of the Opposition and his colleagues address that matter? Perhaps they will tell us in some detail.

Mr Deputy Speaker, this morning the Leader of the Opposition said these words. I will read them to the Assembly and, if I am wrong, then the Leader of the Opposition might let me know: 'We cannot support this motion, not because I do not want a resolution of the problems. Indeed, I do not think there is anyone in public office in the Northern Territory who wants a resolution more urgently than I do, or indeed, and I have no hesitation in saying it, is better equipped to bring it about than myself'.

Mr B. Collins: Hear, hear!

Mr TUXWORTH: Mr Deputy Speaker, he is humble too!

If the honourable Leader of the Opposition feels that he has such a grasp of the situation, then perhaps he would like to brief some of his colleagues to tell us this afternoon the details of the proposals that he would negotiate with the land councils.

Mr B. Collins: I am not in government either.

Mr TUXWORTH: Wasn't that slick, Mr Deputy Speaker? Didn't that roll off his tongue like the words of a carnival man. Mr Deputy Speaker, do you know anybody in the Northern Territory who is more free with his advice and offers

it to people unsolicited on more occasions than the Leader of the Opposition? Mr Deputy Speaker, he is leading the push. There is no one in the street who can hold a candle to him.

I think the charade is just about over. I am putting it to the honourable Leader of the Opposition that, if he has so many clues on the situation and is so well-equipped to bring about a resolution of these problems, then perhaps he might give us the benefit of his advice and the details of his proposals in the rest of the debate this afternoon. Apart from the persiflage, criticism and abuse that he hurled about in his moment of desperation this morning, he has not made one minute's worth of real contribution to this debate.

Mr SMITH (Millner): Mr Speaker, I would like to start by congratulating the Minister for Lands and Housing because I thought that, of the contributions from the government side, his had been the most thoughtful. Certainly, parts of it were thoughtful and I appreciated it. What I particularly appreciated in his address was the clear way in which he outlined the concerns that a large number of people in the community have about the existing Land Rights Act. The Leader of the Opposition stated that they are concerns which are shared by us all. They are shared by the land councils and by this opposition. It is good that we have this opportunity to debate the matter. Because of the motion the government has put up, we do not have a pure opportunity to debate the topic as we otherwise could have done. In terms of the motion, we have 2 things to debate: is there an agreement between the Territory government and the federal government and how far will the 10-point plan in its entirety and without alteration go towards solving the problems that most people currently see with the Land Rights Act?

We heard from the government this morning that the agreement it has with the Commonwealth government is based on a press release dated 2 June 1982. If the government is prepared to accept that as a binding agreement, I would think that, on this day, it has set a precedent in Australian constitutional history. This government has a number of agreements with the Commonwealth, starting from the Memorandum of Understanding, going through the Commonwealth-state financial agreement, the roads agreement, the health agreement and a large number of other agreements. Those agreements are formal agreements, signed by the relevant ministers in each jurisdiction and they are binding. Here we have a press release of 2 June 1982 as evidence that there is a binding agreement between this government and the federal government. What sort of evidence is that? If that is not enough, we have the federal Minister for Aboriginal Affairs backing away from that agreement within a week of having put out the press release. For honourable members opposite, I quote a summary of what he said at Kakadu Park on 7 June this year, 5 days after 2 June. The federal Minister for Aboriginal Affairs made the following points on 7 June:

> *1. The package proposed by the Northern Territory government was in the nature of an ambit claim, and he was willing to negotiate with the land councils.*
>
> *2. All the federal and Northern Territory governments had agreed on were some principles, and there was still a great deal of consultation to go on.*
>
> *3. In relation to some drafting proposals put forward by the NT government under the package, the Aborigines were concerned about some of the same things the Commonwealth was concerned about, particularly a right for the Northern Territory government to compulsorily acquire Aboriginal land.*

In fact, Mr Wilson said, 'We would not have entertained them for a moment'.

As well as the minister resiling from his press release within 5 days, this morning, in the federal Senate, we had the minister responsible for Aboriginal matters there, Senator Baume, saying, in response to a question on this matter: 'It cannot be said that there is an agreement between the Commonwealth and the Northern Territory governments. There are still further negotiations to go on'. The honourable Minister for Community Development, in his feeble attempt to undermine this point, said that Senator Baume was not, in fact, the minister and that the minister was in the Lower House. All of that is true, but everyone in this Assembly knows that Senator Baume is the minister responsible for Aboriginal Affairs in the Upper House and he would not have answered the question unless he knew that it was in line with government policy. We also know that Senator Baume was the distinguished predecessor of Mr Wilson in that portfolio. Obviously, he is full bottle on developments on this very important question.

Mr Speaker, the 10-point package, as it is commonly known, became public for the first time on 26 November 1981 when the honourable Chief Minister read it into Hansard in his second-reading speech on the cognate bills serials 96 to 101. In passing, that was a memorable day for me because it was my first day in this Assembly. In introducing the bills, and in totalling his 10-point package, the Chief Minister described them as draft proposals. I think we should dwell on the words 'draft proposals'. Both words indicate that an idea has been put up for consideration and that, as a result of further reflection by, or further input from, any group, it could be changed. Either word on its own would indicate that. When the 2 are together, 'draft proposals', anybody who reads Hansard for that day obtains a very clear idea that the government had put up a proposition and was prepared to look at thoughtful comments on it.

What happened nearly 12 months later? Turn to Hansard for the proceedings of 26 November and you will see that not one word of that original 10-point proposal has been altered, not one comma has been shifted. Rather than a set of draft proposals, the 10-point package has become the Northern Territory land rights Ten Commandments. As far as the government is concerned, these proposals are set in stone and, of course, the righteous recognise their value. The sinful, as far as the government is concerned, can either repent or go to Hades. While this approach may have worked for Moses, it does not work here. The Chief Minister and the government members do not have a monopoly on wisdom although they certainly seem to have a monopoly on self-righteousness, the way they have been carrying on this debate. We no longer have a society where commandments can be handed down from the mountain and accepted unquestioningly.

On important questions affecting this Assembly and this country, you have to get in there and get your hands dirty. I am happy to admit that the government started off in this way and entered into lengthy negotiations with the various land councils. In the Chief Minister's statement of 26 November, he admitted that some progress had been made. The land councils admitted that progress had been made too. In my discussions with the land councils in February and March, they firmly believed that, with a bit more give and take on both sides, agreement on a suitable set of amendments to the existing land rights legislation could be reached. But, the government ran out of patience and that is a point I shall return to in a moment.

What has happened is that the government has insisted that its 10-point package is not negotiable, and that is the sticky point. Unfortunately, in doing so, I would submit, the government has confused the sanctity of the package

with the sanctity of the contents. It is perfectly legitimate to say: 'There are 10 points and we want to negotiate them together'. Personally, I have no objection to that, but it is not legitimate to say: 'Here are 10 points; they constitute a package and points within the package cannot be negotiated'. That is what happened and that is, as I said, the sticky point. We have heard from the land councils that there are some propositions within those 10 points that they can agree to. There are other propositions at this stage that they have problems with and they cannot agree to. I would have thought that a government intent on consensus rather than confrontation would have been continuing the negotiation process to see if those negotiations could be completed.

Mr Speaker, the government's behaviour on this matter and its intransigence is so out of character as to be inexplicable. On many important decisions that it has taken, or is in the process of taking, it has shown itself to be flexible. Look at the way, for example, it has handled the criminal code. We are now into the fourth or fifth draft of that code because there have been objections and the government has taken advice and listened to representations that have been made to it. Look at the way it has handled the Superannuation Bill for public servants. The same sort of thing has taken place: one bill was withdrawn; it was replaced with another; and there still seem to be problems with it so it has been taken off the Notice Paper again. There was one that I was particularly associated with - the establishment of a teaching service. Again, that was a difficult exercise. In all 3 matters, negotiations were protracted, tempers frayed from time to time on various points, positions changed and some ground was given on both sides. The important thing was that discussions and negotiations continued and, in the end, a satisfactory agreement was reached.

The comparison with the 10-point package is staggering. Since they were publicly announced almost a year ago, the government has not accepted any change to their wording or their intent. Perhaps that needs to be qualified by saying it has not accepted any change to their wording or intent in the Northern Territory. As the Leader of the Opposition said this morning, the Chief Minister had a different tune at the National Press Club where he gave some indication on the very vexed question of excision, which is one of the major objections that the land councils have to this, that he would consider alternative proposals. Basically, he said that it was too hard for him at that stage. It is a difficult area but I can assure the Chief Minister that, if he was able to make progress in that area, it would significantly increase the possibility of the major elements of the package being accepted. As everybody in this Assembly knows, this is a key sticking point to the existing 10-point package.

Mr Speaker, another point that I would like to raise is how serious the government has been about negotiation. We have heard the Chief Minister and the Treasurer say that it was only after 14 months of negotiations with the land councils that they in fact made their public statement with the federal Minister for Aboriginal Affairs. We are all aware that the government had been trying to get a similar statement from the previous Minister for Aboriginal Affairs, Senator Baume, for quite some time. To his credit, Senator Baume told them to continue discussions with the land councils and come back when they had reached agreement. That is an eminently sensible position and one that the present federal Minister for Aboriginal Affairs probably wishes he had adopted instead of being railroaded by this government in his first 2 or 3 weeks in office into putting out that press release. As I understand it, the press release went out earlier than he thought and that caused him some considerable embarrassment as well. The responsibility for that is not too far away from where I presently stand. That puts a different complexion on what happened. The government has tried to get a joint government agreement almost irrespective of the state of negotiation. It claims it has negotiated for 12 to 14 months but, if it could

have convinced the federal Minister for Aboriginal Affairs to do it earlier, it would have. It is only his good sense that stopped it.

Mr Speaker, I want to conclude by saying that this discussion is one that deals with style as much as substance. As I and other speakers on this side of the Assembly have indicated, there is substantial agreement that the Land Rights Act needs to be reviewed. The question of style is involved because the government, by its inflexible position, has made it extremely difficult for logical and rational debate to take place. It behoves the government to reverse its position before it is too late and state that there are 10 points it wants to negotiate all at once, which I agree with, but that it is prepared, within that 10-point package, to be flexible in terms of the conditions attached to each of the points. It may find that, after discussions, it may be able to do away with one point or another. No one knows because the government has not really tried. It has hidden behind this nonsense that it is a 10-point package that is not negotiable.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I hope that the record will note that before I rose to reply I gave other honourable members sitting opposite - the members for Nhulunbuy, Nightcliff, Fannie Bay and Sanderson - adequate time to make their contribution to this debate if they so desired.

Mr Speaker, unlike the honourable Leader of the Opposition, I will not attempt to degrade this debate by personal insult. Unfortunately, it seems that the Opposition Leader's stock in trade has become vituperation and vilification. It is significant too that not one of the opposition speakers in this debate - although the Opposition Leader said that he wanted to address various matters - used his full time. As I recall it, not one had to be granted an extension of time even though the Opposition Leader, under the unofficial rules of this Assembly - agreed between the whip on the opposition side and the Leader of the House - is automatically entitled to an extension in a debate like this. The Opposition Leader is playing the man and not the ball because he knows that he cannot afford, electorally, to play the ball. That is what we have seen today.

I want to refer, unemotionally if I can, to the various points raised and do my best to answer them. The Opposition Leader referred to a statement by Mr Justice Woodward. Mr Justice Woodward made no statement in respect of self-government. He did not take it into account and neither did the Leader of the Opposition. I was accused by the Leader of the Opposition of bringing the process of negotiation and consultation to an abrupt end. I would just like to give one example of how the Central Land Council, for instance, negotiated.

During the negotiations, in June 1981 or June 1982, a meeting was held in Darwin between Commonwealth officers from Canberra, NLC, CLC and NT government officials from as far afield as Alice Springs. At the outset of the meeting, the CLC refused to talk about any land rights matters unless given forthwith a guarantee of title to Ayers Rock and so negotiations were suspended. If that is an example of how to negotiate, it is very difficult, I would submit, to negotiate with people who say 'stand and deliver' to you.

I was criticised because the land rights hearing at Tennant Creek went for 2 or 3 days despite the fact that land had been alienated. Nothing has been lost by that. The land claim has to go ahead at some time and the fact that it has gone 2 or 3 days is immaterial when in fact it could have been concluded. There is nothing really to stop it going ahead as I understand it. Not one jot or tittle of evidence had been given at that stage which tended to establish any traditional ownership of the land in question.

It has been said and it has been repeated today many times that I have said that this is an all-or-nothing package and that I have refused to negotiate. It has always been my attitude and it has always been the attitude of government officers that we are prepared to talk on matters of detail but we are not prepared to concede anything on the various points of principle embodied in the package.

The Opposition Leader said that we could have had amendment of the Land Rights Act if the agreement to excisions had been given. Why can't we have the 2 together, Mr Speaker? That is all I ask. Why can't there be 2 things done together? We are accused of not showing sufficient good faith. What better good faith can there have been shown by any government than the fact that, since 1978, the Land Rights Act has only been able to operate substantively in the Northern Territory because this government has not alienated the vacant Crown land over which most of the claims presently are established. The member for Victoria River said that Aboriginal people can only claim unalienated Crown land. Of course, that is not correct either.

The Opposition Leader accused me of acts of bad faith. He did not specify them. I would like to know of them other than that he claims the alienation of the stock routes, water reserves and so on at Warumungu was an act of bad faith. He could only say it, Mr Speaker; he could not substantiate it. He said that there had been breaches of goodwill on the part of the government. What breaches of goodwill? What about all our proposals that are bogged down in negotiations, especially with the Central Land Council? Yet, we have not gone ahead and commenced building a dam at the Old Telegraph Station in central Australia. We have not started a subdivision of industrial land in Alice Springs although it is critical. We have not gone ahead with the golf course subdivision, at this stage, because of sacred site claims. The forebearance that the Northern Territory government has shown and the goodwill it has extended in even the most provocative of circumstances, in my view, exhibit the patience and tolerance of Job.

Mr Speaker, I ask the opposition to explain, perhaps later in another forum, how these principles were okay by the Northern Land Council in September but not in June. That is an interesting question and it has never been answered.

Mr Bell: I did.

Mr EVERINGHAM: If the honourable member for MacDonnell thinks he answered anything, he is more sadly deluded than I really thought. The honourable member for MacDonnell, just like his leader, attempted to skirt around the edges of everything and, wherever possible, played the man and not the ball. In this debate, we have not been given one scintilla of lead as to the ALP's attitude on any of these proposals. The ALP is deliberately dodging the whole issue.

The Opposition Leader said parts of the Land Rights Act should be changed. He did not say which parts. Tell us; we want to know. Time and time again, we were told we were guilty of impatience. We were told by the member for Millner, who paraded a lot of nonsense and tarradiddle that he does not properly understand, that we had been patient in putting forward the Criminal Code, and I agree, especially as the Leader of the Opposition did not take any interest in it for 12 months. The honourable member said that we had been patient in putting forward our superannuation and teaching service proposals, but we have not been patient in negotiating these proposals. Mr Speaker, 14 months of negotiations shows a great deal of patience, after which time, I might mention, the NLC and the Commonwealth had agreed to them in principle. When they were announced, the NLC simply reneged on them, without any sufficient or satisfactory explanation.

Mr Speaker, the honourable member for Victoria River said that Aboriginals are not trying to take over the Territory and claim all the country. I ask the honourable member for Victoria River and the land councils, if he is speaking for them, why they will not take on this package. If they are not trying to take over the whole country, this package should suit them eminently because existing claims can proceed, and excisions of pastoral properties can go ahead. I ask the honourable member for Victoria River to ponder that proposition: why won't the Aboriginal land councils agree to the proposed amendments?

I will return now to the 2 principal points made by the Leader of the Opposition. He attempted to subvert the purpose of this whole debate by saying 2 things. I will deal with them in reverse order to the way that he dealt with them. I will deal with Warumungu first. He complained that I had shown contempt of courts, lawyers, land councils and officials by sending a telex to Mr Scrutton on 3 November when, in fact, alienation had taken place on 29 October. Quite frankly, Mr Speaker, I did not follow the alienation process. When I sent the telex to Mr Scrutton, I simply reaffirmed that it was my intention to proceed with the alienation. I cannot help it if Mr Scrutton and, for that matter, His Honour Mr Justice Kearney, the Aboriginal Land Commissioner, choose to ignore statements made by me in this Assembly - solemn statements and prepared answers to questions. The Aboriginal land commission is not a court; it is an administrative body. The Aboriginal Land Commissioner exercises his functions by virtue of the fact that he is appointed Aboriginal Land Commissioner under the Land Rights Act. The fact that he is a Supreme Court Judge bears little upon the exercise of that commission.

The following is the statement I made in this Assembly on Thursday 14 October. If anyone in the Northern Territory who is interested in land rights wants to take no notice of these things, then I am afraid that I cannot help any of them.

> *This position is untenable so far as the Northern Territory government is concerned and I have instructed officials to put in train action necessary to ensure that these stock routes can be alienated and must retain their present status in the interests of the Northern Territory and its people.*

If that is not sufficient warning to anyone, I really do not know what more I can do than make that solemn statement in this Assembly. As far as I am concerned and as far as the practice of parliament is concerned, they are required to take notice of what is recorded in Hansard. Indeed, if it were a court, it would be required to take judicial notice of it.

Mr Speaker, despite all the mossies buzzing across the other side of this Assembly, we come then to the assertion that there is no agreement. The Leader of the Opposition went right out on a limb in respect of this. As I have said before, the whole debate on the part of the Leader of the Opposition was nothing but a series of red herrings. He attempted to skirt all the issues. I will read what he said:

> *I am in a position to advise this Assembly that no such agreement exists. A question was asked on this matter in the federal parliament a little more than 1 hour ago, and I will give the detail of the answer later during this debate. The text of that answer is that no such agreement exists between the Northern Territory government and the federal government. It is an absolute disgrace under those circumstances. I can assure the Assembly the full text of that answer, given an hour ago in the Senate, was read to me.*

I ask you to note that, Mr Speaker. The Leader of the Opposition concluded: 'What the Chief Minister is asking is that the Northern Territory Assembly today endorse a lie'.

Mr Speaker, I have the press release of the Hon Ian Wilson MP, Minister for Aboriginal Affairs, dated 2 June 1982. That press release, I was assured by the Minister for Aboriginal Affairs was issued by his authority after his federal Cabinet colleagues in solomn conclave had agreed to this package of 10 proposals. Mr Speaker, I will read to you this note that I obtained over the luncheon adjournment.

Mr B. Collins: I thought you might have.

Mr SPEAKER: Order! The honourable Chief Minister will be heard in silence. I make that point again and I make it very strongly.

Mr EVERINGHAM: This is the note that was given to me, Mr Speaker. Please excuse the informality of the first few words:

> *Leith from Senator Kilgariff's office has advised the following answer by Senator Baume to a question by Susan Ryan in respect of Aboriginal land rights. The question has not yet been printed. Leith will advise as soon as she is able to obtain copy of it.*
>
> *Senator Peter Baume: Earlier today, Senator Ryan asked me a question regarding the NT. I sought from Mr Wilson further information that he might have. He advised me that the only agreement which exists between the Commonwealth and the Northern Territory government regarding proposals to amend legislation affecting Aboriginals is that which the Minister for Aboriginal Affairs announced on 2 June 1982. In that announcement, the minister indicated that the Commonwealth government intended, in parallel with the NT government, to introduce legislation designed to give effect to a package of proposals which have been the subject of lengthy negotiations to which I referred in my earlier answer. It is the minister's understanding that a reference made by the Chief Minister to an agreement between the NT government and the Commonwealth government refers to the intention of both governments to enact legislation to give effect to this package of proposals, as was outlined in the minister's public announcement of 2 June. We know of no other agreement.*

Mr Speaker, I submit that the Leader of the Opposition used that last line out of context to avoid totally the substance of this debate. The ALP will not come out with its proposals because it wants to sell out community interests and, to do that, it is prepared to go through with a damnable, palpable lie.

Motion agreed to.

WORKMEN'S COMPENSATION AMENDMENT BILL
(Serial 219)

Continued from 18 August 1982.

Mr LEO (Nhulunbuy): Mr Speaker, the proposed amendments to the Workmen's Compensation Act will enable more than one employer to cover employees. I think the intention is to cover employees employed on construction sites where there are a number of subcontractors. I have been led to believe that there has been some conflict there. The opposition has no problems with this proposed amend-

ment. Indeed, it welcomes any amendment to the Workmen's Compensation Act and any legislation at all which would seek adequately to compensate working people for work-related accidents. Mr Speaker, the opposition supports the amendment.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr EVERINGHAM: I move amendment 130.1.

This is a new clause to insert a reference to the required form of policy and the extent of cover.

Amendment agreed to.

Clause 2, as amended, agreed to.

Mr EVERINGHAM: I move amendment 130.2.

This is to satisfy the obligations of parties to a joint policy under section 18 in respect of compulsory insurance.

Amendment agreed to.

Clause 2, as amended, agreed to.

Remainder of the bill taken together and agreed to.

Bill passed remaining stages without debate.

LAND AND BUSINESS AGENTS AMENDMENT BILL
(Serial 232)

Continued from 1 September 1982.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the effect of this simple amendment will be to clear up the confusion that has apparently arisen and make it clear that interest-bearing deposits held by land and business agents registered under the act must be reviewed on a quarterly basis. The interest must be paid on a quarterly basis. I understand that, although it was clear that the reviews were to take place quarterly, there was some dispute as to whether the interest would be paid quarterly or yearly. This amendment makes it clear that it must be paid quarterly. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister)(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 HARRIS (Port Darwin): Mr Speaker, I would first of all like to apologise to the Minister for Health. I asked him a question yesterday in relation to the establishment of a school of health research. I support that move wholeheartedly. My question related to a statement that was made in the NT News some time ago which said that the government had supported the establishment of this school and would assist in providing certain facilities at the Darwin Hospital. I find it difficult to relate to the Darwin Hospital as being out at Casuarina. Straight away I asked a question in relation to the old Darwin Hospital. I was concerned about facilities at the old Darwin Hospital being tied up. I apologise to the minister. I am very pleased to see that the government is supporting the establishment of a school of health research and that certain facilities at the Darwin Hospital are being used for this purpose. I am also pleased to see that the old Darwin Hospital is at this time not being used for this particular purpose and that the buildings themselves are still free.

Mr Speaker, my main reason for rising in the adjournment today is to talk about the Northern Territory Electricity Commission's program in extending the tunnel system in Darwin. All members would be aware of the area to which I refer. There have been a number of problems with this particular extension program. The benefits to the Central Business District of Darwin are many. I think the main one is that, after this program is completed, no further trenching will be required for many years. There will be no disruption to traffic or to people living in the area once this project is finished. In fact, NTEC has adopted a plan for substations in the Central Business District and I believe this will take into account the development that will take place up to the year 2000. Once this tunnel system has been completed, hopefully there will be no disruption caused by tunnelling for many years. I think that all of us agree with the principle that it is better to have the services underground. The tunnel system is very effective because it allows problems to be rectified easily.

The problem relates to the initial development of the project because of the disruption that such a project causes not only to the people living in the area, but also to the businesses which require continued access if they are to operate effectively. The exercise has had many problems and quite a number of businesses have been affected. In particular, the service station on the corner of Mitchell and Daly Streets almost had to close down because of the closing off of Mitchell Street and Daly Street. Other businesses were affected too. I believe that consideration should have been given to these businesses before work was commenced on this project. I know that every effort was made to open the intersection of Daly Street and Mitchell Street as quickly as possible. As soon as it was realised that there would be a problem and that the businesses in the area would be affected, everyone swung into gear and tried to get that particular intersection open. I thank all those people. The minister's officers and NTEC all helped to salvage what could have been a complete disaster for 1 business.

Despite all that, I feel that more thought is required. The whole exercise of the extension of the tunnel system has raised the question of how developments of this nature should be looked at in future. No one minds putting up with inconvenience for short periods provided they can see some benefit coming from that inconvenience. Indeed, some people do not mind putting up with it for a considerable period of time. I think that it is necessary, when we are looking at projects which will take between 3 and 4 months to complete, for us to

take into consideration the businesses, in particular, and also the residences which will be affected. Access must be provided at all times.

I am not suggesting that we undertake enormous studies or commission environmental impact statements for this type of development. It is upgrading a service. It is of benefit to the community. All I am suggesting is that the people who are affected, particularly the businesses that could be closed down during the development stages, be considered and at least contacted prior to the proposed project going ahead.

The proprietor of the garage that I mentioned received a letter on 14 September from a contractor saying that they were going to start excavation work and it would be dusty and noisy. He was advised to keep his windows closed. Four days later, they started digging up the road. Prior to that, there was no consultation with this gentleman at all. Not only that particular Ampol garage but also Savvas Motors and the St Tropez Restaurant were affected. The little store near the old Darwin Hospital was also affected.

This particular garage was virtually closed off from all access. The proprietor was not consulted at all. I think that we have to look at the matter of developments in particular areas and how we go about them. I am not trying to stop development at all but consideration must be given to those businesses which are experiencing a very tough period at this time. We should not make it any tougher for them. It may be necessary to extend that period of construction and, if we do that, the cost will be increased. I believe that this has to be weighed against the total effect that it will have on the community and, in particular, on businesses.

It is quite evident that the reason for deciding the street should be closed off for this particular development was to allow heavy vehicles and machinery to be used in that area. We would all agree that that is probably the best way that the work should be carried out. Despite all that, it is important that the people who have businesses in that particular area should be given some sort of consideration. Development has to be able to proceed and we would all agree with that. We are not trying to stop development where it will upgrade services and give benefit to the people in a particular area. We have to look also at the method in which development work is carried out. We must ensure that businesses are able to operate and trade in a reasonable fashion.

Mrs LAWRIE (Nightcliff): Mr Speaker, the issue I wish to raise tonight, which concerns the Minister for Lands and Housing, relates to particular cases. I do not intend to use the names but I have the paperwork here. The cases relate to the policies of a couple of bureaucracies under the honourable minister's wing. I hope that he will ensure that the bureaucracies change their policies to facilitate the buying of homes by permanent Territorians under the best possible conditions. It is one of those positions which arises from time to time where a bureaucracy could make 1 of 2 decisions, 1 benevolent or 1 which suits it as being expedient but does not help the prospective home buyer.

Mr Speaker, to refer to a particular case, there exists within my electorate a home which was a public service home that was considered to be in an undesirable location. It was eventually occupied by a temporary public servant and his de facto wife. Because of its location, it was transferred from the public service housing list to the general housing list. I might add that I agree with the tenants that it is not unsuitable. They chose it and they wish to purchase it. Because of present Housing Commission policy, the tenancy was

put in the de facto wife's name. Her husband was confirmed as a permanent public servant and applied 3 times to buy the home under the Northern Territory Public Service home sales scheme.

Mr Perron: They want it all ways.

Mrs LAWRIE: No, they do not want it all ways. They did not ask for the home to be transferred to the general housing list. They are happy with the home in that location and would have asked to purchase the home had it remained, as I think it should have remained, on the public service list. When I explain to the honourable minister later where the home is, he will appreciate my point. It is built to public service housing list standards. It has always been a public service home and I am at a loss, along with the tenant, to know why it was ever transferred to the general list.

Mr Speaker, his case has been before the relevant government committee and has been supported by the Housing Commission. It would be happy to transfer the house back to the Northern Territory Public Service list to allow him to purchase the home under that scheme. However, the Housing Commission's arguments in favour of his application have not been accepted by the interdepartmental committee on housing by which ever name it is known; I am sure the minister can identify it.

I became aware of this policy not only because of months of trying to assist this man to buy his home under the most favourable conditions but because of another case and I am happy to supply the names and addresses to the honourable minister outside the Assembly. In this case, the couple actually married and reapplied to buy the home. The tenancy had been placed in the de facto wife's name. The couple subsequently married and applied to buy the home in joint names under the public service home sales scheme because the husband was a public servant. They have been denied because the original tenancy was written out in the de facto wife's name. It might sound a little bit inscrutable to other members but it is not to me and I am sure it is not to the Minister for Lands and Housing.

The point at issue is not one of legislation but one of policy. A bureaucracy had decided that it is policy in these cases of a de facto relationship to put the home in the de facto wife's name. As a general rule, I have no quarrel with that. In fact, I am one of the people who instigated that policy. We are talking about couples agreeing to purchase in joint names. Both couples mentioned have a permanent, stable relationship and would be happy to purchase in joint names. I cannot understand why this interdepartmental committee consistently refuses to support the applications for the couples to buy under the most advantageous scheme when in both cases the breadwinner is a permanent public servant of the Northern Territory Public Service.

They can opt to purchase under other schemes but these are not as advantageous to couples as the public service scheme. They are not in positions of power and influence. They are simply middle-to-lower-range public servants working for the Territory, wishing to stay here and purchase a government home under favourable conditions. The reason that they have been knocked back is not one of regulation or legislation but one of policy determined by a group of people who are taking the easy course.

I would ask the minister to have a look at the problems that I have raised and to contemplate a change in policy to allow these couples to purchase their homes under the Northern Territory Public Service scheme because, in both

cases, the major breadwinner is a permanent public servant. Certainly, in the first case, the house was originally on the public service list and was transferred to the general list because someone thought it was in an unsuitable location. The prospective buyers do not think that and neither do I. In fact, I wanted to buy that same home about 15 years ago. At that stage, it was not available to be sold because it had some easement on it and they did not want to sell it. In relation to this block, there has been a history of the bureaucracy determining that it was not for sale. When it is for sale now, the bureaucracy is disadvantaging a young couple who simply want to take advantage of the best deal going and to which they are entitled. I can see no reason why they are being blocked at every turn, particularly as the Housing Commission supports them.

Mr SMITH (Millner): Mr Speaker, I too seek the assistance and the advice of a minister - the Minister for Transport and Works. It relates again to the question that I seem to have adopted as a favourite one this sittings: roads in the rural area. I have been approached by a resident of the rural area about a road there. The area of land has been gazetted for a road but an official approved road has not been built. As I understand the policy of the government, it will not accept roads unless they are up to a certain standard and then it will be responsible for maintenance.

This particular road does not fall into that category. It is not a gazetted road but it is in the gazetted road reserve area. However, it forms an important link between Humpty Doo and Noonamah. I can accept the government's policy and can understand that, if the government did accept responsibility for all ungazetted roads, it would have an additional burden. The problem in this particular situation is that the road has become quite extensively used by huge quarry trucks. The normal wear and tear on the road that one would expect from residents who live along it has been compounded by these huge quarry trucks. I understand that that is a fairly general problem in the rural area. Quarry trucks make quite a mess of the roads. In the gazetted road areas, it is a major responsibility of Transport and Works to keep the roads up to the mark. However, there is this problem of an ungazetted road. I would appreciate the minister giving it some thought and I signal my intention of speaking to him privately on the matter in the next few days.

Secondly, I would like to speak on the need that the opposition sees for the government to establish a transport task force in the Northern Territory. You will be aware that the high cost of freight in the Northern Territory presents a major hindrance to our on-going economic development. The expansion of our industrial growth, particularly, is being retarded by expensive inputs into the production process and the high cost of getting goods to market eroding any competitive advantage we might otherwise possess in the establishment of industry. The basic reason for these high costs is obviously distance. The nearest source of supply is Adelaide and we all know that is some 1700 km from Alice Springs and over 3200 km from Darwin.

A major part of a solution to this problem lies in the provision of a railway line between Adelaide and Darwin. The railway will enable goods to be carried over that distance cheaply and efficiently, relative to existing transport systems. Mr Deputy Speaker, you will be aware that both the Labor Party and the government have been campaigning long and hard to ensure that this rail line goes ahead and certainly the opposition acknowledges the consistent and repeated efforts of the Chief Minister in this regard. While the rail line will be an important step in alleviating some of the cost disadvantages that we presently face, it will not provide all the answers to problems that result from

the Territory's isolation. There is a need to develop an efficient transport system around this new rail line if the benefits that it can bring are to be maximised.

I must acknowledge again the efforts of the government in relation to the development of the Darwin port which is an important part of that complementary transport system. I think perhaps the most significant step is the provision of a Ro-Ro facility as this will enable vehicle deck-cargo ships to use the new port. This type of vessel is extremely flexible in that it can handle various mixes of container sizes as well as general cargo. Such flexibility is important in ensuring the viability of any shipping system due to the small size of the Territory market and hence the need to diversify freight costs to ensure adequate loadings. As I recall it, the Bureau of Transport Economics first raised the idea of such a facility in the mid-1970s and a concept of a Ro-Ro wharf was pushed very hard by the member for Sanderson in her capacity as transport spokesperson. The need for a highly efficient port is obviously vital if the Territory is to realise any benefits from its location between southern Australia and the markets of South-east Asia. While the government has given its necessary attention to the development of the port facility to complement the railway line when constructed, much more must still be done.

The coming of the railway will bring with it major changes in the Territory's freight patterns. One would expect a tendency for the rail mode to attract the bulk of long-distance haulage while road transport will tend to undertake a higher volume of short-haul freight. Such a change in the nature of the Territory's transport system will obviously impact significantly on the road transport industry. In my discussions with people in the road transport industry, there has been some concern expressed at the coming of the railway.

There is thus a need for the establishment of a transport task force, consisting of both government and private sector representatives, to undertake immediately an investigation of the implications of the coming of the rail line for the overall transport network. This task force would hopefully be able to minimise any disruption caused to the road transport industry as well as ensuring that each transport mode in the Territory will be complementary to each other mode to maximise the efficiency of the total system.

Mr Deputy Speaker, one of the key areas for investigation is that of the transport of freight from both rail and sea to road for distribution. Two major problems that will face the Territory's new transport system will be the cost and inconvenience incurred in loading and unloading from both rail and sea and also the cost and inconvenience of getting freight to and from rail and sea terminals. The need to minimise loading and unloading time for the rail service is clearly illustrated by results from the research undertaken by the Bureau of Transport Economics. The bureau found that about 50% of all rail wagon time was spent in marshalling or waiting for connection. 33% of the rail wagons' time was spent in loading and unloading and only 17% was spent in motion and therefore generating revenue. The statistics highlight the need for inter-modal terminal efficiency in order that the 33% of the wagons' time spent loading and unloading can be reduced and the 17% of the wagons' time spent in motion can be increased. If these gains can be achieved, this would lead to a considerable cost advantage and a far more efficient operation. The Territory business community would gain indirectly through the minimising of time taken between orders being placed down south and the actual delivery of goods.

I would suggest that, as a matter of priority, this government, together with the private transport industry, should commence a study into the establish-

ment of modern freight interchanges in all the key communities in the Territory to ensure that, when the rail line is completed, we will have a system available that will exploit its economic benefits to the maximum.

Mr EVERINGHAM (Chief Minister): Mr Speaker, something has just come to my attention and I thought I should draw it to the attention of the Assembly without delay. This morning in the Senate, there were 2 questions asked by Senator Susan Ryan in relation to the Land Rights Act. The question that I had adverted to in the debate earlier this afternoon was the answer to the supplementary question apparently asked by Senator Susan Ryan. I have the text of the first question and the answer. I propose to table that question and answer. There is absolutely no substantiation in this question and answer for the statements made by the Opposition Leader earlier today that there is no agreement between the Northern Territory and Commonwealth governments.

Mr Deputy Speaker, I seek leave to table the question and answer.

Leave granted.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I am forced into a position of not letting that pass. We are in the position of having the document tabled so it will of course not appear in the Hansard. I will read it out. As the Chief Minister said, it is perfectly true that he quoted from a supplementary answer and not the original answer which I was referring to which indicated that no agreement had been concluded. Senator Ryan asked the minister representing the Minister for Aboriginal Affairs:

> *Is the minister representing the Minister for Aboriginal Affairs aware that the Chief Minister of the Northern Territory, Mr Everingham, introduced into the NT Legislative Assembly on Tuesday a motion calling on the Legislative Assembly to endorse the agreement from the Commonwealth and the NT in respect of Aboriginal land in the Northern Territory? Has the Commonwealth made a firm agreement with the NT government? If so, when was this made and what does it contain?*

Senator Baume replied:

> *Honourable Senators know from questions I have answered over the last year or so that, when I was Minister for Aboriginal Affairs, I started off a series of negotiations which involved, on a tripartite basis, the Commonwealth government, the NT government and the land councils in the Northern Territory. The object of those negotiations was to develop a set of agreements that would lead to some amendments of land arrangements in the Northern Territory which would operate for the mutual benefit of all parties. The situation that emerged was that, apart from a couple of sticky points, there was a move towards consensus on most of the matters under discussion. At the time I left the portfolio and Mr Wilson succeeded me, those remaining issues were being negotiated. Part of the difficulty was that the processes of the Central Land Council made it difficult for it to present a single consensual view on some of the matters which had different implications for different parts of its membership.*
>
> *Senator Ryan: The behaviour of the NT government made it difficult too.*
>
> *Senator BAUME: I am answering the question in my way.*

A man after my own heart.

> *I believe that the NT government had general agreement with the position that was being reached in the negotiations. Certainly, the Commonwealth was trying to get endorsement of what it thought was the position that had been reached in the negotiations between all parties round the table. I have no knowledge of whether Mr Everingham has introduced a motion this week in the terms suggested by Senator Ryan, but I have no reason to doubt that she is correct. I do not follow the NT Hansard. If Mr Everingham wanted to get endorsement of the position which had been developed in these negotiations, I must say I would find it helpful to find that there was such endorsement by the NT legislature, but I cannot say to Senator Ryan that there has been any agreement. An agreement has been sought between all parties with a view to getting an agreed position that would benefit Aboriginals and Territorians generally. While those negotiations are incomplete, I believe Mr Wilson, the Minister for Aboriginal Affairs, will do his best to try and seek consensus among the parties with a view to getting those arrangements agreed and promoted.*

I hope the minister can distinguish between the past, present and future tense of verbs. I will read again the final paragraph of the original answer: 'While those negotiations are incomplete, I believe Mr Wilson, the Minister for Aboriginal Affairs, will do his best to try and seek consensus among the parties with a view to getting those arrangements agreed and promoted'.

Mr Deputy Speaker, in relation to that answer which is what I was basing my comments on - and I stand by them absolutely - I will comment on some of the matters raised. From that answer, the situation that emerged was that, apart from a couple of sticky points, there was a move towards a consensus on most of the matters under discussion. I could not agree more with the accuracy of that statement. It is a fact that on the matter of an end to land claims, the removal of repeatability of land claims and a whole host of issues, the land councils are ready to reach an agreement. As Senator Baume says, quite correctly, there are a number of sticky points that have yet to be resolved and that is the whole basis of the problem. As the honourable member for Millner pointed out so accurately, it is one thing to say that we will have to negotiate all 10 points together, it is another to say that when we negotiate them, we will not change a dot on an 'i' or a cross on a 't'. That is precisely the position the NT government has adopted. Senator Baume is quite right when he says it is only a couple of sticky matters that are causing the problem to remain unresolved.

The land councils are ready and willing to negotiate on most of those other issues and to reach an agreement on them. It is complete intransigence on the part of the Northern Territory government not to change one jot or one tittle of the entire package. As we pointed out, the very proposals that the Chief Minister described as being draft proposals, which have not changed one bit since they were prepared, are the sticking point. The answer that Senator Baume gave is quite correct. He indicated that negotiations were incomplete, that there had been no agreement reached. The Chief Minister has read out, in full, the answer to the supplementary question, so there is no need for me to repeat that. I must say that I thank the Chief Minister for taking the trouble to set the record straight. I sought to do precisely the same thing. I am glad he was moving along the same lines. The complete record of both the questions and answers that were given will now be available in Hansard.

There is one final point that I would make, Mr Deputy Speaker. In respect of this press release of 2 June, it is a fact - and I know it is a fact - that the Minister for Aboriginal Affairs was horrified when he found that it had been released to the press because he had no indication from the Northern Land Council as to whether it had agreed to it. I know that staff from the minister's office were running around Darwin till 3 o'clock in the morning, desperately trying to contact officers of the Northern Land Council when they found that the press release had in fact gone out. The next day, when the land council indicated that that was not its position, the Minister for Aboriginal Affairs changed his position. There is no need for me to go over that again because I read out what he said just 5 days later. The reason he said those things 5 days later was because the press release went out before the land council had been spoken to. Long past the witching hour, Mr Deputy Speaker, they tried to contact the land council after it was too late. When they found out the following day that they had made a boo-boo, the minister retracted that statement. In quite categorical statements to the press subsequently at Kakadu National Park, the Minister for Aboriginal Affairs retracted the very agreement that the Northern Territory government is now relying on. I reiterate that the answer that was given to the first question, and I thank the Chief Minister again for bringing it, completely vindicates ...

Mr Everingham: It does not help you one little bit.

Mr B. COLLINS: ... the position that I took on the matter.

In response to the Chief Minister's interjection, I will conclude by reading out the last paragraph again.

> *An agreement had been sought between all parties with a view to getting an agreed position that would benefit Aboriginals and Territorians generally. While those negotiations are incomplete, I believe that Mr Wilson, the Minister for Aboriginal Affairs, will do his best to try and seek consensus among the parties with a view to getting the arrangements agreed and promoted.*

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, some 18 months ago in this Assembly, we passed an amendment to the Local Government Act the effect of which was to permit municipal councils to allow their ratepayers discounts if they paid their rates before the due date. At the time, I recall that that particular amendment was supported by all members of this Assembly and I also have a recollection that the reason why we inserted that amendment was because one of the local government association meetings had passed a resolution requesting that such powers be given to them.

It just so happens, Mr Deputy Speaker, that in the last few weeks the Darwin City Council has been issuing householders with rate notices and a number of my constituents have approached me with inquiries as to whether or not there is a discount for early payment. Like the honourable members for Fannie Bay and Millner, who had occasion to advise their constituents on the contents of an amendment to the Small Claims Act, I merrily informed my constituents that there was a discount forthcoming because the Assembly had legislated to that effect and the power was now available to the Darwin City Council. I found, upon further inquiry that, in fact, whilst this power is available to the municipal councils, the Darwin City Council has not availed itself of it. I gather it must implement this particular provision by resolution of the council. On inquiry to the City Accountant's office, I found that this matter had been brought twice before the Darwin City Council and on both occasions the council

resolved not to adopt the provision allowing for discounts to ratepayers who pay before the due date.

I am extremely disappointed at this particular development. We do things in this Assembly to facilitate these objectives which, I believe, are initiated in the first place at a local government association meeting. When trying to discover the reasons for this, I was further told that it had been decided not to allow these discounts because there would be a loss of revenue which it might not be possible to make up from corresponding penalties paid by people who paid late. It appears that we now have another situation similar to that of the fences and swimming pools. Local councils asked for power to pass bylaws governing private swimming pools. This Assembly legislated to that effect to facilitate this particular objective and, of course, we all know that nothing has been done, at least in the Darwin area. Once again, we were asked to facilitate something for the benefit of local government finance and, again, nothing has been done.

This is a matter of extreme disappointment to me, Mr Deputy Speaker. Some of my constituents could have done with the discount. I believe a discount of 10% was talked of and, in fact, has been implemented by another municipality. When one is looking at a rate notice of about $500, then the 10% discount is really quite attractive. It is not available to ratepayers in the Darwin area. Having been told about reasons for not implementing this provision by Darwin City Council, I was further amazed to see in a recent gazette that a much smaller municipality in the Territory has, in fact, availed itself of this provision and has gazetted a notice to the effect that its ratepayers will be eligible for a discount if they pay their rates before the due date. I think that if a smaller municipality can do that, then the Darwin City Council can also do it. I think it is quite objectionable that, whilst it is prepared to inflict penalties on people who pay late, it has not availed itself of the provision made available by this legislature to give discounts for early payment.

The next matter that I want to address is one I raised in question time this morning. It concerns a commendable project by a service club to collect poisons and other hazardous substances from householders. I gather that this particular project is being conducted by the Lions Club. It is a house-to-house collection and it is being undertaken in cooperation with 2 government departments. Whilst this is a very commendable project to remove from households unused drugs and other substances such as chemical cleaners, the information that I do not have is the method by which these people intend to dispose of these materials.

This particular project has drawn attention to another subject that I raised at question time: the availability of a dump for the disposal of hazardous and obnoxious waste. As members would know, I have often spoken in this Assembly about the operations of the Leanyer dump. Even though this is a city council operation, the provision of land etc for dump facilities is the responsibility of the Departments of Lands, Transport and Works and Community Development. From time to time, we have had questions raised about some of the substances that are being disposed of in existing dumps and the safety precautions that are being taken as a result. The time is approaching when there should be a specialised facility for this type of disposal. With increasing industrialisation and the need to dispose of chemical waste products, that time is not too far off. I would ask the honourable Minister for Community Development, who said he would write to me on this matter, to provide what information is to hand because it is a question that regularly arises in my own electorate.

I move now to a more pleasant matter. In company with a number of other members of this Assembly, last night I attended the awards of the Territory Tidy Towns contest which were conducted by the Keep Australian Beautiful Council. I must say that my electorate was lucky enough to win a prize, as was 1 of my schools. What surprised me was the obvious degree of support this particular project enjoyed within the community. Apart from the localities that were entered, there was a large number of other categories. I was surprised to see the room absolutely packed. It was so full that, at the conclusion of the event, there was hardly standing room in the area where refreshments were served.

I must say that, when this particular project was first launched only a year or 2 ago, I was a bit sceptical about its effect. I felt that people would behave in an apathetic fashion and not direct their efforts towards this particular project. I have to say that I was wrong in that view and that the project enjoys a very high degree of support amongst the community. I believe that this project will continue. I would like to congratulate the overall winners which I believe were Ti Tree and Batchelor and I would like to inform them that, next year, the electorate of Sanderson looks forward to giving them some healthy competition.

Mr VALE (Stuart): Mr Deputy Speaker, like the member for Sanderson, I too would like to take this opportunity to congratulate the Keep Australia Beautiful Council on its recently concluded Territory Tidy Towns competition and to congratulate all of the competitors, including the Port Darwin, Tiwi, Barkly and Alice Springs electorates. I would particularly like to congratulate the electorates of Stuart and Victoria River in which the joint winning towns of Ti Tree and Batchelor are situated.

Mr Deputy Speaker, as you probably realise, last year Ti Tree won the prize for the best town in category A - which is for a town with a population under 600 - but was beaten by Katherine for the major prize. Katherine is the home of our very distinguished Speaker, the honourable member for Elsey. It again won a major prize last night and several small prizes. I think it did exceedingly well. However, I am delighted and honoured that Ti Tree, in the heart of the Stuart electorate, did so well and won the big prize with Batchelor. I pay particular tribute to all the residents of the Ti Tree township, the Aboriginal community and the Europeans living in the town, who have worked so hard during the past 12 months to get their town up to scratch and take off that big prize. It is a credit to all the residents of the township of Ti Tree and I hope they can follow up next year by winning it for the second year in a row.

Mr Deputy Speaker, another point I would like to address is one that I raised in this Assembly in previous debates. I am glad that now I have some support from the Chief Minister. I am talking about the vandalism, graffiti and damage to roadside stops and road signs. A few weeks ago, the Chief Minister spoke about the vandalism at the water gardens in Rapid Creek. As I have detailed before, almost as quickly as the Department of Transport and Works in central Australia opens a roadside stop comprising a barbeque, shade areas, water tank and rubbish bins, vandals move in and tear the lid off the barbeque, empty out the rubbish bins, crush them up and cover them from one end to the other with names and addresses and other forms of graffiti. One near the Queensland border was vandalised within 7 days of its being opened. Vandals knocked the taps off and the water tank was drained. Anyone who needed to use water could not do so. A few weeks ago, stage 2 of the Ayers Rock sealed road was opened and, within a very few days, the vandals had been in to the roadside stop and attacked it with felt tip pencils, and pinched barbeque plates and so on.

I have a couple of suggestions. The first is to construct a graffiti board for those who are hell-bent on putting their names and their addresses all around the countryside. The second is that we need separate legislation to combat this continued vandalism of these facilities. I would suggest that the legislation should be fairly draconian, giving the police and the Department of Transport and Works the power to prosecute and obtain court orders requiring the offenders to make good their damage. I am certain that, if we could get a couple of offenders by the scruff of the neck and make a community example of them, they might slow down this unwarranted hooliganism and unnecessary vandalism of some of those features that the Territory government and the taxpayers are going to great expense to provide not only for Territorians but for the many visitors who are now coming to the Northern Territory.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, last week, I came back from Sydney with the Chief Minister. He gave me a book called 'The Vestey Affair'. I was very interested in it. As honourable members know, for years I have been saying that the meatworks rip off the producer. That is what the author, Mr Phillip Knight, thinks too:

> *Although an outsider in this business would imagine that the larger slice of the profits would go to the cattle rancher, the man who has bred and raised the beef, this is not so. Cattle raising requires wide open spaces and, by definition, these are a long way from the main markets for meat, the heavily populated industrial areas of the northern hemisphere. The man who turns a live beast into food products ready for sale in these markets, the meat packer, is the man in control of the operation and, as a result, the major profit maker. For example, during the worst years of the depression, the packers used their economic power to pass along to the rancher any drop in prices.*
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> *As a result, while many Argentine ranchers went to the wall, the packing houses continued to take average earnings of 10% to 15%. Next, the packers plied to sell all over the world. As William Vestey told the Royal Commission, 'You kill an animal in one country and the product of that animal is sold in 50 different countries for taxation purposes'. If, like Vesteys, you own not only the packing houses but the ranches that raise the cattle, you own not only the freezing works that store the carcasses but the refrigerated ships that carry them abroad, not only the docks that unload them but the companies that insure them, not only the wholesalers that distribute them but the butchers who sell them, then you can take your profit at the most convenient stage down the line.*

I have been saying this for many years, perhaps in a different form. Most of the trouble in the beef industry is due to greedy processors, but not all. The main fault in the beef industry in the Northern Territory is with the producers. As you have seen, over the years more than half of the cattle produced in the Northern Territory are killed outside the Territory. Some go out as stores and some as fats but more than half go out of the Territory for slaughter. I think the Minister for Primary Production mentioned that a few days ago.

However, our market is acknowledged to be in South-east Asia. That is not only for beef but for cattle. I was in Rockhampton a couple of weeks ago at a bull sale and Graham McCamley, who is a member of the Australian Meat and Livestock Corporation and I think the founder of the Cattlemen's Union - a very

prominent cattleman - was selling bulls with his brother. He said that Brahman breeders in Queensland had sent 37 000 Brahman heifers to Indonesia this year. Certainly, that part of Queensland is the home of cattle but they are 4000 miles further from the mark than we are. We also have our contacts in Indonesia. While I am on contacts, it is useful to remember that the former Indonesian Consul in Darwin is there now and is available to help us.

What is happening with Korea? Korea and Australia have formed a Korea Australia trade promotion association and the head of that is none other than the head of the Australian Meat and Livestock Corporation, Mr Jones. I see no reason why the Northern Territory shouldn't start a trade promotion association with Indonesia which is our logical market and try to get people like Mr Pringgowirono to represent our interests in Jakarta.

First of all, we the producers must be organised. Ever since the war, the pattern of beef production has not changed. The Barkly Tablelands producers send cattle to Queensland or locally for slaughter and Vesteys send cattle straight across the Territory to their killing facilities in Queensland or the fattening properties. The Centralian cattlemen send cattle to South Australia and God won't stop them. Nothing has really changed. Victoria River cattle are sent to Wyndham and a few to Katherine. All the time, we see the cattle going everywhere but north where they should be going. We know the market is there because we have been told a dozen times. Of course, we must have them free of BTB. Of course, they are importing breeders but they are naturally importing breeders so they can have calves. Even modern technology has not found out a way to make a bull calf produce milk. Half the calves that Brahman females have will be used for meat. We must stimulate the market for beef in Indonesia.

I talked about the fragmented cattle industry. Here is a letter from the President of the Australian Brahman Breeders Association Northern Territory Branch, Mr Keith Lansdowne. I do not think there can be many doubts about Mr Lansdowne's ability or his foresight. It is to the Cattle Producers Council. The subject is a government instrumentality setting up a Brahman breeding cattle trade with Asia through an ADMA-like authority. At 2 meetings which I attended this year of the Australian Brahman Breeders Association Northern Territory Branch and the Cattleman's Union Northern Territory Branch motions were passed that the government be asked to investigate the feasibility of setting up an ADMA-type authority to develop and market beef and cattle. They met with a pretty lukewarm response because, if there is any life in the industry, we would not be in this position. We would not be sending our cattle to Queensland or to South Australia. We would be developing this live Brahman female trade with Indonesia and other parts of South-east Asia. You are really talking to the converted when you talk to the people in the Centre and on the tablelands. They have their markets and you are not going to change that, except in a year like this. The letter reads:

> *I understand your organisation is opposed to any government involvement in the marketing side of the cattle industry. I would like to make the following points to support a proposal as yet undefined to get some support with a view to guaranteeing a market for breeding cattle in the future if the industry were to invest money in setting up the necessary number of breeding cattle herds required to service such a market in 3 years' time.*
>
> *Most probably, in the Northern Territory, there is a substantial investment required to step up the numbers and quantity of individual*

herds to a stage where a loose commitment could be entered into by pastoralists with, say, ADMA to produce 500 head of heifers or bulls from 1985 annually. I believe it is well proven that there is not enough confidence in the Asian market by landholders to make the financial plunge without some sort of ongoing market stabilisation.

We have talked about market stabilisation and stabilisation schemes in this Assembly for many years with no result. That is why the industry is in the position it is in now. The industry is fragmented. The letter continues:

Sale of cattle under any scheme would be done by the private sector: ABBA, the Cattleman's Union and the NTCC. One live exporter is about to sign a contract to export 7000 Brahman heifers and 700 bulls to Asia early next year. Most of these will be bought in Queensland and trucked to Darwin or Wyndham for shipment to Asia.

We talk about a bankrupt cattle industry in the Northern Territory; we deserve it.

It has been reliably stated that there is a requirement in 1983 for 37 000 head of Brahman cattle in Asia. This is approximately the number that has gone from Queensland to Indonesia alone in 1982. It appears historically that the northern half of the Northern Territory has had a boom or bust economy for 100 years for the very reason that there is no real market stability.

The Barkly Tablelands and Alice Springs areas have had reasonable market situations for many years. However, there is no doubt that these 2 areas could produce large numbers of Brahman breeding cattle very quickly and of high quality.

It is very interesting to go back 15 years when Beebe brothers of Ucharonidge, who had a pretty good herd of British breed cattle, took the plunge and went to Queensland. I think they bought $30 000 worth of Brahman bulls from Avis Creek. I do not know what the bulls cost them but they bought enough to replace all the British breed bulls in their herd. They now have an additional 2 stations and probably 40 000 or 50 000 head of top quality Brahman cattle. This is what you do but you must have a market.

Very large numbers of these cattle come out of central north Queensland. With some market stability, I cannot see why this could not be duplicated here, given the shorter distance to market and exploiting our geographical advantage. Mr Lansdowne requested these points be considered by you and commented on. The nuts and bolts of any scheme would require a lot of consideration and work by your organisation and ours.

There is a concrete proposal. Of course, you have the BTB to worry about. That is why I and Mr Lansdowne keep saying that, if you want these cattle, they have to come from the Centre. But the Centre does not seem to be much smarter than we are. It was only this year that the Centre really started to market prime quality beef in the Top End where there was a market. The government had to come in on that otherwise it would not have happened. I believe there is acceptance of good quality beef and we are moving some way towards being self-

sufficient - that is a pretty nasty term to use here - in beef. We must exploit all these markets. But before any markets can be exploited, it is necessary to organise and get the product to the market. We have an opening for negotiation; we have the contact in Jakarta. The Chief Minister is going there on 4 December to deliver a Brahman bull and he will be seeing President Suharto there and I have no doubt that he will relay our hopes to exploit this trade. Indonesia would like to deal with us but it will not take any chance of alienating the rest of Australia by dealing with us.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, I would like to mention this afternoon the death of a notable Territorian. I expect that the Chief Minister or his officers will research some more details on Mr Gordon Nichols who died a couple of months ago in Alice Springs at the age of 72 years. He was one of the first people in Alice Springs that I came to know when I first arrived there about 13 years ago. He ran the Centre Cycle Shop. He was a keen cyclist in his time and a great supporter of cycle racing in the Centre and of the Alice Springs Cycling Club. He was a man who gave very good value for money in his dealings with people and their bikes and he was a particularly good friend to children. Mr Nichols originated from Darwin and moved to Alice Springs. He lived in Alice Springs for many years and I spent many a pleasant hour talking to him. His knowledge of the Northern Territory was extensive. He was a man of great common sense with a marvellously spontaneous sense of humour. I thoroughly enjoyed my discussions with him. Sometimes I would avoid calling in if I was in a hurry because one seldom got away in under an hour when talking to Gordon and his wife. At the time of my election, I told him that he should have his knowledge of the Territory recorded. Unfortunately, when Mr Nichols died, Mr Harry Giese was only half-way through the oral history tapes he was making from his stories. Consequently, some of our oral history may not be recorded. Certainly, the view which Gordon had of it is lost. He was a good friend to me and many Territorians and well-respected in the community. I regret his passing.

I would like to add my congratulations on the Territory Tidy Towns competition. The winners were announced last night at a celebration. I was particularly delighted that Giles House won the best in the over 3000 group. I would like to record my congratulations to Mrs Chris Franks and Mrs Helen Daff, the other staff members at Giles House and, particularly the children who spent many hours helping to tidy up the town. It is a thankless task cleaning up areas which next day will be almost as bad again. They kept at it with considerable determination and I think that is to be highly commended. I am also pleased to note that the Alice Springs electorate in general came second in the over 3000 group for 2 years in a row. All those involved, particularly Mr Ashley Meaney and his wife, are determined that, next year, they will come first. The competition will be hotter and we are planning ways and means of improving upon previous efforts. I congratulate all the winners, particularly Ti Tree and Batchelor. Great work was done by Constable Fields and his people at Ti Tree. I believe he is being moved to Darwin and I am sure the people at Ti Tree will miss his efforts for that particular town.

Mr Deputy Speaker, Alice Springs has a bridge virtually going nowhere. The Todd River bridge was opened some years ago and it was the intention that a major connector road be built from the bridge to Undoolya Road. When I first learned of the actual path of that road, I realised that it would pass almost straight up a winding line of trees. People did not want them knocked down. In fact, a number expressed that opinion to me. I approached the Lands Branch and asked if something could be done to at least minimise the number of trees which were likely to be knocked down. I was grateful to the Lands Department which worked in conjunction with the Department of Transport and Works. One

must realise that we are talking about a major road. It is not possible to put bends and twists anywhere. There were certain design specifications to meet.

It was worked out that the tolerances would allow them to move first through the trees before they had to knock over half a dozen and they would then move back. Unfortunately, about 12 or 13 trees would have to be knocked down. Nobody was pleased about losing any trees but it was much better than losing 150-odd trees which would have happened if the first plan was followed. The Lands Department officers surveyed and pegged out this new road and a couple of traditional owners and I were requested to meet with them. We walked over the area and those Aboriginal people, Mr Milton Little and Mr Mort Conway - although they regretted that some trees would have to go - were very pleased that an effort was being made to save as many as possible. At that stage, I was hopeful that it would not be long before the road was actually under construction. It is a most important road, particularly now that the east side is expanding.

However, it was not long after that that the Sacred Sites Authority decided to include all the trees as sacred sites and have them registered accordingly. That has thrown this project into confusion and it has virtually stopped dead in its tracks. It is important that the road is constructed because it will allow the Undoolya Road-Wills Terrace causeway at the top of Todd Street to be reconstructed. It is in a bad state of repair. It has been rough for years. I ride my pushbike over it fairly frequently. I know it well. I would dearly love to see it improved. However, it is impossible to do that until this other connector road goes through.

I have had criticism from people asking for money for the Sports Crescent crossing which is further to the north of the Wills Terrace causeway. I think this is an important causeway because it will help divert some traffic away from the centre of the town. The present development is the only one I can seek money for because it is the only one that will definitely go ahead. The connector road is being held up. There are negotiations going on but they do not seem to be getting anywhere.

The Undoolya Road has only recently been upgraded by the council causing considerable disruption to the people further east because they had to divert all over the place. I was hoping that it would not be done until this connector road came through so that there was a chance to divert at least half the people. However, the council could not wait any longer. I agreed with it. It has been done. If this connector road is built, there will be further disruption. The situation seems to be at a stalemate. I do not believe that this situation can be tolerated much longer. I hope that negotiations will recommence with considerable vigour. If the problems cannot be resolved, I hope the government will take the necessary steps to construct this particular road not just in the interests of the white community but of all Alice Springs people, black and white.

Mr ROBERTSON (Education): Mr Deputy Speaker, the debate tonight has included reference, particularly by the Leader of the Opposition, to the contents of this morning's debate so I assume that you will allow my contribution. It seems to me that the Leader of the Opposition used the opportunity during the adjournment debate to attempt to justify the misleading statements that he made this morning in relation to questions asked in the Senate this morning and in relation to a debate which occurred earlier. I would submit that it is probably relevant.

It seems to me that the Leader of the Opposition has tried to maintain in the debate this evening that he can justify his assertions this morning by the statements made in respect to a question asked in the Senate. Mr Deputy Speaker, of course we now know the truth of the matter. I want to reiterate it finally today. The question asked of Senator Baume this morning in the Senate, who acted on behalf of Mr Wilson, was a question which clearly, on the evidence before us, was one which the honourable Senator did not understand. Quite obviously, it was an ambush question, a question asked on behalf of the Leader of the Opposition in this place. It would seem to me, Sir, that the answer that the Senator gave was an answer in respect of all parties. In other words, the Senator said that the subject of those negotiations was to develop a set of arrangements in the NT which would operate to the mutual benefit of all parties. The motion we discussed this morning clearly indicated an agreement between the Commonwealth and the Northern Territory.

I would like to make it very clear that what this Assembly has been debating today is an agreement which we believe exists between us and the Commonwealth. I would like once again to repeat the final words used in the supplementary answer given by Senator Baume this afternoon in the Senate: 'The Commonwealth has today reaffirmed the statements made by the Hon Ian Wilson on 2 June this year'. The Leader of the Opposition cannot escape the reality of that press statement.

Mr Deputy Speaker, I cannot understand why the Leader of the Opposition tried to avoid the issue in the way he did. It seems to me that the member has a remarkable propensity to pluck out pieces of information and try to mislead this Assembly with them. We have today looked at the contents of the statement issued by Mr Wilson. Despite what was implied to this Assembly by the Leader of the Opposition, it was not issued with the collusion of the NT government. Indeed, I do not think there is any member on this side of the Assembly who can recall having any forewarning of the statement at all. The statement issued on that day by Ian Wilson, Minister for Aboriginal Affairs, was of his own volition. Now it has been clearly demonstrated that that statement has been supported in the Senate today by the minister representing him in that House. There is absolutely no doubt whatsoever that there is an agreement between this government and the government of the Commonwealth. There is no side-shuffling, no sleight of hand or, to use the Leader of the Opposition's own term, a pea-in-the-thimble trick which he can use which can avoid that reality.

I want the record to indicate clearly that, on all the evidence available to us, that agreement exists. It was quite wrong to use the contents of a preliminary answer, probably delivered under pressure, to negate a considered answer. The answer given this afternoon by Senator Peter Baume was a considered answer. That answer leaves no doubt - and I want this to be the last thing in Hansard - that there is an agreement between us: 'It is the minister's understanding that a reference made by the Chief Minister to an agreement between the NT government and the Commonwealth refers to an intention of both governments to enact legislation to give effect to this package of proposals' - the very package that this Assembly has been considering today - 'as was outlined in the minister's announcement of 2 June'. That is the very statement that I used in my debate earlier today as being the fundamental basis on which to establish an agreement which exists between this government and the Commonwealth. There is absolutely no point whatever for the Leader of the Opposition to use a preliminary answer - not a considered answer but a preliminary answer - to a question to justify a falsehood, as he has done today.

Motion agreed to; Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

TABLED PAPER
Seventh Report of the Subordinate Legislation and Tabled Papers Committee

Mr HARRIS (Port Darwin): Mr Speaker, I present the seventh report of the Subordinate Legislation and Tabled Papers Committee. I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted; debate adjourned.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
High Cost of Living in Northern Territory

Mr SPEAKER: Honourable members, I have received a request from the honourable member for Sanderson in the following words: 'I propose that this Assembly discuss today as a matter of definite public importance the high cost of living in the Northern Territory which imposes economic hardship upon Territorians'. Is the honourable member supported? The honourable member is supported.

Ms D'ROZARIO (Sanderson): Mr Speaker, as honourable members would be aware, at the end of last month the Australian Bureau of Statistics released the full Consumer Price Index for the September quarter. It was bad news for the Territory. The index revealed that there was a 13.1% increase in the cost of living in Darwin over the 12 months to the end of September. That was the highest rate in Australia. The increase for the September quarter was 3.3%, a substantial rise when compared with the 2% increase over the same period in 1981. The result is that we have the fastest rate of increase in the cost of living of any capital city in Australia.

This is certainly not a situation that the opposition is happy about. But given the comments of the Treasurer following the release of these figures, we are not too sure that the same can be said for the government. Whilst everybody was expressing concern that our cost of living was soaring, the Treasurer was able to take some comfort in the figures. I am sure that all members will be interested in hearing from the Treasurer just exactly where he found comfort.

The Treasurer told us that the September CPI figures indicated that Darwin's reputation as a very expensive city was gradually being diminished. As the Leader of the Opposition rightly pointed out at the time, the Consumer Price Index measures price movements over time for each individual city. It does not measure the difference in retail prices between cities. Hopefully, the Treasurer is a little better informed than when he made his statement.

That is not all he had to say, Mr Speaker. He went on to tell us that, if the increase in government rents had been excluded from the figure, then it would not have been so bad. I suppose that, if one cares to extend that argument and exclude from the derivation of the CPI a number of goods and services which are normally measured, then of course we could arrange that there would be no increase in the CPI at all. We could simply exclude all goods and services which recorded an increase.

Instead of pretending that things are not as bad as they really are, the government, in our opinion, should be putting its energy into addressing the excessively high cost of living facing Territorians and trying to do

something about it. While the CPI does not indicate the difference in the cost of living between various locations, the data that is collected as part of the process of constructing the index does give us some clues. Now that we have a full Consumer Price Index in the Territory, the Bureau of Statistics collects a wide range of average prices covering a large number of goods and services. For the information of members, the categories covered in the survey include the following: food, clothing, housing, household equipment and operation, transport costs, tobacco and alcohol, health and personal care, and recreation and education.

Mr Speaker, not all of these prices are available to the public because of confidentiality but some are published by the bureau. On 9 November the ABS released the average retail prices for 55 items measured during the September quarter in the 8 major Australian cities. I must add that these figures must be considered only as an indicator. If those 55 average prices are totalled for each of the centres, Darwin emerges as by far the most expensive. If a simple average is taken of the 7 other capital cities, the prices in Darwin are around 19.4% more expensive.

Mr Speaker, if this date is examined more closely, the following picture emerges. In the dairy produce group, which covers such items as milk, cheese and butter, people in Darwin pay 3.2% more than the southern capital average in the September quarter. By contrast, if we take the cereal products group, which includes such goods as bread, flour and rice, we pay 19.7% more than people in southern capitals. In the meat and seafood groups, we pay 28.7% more. The picture gets worse. For fresh fruit and vegetables, we pay 30% more and, for processed fruit and vegetables, we pay 14% more. When we look in the remnant 'other food' category, which includes such sundry items as eggs, sugar, tea and coffee, we see that we pay 7.5% more than the cost in southern capital cities. As for alcohol prices, they were 9.5% more.

Mr Speaker, the Treasurer's own department calculated that people in the Territory suffered a cost of living disability in the order of $90 per household per week at the end of 1980. It appears that little improvement in removing this cost disability has been made since then.

In the Report of Public Inquiry into the Income Tax Zone Allowances undertaken in 1981, one excuse that was put forward for the failure of that inquiry to recommend that there be a reasonable level of zone tax allowances was the inability to accurately measure the cost of living disadvantage suffered by people in the Territory. With the development of the full consumer price index for Darwin, this is no longer a valid excuse. As a matter of urgency, there is a need to take another look at the level of zone allowances in the light of the data which is now available. A considerable amount of information has now been collected on price movements in Darwin. That information has not been made public but I am confident that, if an inquiry were instituted, it would be made available readily to that inquiry.

Mr Speaker, there is certainly something that can be done immediately to offset the unduly high cost of living facing Territorians, and that is the indexing of zone allowances so that they at least keep pace with rising prices. Much has been said in recent times about the action that should be taken to remedy this particular situation which faces Territorians. This side of the Assembly, I am pleased to say, has a commitment from its federal colleagues that the election of a federal Labor government next year will result in zone allowances being tied to the consumer price index. I would urge that the Chief Minister attempt to obtain at least a similar commitment from his federal colleagues. It is obvious that we cannot rely on our present federal member to do anything for us in that regard. You may recall, Sir, that Mr Tambling, the federal MHR, in April last year described the

findings of the committee that undertook the investigation into zone allowances as a major victory. That major victory consisted of a very marginal change for a very limited number of Territorians.

There remains another significant flaw in the zone taxation scheme which was acknowledged by the committee of inquiry but has not been addressed in any way in its recommendations. I refer to the problem faced by that large number of Territorians who pay no tax at all and who, therefore, are not in receipt of any allowance. These Territorians already face a tough battle trying to survive on hopelessly inadequate social security payments but, because they are on such benefits, they are excluded from the assistance provided by the zone allowance, such as it is at present. I am again pleased to say that our federal ALP colleagues have recognised this as a totally inequitable situation and have pledged that a federal Labor government will provide a special allowance for isolated security recipients. Again, I seek from the government an assurance that its colleagues in Canberra will match that offer for the future well-being of this important segment of the Territory community. Again, our federal member has not proven very useful to us in this regard.

Another important area of cost disadvantage which faces Territorians is a direct result of the Fraser government's policy on the burden that we carry as a result of the imposition of sales tax. This tax is calculated in such a way that the freight component is included in the wholesale price. As a result, Territorians find themselves paying tax not only on the value of the goods but on the freight incurred in transporting the goods from southern places. This is a grossly inequitable situation but it continues to be tolerated by the Fraser government. In fact, not only is it tolerated, in the last 2 budgets it has been significantly increased by an increase in the level of sales tax as well as expansion of the items that attract it.

There is a further problem with sales tax in that the largest sales tax increases have been imposed on goods which are basically essential to most families. I can inform members that, in the last 2 years, the sales tax rate applying to such basic household goods as bedding, crockery and the like has increased by 200% and yet the rate applied to luxury goods has risen, comparatively, by only 18%. This is a bad tax for Territorians and it is steadily getting worse. Where was our federal member while all this was being talked about? In April this year, Mr Tambling told his constituents via the ABC that he was in support of the Fraser government's initiatives in the matter of sales tax, and we were told by him that the only way to get major income tax cuts was to suffer the burden of higher indirect taxes. We were told that the cost of the sales tax burden to Territorians was paltry and meant having to pay, to quote Mr Tambling, 'minor bits'. On this side of the Assembly, we have been able to obtain a commitment from our federal colleagues that a future Labor government in Canberra would move to have the freight cost of goods coming to the Territory excluded from the calculation of sales tax. This would put us on an equal footing with the rest of Australia as far as the burden of this indirect tax is concerned. I do not see that that is very much to ask and I must urge again that the Northern Territory government seek a similar commitment from its federal colleagues.

All of the above recommendations could have been implemented yesterday if we had a sympathetic government in Canberra. The zone allowance could have been indexed to ensure that the increased cost of living was covered. People currently excluded from the zone allowance because they are forced to live on fixed incomes so low that they do not pay tax could have been compensated, and the major inequities in the present system of applying sales tax in

Australia could have been removed. Therefore, I call on the Chief Minister to present a united front to Canberra on these issues. We have those commitments from our side. What we need now is a similar commitment from the federal government so that the Territory could look forward to a better 1983.

Mr Speaker, before I conclude my remarks on this question, I would like to draw to the attention of the Assembly some important facts about the imposition of income tax under the Fraser government. I do this in anticipation that a speaker from the other side will jump to his feet and say that we have just received significant income tax cuts which took effect from 1 November. All that we received in the last federal budget was an indexing of income tax for 12 months. Of course, we also received a considerable increase in indirect taxation. The indirect taxes were applied immediately - and the Consumer Price Index certainly made that point - but we have only just received our so-called income tax relief. Many people have come to the Territory because they see it as a place where one can get ahead with a bit of hard work but often their efforts are stifled by the crippling cost of living and the excessive tax burden. The Fraser government has taken many decisions that have caused the situation to deteriorate, without attempting to compensate for its actions in any way.

Pay-as-you-earn tax contributions, paid by way of wages and salaries, contributed 41% of the total tax receipts in 1975-76. This year, that proportion would have risen to 45.4% . Striking evidence of the way in which the ordinary wage and salary earner has been unfairly burdened is the fact that, from 1975-76 to 1981-82, total tax collections from this group rose by 148% while its total wages and salaries rose by only 98%. In contrast, tax collections from non-pay-as-you-earn taxpayers increased by 73% yet their incomes rose by a quite considerable 125%. To claim that the federal government has offered relief to the Australian working community is not a convincing case and nowhere is this more evident than in the Northern Territory at present.

Mr PERRON (Treasurer): Mr Speaker, in speaking to this matter of public importance, one has to recognise, as has been acknowledged to some degree by the first opposition speaker, that the Northern Territory from within its own borders has a limited role to play in reducing costs to Territorians. I will touch on some steps the Northern Territory government has taken over a period to reduce costs to Northern Territorians. Of course, the Territory, as part of Australia, relies heavily on the rest of the country for all manner of things. Not only do Commonwealth laws apply but so do the tariff policies of successive Australian governments. We are not isolated from cost increases elsewhere and there is a limit to the amount the Northern Territory government and this Assembly can do on the matter. However, that will not stop us from debating the subject.

Mr Speaker, the honourable member for Sanderson made some fuss, as did the Leader of the Opposition, about the statement I made that there was some comfort to be seen - 'comfort' perhaps is a bad word - in the CPI figures which were released recently which showed that the Northern Territory had the highest CPI figure in Australia for the particular quarter. Whilst the honourable member for Sanderson looked behind the first figure that she saw - the big black one on the front page - and extracted a few arguments that supported her own point of view about the cost of goods in the Northern Territory, there was another range of figures in the same document which I felt were interesting for the Northern Territory. The first few groups of CPI statistics which have now been provided include Darwin for the first time.

It was a long hard haul of persistent lobbying to have Darwin included in these figures, Mr Speaker.

On looking at the first figures one concedes immediately that they were the highest in Australia. But behind them are others which I feel have some relevance in an area which some people have considered terrible; the increasing price that people in the Territory pay for fresh fruit and vegetables. It is the first figure many people pick when they talk about terrible costs in the Northern Territory. It was interesting to note in the figures provided that, in fact, increases in the price of fresh fruit and vegetables in the NT were lower than the Australian average. If the honourable member cares to say that that is insignificant, that is her point of view. I believe that it is significant. It is the type of thing we are watching. For the first time the CPI figures include Darwin as a result of this government's measures to try to pinpoint trends in the Northern Territory and determine exactly what is happening.

In that same document, the table comparing the June quarter to the September quarter 1982 changes, it was also interesting to note that, in those sections dealing with food, clothing, housing, household equipment, transportation, tobacco, health and personal care, recreation and education, the change between those 2 quarters around Australia was: Sydney 4.1%; Melbourne 4%; Brisbane 3.9%; Adelaide 4.2%; and Perth 4%. They are all above the Northern Territory's change for the same period. If the honourable member thinks that is not important, so be it. I think it is very important. There were 2 areas in Australia which were lower than the Northern Territory: Hobart and Canberra. But the fact remains that the major capital cities in this country had a higher increase during those 2 quarters than the Territory. If that is not significant, if the opposition cannot find even a shadow of comfort in figures of that kind, then I am afraid that we will just have to agree to disagree.

Mr Speaker, it was interesting to hear that the opposition in the Northern Territory has gained a measure of agreement from its masters at their federal conferences as to what will be done for the Northern Territory in the event - save us all - of a federal Labor government. A press release issued by the Leader of the Opposition recently said that he had just returned from the Labor Leaders' Conference in Adelaide and the ALP had consolidated its commitment to zone allowance indexation in the Northern Territory. I am not quite sure what we are supposed to understand by 'consolidated its commitment'. Either it will index it or it will not index it. But it will do it immediately upon assuming office. Instead of a clear statement, we have the statement that it has 'consolidated its commitment' to zone allowance indexation. That is interesting and, certainly, we would all support indexation of the zone allowance.

The honourable Leader of the Opposition brought back another point from his federal conference, one which I was interested to read about. Of course, we are all interested in the attitude of federal political parties to the Northern Territory because they have such an influence on life in the Territory. I quote the last paragraph of his press release: 'The Labor leader said he had sought and received assurance that a federal Labor government would pay special attention to the disadvantages facing Northern Territorians'. That is indeed comforting. I am sure we can all rest easy knowing that the ALP has stated emphatically that it would pay special attention to the disadvantages facing Northern Territorians. What disadvantages does it refer to? What is the special attention we are to get over and above the attention of the Labor government towards any other part of Australia?

There are no details whatsoever - just a bland statement. But we are all supposed to be able to sleep peacefully at night having heard it.

It is a shame that, in consulting their federal masters, the ALP did not get an undertaking that, at the same time that this federal Labor government gets into power and indexes zone allowances for us in the Northern Territory, it will also shut down the uranium industry. We have debated this matter in the Assembly before. The Leader of the Opposition has done all he could to try and dodge the issue, but the facts are that ALP policy is to shut down the uranium industry, repudiate all contracts and cut down the activity holus-bolus. A federal Labor government, in administering Labor's policy on uranium would soon reinforce in people's minds the belief that it does not want people to enjoy all the opportunities this country can provide for economic development and jobs. Thus, we should be relieved that the Territory economy and people will be saved because it will index zone allowances at the same time that it shuts down the uranium industry.

We also had a fine statement that the ALP has a commitment to move to eliminate the freight component in sales tax. It will 'move to eliminate' it. That is not a very firm statement of commitment for Territorians to grasp. After all, successive federal governments have been moving to build a railway line from Alice Springs to Darwin since 1910. A commitment to move to eliminate the freight component of sales tax is, to my mind, not a very concrete commitment.

Governments of all persuasions are concerned about the costs to their constituents and residents. In the Northern Territory, we have state-type taxation under direct control of this Assembly. Since 1 July 1978, Territorians have not had to pay death duties. There is no land tax in the Northern Territory. There is also no road tax nor stamp duty for first-home purchasers. The latter constitutes a saving of some $1400 on the average transaction. There is no stamp duty in the Northern Territory on insurance of buildings and contents. That is not insignificant because it affects every person in the Northern Territory who owns a home. He has to insure it and, if he has any sense, he insures the contents as well. Interstate, there is even stamp duty of about 6% on premiums. That has never existed in the Northern Territory. Workmen's compensation insurance premiums do not have stamp duty. In the states, that is around 6% and constitutes a very significant cost to employers. If we were acting like the states and adding state-like charges everywhere, 6% on top of the employer's premiums for workmen's compensation would be paid to the government in stamp duty.

In the Northern Territory, we have abolished completely registration fees for motorcycles as an encouragement to our populace to use motorcycles to conserve energy. In other states, a fire insurance levy is added to all insurance premiums. That has never existed in the Northern Territory and there is no proposition by the government to introduce such a fire insurance levy on insurance premiums. Such levies interstate are applied to reduce the cost of a fire service. Payroll tax in the Northern Territory is the lowest in Australia. Not only do we have the highest threshold before an employer pays payroll tax but, once over that threshold, he pays the lowest payroll tax in Australia - 4.5%. In all the states, it is 5% with the exception of those 2 states which are now famous for taxation burdens on their populace, New South Wales and Victoria. Both have introduced a 1% surcharge on payroll tax for payrolls in excess of $1m, which again screw the employer.

I indicated a number of areas where stamp duty did not apply at all in

the Northern Territory and they are very significant. Where stamp duty does apply in the Northern Territory, it is generally equivalent to or is the lowest level in Australia. To give one example, when a motor vehicle is registered for the first time, all states charge a stamp duty on that one-off registration in a person's name. In the Northern Territory, the stamp duty on a car to the value of $6000 is $90. The charge in New South Wales is $120, in Victoria it is $150 and in South Australia it is $180. These are specific measures introduced by this government to ease the burdens of the cost of living on Territorians.

Mr Speaker, the group of people who are affected most by increases in the cost of living are those on fixed incomes. Of course, the pensioners are in that particular group.

Mr SPEAKER: Order, the honourable member's time has expired!

Mr ROBERTSON (Education): Mr Speaker, I move that an extension of time be granted to the Treasurer.

Motion agreed to.

Mr PERRON: Mr Speaker, pensioners are disadvantaged by having a fixed income. The Territory has introduced a number of concessions to ease their burden. Indeed, as I indicated to the Assembly earlier, this scheme has been so successful that we have indications of elderly people moving to the Northern Territory to stay with their families even though the scheme was really designed to stop pensioners leaving the Northern Territory. Those rebates are costing quite a considerable amount but we are happy to pay it. There is a 62.5% rebate on council rates, irrespective of where the people live. There are pensioners who live in the heart of Darwin in old houses which have very high council rates. We do not differentiate. We do not ask them to move to Nightcliff or Stuart Park. We pick up 62.5% of their rates to assist them to stay where they are until they decide that it is time to move. There is a 62.5% rebate on water and sewerage charges and a 50% rebate on electricity bills. There is up to 87.5% rebate on motor vehicle registration and no-fault insurance contributions. There is a $3 concession for driver's licence fees, free bus travel and a rebate of 50% on the return economy air fare to any Australian capital every 2 years. The latter is the most recent addition to the pensioner concession scheme and one which is just now beginning to be taken up by eligible pensioners. I am sure that it will be very much appreciated by them.

Mr Speaker, the cost of living in the Northern Territory is obviously high. This government has never argued that it is not. Indeed, the zone allowance cases put forward by this government in the past have clearly demonstrated that we believe costs are high. One still has to look at the country in a relative fashion. Is it worth living in the Northern Territory or is the burden such that people are driven south. Of course, the contrary is true. We still have a population growth in the vicinity of 4.9% which is 4 times the national average. Every year well over 2000 people come to the Northern Territory to settle permanently. Surely they are not all so blind that they think they are jumping out of the frying pan into the fire. They choose to make their home in the Northern Territory and we welcome them because, relatively speaking, it is a good place in this country to live.

We have the highest job-creation rate in the country. We have had for some years - and indications are that they will continue - the highest figures in this country for creating employment. Of course, as the honourable member for Sanderson mentioned, for vegetables and certain commodities, the prices are higher than they are interstate. Clearly, there is a freight component on many of the goods we purchase. Obviously, it is more expensive to buy goods than it is within 200 km of the factories that produce those goods.

However, there are some compensations of which we are all aware. There is a zone allowance and, whilst we argue it is not enough, it is still there and it is still significant. What is very important, of course, is that average incomes in the Northern Territory are some 20% higher than the national average. That must be taken into consideration. It cannot be dismissed in any debate on the cost of living in the Northern Territory. According to the figures for the September quarter 1981, which admittedly was a year ago, the Australian average male income was $301 a week. In the Northern Territory, it was $363 a week. That was $62 a week more and it cannot be dismissed. It may not be a lot of money but it is a great help to have it in your pocket when you are shopping for food.

Mr Speaker, I conclude my remarks on that note. The Territory government does have a limited role to play in the cost of living in the Northern Territory. We are playing that role. We have taken very specific initiatives over the years since self-government to reduce the cost burden of government on Territorians. I believe they have been successful. A great deal of the affairs of this country are out of our hands, and our only avenue is to lobby the federal government. We do that incessantly.

Mr BELL (MacDonnell): Mr Speaker, at the outset I would like to say as part of my contribution to the debate on cost disadvantages facing Territorians that I believe that, in the housing sector, this disadvantage is well recognised. I have previously commended the government's initiative in relation to the low-cost housing display village at Karama and I have called for a similar initiative in central Australia. I would welcome any information the minister may have in relation to the possibility of a low-cost housing display village in Alice Springs.

The first figures that I would like to refer to are those of September 1982 for average prices of reported sales of established homes in capital cities: Sydney, $75 900; Canberra, $61 800; Brisbane, $55 400, Melbourne, $49 600; Perth, $49 500; and Adelaide $45 300. While comparative figures for the 2 main Northern Territory centres, Darwin and Alice Springs, are not available from the same source, I would ask members to consider where Darwin and Alice Springs might fit into the above list. I strongly suspect that they would slot neatly in after Sydney. I am advised - and a look in the real estate agents' windows or in the newspaper columns in Alice Springs will confirm it - that there is virtually nothing on the market in Alice Springs for under $55 000. Indeed, prices considerably higher would seem to be the order of the day. In recent real estate advertisements, the lowest priced dwelling has been around $55 000 with a vast majority being in the $65 000 to $70 000 range. In Darwin, the advertised price of established dwellings starts in the vicinity of $65 000 and increases. Those figures alone clearly illustrate the housing cost disadvantage faced in the Territory.

Mr Speaker, in support of my case, I will refer briefly to figures provided by the Australian Association of Permanent Building Societies. These figures show that the average size of home loans in the states and territories were as follows: New South Wales, $35 700; Victoria, $36 100; Queensland,

$35 100; South Australia, $32, 050; Western Australia, $31 700; Tasmania, $24 650; ACT, $29 700; and Northern Territory $41 450. The average loan for all states and territories is approximately $33 000. The average loan from a building society in the Northern Territory, at $41 450, is approximately 25% more than the average loan for all states and territories. It is a further valid example of the cost disadvantages facing Territorians.

While the amount one borrows in order to achieve home ownership is important, what one receives for the money one spends is perhaps of greater significance. What I am referring to is the concept of value for money. Does the Territory consumer, in this case the home buyer, receive value for money? In the 1981 report on Northern Territory housing needs, it was suggested for Darwin that the average commencement value per square metre of a house is 27% above the weighted average for all capital cities. Unfortunately, figures for Alice Springs are not available. On the basis of the 27% figure, one might reasonably assume that, for 27% more money, one might acquire a house similar to that available in a southern city. For example, a dwelling available in Adelaide for $30 000 might cost about $38 000 in Darwin and a $40 000 dwelling in Adelaide might cost $50 800. I suspect, however, that these examples do not work out in the real world and I believe that Territory consumers are entitled to an explanation of why they pay what they pay for what they get in housing, as in all other areas.

I would like to draw the attention of honourable members to some examples of houses available elsewhere in Australia. Firm A in Adelaide is able to offer for $40 800 a dwelling containing the following features: 4 bedrooms, rumpus room with dimensions 6.8 m by 6.3 m, a family room of 5 m by 3 m, a dining area, a breakfast bar, lounge and other facilities and a single carport. The home is in excess of 22 squares. The cost per square is approximately $1854. Firm A also offers a 3-bedroom home of more than 18 squares, including single carport, for $35 350 or approximately $1852 per square.

Firm B in Adelaide offers a 3-bedroom house with separate family, dining and lounge rooms for $31 250. The dwelling is 14.84 squares and the approximate cost per square is $2105. Firm C in Adelaide offers a 16.15-square home for $32 550 or $2015 per square. This home includes 3 bedrooms and separate family, dining and lounge rooms. This firm also offers house and land package deals from $29 950. It is a fairly low price. I repeat again: it is a house and land package deal from $29 950.

In the Northern Territory, land prices start in Palmerston at $17 700 and around $15 000 in Alice Springs. Firm D in Adelaide offers house and land package deals from $32 300 while firm E offers the same deal as firm C; namely, house and land packages from $29 950. The starting price of a package deal in Darwin is in the order of $53 000. Firm F from Adelaide offers a 19-square 4-bedroom house with en suite bathroom, family and lounge areas and carport for $37 200, which is $1957 per square. Lastly, firm G from Adelaide offers a 24-square dwelling for $46 000 or $1920 per square. This dwelling includes a billiard/rumpus room, 3 bedrooms, a study, family room, lounge room, bar, en suite bathroom and carport.

Mr Speaker, the above examples are not exhaustive. While conclusions cannot be readily drawn from them, certain questions arise. It is reasonable to ask whether these figures are widely at variance with respect to similar offerings in the Northern Territory. I believe they are. If the estimates of the costs of houses and house-land packages in the NT are significantly greater than those, for example, in Adelaide, it is valid to ask why this is so. I am advised that estimates of $3000 or $4000 per square is the rule

in the Northern Territory. Examples of the price per square in Darwin are $3071 per square for a 2-bedroom economy home of just over 9 squares and $3461 per square approximately for a dwelling of 11.44 squares, with a total price of over $39 500. Assuming $3000 per square for the moment, the increased costs based on Adelaide prices for similar dwellings in the Territory would be as follows: a 22-square home rises from $40 000 to $66 000, a 14.84-square home rises from $31 250 to $44 520, a 16.15-square home rises from $32 550 to $48 450, a 19-square home rises from $37 200 to $57 000, and a 24-square home rises from $46 000 to $72 000. At $4000 per square, the respective details would be $40 800 to $88 000, $31 250 to $59 360, $32 550 to $64 600, $37 200 to $76 000 and $46 000 to $96 000. I would remind honourable members that these prices do not include land. Really, there is room for explanation. The Northern Territory consumer is entitled to know that he is getting value for money.

The last area to which I refer is the area of rents. It is, I believe, well established that Territorians pay very high rents. Recent figures for 3-bedroom unfurnished dwellings confirm that Territorians are grossly disadvantaged in terms of rental levels. In Sydney the most common rent for a 3-bedroom unfurnished house is in the range $80 to $130; in Melbourne, it is $110 to $130; in Brisbane and Adelaide, it is $80 to $110; in Perth, it is $60 to $90. In Darwin, if anything is available, prices start about $150 per week, which is greatly above other capitals.

The Northern Territory Report on Housing Needs, to which I referred previously, stated that the range of return on rental accommodation in Darwin is currently estimated to be almost double the national average. This was attributed to the virtually zero vacancy for rental accommodation. In Alice Springs, a similar situation exists with long waiting lists and a bottom level rent of $120. We are all aware that Territorians pay more. My query is whether the price paid is justifiable, whether it is fair and reasonable and whether Territorians get a fair go.

SPEAKER'S STATEMENT
Reading of Speeches

MR SPEAKER: Honourable members, I have noticed that many members lately are reading their speeches word for word and, while there is nothing in our Standing Orders to prohibit that, I would like to read to you from Erskine May:

READING SPEECHES:

In the House of Lords the reading of speeches is alien to the custom of the House. It is recognised, however, that, in certain circumstances, such as when a ministerial statement is being made, it is necessary for a Lord to read from a prepared text. In practice, speakers often have recourse to extended notes but it is considered contrary to the interests of good debate that they should follow them too closely. In the House of Commons, a member is not permitted to read his speech but may refresh his memory by reference to notes. A member may read extracts from documents but his own language must be delivered bona fide in the form of an unwritten composition.

The purpose of this rule is primarily to maintain the cut and thrust of debate, which depends upon successive speakers meeting in their speeches to some extent the arguments of earlier speeches. Debate decays under a regime of set speeches prepared beforehand without reference to each

other. As the real purpose of the rule is to preserve the spirit of debate, it is not unreasonably relaxed in the case of opening speeches whenever there is special reason for precision of statement, as in the case of important ministerial statements, especially upon foreign affairs or matters which involve agreements with outside bodies or wholely technical fields. Even at a later stage of a debate, prepared statements on such subjects are read without objection being taken though they should not constitute an entire speech.

The Chair does not as a rule intervene unless appealed to and, unless there is good ground for interfering in the interest of debate, it usually passes off the matter with a remark to the effect that the notes used by the honourable member appear to be unusually full or that the honourable member has provided himself with rather copious notes. The reading of speeches is even more inappropriate in a committee than in the House itself. An attempt to influence the course of a debate by the reading of arguments or letters from persons of authority outside is repugnant to the spirit of debate though it has been permitted.

Perhaps in the interests of debate, honourable members will desist from reading speeches.

Mr HARRIS (Port Darwin): Mr Speaker, I think all of us are concerned about the high cost of living generally. But great play has been made by the opposition that this relates only to the Northern Territory. I would like to draw all members' attention to the fact that it is not only in the Northern Territory because there is an increase in the cost of living throughout the world. There are problems all around the world today. We should relate to the world-wide situation and the whole Australian scene and not just the Northern Territory.

The Treasurer covered adequately all of the comments that were raised by the opposition and said that, for many items, in the Territory the increase had been lower over the last quarter. The figures for the most recent quarter indicate that the 8 capital cities have had a 3.5% increase while Darwin has had a 3.3% increase. As the Treasurer has pointed out, many recent price increases in Darwin were slightly below the average for other parts of Australia. There are many areas where Territorians are better off than their counterparts in other parts of Australia.

However, we have to make sure that we do not cut off our nose to spite our face. There are many areas that we must tread very warily. Let us consider the health situation. We have a population in the Northern Territory of some 130 000 people and we have a health budget of $87m. South Australia has a population of 2.5 million people and a health budget of $200m. On a per capita basis, it is very difficult to argue for increased funding from the Commonwealth government. The same thing happens with regard to electricity. We receive enormous amounts of money in order to contain the rates we pay at a level similar to that in other parts of Australia. We also have a responsibility to make sure that a reasonable effort is made to meet the normal commitments of a government. But we must realise that, whilst we do fight very hard for the people of the Territory, it is becoming increasingly difficult to obtain funds from the federal government.

The government has attempted to provide the initiative for development and leads the way. Hopefully, other people in the community will follow suit. But we all have a responsibility: landlords, employees, employers, etc. All

these people have a responsibility to pull their weight to get us through these difficult times. We must be sure that government charges generally, and here I refer specifically to Darwin City Council charges, do not cause undue hardship to the majority of people in our community. Often, an increase is passed down. If council rates are increased, the landlord increases the rent, the tenant increases the price of his product and so on. It flows down the line. So, we all have a very important role to play in trying to reduce the increased costs to members in our community.

The recent increase to unimproved capital values has caused, I believe, a great deal of hardship to many people. Situations exist where residents of private homes, living in an area where there has been unit development, are charged the same rate on their property. But their ability to meet that particular rate is somewhat less than the ability of those people who have built substantial developments on the property next door. I think discussion on the method of rating is something that will come up in the future and has to be considered very responsibly by all people, otherwise it will add to the increase of costs generally. The same applies in the business area where there have been enormous increases in the unimproved capital values, in some cases 300%. Council initiatives, in recent cases, have caused problems to some businesses. Of course, as I mentioned earlier, this flows down the line and causes people, who are finding it difficult to continue at the present time, to go out of business.

The same thing happens with the bigger companies. Recently, a couple of companies went into liquidation. The problem is that many subcontractors are also affected. They are unable to pay their employees, who then go on to dole and the problem moves down the line.

As far as the government is concerned, particularly the Northern Territory government, tremendous benefit has been given to the people of the Northern Territory. The Treasurer spelt out most of those. We could go further and speak of the assistance that has been given to the Darwin Youth Refuge, some $73 000 this year. We could look also at the areas of social security where money is applied for emergency rent relief. We also have provision for help on compassionate grounds to pay for air fares etc. Last month, in fact, some $52 000 was paid out in this area. All these things indicate that the government recognises that there are extra costs of living in the Territory. It has moved in that direction to make sure that the people of the Territory are given a reasonable chance of living in the same way as people live in other parts of Australia.

Mr Speaker, people in a number of areas are struggling and no one is denying that, but there are also people in the community who are extremely well off at the present time. I am sure that we are disadvantaged in many cases by our isolated position at the top of Australia, even though people in other parts of Australia often say that we have everything that they have. To a degree the government is seeking to ensure that that is the case but we still have to get here. Distance is the problem.

I believe the government has recognised the problems that we have in the Territory concerning isolation and the cost of living. I believe that many of the initiatives that the government has provided are the best in Australia. They are the most generous schemes in Australia; there is no doubt about that. Indeed, people are a lot better off because of this government's attitude in that regard. I am pleased to speak to this particular motion. There is a need for all of us to look at this problem of increasing costs. But all of us have a part to play. It is not only the

government, whether it be Commonwealth, state or local government areas, but also the people; their attitude plays a part as well.

REAL PROPERTY AMENDMENT BILL
(Serial 267)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time. In so doing I will attempt to emulate the noble lords whom you quoted to admirably, Sir.

This is a short bill and I am able to deliver an extempore second-reading speech because it has one purpose and one purpose only, Sir, and that is to increase fees that must be paid to the Registrar-General for transactions under the Real Property Act. These fees have not been varied since 1978 and it is considered timely that they be increased so that they more properly reflect the real cost of the transactions. If I may say so, I do not believe that they go anywhere near being representative of the real cost of handling these registration-type transactions. Nonetheless, it will be a modest increase in revenue arising out of dealings in property. I think that it would be sensible to move towards the fixing of these fees by regulation in due course.

I commend the bill to honourable members.

Debate adjourned.

WATER SUPPLY AND SEWERAGE BILL
(Serial 257)

PLUMBERS AND DRAINERS BILL
(Serial 258)

Bills presented and read a first time.

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

In February, I introduced into this Assembly the Water Supply and Sewerage Bill (Serial 182) and the Plumbers and Drainers Licensing Bill (Serial 181). Both bills were interrelated. Together they would have replaced the outmoded Supply of Services Act and its numerous regulations. While the Water Supply and Sewerage Bill sets out the conditions under which a water supply and sewerage service may be made available and provides for the issue of a code of workmanship for plumbing and draining work, the Plumbers and Drainers Bill establishes a licensing board and sets out the minimum qualifications necessary to be licensed as a plumber or a drainer or to be a registered journeyman. The philosophy underlying both bills is that, in an area where a water supply or sewerage service is provided or planned to be provided in the Territory, all plumbing or draining work must be carried out by a qualified person. Any person carrying out work for which he is not formally qualified is committing an offence. This is the principle which has applied in the Territory since 1953 and which applies in all other states except South Australia.

Honourable members have expressed the view that there must be a certain amount of work a householder can carry out without running the risk of contaminating the town water supply. This question has been examined carefully

and the following solutions have been incorporated in the appropriate sections of the new Water Supply and Sewerage Bill and the new Plumbers and Drainers Bill. Firstly, the homeowner who is resident on his own land may repair or replace existing fittings on cold water installations provided he uses the appropriate materials and techniques identified in the code of workmanship for plumbing work. Secondly, work on a plumbing installation which is connected to a bore and not intended to be connected to the Territory water supply may be carried out by a person who is not a qualified plumber. Thirdly, an unqualified person may install an irrigation system which is not permanently connected to a pipe by way of a junction but fitted to an extension garden tap. An unqualified person may also fabricate an irrigation system which is intended to be permanently connected to the service pipe leading to his premises or any other pipe of his installation provided he does not carry out the actual connection himself. The connection has to be made by a licensed plumber following approval of the irrigation system by an inspector. If all or part of such an irrigation system is located underground, the landowner must ensure that work remains uncovered until it has been inspected.

The new bill provides that plumbing installations connected or intended to be connected to a bore need no prior approval in the form of a drainage plan. They need not comply with the plumbing code and do not require any inspection to be performed before being put into use. However, should an application be made at some later time that such installation be connected to the Territory water supply instead of the bore, it must be thoroughly tested. Until the installation complies in all respects to the plumbing code, approval for connection will not be given.

The second variation of the policy underlying the previous bill relates to excess water charges or additional water charges, as they are now called. This accounts for almost half the amendments. In order to save administrative effort, the previous bill provided that all water and sewerage charges incurred in respect of a block of land be billed to the owner of the land whether or not he was resident there. Since then, the water consumption figures of the Territory have become available and have been compared with the consumption in similar areas in Australia. Consumption in the Territory is extravagantly high and, if it increases on the present scale, considerable taxpayers' money will need to be spent on new works to meet the demand. A public awareness campaign has been launched reminding householders to conserve water. Honourable members will have seen the advertisements on television recently.

It appears more appropriate to bill the occupier of premises for excess water consumed rather than the owner of the land as this would add an incentive to conserve water. The new bill provides for sewerage charges and basic water charges be billed to the landowner. While additional water charges are billed as a rule to the occupier of the land, exceptions to this rule are the case where the landowner requests to pay all charges, where more than one unit of accommodation on the same land is supplied through one meter, such as most strata title units, or where the occupier has not paid his water bill for a period exceeding 3 months and has not made arrangements to pay. In this case, the director has the option to bill the landowner who then becomes liable for the debt. The provision to bill the landlord for a charge left unpaid by his tenant for 3 months is not new. Although it has been rarely used, it has been part of the previous legislation since 1953.

As a consequence of the shared liability for water charges between owner and occupier, several definitions have had to be varied. The provisions for making applications for service and the requirement for service of notices of various kinds has had to be revised. The provision for raising pro rata

charges has also been modified to suit where changes of tenancy take place. On the same note of water conservation, clause 63 of the bill, which deals with the offence of wasting water, has been tightened up.

A third matter questioned in the debate was that of a tree having to be felled because its roots had damaged and blocked the sewer. The new bill gives the owner of that tree an option to have the roots of the tree removed and the sewer repaired at his expense in the first instance and every subsequent occasion when regrowth of the roots and repeated damage to the sewer has occurred. Where the damaged section of the sewer is located under adjacent land and the surface has to be broken in order to gain access to the sewer, the owner of the tree is also liable for the repair of the surface of that land.

A further departure from the original bill is the fact that a code of workmanship for plumbing and drainage work will not be contained in regulations but will be issued by the director. This is a much more sensible way in which to ensure that rules of a purely technical nature may be made with the minimum amount of red tape. The director, whose function under the bill is to assess and approve all plans, to determine the materials to be used and to control all aspects of all works, is the obvious person to issue a code of workmanship. This is a printed version of the yardstick he applies when controlling design, materials and inspectorial activities. The code currently being printed is based on the principles of the Australian Uniform Plumbing and Draining Code with a few modifications to assist the climatic extremes of the Territory. As technology progresses and improved techniques and materials are developed, standard specifications are quickly amended or superseded. It would be cumbersome to make new regulations every time the plumbing technique changes. The Subordinate Legislation and Tabled Papers Committee would find little joy in studying the technical drawings which form a major part of the code.

The last group of amendments reflecting comments made in the Assembly relates to waste disposal units. It has been questioned why a so-called garbage gobbler in the kitchen of a private home needs approval before installation. The reason is that the proliferation of such units has a direct bearing on the size of the sewer which must cope with the additional waste. It is imperative that the number and location of the units be known so that sewers of adequate size may be provided. The new bill contains a clause providing that the director cannot withhold approval for the installation of a waste disposal unit indefinitely on the ground that the existing sewer cannot cope, and that provision for a sewer of sufficient size and area must be made within a reasonable time.

The remaining differences between the withdrawn Water Supply and Sewerage Bill and its replacement seek to clarify the intentions of the original clauses from the legislative drafting point of view. I commend the bills to honourable members.

Debate adjourned.

TRAFFIC AMENDMENT BILL
(Serial 265)

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.

In the terms of loss of human life, serious injuries and property destruction, the road traffic accident toll continues to be one of the great tragedies of our society. Although this human misery in itself is the most significant aspect of the tragedy, the impact on the economy of the nation in general and the Territory in particular cannot be minimised. The resultant bill, both in social and economic terms, is one which has to be paid by every member of the community. It is difficult to make a comparison between Territory statistics and statistics of the nation as a whole because of a lack of a firm and comparative statistical base. This is especially true because of the problems in comparing traffic conditions in the Northern Territory with the remainder of the country. In technical terms, accident rates can be determined by adverting to exposure rates. In turn, these are influenced by the number of licensed drivers, the number of registered vehicles, kilometres travelled, road conditions and the influence of peripheral matters such as tourism.

Despite the absence of a clear statistical base, it is generally acknowledged that the accident rate in the Northern Territory is about double the national average. Because of its magnitude, it is a problem that must be addressed seriously. To do this, the causes must be analysed. Our Territory statistics indicate that about 70% of our fatal accidents are alcohol related. This in fact is the greatest contributing factor and therefore demands a positive and resolute response.

We have now had about 32 months' experience with the random breath testing program in the Northern Territory. Of course, critics will say the results are not conclusive or even that the statistical base is yet too small to draw positive conclusions. To some extent, this criticism is valid. Results are not influenced by one factor alone. In our small community there have been a number of initiatives which would have had an effect on any findings. I refer to such matters as improved highway and traffic engineering, student driver programs, road safety programs, more intensive police operations, including the introduction of speed radar, the progressive impact of seat-belt legislation, better facilities for inspecting the road worthiness of vehicles, amendments to traffic legislation etc.

I am pleased to say that, in the past 2½ years, there has been an improvement in our accident rate. In making this conclusion I put from my mind the number of fatalities - which coincidently have reduced - because the statistical incidence of fatalities is too small to draw a statistical inference. However, the number of injury accidents which are capable of being regarded as statistically significant is reduced. I must emphasise that, when I say the number of injury accidents has reduced, I mean that the rate of injury accidents is dropping behind the exposure rate, having allowed, as far as it is practical, for the increase in population, licensed drivers, registered vehicles, the increase in kilometres travelled etc.

The most dramatic aspects of these statistics manifest themselves in respect of Darwin. In the past, Darwin accidents have accounted for about half of the Northern Territory toll. In the case of Darwin, there is a steady decline in the accident trend. I regard it as particularly significant because there has been a higher number of random breath tests carried out in Darwin. The police have always maintained that the effectiveness of random breath testing should be greater in urban areas than rural areas for a number of operational reasons. The results support this assertion.

In the critical area of alcohol-related accidents, it is noted that in 1980, there were 480 such accidents in the Northern Territory. In 1981 there

was a reduction to 405 such accidents. For the first 9 months of this year, there were 308 alcohol-related accidents. If a projection can be validly made on the basis of the first 9 months of this year, it will be seen that we will finish this year with figures comparable with 1981 and, therefore, a marked improvement on the preceding year.

The assessment of the effectiveness of random breath testing continues to be an emotional issue, both here and in other parts of Australia. It has been persistently argued that random breath testing is an inefficient use of police resources in that only a very small percentage of drivers tested give a positive result. However, it must be pointed out that random breath testing is designed as a deterrent and not only to apprehend drivers.

The initiatives ought to be reviewed unemotionally in the light of experience and trends here and elsewhere. Random breath testing is now operating in Victoria, South Australia, and legislation has been recently introduced in the New South Wales parliament. The informed evaluation of experience in Victoria, which has had the program for a longer period than elsewhere, is that it is a deterrent which is reducing the accident rate. Even allowing for our small statistical base and for the fact that random breath testing cannot be isolated from other factors in making an assessment of its effectiveness, the total improvement in the accident rate is highly persuasive. I suggest to you that to take a contrary view would be tantamount to an irresponsible gamble with human life. In expressing this opinion I am in accord with the public opinion. A random sampling of public opinion in the Northern Territory indicates substantial public support. I can go further and make this observation: if the public accepts this legislation as being a deterrent, then surely it is a deterrent.

Mr Speaker, with your concurrence, it is the intention of the government that this bill proceed through all stages during the course of these sittings. I commend the bill.

Debate adjourned.

EDUCATION AMENDMENT BILL
(Serial 236)

Continued from 2 September 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, as I am leading for the opposition in this debate and I wish some precision to attach to what I say, I will refer to my copious notes. I speak in support of this amendment to the Education Act. As the minister pointed out in his second-reading speech, it is a piece of legislation that has been keenly looked forward to by many school councils which have put more than 2 years' work into the proposal. It is a concept which was, to my knowledge, first put forward formally by an officer of the Department of Education in the Territory in 1974. I am very pleased to see it finally come to fruition in proposed legislation. The Labor Party is of course aware that there are parent bodies and some teachers who have reservations about the degree of community involvement appropriate to school councils, but it is the view of the Northern Territory parliamentary Labor Party that active encouragement of more extensive community involvement in education will be to the long-term benefit of all concerned. Certainly, I hold the view that much of the trouble that is created over education standards is due largely to the fact that many members of the community do not really know what is happening in their schools.

I was very interested to read an article by Joan Sallis in a recent issue of that excellent magazine 'Parent'. She is the person who initiated school council programs in England and, I must say, one of the most impressive public speakers I have ever had the pleasure to listen to. In fact, I believe the reason why she was such a good public speaker was because she was talking about a subject that she happens to know a great deal about. She was talking of the fear that some people have over too much community involvement in and control over schools. She said: 'For whatever reason, the media have lost touch with what the schools are trying to do or, if they do know, they do not like it. The public system of education is constantly under attack. I have said to teachers simply, "The only hope for improving the image of state education is to create a large group of people who do not believe lies about it"'. Joan Sallis went on to say that most teachers who have had initial reservations about too much community involvement found in practice - and she was talking about Great Britain - that not only was their professionalism not eroded by the involvement but had been greatly enhanced by the deeper understanding of people outside the school of just how difficult the job of teaching is.

Mr Speaker, it is the view of the Labor party that, the more the community is involved in the education process, the greater the understanding there will be of all concerned and the less likelihood there will be of creating an unhealthy and unproductive atmosphere of polarisation. The Minister for Education, in what I believe was his unfortunate release of the ASSP figures, made the strong point that the greatest factor in student success was parent/teacher cooperation. I certainly agree, although I think the minister has a very strange way of marketing the concept.

I would like to raise a point here which I hope the minister will address during this debate. If at all possible, I would like to see the government allocate a few extra resources and funding to support the concept of this legislation during the next 12 months. I am quite sure that, if the government can scratch up the odd $0.25m to run national advertising campaigns about land rights when it feels the urge, it can rake up a few thousand dollars to promote school councils.

Mr Speaker, as is pointed out in the handbook for councils, next year is to be a trial period, after which councils will be asked to review the system and recommend any changes deemed necessary. I think it particularly important during this initial period not only to actively encourage parents and teachers to participate in the working of the councils but also to provide them with as much in-service training and information as possible. I am aware that the executive officer of COGSO is scheduled to travel throughout the Territory in February to meet with school councils and explain the legislation and the handbook to them. However, I am not aware of any other special effort that is to be made during this trial period to deal with any particular needs or problems that might arise. Given the minister's acknowledgement that parent-teacher cooperation is the greatest factor in overcoming difficulties in education - and I am quoting the minister - and given the government's decision to allocate $15 000 for the introduction of some form of system-wide testing next year, I hope that the government will also allocate extra resources to ensure that the proposed school council system works.

Mr Speaker, I understand that it costs about $8000 for the establishment of a reasonable in-service training program. Since that is only a little over half of the amount being allocated for the introduction of the very controversial testing program to which I have just referred, and which, I understand, is being substantially altered at the moment, I hope that the

minister will see his way clear to provide resources for this most important program as well.

The Labor Party is aware that some school councils are either apathetic to or very wary of the idea of increased community involvement in the school system. The area of most concern seems to involve control of a school's budget, and I can understand that. The Labor Party believes that the proposal to simplify the bookkeeping system and provide councils with detailed financial guidelines in their handbooks whilst still making all records subject to normal end-of-year auditing is a reasonable way to approach the problem. We acknowledge, however, that many school councils may want and need particular help in this area and again ask the government to ensure that adequate resources will be set aside for this.

Mr Speaker, the opposition appreciates that there will be problems to overcome during the initial period of councils operating under the new legislation. That is why, at this stage, we support the idea of giving councils the option to accept whatever degree of control each particular school council believes it can handle at a particular time. Certainly, we concede that school councils have reservations about the powers they are able to have in particular areas. We emphasise again that there is no compulsion on those councils to take on any of those areas; they can simply take on as much as they feel they are able to handle. In the long term, we would like to see the councils' control strengthened but we certainly accept that the current proposal as outlined in this legislation is a reasonable interim arrangement.

I have said in this Assembly before that I would like to see school buildings and grounds used out of school hours more. I am hopeful that this legislation will help to encourage that concept. We do have a few questions about some sections, and we will raise these questions in committee, but in general we are happy to support the concept which this bill intends to promote.

The opposition believes that, the greater the degree of cooperation between all parties concerned with education, the more responsive the system will be to the needs of the Territory community. That responsiveness is particularly important today when technological and social changes are occurring so rapidly that any education system must be adaptable and flexible enough to adjust to those changes. Indeed, in the last few months we have seen no lesser person than the Chief Minister himself talk about the flexibility of education systems that is required these days.

No one knows what the future for which we are attempting to educate people will be like, except that there is no doubt that it will be vastly different from the situation that exists at present. Education is a life-long process and, the more involvement by the community in the more formal aspects of the system, the more likely we are to appreciate the need for change and the more adjusted we will be to future shock.

One of Australia's foremost advocates of community involvement in education is David Pedder, whom a number of members of this Legislative Assembly have met. In his most informing and relevant book 'Opening up Schools', he makes this point in support of the idea that community involvement in education can lead to greater community involvement in government as a whole. I am sure that is something the current government would like to encourage. He says: 'The attitudes that people have towards government and the exercise of power are derived from their own experiences. Schooling is a government-provided service and the ability to influence it affects individual dispositions towards government as a whole'. In response to the interjection that I just heard, I

would like to see the honourable member for Nightcliff demonstrate that that concept is a lot of rot.

Mrs Lawrie: No, I said the government wish for community involvement is a lot of rot.

Mr B. COLLINS: I am sure that the Chief Minister would be the last person to say that Block 8 should be some sort of closed shop. I am sure he wants to open it up to everybody. As I said, the opposition believes that both schools and governments must be as responsive as possible to the needs of the community. We believe that this legislation is a step in the right direction and we have a great deal of pleasure in supporting it.

Mr D. W. COLLINS (Alice Springs): Mr Speaker, this amendment to the Education Act relates to the incorporation of school councils and the giving of considerable powers to those councils. In question time last week, when I raised the matter of truancy, the minister suggested that this would be the forum for a reasonably wide-ranging debate on education issues. Mr Speaker, with your persmission, I intend to use it for exactly that purpose.

As stated by the minister, the key aim is for school councils to bring about a greater liaison between parents and teachers. As a former teacher, I well appreciated the liaison teachers have with some parents about their children. Parent-teacher nights were a pretty common thing but, unfortunately, often the parents teachers saw were the ones they did not really need to see. The ones whom they dearly wished to see did not seem to come. If school councils help facilitate the bringing together of the teachers and parents, it will certainly be very useful. The establishment of these incorporated school councils will give plenty of room for initiative on the councils' part to bring parents and teachers together. The success of the councils will depend very much on the attitudes of the teaching staff and the councils. I am sure that, with goodwill, the teething problems which have been mentioned and the fears that people have been expressing will be largely put behind and a great deal of goodwill result.

The duties that will be placed on the councils are rather onerous and I can appreciate that some school councils may not wish to incorporate at this stage. Some may not feel that they have the expertise to be able to handle the heavy duties, particularly the administrative and financial aspects. It is important that this bill does not allow for direct interference by the council in the teaching process. This is very important. I do not believe that any teacher needs a body looking over his shoulder when he is attempting to do his job.

However, the bill does allow for the council to advise the secretary on the implementation of government educational policy. I believe this is very important. I hope that the time spent on administration does not prevent the council looking at key areas of interest to parents because, unless the council's work involves those areas of real interest to parents, it will be very difficult to involve as many parents as is hoped to be achieved by this legislation. The council should be looking, at least in broad terms, at those factors which are of interest to parents. I would suggest that the key interest to most parents is the quality of education and those factors which affect it.

I hope there is time for the school council to investigate the very important problem of truancy. Recently, I had the pleasure of being invited to one of the primary schools in Alice Springs to discuss with the principal the many problems associated with keeping up the standard of education. The primary reason for concern was our results in the Australia-wide testing. One of the things that came to the fore was the very difficult problem of children staying away from school for various reasons and the difficulty that makes for the teacher to do his job properly.

Last Sunday, when I was seeing our distinguished guests from the United Kingdom off on the plane, I met one of my former students from Alice Springs High School. He said to me, 'You may or may not know that I used to dodge school a fair bit'. He expressed some regret for that in some ways but he gave me his reasons for doing it. He said that the teachers seemed to lack classroom control. He did not feel that he was getting anywhere. He was not learning. He was bored and he felt it was a waste of time. He had the distinct impression that the teachers had given up and that he had given up in many ways too. I think he is older now and he is looking back with some regret. I have always felt that students like to see some order. They like to see themselves progressing. They might moan and groan about school but there is a subconscious satisfaction derived from making progress and having that progress measured. They like order in what they are doing and, if order is not there, the results can be very devastating.

I think the councils have no difficulty consulting with teachers. If truancy can be solved, and councils play a part, it will be very important to them. A truant can be one of various types. You get those who will dodge the odd lesson. Some will dodge an odd day. All that needs to happen in those cases is for the parents to be informed. Parents send their children to school in good faith. They are there when they get home. They believe they have been at school. Sometimes parents are unaware. Often, all that needs to be done is for the parents to be informed. The problem is solved. Councils might look into that particular matter.

On the other hand, there are some parents who condone the absence of their children. They make excuses for the kids and, of course, this tends to encourage the kids to put it over their parents. The problem often grows. It is an irresponsible attitude on parents' part. I do not think they realise the difficulty that truancy causes for the children in the classroom. It is a difficult problem for councils. If it were a simple problem, I would not be talking about it. Maybe they can bring some moral pressure to bear upon parents who do not take the responsibility for their children's education.

On the other hand, we have some parents who actually refuse to sent their children to school, and they are not only Aboriginal parents. There are many kids in that particular category. It concerns me greatly. There are schools available. The kids who do not attend regularly have greatly reduced chances of getting a good education. The Education Act has provisions for parents who do not do their duty and send their children to school to be fined. Maybe councils can play a part by seeking to enforce this particular provision which exists for a very good reason.

A large number of the children I see wandering around the streets in Alice Springs - I do not know about other centres but I certainly know that area - I believe are not even registered at schools. I believe it should be required that every child of school age be registered. Then, if they do not attend, it is possible to trace them. The council should be made aware that truancy results in a lowering of educational standards. I remember distinctly when I

was attempting Latin in the second year of high school. I was no great Latin student. I had no great love for it and I suppose that is the reason why I was not very good at it. I remember being sick for a couple of days and, when I went back to school, the work the other students had done seemed to leave me right out on a limb. They were talking about subjunctives and conjunctives. That happened in just 2 days. I do not suppose that I was the worst student around, but I know that that threw me off. How much more difficult must it be for students to maintain a reasonable standard of education when they miss many days schooling. What can be done? Should everybody else be held up so that they can catch up? It is a drag on the total system. It has a rotten-apple effect as well because, once some play truant and get away with it, it tends to encourage others to do the same, and many students get behind. I suggest that it lowers teachers' morale also. They have a job to do. They are trying to do it to the best of their ability but to keep everybody on an even keel and make progress becomes extremely difficult.

The effects of dodging school are self-perpetuating. It is a backward slide. People find that they cannot cope and then they do not get any satisfaction and slide downhill. Education is a bit like a wave. If you are up on a crest like a surfboard rider, it is not very difficult to keep going provided you put in a little effort. Once you get behind, to try to get back up to the top of the wave is a fairly difficult thing. The danger in this is that it can result in more and more uneducated and untrained young people who will find it very difficult to obtain employment later on. If councils can reduce the truancy rate, their existence will be more than justified.

Another area in which I hope councils would have time to take an interest in is the problem in Australia of a mobile population. It crops up all the time here and was one of the matters raised by the principal of the school I visited recently. He gave me rather dramatic figures of students enrolled at the start of the year and the subsequent turnover. This does not really surprise me. I have been aware of it over the years but it was greater than anything I experienced. This may be because there is a younger population in the Territory. Those young parents tend to move from place to place more readily. This makes teaching difficult. It imposes a drain on the teaching effort. Slotting in children from another place is quite a problem. It is disruptive to the children in themselves, not only new arrivals but often those already in the classroom as it retards the rate of progress which can be made.

I believe it is possible to achieve only a partial solution to this by means of a graded standardisation of courses in the Northern Territory. Many students come from interstate and we have had no control over their earlier education. There is also a considerable amount of movement within the Territory. I was pleased to be told by the principal with whom I spoke that there is a greater degree of uniformity within the Territory in the courses offered, particularly in primary schools. I believe that will be a help to children who transfer within the Territory.

This same principal raised the matter of the cucciculum. His policy in the school under his control - and I commend it to other principals - is to make available to parents the actual curricula their children are studying. They can have a good look at it. He was perfectly open about it and I believe this openness dispels many suspicions parents have about schools. I have advocated in this place previously that an outline of all courses should be made available. By all means let parents buy them, because the amount of paper involved would be fairly large and the process would be time consuming and costly. Let us defray the costs by all means but, if parents had an outline

of the courses setting out what was to be taught, they would be able to assist their children more and they would have an idea of how well their kids were doing.

A certain openness is required. I know that some teachers would object to that but I cannot see why. If it is said that a certain course, containing certain things, will be taught, that course should be covered. I do not see anything wrong with parents and students being able to keep a record of how things are going - whether they are on time etc - and seeing that the course is actually taught. It would have a great effect on the maintenance of high standards. Children and their parents would know what was to be taught. They would know then that they had to put their heads down and get on with the job in order to get through the course.

One other idea councils might like to take on board is the promotion of students. In most places at the moment, education is conducted in years. It matters in the educational sense but, from an administrative point of view, if a student came on the first day of Year 5 and did not come again until the first day of the next year, technically he could go up to Year 6. Of course, one can see that that is ridiculous in relation to educational standards. Even if he completed Year 6, if he had missed out on the Year 5 work, he could not be anything but a drag on the whole system. Principals in primary schools in Alice Springs are considering implementing a system whereby, if a student has not reached what they consider a reasonable standard to move up the next year and is not more than 18 months older than the average age for the children in the lower class, that child can be kept back.

Another suggestion put to me by a friend is that of making proper use of the semester system and having half-yearly promotions. Rather than keeping a student back for 12 months if a reasonable standard has not been reached, promotions can be effected half-yearly so that students are held back for 6 months instead of a year. I do not think the difficulties in implementing such an idea are really so great. We discussed at length the problems that may arise and how they could be overcome. I believe it is a thing that school councils could take on board. I would like to see them consider it because, if there is no difficulty in getting from one year to the next, as there is at the moment, there is very little incentive to get down and work hard. I think a system of half-yearly promotion would have many advantages. The member for MacDonnell thinks it is a great old joke.

I think the greatest crime in our education system is that we delude kids into believing that, if they progress all the way to Year 12, the world will owe them a living. However, they find that they have very few marketable skills. Very often, they have wrong attitude to getting a job.

I commend the setting up of the school councils and their incorporation. I can see that there will be difficulties but I believe that, through goodwill and the right people, they will play a very important part in bringing about what the minister has hoped for: greater cooperation between parents and schools and a more open system of education to dispel the suspicion and distrust which has arisen in the past. I wish the councils well and I certainly support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, in any debate on education, one is faced with a totality of experts. There are no such things as amateurs. Having had a fairly close involvement with both communities and schools, I see this

phenomenon every time I attend a meeting.

Honourable members will be aware that I have circulated some amendments. I circulated them on the first day of this sittings to give all honourable members plenty of time to examine them. In that context, may I say that I am Chairman of the Nightcliff Primary School Council and have been for 11 years a member of the Nightcliff High School Board of Management. These amendments have been proposed by both the schools with which I am associated. As Chairman of the Nightcliff Primary School Council, I did not enter into the debate on the proposed amendments other than on one point. I vacated the chair and spoke from the floor on the disbursement of school moneys. The Nightcliff High School, with which I am associated, also endorsed these amendments. I did not attend the meeting at which these amendments were put forward and subsequently sent to me. Before honourable members think that I am speaking simply with a vested interest, I would like them to bear those 2 points in mind.

Mr Speaker, it has been interesting to me to hear the remarks of members of COGSO and to be in the fortunate position of seeing correspondence, which has come from the department to various schools, wherein it seems to be accepted that the bill before us incorporating school councils is not to be subjected to any amendment because it had been agreed to between the departments and COGSO. Apparently, both of these groups are now to be considered sacred cows and honourable members in this Assembly are not to have the temerity to propose any amendments. I say that quite deliberately because I found it highly insulting that any group should seek to tell me, before a debate and before I had had community input, that what had been proposed had to be accepted because it had been agreed in a private club and that was that.

Mr Speaker, I support totally community involvement in schools for the betterment of education and the wider knowledge of members of the community as to what is happening in their schools. I have always supported public education and adequate funding for public education. I am less supportive of funding of private schools and I have never hidden that fact. I believe the taxpayers' dollar should be spent in the public education of all taxpayers' children of school age regardless of creed, colour, sex or any other factor. That is why I have some problem with the proposed duties and functions of school councils, as have other members of the community who have put forward these proposed amendments.

Mr Speaker, it was interesting to hear the Leader of the Opposition propose that $8000 should be spent on an 'in-service training program', presumably for school councils. The members of these school councils, at least the 2 with which I am associated, are busy people. By and large, they are professional people. They are a little tired of hearing about in-service training programs and wonder when they will get the time to enable them, apparently, to fulfil the role successfully of being a school councillor or board of management member. I have reservations about in-service training programs for community representatives on school councils if those in-service training programs are to be run by the department. It would be a golden opportunity for the department to inculcate into those members exactly the view the department wished them to put forward. This would negate the whole purpose of community representatives on school councils and boards of management. That is the last thing that we would wish to see. Surely, they must bring an unbiased, independent and fresh community viewpoint to assist the education system to fulfil the expectation of the taxpayers who fund it rather than being given a preconceived idea from one section of the taxpaying community.

Both the Leader of the Opposition and the member for Alice Springs made

statements to the effect that, the greater the cooperation between councils and teachers, the better the response will be. Simplistically, I have no quarrel with that but it needs to be recorded in Hansard that school councils are not composed simply of members of the community. There are teaching staff on the councils. I think it is a pity to have this arbitrary division between teaching staff and councils. Implicit in that is that there is a division of interests. I think we would all agree with the ideal that there is no division of interest at all. I would deplore school councils and teachers being put in separate compartments where a conflict of interest is implicit. One would hope that the cooperation is implicit and explicit. I was sorry to hear those remarks. I think they placed undue emphasis on a possible division.

The honourable member for Alice Springs made some remarks about the education system fitting out students for the workforce. He said that some students could go through 12 years of schooling without receiving the skills which allow them to work if they so wish. I find that a very sad reflection on our education system in the Territory. One wonders if the honourable Treasurer will enter into this debate because he does not really believe girls need an education anyway. The Treasurer's simplistic approach is that women get married and must not work because that will destroy the whole economy of the country.

Mr Perron: Why do you not listen to what I say?

Mrs LAWRIE: I heard him in an adjournment debate last week. I was absolutely appalled that, as Treasurer responsible for the Northern Territory economy, he has this senseless, simplistic outlook to the workforce of Australia. This country would crumble to its knees within 24 hours if women withdrew their labour. If the honourable Treasurer does not know that, I am very glad he does not have equal responsibility for education because most people who care about equal education and work opportunities would have to flee the place if, simply as a result of genes and contraceptive practices, their children were found to be female and, therefore, apparently to be offered lesser opportunities and lesser education. I feel a lot better having delivered myself of that statement, Mr Speaker.

Other honourable members, in the context of this debate, have said parents need to be informed and school councils are seen as a vehicle for the informing of parents. No legislation, unless it makes attendance at school meetings compulsory, is by itself going to inform parents or any other section of the community as to what is happening in schools. Some members have been at pains to point out - probably because of my circulated amendments - that these are options open to school councils. School councils are small and restrictive. This legislature makes sure that wider public interest is being preserved at all times. This will boil down ultimately to a conflict as to who shall decide on the expenditure of funds.

The sponsor of this bill appears to think that it will relieve his department and himself of a degree of responsibility in the delivery of education services to the community. It is my hypothesis that this legislation will greatly increase his workload and that of his department because they will have the very necessary undertaking of overseeing the decisions of school councils to safeguard the wider community interest.

Mr Speaker, members of COGSO's executive have addressed school councils and put forward COGSO's point of view. That was marvellous. We all wanted to know what COGSO thought. But it was interesting that, at the Nightcliff Primary School Council meeting, no one agreed with the COGSO executive member attending other than the COGSO representatives themselves. The meeting

disagreed particularly with the ultimate control of school funds and felt that it was the role of school councils to advise and not to have determination of those funds, which is why I said at the outset that neither the department, the minister nor COGSO should be regarded simply as sacred cows and the bill not subject to proposed amendments from this Assembly.

I shall of course speak in some detail in the committee stage regarding the amendments but one of the most disturbing aspects of the meeting that we had with COGSO was the proposition: 'You will not have to worry so much about the bookkeeping side; it will be much more lax'. That was the statement. As I said at the outset, I was not present at the high school meeting when they proposed the same amendments as the primary school. I was present when that statement was made at primary school level. The parents present did not approve because they know that we are talking about taxpayers' money which is finite. An implicit assumption that lesser scrutiny of how that money is spent would be desirable was not acceptable to the people attending that meeting. If one looks at the bill as proposed and imagines it in full operation without amendments, which is quite likely to happen, the members of the school council will be very busy people indeed. They will take on a tremendous responsibility which at the moment is largely the responsibility of the Department of Education and, ultimately, of the minister.

I am aware that the minister will always have final control under our system of government, which is why I say to him again that he may think this is saving himself and his department a lot of care and trouble but, if the legislation receives the scrutiny which is due over the coming 12 months, I think he will find that burden increased and not decreased. I wish to reiterate the point that no amount of legislation will guarantee community interest. School councils already are trying to get wide community interest but it is very difficult to get busy people to turn up to meetings month after month to discuss policy and the expenditure of money. One has to be careful that the very legitimate community interest expressed through school councils does not have undue interference on the day-to-day running of the school.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this legislation, I say at the outset that the basic thrust of the legislation is to give the school councils the power to exercise their options on how the school with which they are associated will be run. It gives them an option to exercise some control over the staffing of the school and the policies that will be adopted. The function of parent councils at the moment appears to be fund-raising. The formation of school councils will take cognizance of the fact that each community has a different composition. Different communities have different expectations for their children, different expectations of the teachers who will teach in the schools and, within wide parameters, different ideas on how education will be administered to their children. If a school committee takes the option of becoming a school council under this legislation, it will be able to exercise all its options in all those fields.

Other honourable members have said that some parent groups are very active. It is also known that some parent groups are not very active. In fact, their inactivity works against the best interests of their children's education and the smooth running of the school. It is a fact that has to be faced: some parent groups are very interested in their children's education and some are not. I would not like to see this legislation in any way encourage a divergence of standards because of the parents' interest or lack of it. I can see it operating, with some school councils, for the betterment of the school council, of the education of the children at that school and of parent/teacher/children relationships. It will give a much better education for the children at that particular school. However, a comparison would be drawn with other schools

where school councils perhaps may not exist or may not be operating very efficiently. It may point out the differences quite dramatically. Whilst children are attending government schools, I think it is in their interests that the standard of education is much the same from one school to another. I am not commenting on private school education because that is another subject altogether.

In the budget presented by the Treasurer, in excess of $103m was set aside for the Department of Education budget, including amounts which went to tertiary education and TAFE institutions. I received quite a good education but my mathematics are sometimes a bit rusty. However, from my calculations, this left about $96m which our government allocates for the education of primary and secondary school students. I will admit that my figures are not finely considered. You could say that approximately $96m is a gross figure which, considering the number of children educated in the Northern Territory, appears to be a very generous sum for education. However great the amount of money allocated to the education of children in the Northern Territory, that education of itself is not wholly commensurate with the amount of money spent on it. The other important factor is the level of competence and interest of the teachers. This is probably even more important than the amount of money spent on education. Teaching is a very unusual profession; it is a little like the nursing and medical professions. The reason teachers exist is to teach, not just to look for their own betterment in the profession. Their role is to educate children.

The government spends this considerable sum of money on education of children because it considers an adequate standard of education to be very important to the development of the Northern Territory. It has been said before and I say it now: education is a very light load to carry through life. If one has an adequate education, one can go much further. In fact, one can go as far as one wants to but, without education, one cannot go very far in this world.

The next important item for consideration is concentration on the climate of teaching. I do not mean that each facet of teaching has to be inspected again and again so that the inspection becomes an end in itself. However, I think that, financial factors aside, the way children are taught and what they are taught must come in for a great deal of consideration in the near future. I made some inquiries and found that the number of primary children receiving instruction in government schools in the Northern Territory as at 10 September 1982 was 17 684. This figure excludes the number attending pre-school. The number of children in private schools was 3238, making the total number of children receiving primary school education in the Northern Territory 20 992. I further ascertain that about 1 child in 6 receives private education. The same ratio applies in South Australia and Tasmania; in Western Australia, it is 1 in 5; in New South Wales, it is 1 in 4; and in Victoria and the ACT, it is 1 in 3. Those figures were given to me by an official source. They demonstrate clearly that private education at primary and secondary school levels plays a very big part in consideration of budgets in all states in Australia. It has been said by other speakers that government money should only be expended on education in government-run schools but it should be borne in mind, Mr Speaker, that those parents who decide to send their children to private schools also pay taxes. I think that parents who pay taxes but decide to send their children to private schools deserve some consideration, as do their children. This should be given in the form of some government support to those particular private schools. The very fact that parents decide to send their children to private schools rather than seek a free education for them in government schools bears out what I said. Some parents are prepared to make great sacrifices, in many cases, to send

their children to private schools to receive a certain type of education which they consider necessary.

The government has allocated about $96m in the budget for education in primary and secondary schools in the Territory. Currently in the Territory, 20 922 children are receiving education in primary schools and 7248 in secondary schools. This gives a gross total of 28 170 children attending primary and secondary schools, both government and private. Based on the allocation of $96m, the money spent by this government on each primary and secondary schoolchild in the Northern Territory is in the vicinity of $3400. I was able to ascertain from official sources in Western Australia that the per capita grant expended by the government there to educate a primary schoolchild is $1138.21. Their figures are a bit more exact than mine. For secondary schools, the per capita cost is $1828.98. Those figures relate to government schools. Comparison of those figures - rough as they are - gives an idea of how much money the Northern Territory government spends on the education of its primary and secondary schoolchildren. I do not think our government has anything to be ashamed of in its financing of education in the Territory.

Since this bill has come before the Assembly, I have not heard one parent or teacher comment unfavourably on it. Many of them are wondering how it will work out next year when those school committees that opt to become incorporated school councils will be working in an experimental state for a year. Many people will be looking to see how they work and how well, but nobody has expressed opposition to it to me.

In dealing with proposed new section 71C which comes in part IX and covers the functions of school councils, I was pleased to see that school councils will be given quite wide powers not only of input into the actual running of the school, the school grounds and things associated with it, but also into policies as they relate to that government school. It will also have input into the educational needs and community education in the particular community served by that school. I would hate to see school councils so concerned with these functions that the purpose of their existence is negated by the fact that they spread themselves too thinly. However, knowing the common sense of the school committees which will become school councils, I feel that they will discuss their particular interests. School councils will probably differ in their interests and each will concentrate on different parts of the legislation.

School councils will be responsible also for budgeting money the Department of Education makes available to the school. At the last meeting of the Humpty Doo Primary School that I attended, it was a lesson in good management to see how the school committee had worked out its budget to spend the grand sum of about $7 000 that the government had made available to that school. So much detail was put into the allocation of this money to make the money go as far as possible that there was some considerable discussion on how far it actually would reach - whether it would cover such things as pencils, chalk, toilet paper and paper towels. Such an interest in the school augurs well for the school councils because, if attention is paid to all facets of the running of the school, it will benefit not only the children but the community as well.

The secretary and the minister will keep a rein on things. It will not be open slather for the school councils. The school council has the power to 'carry out such activities as are approved by the secretary for the purpose of raising funds'. That opens up quite a bit of speculation as to what the secretary will approve because he could approve a whole host of things. Perhaps it might be easier for the secretary to say what he does not approve of.

In conclusion, I like this legislation because it does not exert any force on the school committees to become school councils. If the committees do become school councils, it does not exert any force on them except to give them very wide guidelines within which they can operate. The school committees at present may accept the responsibilities of a school council or they may not. Next year will be a very interesting year for all the schools that accept the responsibilities of having a school council. I will be interested to see the regulations that will accompany this legislation.

In my electorate, Mr Speaker, there is a very good interrelationship within the schools between the teachers, the parents, the children and the community generally. Without denigrating the other schools, I would like to mention 2 schools in particular - Howard Springs and Humpty Doo. There is a particularly high level of interaction between the teachers and the parents which is evident in the way the schools are run, the way the children are educated and the good feeling in the community expressed by the parents and the teachers for the other's role. I feel certain that, with the acceptance of responsibility by school councils, this sort of good feeling in the community will only become better.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to open by asking a few questions on behalf of the members of school associations that I have presently operating in my electorate. When I was first elected to this place, there was only 1 government school operating in my electorate. However, I am now in the happy position of having 5 government primary schools and pre-schools in the electorate and a sixth due to open at the beginning of the 1983 school year. I am pleased to report that, over the years, school associations have formed and flourished with the cooperation of the community and have contributed much in the early development stages of those suburbs by providing a place where community activity could occur.

Mr Speaker, one of the reasons why I support this particular bill is because I believe it will encourage interaction between the school staff and the general community. I noted that the member for Tiwi spoke only about the school staff and the parents. In my electorate, I would hope that there would also be some interaction between the school and those people who do not have children attending at the school but who rightly look on the school as a venue where they could conduct their own particular activities as well. I can say, and I am sure my electorate is not unique in this matter, that the schools in the Sanderson electorate have certainly encouraged the development of community groups by making their premises and buildings available to groups not connected with the school.

When introducing this bill, the minister referred to the regulations and the guidelines. Upon closely examining the bill one sees that these regulations and guidelines are extremely important to the correct interpretation of how thislegislation will operate. None of my constituents has expressed a lack of support for this bill but certainly a number of questions have been raised. I am afraid I have been unable to give the answers because I do not have the information.

The composition of the school councils was a matter raised by the honourable member for Nightcliff. Proposed section 71 talks about the establishment of school councils and proposed subsection (3) reads that a school council shall consist of 'such members as are prescribed'. I assume that these will be prescribed by regulation. I can also appreciate the reasons for the minister not wishing to impose a standard composition on school councils in this particular bill. Local conditions will vary and the overall numbers on the school councils and the representatives from various parts of the community might reflect those local conditions. Nevertheless, I presume that it is to

be prescribed by regulation. I am unclear as to whether the regulations will prescribe each school council separately or whether there will be a general prescription relating to the composition of school councils.

At the moment, some people in my electorate are asking, and I think quite validly, what the overall size of the council will be and from where the membership will be drawn; that is, how many from school staff, how many from the community and how many representing parents.

Another matter which is also of interest and is very basic to the operation of the school council is to be found in proposed section 71A which says that the school council will be 'constituted in accordance with the regulations'. The constitution of the school council will be the very basis of its existence. Again, we are dependent on the regulations to see how the particular council will work. Since I am not in possession of the regulations, I am unable to give inquirers the information that they seek.

When he introduced this bill, the minister said that he proposed to circulate the guidelines in this Assembly in November. I note that he also said the guidelines had been widely distributed amongst existing school councils. I believe that is so, Mr Speaker. In fact, many members of school councils in my electorate have the advantage on me because they have actually seen a copy of the guidelines. I am now told that the guidelines are in a subsequent edition and the status of those particular editions is now known. In any case, we are here looking at what is before us. If the guidelines are not before us, then we are totally reliant upon their coming in later and being to the satisfaction of members of this Assembly. Because so much depends on the guidelines, I express some disappointment here that we have not been given the full details of how these councils will operate.

Mr Speaker, I too was very interested, as were members of my school councils, in the array of functions which school councils will be able to perform. It is quite clear from looking around Territory schools where school councils and associations are in operation that many of these functions are currently being discharged by these councils. It seems that the main point of interest as far as existing school councils are concerned is the source of funds to the councils. That probably sets this new bill apart from the operations as they currently exist.

It can be seen from proposed new section 71G that there will be 3 sources of funds of which 2 sources are already available to school associations and school councils. The sources of funds are moneys that will be allocated by the Department of Education to the government school in respect of which the council is established, moneys raised by the school in pursuance of proposed new section 71(c)(1)(n), which is a fund-raising function, and moneys granted to the school, presumably the dollar-for-dollar grants that we have at the moment.

Like the member for Tiwi, I too have received some inquiries as to what the purpose is behind fund-raising activities having first to be approved by the secretary. The reason is that many school councils have welcomed those initiatives that have been taken in this place from time to time with respect to the Racing and Gaming Act, which allows a greater flexibility in fund-raising. We are now asked why, if those activities are within the Racing and Gaming Act, they should further seek the approval of the secretary in order to pursue them. I tend to agree with the member for Tiwi. Perhaps there should be a list of what is not approved by the secretary rather than what is approved.

It seems that the main difference between the activities as they are currently pursued and those as they will be pursued by the school councils incorporated under this amendment is that school councils may, if they wish, have the control of money appropriated from the budget each year without being restricted by the terms of the Financial Administration and Audit Act. That particular exemption is provided in proposed new section 70 which says that the Financial Administration and Audit Act shall not apply in relation to the school council. I accept the point that was made when the bill was introduced by the minister that this is to free school councils from onerous provisions of the Financial Administration and Audit Act, which are more appropriate to government accounting systems. But I would hope that the situation described by the honourable member for Nightcliff, that accounting procedures may not be as good as they could be, will not eventuate.

The methods by which the councils keep accounts are reliant upon the regulations for guidelines because proposed new section 71H provides that the school council shall keep accounts in the prescribed manner and in a manner not inconsistent with the regulations.

These are the pragmatic considerations which have been raised by councils in my electorate. They are very active. I am pleased that so many people have taken an interest in this particular bill. Letters have been well received in the community. Like other members I agree with the provision that school councils should not be compulsorily incorporated; they should be incorporated at the request of the local community. I look forward to seeing the guidelines. There is much interest in my own electorate as to the content of these guidelines. In fact, I was asked only last week whether any had been tabled here, so I hope that, before this bill has gone through all stages, members of this Assembly will be able to peruse the guidelines as they have the bill.

Mr Speaker, in conclusion, I would like to say that this bill seems to have wide support in the community. It is aimed at increasing the community's involvement in education and in education facilities. I think the community quite rightly regards education facilities as facilities that are there for the public and it would like to have a greater say in how they are used. I support this bill and look forward to the incorporation of school councils in Sanderson.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a few brief comments on this bill. I am not reading from copious notes. In fact, the notes I have are barely legible. But I hope to make a few sensible contributions.

School councils and community involvement in education are a little like motherhood. Everybody is in favour of them. I have had involvement with school councils in a number of different places in the Territory, both in Aboriginal communities and in Alice Springs - school councils, parents and friends associations or other organisations which involved parents with schools. For that reason, I want to make a few comments on this bill. I hope that my comments will be to the point. Certainly they will be relatively brief.

The honourable member for Alice Springs cut a fairly broad swathe in referring to a number of different matters that, to my mind, were not strictly relevant to the bill in question. The issue I want to raise is whether the incorporation of school councils will lead necessarily to their greater effectiveness, to a greater involvement of parents in schools, to a provision of greater educational opportunities for kids and, in turn, to a greater degree of educational achievement amongst those kids. It is that particular question that I wish to address.

It is probably worth while considering for a moment what we mean by educational achievement because, quite clearly, there are different views as to what we mean by that. The honourable Treasurer, in previous debates, and the honourable member for Alice Springs, who was rather surprised at my reaction to his comments, have defined the term 'educational achievement' quite narrowly. They made reference only to the role of education as providing people for the workforce, as mere productive units in society fulfilling an economic role. That is vitally important. Nobody would be more aware of it than I. But it is a somewhat narrow definition of 'educational achievement'.

I think that, if there is to be any chance of bringing people together in the Northern Territory and possibly, on an even wider level, within Australia and perhaps around the world, it is very important to take a broad definition of 'educational achievement'. I think that we must look at educating kids for life in a much wider sense than just educating them to be productive units. Even if we are considering education for employment, we must look at the term 'employment'. Employment for many people is a formal thing. There is a formal process of employment for everybody. However, with the epidemic rates of unemployment across the country, and on Aboriginal communities in my electorate and in your own electorate, Mr Speaker, we must think about employment in a wider sense. It seems to me that, if we have to think about employment in a wider sense, and we see some connection between that and education, we must ask how much greater is our responsibility to think of education and educational achievement in wider terms than that.

The point leading on from there relates to what are generally regarded as forbidden topics: sex, religion and politics. What I want to comment on is the relationship between school councils and social class; school councils and socio-economic status. I have never raised that subject. I do not think I have ever heard it raised. It is probably unusual, with a population of 127 000, to think about social class. But I think that, if we are genuinely interested in school councils succeeding, we have to take it into consideration.

Let me relate social class to both the hoped for success of school councils and to educational achievement. I doubt there would be any member in this Assembly who would question the way schools measure educational achievement and the way the Minister for Education has indicated that he is keen to measure it. I do not want to get into that debate today. Suffice to say that there are wider elements to consider. Let us just take educational achievement in that sense. There is quite clearly a very strong correlation between educational achievement and social class. Let me put it quite simply. If mum and dad have completed a secondary education, their kids are much more likely to read and write and add up than if mum and dad partially or completely finished only primary education. I think that is obvious; I do not think that anybody will disagree with that. If that is an axiom, quite clearly, in those schools where children are much less likely to achieve for those reasons, one has to look at the possible chances of school councils being successful in involving parents. What I would suggest is that, with or without this bill, the success of parents in terms of the structures and organisations that operate in each school is quite visible and evident right now.

I have referred to social class within the Territory community. Generally, we think of that term as differentiating people who are culturally homogeneous and who share pretty much the same assumptions about the world they live in, who they are and who their neighbour is etc. Quite clearly, the relationships within the Territory amongst our culturally heterogeneous community are much

more complicated again. Certainly, at that level, I have had a great deal of experience in Aboriginal communities. I would say that the success of school councils and or the success of involving parents in schools is directly connected with the interest of the group of teachers in the community they are seeking to serve.

If that is true in a relatively small situation, it equally applies in Territory schools in general. To some extent, the quality of school teaching has been left out of the debate today. If we are really interested in our kids being bright, keen, enthusiastic, well-educated, well-adjusted, to the extent that schools affect those qualities in children, I suggest that we look closely at the sort of support we are able to give the people who are teaching our kids. I agree with the honourable member for Nightcliff that no amount of legislation will guarantee community interest. If community interest is directed towards teaching kids well, it would behove us to pay more attention towards ensuring that our teachers are well educated and highly experienced. As I have mentioned before, if the Territory suffers badly from a high turnover of teachers and also a lack of dedication of those particular teachers, community support is very important if we are to ensure that the educational equation maximises the educational opportunities for Territory kids.

Mr ROBERTSON (Education): Mr Speaker, I do not think it is necessary to deal at great length with the contribution of honourable members. It seems quite clear that the opposition supports the legislation. There are a number of amendments of some significance proposed by the member for Nightcliff which we will deal with in the committee stage. There are a couple of points, however, that do require some comment.

I cannot let the opportunity pass without correcting a misconception of the Leader of the Opposition this morning when he once again attempted to attack the concept of monitoring student performance announced by me this morning. The Leader of the Opposition made the observation that already the arrangements have been altered. I do not know what version of the English language the Leader of the Opposition uses but it seems impossible to change something that does not exist. The fact is that we have only just reached agreement and I indicated this morning my gratitude to all those involved in the agreement for the assessment of student performance in the Northern Territory. That typifies the regrettable attitude that is all too often displayed by the Leader of the Opposition. It seems he is hellbent on tearing down things once they are established or before they get off the ground. I found his comments somewhat regrettable to say the least. The Leader of the Opposition pointed out that this student performance monitoring will be for a trial period.

A number of speakers addressed themselves to the very important issue of regulations in the handbook. This is the first time that I have seen the draft regulations in a composite form by themselves. I have the guidelines for the formation of a school council and the guidelines for financial management. They look quite daunting. However, they are intended to be extremely detailed.

The document relating to the guidelines is called 'A Handbook for the Establishment and Operation of School Councils' and is far smaller than the document relating to financial administration. Quite obviously, parents or teachers do not wish to involve themselves in those detailed nuts and bolts of financial administration. I agree with the concern expressed by the honourable member for Nightcliff in that area but I would point out that the

people who will be handling the financial administration of any school council, as provided for in the regulations, will be the registrar or secretary appointed for that purpose. This is the very task that they do now. It is simply handing the responsibility for financial administration to the school to replace the paperwork which would be required in order to account to someone else. Of course, the audit provisions will be normal. There will be proper accountability of the taxpayers' money, and quite rightly so.

Mr Speaker, as soon as I have had a chance to go through these documents in depth, I will be more than happy to make both sections of the guidelines available to members who want them. I would point out that the regulations must go to the Executive Council before we can finally settle the guidelines. Quite obviously, the nature of the regulations will have a great bearing on the exact wording of the guidelines themselves. The member for Sanderson said that we should be debating them at the same time as this bill. We all know that the normal procedure is for regulations to follow the passage of legislation. They go to the Executive Council and, once His Honour the Administrator has made them, 3 weeks later they come back to this Assembly via the Subordinate Legislation and Tabled Papers Committee which has the ultimate right of disallowing them. When members do receive them, I feel that the general consensus will be that they are appropriate.

Mr Speaker, I turn to the draft regulations. There is no great secret about them. Many people have had a chance to look at them. The constitution of school councils is one matter that was raised. Basically, it is proposed that parents of students attending a government school, other than parents who are teachers at that government school, shall be elected at an annual general meeting by the parents. That provision will probably be in section 4(1)(a) of the regulations. The part that needs a little more thought is the actual numbers of parents to be involved. The proposal I have at the moment is for parental representation to be not less than half the total membership including optional members - people who can be seconded to school councils. Ultimately, the balance will become the responsibility of the school councils and will be entirely a matter for them. Indeed, as everyone has pointed out, so will the question of whether or not a school becomes a party to this act at all. It is envisaged that there may be not less than 6 and not more than 19 members on the councils. That is the present negotiating point between the NTTF, COGSO, the department, other interested parties and myself.

The honourable member for Nightcliff will propose certain amendments to the bill. I think that it is appropriate that I totally refute the statement that she attributed to the department that, because there was an agreement between the Northern Territory Council of Government Schools Organisations and the Northern Territory Teachers Federation, there would be no amendments. I do not know why the honourable member said that but I think that my record in this place of itself would completely refute that statement.

Mrs Lawrie: Well, that is yours.

Mr ROBERTSON: The honourable member interjects and says: 'Well that is yours'. I know she meant that in the correct way but, Mr Speaker, I also happen to have conduct of the passage of this bill and I can assure this Assembly that I have examined on its merits every amendment that has ever been proposed. Any agreements made outside this Assembly and outside the role I have as minister are considered only for any merit they have. I will not be party to deals made elsewhere. It would be quite improper. I am unaware of any such arrangements.

The honourable member for Sanderson devoted most of her time to the question of guidelines. I take on board what she said. I also take on board the words of the Leader of the Opposition regarding the necessity for an education program to inform school councils on the exact implications of the regulations, the guidelines and the handbook. I think that is essential. Whatever facilities are necessary to ensure that the process of consultation and transmission of information to school councils is necessary will be made available by this government.

Mr Speaker, I cannot find a great deal more in my notes which requires comment. I close by indicating again my very deep appreciation for the tremendous work that has gone into the preparation of this legislation and the agreement so far regarding its application. The Northern Territory Council of Government Schools Organisation has been in the forefront of the movement for the establishment of school councils under its own legislation rather than under the Associations Incorporation Act. There was an initial nervousness on the part of the Northern Territory Teachers Federation. Again, the commonsense view prevailed that it is workable and desirable and a consensus was reached. As I have indicated, a little further negotiation will be necessary on the final composition to be provided for by the regulations. Basically, I see a need for the parents to be in a situation of not less than equality in respect of any school council.

Mr Speaker, that is about it. No doubt there will be questions raised during the committee stage which I will be more than willing to answer if I can. Any further information that any honourable member may wish to have that I cannot supply, I undertake to provide at the first possible opportunity.

Mr Speaker, it is proposed to circulate, in booklet form, the handbook on school councils and the financial guidelines immediately this Assembly has had a chance to have a look at the regulations after referral to the Subordinate Legislation and Tabled Papers Committee. That is the way I would like to see it happen. It may be necessary, however, to circulate those well in advance of that if we are to have any prospect of having school councils opting to join the system by the beginning of the next school year. Certainly, we can process the regulations long before then. Perhaps it would be desirable to get it going and, to use the expression of the Leader of the Opposition, give it a 12-month trial and then perhaps review the way it operates. I commend the legislation to the Assembly.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr ROBERTSON: I move amendment 135.1.

It is quite obvious that the word 'delegate' second occurring should be 'minister'. Obviously the delegate cannot hold his own delegation.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6:

Mrs LAWRIE: I move amendment 132.1.

This amendment would omit from proposed section 71C(1)(e) 'determine the purposes' and substitute 'advise the secretary on the purposes'. This amendment was put forward by both the Nightcliff Primary School and Nightcliff High School. The high school asked that the word 'determine' be deleted and the word 'advise' inserted, and that was precisely the wish of Nightcliff Primary School also.

This deals with the determination of expenditure of money. It was the strong feeling of both schools that it is the correct role of school councils to be fully consulted about school budgets - as happens in both those cases anyway - and to advise on the way in which money should be spent. However, if there is a dispute, the ultimate determination should be made by the professional person concerned. That person, of course, deals with day-to-day administration of the school. I can only advise the committee that this feeling was very strong. I would be interested to know if other members have actually attended school council meetings where this was discussed and, if so, what advice they received from their councils.

Mr ROBERTSON: Mr Chairman, I have the benefit of a complete analysis of all of the submissions made by all of the school councils, which quite obviously other members would not have. It is interesting to note that those 2 school councils were the only 2 school councils to submit that way. May I say that, if they do not want to be in it, they do not have to. A school council can take any or all of the offered functions. It does not have to take the package. If it is the view of those schools that they do not want to have the function of handling the money, please just let us know and we will be quite happy to accommodate that.

It is interesting to note that, in relation to that particular section, one school council commented as a criticism of the bill as a whole that that was the only real power that the bill gave it. There you have a total 180-degree view of that proposed new section. In one case, the responsibility is not wanted and, in the other, the bill is criticised because it is the only real power and it is welcomed. The government does not agree with the amendment simply because of the difficulties of 2 schools in the honourable member for Nightcliff's area. While I respect their views, if they do not want to be in it, they do not have to.

Mrs LAWRIE: Mr Chairman, I may have inadvertently misled the committee and the honourable minister. If I did, I humbly apologise. I was not at the high school meeting so I do not know the background. I know it supported the primary school amendment. The primary school is well aware that we are not legislating for Nightcliff Primary School, for the present council, a future council or anything else. The school council in its deliberations took into account what it felt should be the responsibility of schools throughout the Territory vis-a-vis the legitimate interest in making sure that the taxpayers' money is expended in the best interests of the entire community.

I want to make it clear to the minister that the primary school council was not simply saying that it did not agree with this amendment because it is well aware that it has the option not to exercise that power. At least the primary school council - and I must assume the high school agreed - in its wisdom has said it does not see the need for that power to be widely extended to any school council which may wish to exercise it. It felt that it would be better for the control of the taxpayers' money for advice certainly to be given and for the ultimate decision to be made by the wider community interest represented through the department and through the minister.

Mr ROBERTSON: Mr Chairman, this refers very directly to the next amendment of the honourable member. All I can say is that the views of the Nightcliff Primary School are noted with thanks but they do not happen to be shared by the majority. Provided it is consistent with common sense and government policy, my task is to provide for the wishes of the majority. There is absolutely no doubt whatsoever in my mind that the majority of schools want the functions as proposed. The government opposes the amendment.

Amendment negatived.

Mrs LAWRIE: I move amendment 132.3.

This is to omit from proposed 71C(1)(f) 'determine and regulate' and substitute 'advise the head teacher on the determination and regulation of'. It deals with the conduct of activities for the benefit of the local community served by the government schools at any time when the government schools' buildings and grounds are not required for their usual purposes. It is normal practice, I understand, for a school council or board of management to receive requests from community groups wishing to use a school. It then considers them and, at a board or council meeting, advises the head teacher as to the feelings of the council or board. Again it comes down to ultimate responsibility for buildings which are paid for by the general taxpayer. That taxpayer is responsible for the upkeep and maintenance of those buildings, notwithstanding other sections of the bill. The payment of money for upkeep comes from the general taxpaying community. It was considered that the present excellent practice of considering requests and advising the head teacher should be followed in all cases.

Mr ROBERTSON: Mr Chairman, it is clear again that the same very conservative school councils - and I say that with respect and not in a derogatory way at all - have proposed the amendment through the honourable member. It is interesting to note that there was one other school council which, while it would not have gone as far as the honourable member for Nightcliff proposes, did express some concern as to the principal having a greater role in the determination of the use of school buildings after hours than may otherwise happen under this proposal.

The government though has a firm policy of encouraging parents and teachers alike in council assembled to have a greater say in the community use of the facilities which belong to the community. I agree with the honourable member for Nightcliff that it is the taxpayers' property. It is also the property of the community. School councils are drawn from those communities. It is proper that they should have the management of that community facility. After all, that is exactly what a school is. Very often the school is the hub of the community and that hub is governed by its representatives. I see nothing wrong with that at all.

Amendment negatived.

Mrs LAWRIE: I move amendment 132.4.

This is to omit in its entirety proposed new section 71C(1)(g). This proposed new section provides for the general oversight of the buildings and grounds of government schools including, with the consent of the secretary, supervising the conduct of work being carried out in relation to the buildings or grounds. I do not know if other honourable members have sought any opinion on the ramifications of this section. Certainly, it would seem to neatly transfer the responsibility of the Departments of Transport and

Works, and Education to these indefatigable school councils.

It is my understanding that, if this proposed new section is carried without amendment, and such general oversight and supervision is carried out, any defect which results in injury to persons can result in a law suit against the school council. Honourable members will be aware that school councils for some time have been awaiting the right of becoming incorporated so that they shall not be sued severally and individually. However, I am very much aware of the opinions which have been expressed by professional people that, if a council were to adopt such a loosely-worded provision, the council would be liable if someone broke his leg - in a pothole or whatever - following work which had been carried out under the auspices of the school council, generally supervised by the school council and notwithstanding the fact that it was under terms and conditions that were approved in writing by the secretary. Mr Chairman, it would be nice to know how many school councils are aware that they could be placed in this jeopardy.

Mr ROBERTSON: Mr Chairman, I am in the same position as the honourable member for Nightcliff in that I am not qualified to give a legal opinion, but no one has ever expressed that legal view to me. This system provides for the normal incorporation as if it were under the Associations Incorporation Act. Members of the school council are not jointly or severally liable for debts or any civil suit against the council. It is obviously a thing that the government funds. As I see it, it would be exactly parallel to any action against any government department. There is no difference. It is set up by an act of this Assembly. Under an Education Act, the people would be insulated from personal risk in the same manner as any other agency of government would be. One hopes, of course, that negligence does not cause any accident. After all, the taxpayer would then have to pay.

Mr Chairman, the same arguments apply to the remainder of the honourable member's concern. We believe it would be an erosion of the original intent of the legislation to give school councils authority in respect of things which happen within the precincts of the school. Indeed, I can see significant savings to the taxpayer occurring as a result of a very interested group of people taking pride in the premises that they would regard as their own; that is, the school council. That is notwithstanding that it belongs to the general public. Nonetheless, I believe that pride will ensure that greater economies will occur and that the taxpayer will be better off. To remove the powers that are proposed here for the school councils would negate one of the fundamental tenets of the intended legislation.

Mrs LAWRIE: I do not think that the honourable minister and I are so far apart on this point. The exercising of a general oversighting of the buildings and grounds of a government school does not worry anybody because that is what happens at the moment with any school council. School councils do exercise a general oversight. In fact, a lot of time is put in by council members assisting head teachers writing letters to departments asking for upgrading of school grounds and general maintenance. When we come to supervising the conduct of work being carried out, we find that the councils are assuming a legal responsibility which I think has not been considered in the drafting of this proposed section.

Mr ROBERTSON: The only other queries we received from any other school council in the Northern Territory - so this is certainly not a concern of the others - was that the approval should come from the minister not the secretary which I do not think is administratively practicable. I do not

have the concerns expressed by the honourable member and we would oppose the amendment.

Amendment negatived.

Mrs LAWRIE: Mr Chairman, my original intention was to move amendment 132.5 so that services would be prescribed and school councils would then know what services they are to supervise and in what manner. I note the minister's amendment which specifies the services as 'repair, maintenance and general upkeep'. I would ask him to consider whether my amendment in fact is not the better of the 2 because it allows prescription of the services in regulations from time to time. These could then be altered with relative ease. His amendment would be incorporated in the body of the bill and take some time to amend the prescriptions if it is found necessary.

Mr ROBERTSON: Mr Chairman, my legal advice is that this is the recommended way to do it. I must admit I had not thought personally of the argument raised by the honourable member for Nightcliff. Quite frankly, I cannot see any trauma in including it in regulations. I think she is probably right. From time to time, the exigencies of the day might require alterations and it seems to me that the government would support the honourable member for Nightcliff's amendment.

Mrs LAWRIE: I move amendment 132.5.

This will omit 'services' and substitute 'prescribed services'. This means that the services will be determined in the regulations. There could be services which come outside the ambit of 'repair, maintenance and general upkeep of'. It could be the provision of a service.

Amendment agreed to.

Mrs LAWRIE: I move amendment 132.6.

This will omit from proposed section 71C(1)(j) 'job description' and substitute 'duty statement'. The paragraph deals with the advice given by the school council to the secretary in relation to the job description for the position of head teacher. This came not only as a recommendation from the school councils but also from union delegates, a couple of whom are on school councils. They objected very strongly to the inference of job description, as did other professionals. Non-professional teaching staff on the school councils agreed that a better description of the advice which was to be given to the secretary would be a duty statement. The school councils would have a great deal of input as to what they saw as being the duties of the head teacher. They preferred that to the wording 'job description' which they felt could lead to non-professional staff giving advice for which they were not competent. I do not see how school councils would lose much if my amendment was accepted but it would certainly allay the genuine fears of professional teaching staff.

Mr SMITH: Mr Chairman, I would like to make a brief comment on that point made by the member for Nightcliff. My understanding, and it is a rapidly fading understanding, of the intricacies of positions in the Commonwealth Teaching Service is that duty statements are structured in a very general fashion and are really aimed at levels. The Teaching Service Commissioner has tried to establish general duty statements at each of the band levels so that duty statements for band 4 secondary positions are very similar. It is at job description level that individual schools can state the particular

preferences they might have for a person at any particular level.

Certainly, I would support that. I think there is some flexibility in the system whereby you have very general duty statements and you appoint people to a level but, in determining a particular position at that particular level, you have a much more detailed job description. It is in the job description part that school councils should be given an input because it enables them to say whether they want a blue-eyed piccolo player at the band 2 level or whether they want - for example, at Millner school - a principal who has experience in dealing with a cross-cultural situation. The opposition certainly supports this particular part of the bill as it stands.

Mrs LAWRIE: Mr Chairman, we are not talking about blue-eyed band 2 piccolo players; we are talking about the position of head teacher. The people with whom I am associated on school councils who are most upset about this particular paragraph are union delegates in their own right and members of the ALP. Their view was shared by the more conservative members of the council who also felt that the more proper role, and I choose my words with care, of the school council relates to a duty statement which can be fairly detailed if the school council submits it in that form. It is up to the school council to put up a case when advising the secretary. Whichever words remain, it is still only advising the secretary and that is recognised. However, there was strong opposition to the words 'job description' which can be extremely personal and 'duty statement' removes that personality and was far more widely accepted.

Mr ROBERTSON: Mr Speaker, I have listened to both sides of the argument from the opposite benches. This is a rather refreshing thing for the committee. My advice is that there is in effect no difference at all. I am nonetheless on balance more persuaded by the arguments as advanced by the honourable member for Millner than I am by the arguments advanced by the honourable member for Nightcliff. The government will oppose the amendment.

Amendment negatived.

Mrs LAWRIE: I move amendment 132.7.

This will omit proposed section 71C(1)(k) which relates to advising the head teacher in relation to the job descriptions for teaching and ancillary staff. I must say that Nightcliff Primary School wants 'job description' deleted and 'duty statement' inserted. The High school wanted (k) deleted entirely. My own preference certainly would have been for the fuller amendment which, unfortunately, was lost. For the same reasons as those advanced for proposing the deletion of 'job description' and the insertion of 'duty statement', I most certainly would have preferred (k) to have been amended to read 'duty statements for teaching and ancillary staff'. Therefore, I ask the honourable minister for his comments on that because, if he tends to agree with me, I would ask leave to move a formal amendment.

Mr ROBERTSON: I am sorry, but I am missing the point.

Mrs LAWRIE: What I have done, in line with my circulated amendment, is to ask for the deletion of proposed section 71C(1)(b) as suggested by the high school. However, I ask, if that amendment is not to be accepted, if an amendment, in line with the one previously circulated, which would delete 'job description' and insert 'duty statement for teaching and ancillary staff', would be acceptable to the honourable minister. I point out that we are talking about the whole spectrum of employment within the school at both the

professional and non-professional levels. To advise on job descriptions for this range again met with vehement opposition from union people, professional people and non-professional people who considered the words 'duty statement' to be far less personal and emotive.

Mr ROBERTSON: Mr Chairman, as the risk of assuming what someone else would say if he took the opportunity, I think ordinary logic would have it that the honourable member for Millner's argument in respect of the previous amendment would have to apply to this one. I was happy to accept his line of reasoning in respect to the previous amendment.

As with the secretary in the last clause we discussed, the principal does not have to accept the advice in any event. Further, the regulations will provide that the principal is ex officio a member of each school council. That will be a duty he has under the regulations. Therefore, it is a consultative process anyway. Further, he certainly does not have to take the advice if it is against his professional judgment. A school council does not have to undertake this task if it believes it is onerous or it is persuaded by its teacher members that it is beyond their capacity or for any other reason for which it is beyond their capacity or for any other reason for which it elects not to exercise the power given to it. If it does not wish to exercise that power, it will not. That being the case, no problem will arise. The government opposes the amendment.

Mrs LAWRIE: Mr Chairman, I am aware that I will lose this amendment but I think I should clear up a misunderstanding which has arisen. The school councils with which I am associated agree that all school councils should offer this advice to the head teacher regarding duty statements for teaching and ancillary staff. They see that as a proper role and they hope that all school councils will adopt that posture. However, the words 'job description' at that level, even though it is still only advice, seem to be far more emotive.

Amendment negatived.

Mrs LAWRIE: I move amendment 132.8.

This would omit from proposed section 71C(1)(m) the words 'carry out' and substitute 'in consultation with the head teacher, carry out'. This refers to carrying out such activities as are approved by a secretary for the purpose of raising funds to be expended on or in relation to a government school and to expend such funds accordingly. Honourable members will see that I am not attempting to amend 'expend such funds accordingly'. However, it was felt by the primary school that it should be implicit that the carrying out of those activities be with the consultation of the head teacher.

Honourable members must be aware that running a school, which is what head teachers do, is no easy matter. They have a wide range of duties and responsibilities, not only in the simple professional teaching sense but also in the administration of their schools. They are responsible to the department. Let us not fool ourselves that they are responsible simply to the school councils. They are employed by our Department of Education and, if things get out of hand, it is the head teachers who will carry the blame and get the chop, not the members of the school councils. They cannot because they are elected. It would seem to be fair and reasonable to all that the carrying out of activities as approved by the secretary has the rider that it be in consultation with the head teacher.

Mr ROBERTSON: Mr Chairman, it is interesting that 3 school councils were not happy that the approval of the secretary would be needed before the council could carry out any fund-raising activity or spend any money so raised. We have ourselves a bit of a problem. We cannot legislate for Nightcliff Primary without taking cognisance of the other 3 views as well. As I have explained in respect to another amendment, the principal of the school is a member of the school council. The process of consultation is automatic and we do not need to legislate for it.

Mrs LAWRIE: I agree with the other 3 councils but, if we are to have consultation, it should be with the head teacher specifically rather than with the approval of the secretary. The school councils will not be allowed to carry out unlawful activities anyway but, if they did carry out those unlawful activities, since they are to be incorporated, it will be upon their collective heads and not individually.

I would not have had a problem if the honourable minister had moved an amendment to delete reference to the approval of the school secretary. I agree with the points raised in the second reading that, for example, if one is engaged upon such a logical fund-raising activity as the conduct of a major lottery, that is done with the approval of the Lotteries and Gaming Commission. At the moment, a school council with which I am associated is in the process of getting that very approval. Why do we have to be burdened with getting the secretary's approval as well?

I take the point that, if the heads of schools are to be mandatory members of school councils, consultation will take place. These guidelines and regulations were not circulated with the bill and it is quite reasonable for people reading the legislation before us to say that it should be in consultation with the head teacher. If the honourable minister assures me that the head teacher has to be an ex officio member of the council, I accept that that point is adequately covered. But it is not covered in the bill as it stands.

In that context, may I say that I appreciated the words of the honourable minister earlier when he said that, at the earliest possible opportunity, members would be circulated with the little red handbook, or whatever it is going to be. He felt it might be necessary to circulate that prior to implementation of the regulations because regulations have to go through Executive Council and be tabled in the Assembly. We would not see them again until March. I accept all that. But, if the regulations have gone through Executive Council and are to be accepted, it would be a courtesy the minister could extend to members and to school councils to send out those regulations immediately or even prior to gazettal. In other words, I am asking that, at the earliest possible opportunity, everyone - not just the select few - be given an opportunity to have a look at the regulations and the little red handbook.

Mr ROBERTSON: Mr Chairman, from the point of view of pure logic, I cannot understand, on reflection, why the secretary would need to approve a form of fund-raising. If a person who is a band 3 or band 4 principal cannot be trusted to do that, I would be very surprised. There may be other implications. No doubt, from time to time, there will be amendments to this act. I would not like to upset the formal drafting advice I have at the moment without reference back to my advisers. Nonetheless, I would certainly envisage that, in the normal operation of the Education Act, when the secretary can delegate his functions, he would simply delegate to the principal anyway. But I agree that it makes little sense for the secretary

to be involving himself in whether or not a council runs a 2-bob raffle. We will have a look at it and perhaps come back at a later time.

Amendment negatived.

Mr LEO: Mr Chairman, I would like to ask the minister a question about the proposed new section 71C(1)(f), the powers of the school councils in relation to certain buildings. The minister addressed himself to possible conflicts of interest between the Department of Community Development, the Department of Education and community libraries. It may be necessary to clearly establish which body has control of community libraries within schools. There is one at Nhulunbuy High School. I am not suggesting that school councils will ride roughshod over any particular department but there is a potential for a conflict of interest and I am wondering if the minister has addressed himself to it.

Mr ROBERTSON: Mr Chairman, that thought has certainly occurred to me. The situation in Nhulunbuy is not the only case. Bamyili is another example of a community library being attached to a school. Might I make the distinction between the attachment of a community library to a school and what is proposed in Palmerston: a community centre as such rather than just a school. In this case - and I am responsible for both - I believe that it is a community library attached to a school and not a school attached to a community library. Ultimately, the fundamental use, during school hours anyway, in terms of an educational facility, should rest with the principal or with the school council as the case may be. I realise that further thought is needed on this. I thank the honourable member for bringing it to my attention. It is certainly one that further thought is needed on.

Mrs LAWRIE: I move amendment 132.9.

This is to omit the proposed new section 71G(a) in clause 6, which states that the moneys of the school council shall include moneys allocated by the Department of Education to the government school in respect of which the school council is established. That is the money used to provide the educational service. Beyond that, school councils have the power to raise money with the approval of the secretary and also to dispose of money granted under proposed new section 71F which deals with the hiring out of school facilities to community groups. There is certainly no extra money available to schools under 71G(a). If that money allocated for educational purposes adequately covered all we would like in our schools, we would not have the necessity for levying school fees, which of course is non-compulsory anyway. We would not have this necessity for interminable fund-raising activities in which we all engage, except for the icing on the cake rather than for bread, the staff of life.

Unfortunately, the moneys allocated by the Department of Education which are supposedly sufficient to provide a service to all students at the school are barely sufficient. They can manage on that money but it is so finite that it is predetermined by the school authorities how the money is to be spent. Could the honourable minister say why the school council will now be determining the delivery of the educational aids themselves?

Mr ROBERTSON: Mr Chairman, there is something in Standing Orders - and I suppose it applies to the committee - about being repetitive, so please do not cut me off because I have said this a dozen times already. School councils do not have to accept these functions. This is an enabling provision. Those school councils which want to involve themselves in this

area, may do so. Those which feel they are competent to do so, may do so. There is no compulsion. I certainly reject the other assertions of the honourable member that there are insufficient funds. If I were to say what was sent back last year by schools, I suppose I would encourage a mad rush to waste taxpayers' money. So I will not be standing up here next year saying the same thing. But anyone who reads the northern regional circular would know it was in fact urging schools to use the very allocations that the honourable member now tells us are insufficient. Incidentally, at that time, it annoyed me intensely.

There are more than adequate funds at school-based funding levels to carry out all of the essentials. If we increased the education budget by another $50m this year, it still would not be enough. There is never enough in this sort of game. It has an insatiable appetite. There is never enough money. What we are interested in is providing sufficient money to do the job. Since it has been in charge of the delivery of educational services in the Northern Territory, I am absolutely confident that this government has never failed to provide sufficient funds.

School fund-raising activities are commendable. They will always be there no matter how much money is made available for school-based funding. It is fundamental in this legislation that school councils, in determining or advising those directions in education that they want to seek for their community, control the resources to make sure that those things which are outside the recommended core will be achieved. They do not want to be hamstrung in terms of no financial control. I think that would be totally counterproductive. It is exactly what self-government is about. It is exactly what self-determination is about. It is exactly what school councils are about. Give people a sensible control of the purse and the interest being applied by parents and teachers to their school will go up very markedly. The government would oppose the amendment.

Amendment negatived.

Clause 6, as amended, agreed to.

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

In Assembly:

Bill reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, sometimes in debate one elicits information from the minister which is of wide community interest. The honourable minister just indicated that some schools have a surplus of funds for the provision of the education service. I would like to know - and I guess the honourable minister will not tell me - if those same schools which have a surplus of funds above and beyond providing the core have the effrontry to ask for school fees because school fees historically have come into being to replace the need for school fetes, plant stalls etc. I have always found that those funds are necessary to deliver an adequate education service.

I am surprised that some schools can send back money or have a surplus of funds. I find that very interesting and I only wish it applied to the schools in the inner urban area, and not necessarily only the two at Nightcliff. Of course, I would love for those 2 schools to be in that happy position.

Mr ROBERTSON (Education): Mr Speaker, when school fees are set, a school would not have a clear picture of exactly how its program and expenditure would go for that year. School fees are set at the beginning of the year. The wash-up of the financial affairs of the school occur at the end. One high school, through the school council, was putting pressure on me to provide more money for text books. I was more than willing to do so if it had insufficient funds. On investigation, we found that it had underspent its text book allowance by $2500.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I rise to make a statement on this matter. Historically, the raising of school fees came about at a time when schools decided to go over to a system where, instead of parents buying school books for their children, they hired them. The school fees covered that and were considerably less than the cost of book purchases. The Commonwealth government gives quite a substantial subsidy anyway. Parents no longer receive this, of course. It goes straight to the schools. I have raised this point in the Assembly before, but I think the record should be put straight on the origin of school fees.

Bill read a third time.

REAL PROPERTY AMENDMENT BILL
(Serial 237)

Continued from 19 August 1982.

Mrs O'NEIL (Fannie Bay): This amendment bill is principally concerned with clarifying the legal position on registration and transfer where a mortgagee sale is involved. It is supported by the opposition. It is interesting to note that, in order to avoid any retrospective action involving transfers of this nature in the past, the law is retrospective to 1 January 1911. This, in our view, is necessary. There has been no community outcry against the principle of retrospectivity in this circumstance, which is retrospectivity par excellence, going back to 1 January 1911. We support the bill.

Motion agreed to; bill read a second time.

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

Just before the third reading takes place, I think I should comment on what the honourable member for Fannie Bay has just said. The situation here is not so much one of retrospectivity to 1911 but a declaration that a certain state of circumstances has existed since that time. This is a clarification of the position and I certainly would not regard it as being retrospective in the sense implied by the honourable member for Fannie Bay.

Motion agreed to; bill read a third time.

TRAFFIC AMENDMENT BILL
(Serial 239)

Continued from 2 September 1982.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition supports this bill. Section 71 of the Traffic Act provides for an offence of dangerous driving. It does not provide for any penalty. The maximum penalty of $2000 now proposed does not seem excessive. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I heartily concur with this amendment to the Traffic Act in relation to the penalty for dangerous driving. As the minister said in his second-reading speech, the penalty has not changed since it was introduced in 1949. Several other things have changed since then, including the higher death toll on the roads, the way people drive and the fact that $200 as a maximum fine these days is just chickenfeed. In fact, the penalty should probably be more than $2000. Our highways are of a very high standard; they are straight, level and smooth. One would think they would contribute to better and safer driving. These things are good in themselves, but in a way these good conditions contribute to dangerous driving especially if there is a nut at the wheel of a car.

These days cars are built with so much excess power under the bonnet that there is a temptation to take risks and drive too fast. On the one hand, cars are more powerful and the roads are better. On the other hand, there is a higher alcohol consumption by some people and more and more people use the road. It is not always possible to balance these factors. Alcohol consumption has increased, the roads are better and easier to drive on, people drive at greater speeds, there is more dangerous driving and this results in more deaths, more injury, and more destruction.

Anything that can inhibit this and protect innocent persons, on the roads especially, has my approbation. I fully support this legislation.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I certainly support the increased penalty contained in this amendment. There has been no increase since 1949 and $200 is peanuts nowadays. Those who drive dangerously or ride dangerously endanger lives. I certainly support a penalty of $2000.

I suggest that this increase be publicised. It was mentioned this morning that the purpose of the breathalyser is not so much to enable the apprehension of offenders as to make people frightened of the consequences of it and behave in a reasonable manner. Publicity is very important. If someone is apprehended on this particular charge and found guilty, subsequent publicity will deter many other people. It is a bit of psychology used in the teaching game.

Teachers at times have trouble controlling a class. However, by singling out an offender, the rest of the class usually sits up and takes notice. The same thing would happen with dangerous driving. If a person found guilty of dangerous driving is fined $2000 and is named in the paper, there is a chance of deterring others from driving dangerously. I support the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

SUMMARY OFFENCES AMENDMENT ACT 1982 AMENDMENT BILL
(Serial 243)

Continued from 2 September 1982.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this is the next step in the saga of the 2 km law relating to consumption of liquor in public places in the Northern Territory. This amendment bill principally provides for the Liquor

Commission to exempt public places without the need for an application to be made to it. It further allows the commission to grant exemptions on terms and enables the exemptions to be varied, amended or limited. Finally, it allows the minister to direct the commission to declare a public place or part of a public place exempt.

Mr Speaker, the opposition does not support this bill. We opposed the principal amendment and we oppose this amendment to it. This bill would allow the Liquor Commission to declare public places exempt despite the wishes of the people who have control of those public places - they may be reserve boards or local government. It would create a most undesirable situation for those people to be in charge of areas of land which are declared exempt from this law against their will. Certainly, we also oppose the idea that the minister may override, or ignore, the commission and direct that certain areas be declared exempt in accordance with the act. Some time ago in this Assembly, when the Liquor Bill was introduced, the idea prevailed that the Liquor Commission was a body which would have a great deal of responsibility, which it has, and be in a position to make decisions flexibly.

If this amendment is passed, a situation would exist in which the commission could be overridden by the minister. We do not believe that that is a desirable principle. As honourable members will be aware, the Leader of the Opposition will be introducing the Intoxicated Persons Bill on the general business day on Thursday, outlining what we in the opposition believe is a more positive and productive way of dealing with the liquor problem in the Northern Territory, so I will not expand further at this stage upon the options which the opposition sees as preferable to the principles incorporated in the amendment before us.

Mrs LAWRIE (Nightcliff): Mr Speaker, the honourable Minister for Health has always refused to accept the proposition that determinations of the Liquor Commission should be subject to appeal to a court. He has said that it would be an undesirable precedent for the Liquor Commission to have its rulings overturned. Yet we find here that a minister of the Crown is being given the right to order the Liquor Commission to do a certain thing, notwithstanding the Liquor Commission's valid objections to it. On that point I agree with the honourable member for Fannie Bay that there is a certain inconsistency in this legislation.

The legislation continues the ridiculous proposition that a prosecution shall be launched, not as a result of a person's behaviour or sobriety, but simply because he is having a drink, whatever else the circumstances are, within or without a specified distance from a liquor outlet. Mr Speaker, the honourable Chief Minister has apparently satisfied himself, following a very expensive media campaign, that people generally accept the 2 km legislation and, presumably, will accept this amendment. I would like to advise the Chief Minister that I have found no evidence of public acceptance whatsoever. It does not deal with drunks and it does not deal with people who, because of drinking liquor, may not be drunk but whose behaviour is offensive. It simply continues the fairy story that people should be guilty of an offence by reason of distance and not behaviour. Mr Speaker, the act and this amendment do not have public acceptance.

Mr HARRIS (Port Darwin): Mr Speaker, I do not agree with the member for Nightcliff. I rise to speak in support of this particular bill. I am not going to rehash the debate that took place before. It was a lengthy debate, not only in this Assembly but also in the public arena. It is a little sad that there has been a great deal of misunderstanding not only as

far as people generally were concerned, but also by the Darwin City Council and, indeed, members of this Assembly. During the last debate, I was accused of saying that all the introduction of the 2 km law would do would be to make provision for cleaning up the city. People who felt that way really were way off course because there was a lot more to it. The 2 km law will not solve any drinking problems. That is quite clear. The amendment does not intend to solve drinking problems. I have said before and I will say again that there is no solution at the present time to the very serious problem that we have of over-indulgence or excessive drinking. To allow unfortunate people, and it does not matter whether you refer to them as derelicts, winos or whatever - and in many cases they have arrived in that situation through very tragic circumstances, and I feel for them - but, to allow them to remain as they were in the parks and around the streets generally, does nothing to help them. In fact, I believe that, to allow them to continue in that situation, condemns them to continued degradation and humiliation and I believe that they have had enough of that. We live in a world of compromise and I believe that is what this 2 km law is all about. It is a matter of compromise. We have the 2 situations: where people are allowed to drink in public places and, at the other end of the scale, where people are not allowed to drink in public places ...

Mr Bell: What is in between?

Mr HARRIS: There are strong supporters on both sides of the fence. The member for Nightcliff has come out quite openly saying that she supports wholeheartedly drinking in public places and, under certain circumstances, that is fine. I think everyone would support certain activities being allowed to be carried out.

The situation that existed prior to the passage of the Liquor Act, which happened by mistake, was that drinking in public places was an offence. Now the Liquor Act has actually gone through, I understand it is legal for people to drink in public places. But it should be stressed that, prior to that, it was illegal for people to drink in those places. It did not matter if you had a drink at a barbeque on a beach, on the nature strip or at the start of a Hash House Harriers run, whether you were picked up or not, you were breaking the law. You were not allowed to drink in public places. The problem here was that many people believed that they should be allowed to drink under certain circumstances. There is nothing wrong, for instance, with having a drink at a barbeque or with people having a drink at the start of the Hash House Harriers run. One could perhaps argue about taking liquor to sporting events. But the government did not want to say: 'Right, let's get the troops out there and run everyone in for drinking in public places'. It believed there were circumstances in which people should be able to drink. It also believed that there had to be some control over drinking in the major city areas and that, I believe, is what this 2 km law is about. We came from the 2 extremes: one where people were allowed to drink in public places and the other where people were not allowed to drink in public places, but we accepted that there were certain circumstances where they should be allowed to drink. This compromise, Mr Speaker, as I see it, is the 2 km law. It is not a matter of drawing lines on roads or beaches or whatever. These areas will be identified and I cannot see any problem with them. As far as the exemptions were concerned, the intention of the government was to allow people in control of an area, local councils, to look at the total situation and declare areas exempt.

In each circumstance, the situation could vary. The circumstance in Alice Springs was different to that in Darwin, Katherine and Tennant Creek

and therefore these people were given the opportunity to comment and to exempt areas under their own control. Again, the problem was that some people said immediately that the 2 km law would not work and they would not exempt certain areas. They did not even give it a go.

For the act to work as it was intended, there needed to be many exempt areas. It did not mean that drunks would be moved from one place to the other. As the opposition has brought to the attention of the Assembly on numerous occasions, we already have laws to control the activities of people. It would not mean that, if an area of Mindil Beach was exempted, all the drunks from the city parks would go down to Mindil Beach to drink. That was not intended at all. That is what this amendment is all about.

The original intention was to allow people who did not have a drinking problem to continue to drink as they had done in the past at barbeques or at the end of Hash House Harrier runs etc. It was to allow them to continue what they had been doing previously - illegally, even though they had been getting away with it. I believe those people reached the stage where they believed that drinking in public places was legal, and that was incorrect. The government did not want to police the law to the letter. It believed that people should be allowed to drink under certain circumstances.

This amendment will really allow the law to work as it was originally intended to work. It clarifies that situation. The areas must be able to be exempt for the 2 km law to be successful. The only way to ensure that that is the case is for the government to have control of its application. I want to emphasise once again that those people who have been drinking on their nature strips, at barbeques or whatever, prior to the mistake which I have already mentioned, were doing so illegally. People must realise that, what they have been doing and getting away with in the past, was against the law.

Now we are allowing for areas to be exempt. People will still be able to go to barbeques and have their drink. The member for Nightcliff will still be able to go down to sections of Nightcliff Beach or wherever and have a drink. At the same time, some protection will be given to the people in the community. I cannot see any problem at all with this 2 km law. I believe that there has been a lot of misunderstanding and, if one understands that it was against the law to drink in public places originally, one should have no problems with this amendment whatsoever.

Mr BELL (MacDonnell): Mr Speaker, my initial thought when this debate came on was that there was a great deal of deja vu. However, having heard the comments from the member for Port Darwin, I can only say that he reflects accurately the thinking and the different stances of the government in this regard because he signals fairly clearly the total confusion over this issue that seems to reign in terms of the government's policy. I was taken particularly with the honourable member's continuum from one end of the spectrum where people were allowed to drink and the other end of the spectrum where people were not allowed to drink. I found it a little hard to follow his metaphor because I could not quite work out what we were supposed to do in between.

The other thing that I found quite interesting about the honourable member's contribution was the new-found interest in the previous state of affairs prior to the bill that was discussed in the March sittings. You will recall no doubt, Mr Speaker, that I certainly made the point - and I do not think I was the only opposition speaker to make the point - that, whereas the government was rather proud of itself for appearing to be doing something

about what it perceived was the problem with public drinking, on the other hand, it was very mute about the fact that it was repealing exactly that law. Nobody at that stage was more voluble in the expression of that view than the honourable member for Stuart who, I can remember, appeared on a radio program with myself beating his fist into his palm saying that this is a good, tough law and that society had been too soft for too long. Now we have the government, through the agency of the honourable member for Port Darwin and one of the Chief Minister's expensive public relations programs, explaining that it is making it easier for people and that it is just the 2 km from a licensed outlet that it is seeking to make illegal.

I think that is pretty cute bearing in mind the tenor of the debate on the government side in the March sittings. The very name of this bill as it appears on the Notice Paper gives evidence of the government's change of thinking. It resembles a drunken man lurching from one side of a corridor to another, if I might be permitted to use that simile. It reads: 'Summary Offences Amendment Act 1982 Amendment Bill 1982'. If that is not a signal of confusion, I am not sure what is.

I have no more comments to make. I endorse the comments of the honourable member for Fannie Bay. I suggest that the opposition, in debates in this Assembly tomorrow, will be making some significant and particularly constructive contributions to the issue of the regulation of the consumption of alcohol in Territory centres.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

LEGAL PRACTITIONERS AMENDMENT BILL
(Serial 261)

Continued from 13 October 1982.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this simple amendment will require lawyers employed by the public service to hold practising certificates unless deemed under the act to already hold unrestricted practising certificates, and that covers the Solicitor-General and the Crown Solicitor. There is also another minor amendment, correcting a previous error relating to the work of barristers. It is a very simple bill which has the support of the opposition.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this legislation, I would like to draw a parallel between legal practitioners and veterinary surgeons. As was mentioned in the Chief Minister's second-reading speech, this legislation makes it obligatory for legal practitioners in the Department of Law to have practising certificates. The fees are to be paid by the Department of Law to the Law Society which is the controlling body.

The situation with veterinary surgeons is that the Northern Territory Veterinary Surgeons Board is the controlling body for professional conduct and other matters relating to veterinary surgeons' practice in the Northern Territory. The difference is that individual veterinary surgeons pay their own fees even if they are employed by the Northern Territory government.

It appears to me that legal practitioners are in an advantageous position. Perhaps if veterinary surgeons wrote the legislation, they might be able to look at things a bit better. Perhaps veterinary surgeons employed by the Department of Primary Production pay their own fees because, in certain circumstances, with the concurrence of the Public Service Commissioner, they can operate as private vets in the Northern Territory. The situation is not quite the same with the Department of Primary Industry vets who work in the NT and who are not registered in the Northern Territory. I think this could be considered later, particularly in view of the proposed legislation relating to meat inspection by the Department of Primary Industry vets.

I support this legislation. However, I would like all professional people to be considered equally.

Motion agreed to; bill read a second time.

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

Motion agreed; bill read a third time.

WORKMEN'S COMPENSATION AMENDMENT BILL
(Serial 259)

Continued from 13 October 1982.

Mr LEO (Nhulunbuy): Mr Speaker, this bill is a further amendment to the Workmen's Compensation Act. At present, a claim against an insurance company for one particular accident can only be made once. That is normal practice and fair. However, the Workmen's Compensation Act does not insure a person against pain and suffering, as does the Motor Accidents (Compensation) Act. The bill seeks to amend sections 22 and 23 of the Workmen's Compensation Act to allow for a further claim through the Motor Accidents (Compensation) Act.

As I said before, the opposition supports any amendments to the Workmen's Compensation Act which would ensure that working persons are adequately compensated for any work-related accidents. The opposition supports the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

PAY-ROLL TAX AMENDMENT BILL
(Serial 255)

Continued from 13 October 1982.

Ms D'ROZARIO (Sanderson): Mr Speaker, this bill addresses a couple of technical imperfections in the original act. It does not in any way alter either the liability for payroll tax or the method by which it is collected. The essential proposal is to make it easier to collect payroll tax from employers where they are comprised of a group of companies. The present provisions make it possible for an employer to avoid his liability for payroll tax by referring his liability to another company within that same group.

This particular amendment provides that, where companies are comprised of a group, they must nominate one particular member of the group to have the liability for payroll tax.

The other provision is simply to make it easier to mount a prosecution for an offence of not paying payroll tax. The time limit for bringing prosecutions under this act will be removed. It is our view that all revenues that are legitimately payable to the Territory ought to be able to be collected in a smooth and efficient fashion. These 2 simple amendments to the Pay-roll Tax Act will help achieve that object.

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.

DISASTERS BILL
(Serial 256)

Continued from 16 November 1982.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendments 137.1 and 137.2.

These amendments, as with several others to which I will refer later, are to correct obvious cross-reference errors brought about by the repositioning of sections late in the drafting process.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 34 agreed to.

Clause 35:

Mr EVERINGHAM: I move amendment 137.3.

The honourable member for Port Darwin pointed out in the second-reading debate the difficulties that could be experienced if only the Administrator or the 2 ministers who declared a state of disaster had the power to extend it. The amendment is to make it clear that it can be extended by any 2 ministers in the appropriate circumstances.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36 agreed to.

Clause 37:

Mr EVERINGHAM: I move amendment 137.4.

The question of the power to direct the removal of dangerous things from, or to secure them on, land, especially where a cyclone is threatening, was raised in debate. A close examination of the bill has shown a lack of specific power in this area except to a limited extent in relation to motor vehicles, boats and so on, even in a state of disaster. The purpose of this amendment and subsequent amendments is to specifically extend this power. Honourable members will see that the inclusion of paragraph (a)(iii) allows entry onto property for the purpose but hedges in the power with safeguards. It can only be exercised where the necessary belief is reasonably held.

Amendment agreed to.

Clause 37, as amended, agreed to.

Clause 38:

Mr EVERINGHAM: I move amendment 137.5.

As with earlier amendments, this corrects a cross-reference error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.6.

This follows on from the amendment earlier and allows the person power to enter, give necessary directions and remove or secure the offending item.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.7.

Again, this amendment follows on. When a direction to remove or secure is not carried out, the person giving it can have it carried out and use reasonable force in doing so. This provision, in relation to removal of vehicles, boats and so on, already exists in the bill.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.8.

This amendment allows for the reasonable costs of carrying out the work, which is the duty of recalcitrant or absent owners, to be recovered from them.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.9.

This is a simple consequential amendment which is self-explanatory.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39:

Mr EVERINGHAM: I move amendment 137.10.

This is a cross-reference error again.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40:

Mr EVERINGHAM: I move amendment 137.11.

Honourable members will see that the intent of the bill is to set the emergency powers in relation to declared states of disaster and to adopt them. It will also apply to states of emergency which, in effect, are states of disaster of lesser duration or consequence. The rewriting of clause 40(2), apart from correcting cross-reference errors, allows these powers to be exercised in a state of emergency and includes the additional element of obligation and liability which is consequential upon directions being given and expenses being incurred in relation to removal or securing of dangerous things.

The new clause 43 allows the powers in relation to entry, removal and securing to be carried out when a cyclone warning is current. Honourable members who experienced Cyclone Tracy will appreciate that it is too late to do much in this regard after a cyclone has hit. I point out again to honourable members that the powers are limited both by the requirements of reasonable belief and in relation to quality of the threat.

Amendment agreed to.

Clause 40, as amended, agreed to.

Remainder of the bill taken together and agreed to.

Bill passed remaining stages without debate.

CROWN LANDS AMENDMENT BILL
(Serial 195)

Continued from 17 November 1982.

Mrs LAWRIE: Mr Speaker, I listened to and read with interest the comments of other members on the Crown Lands Amendment Bill and my contribution will be mercifully brief. The problem I have with this bill and the granting of leases in perpetuity is that it is quite obvious to all honourable members that we will have to consider multiple usage of land in the near future. Mr Speaker, as a pastoralist, you will be aware that this has already occurred where one has pastoral and mining interests over the same land.

I think that the remarks of the honourable member for Tiwi, when she was disparaging another legitimate interest, recreational usage of pastoral property, should not be let go without being countered. The member for Tiwi would have it that people who legitimately seek recreation in these areas are litterbugs, firebugs and an absolute danger to life and property. There will always be the odd irresponsible person but it is not usual for urban dwellers to display such anti-social behaviour. Honourable members will be aware that the Amateur Fishermen's Association and game shooters, for example, have put forward the proposition of multiple use of land to allow reasonable

access to waterways and some use of land. The latter made the point that they could usefully enjoy their sport in the destruction of vermin such as feral pigs.

My concern is that we are going to tie up large areas of land which should not be granted as leases in perpetuity but as finite leases so that, in the future, it can be determined whether that use of the land is still the best use given society's needs.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, the key to this bill has to do with the nature of land tenure on pastoral leases. The aim is to change tenure from a term lease to a perpetual pastoral lease. Stringent conditions are to be applied so that any lease which does not meet these conditions at the time when it is due for renewal will not be renewed. I appreciate the simplified process of adding uneconomic areas to the existing titles without having to relinquish the title and go through the entire process of issuing a new title. That is welcomed and makes good sense. Likewise, the Land Board can be split into 2 so the work of conversion from an existing term lease to a perpetual pastoral lease can be carried out with reasonable swiftness.

I suggest that there will be 2 immediate, beneficial outcomes of the perpetual pastoral lease which will be very good. One will be that the increased effort to meet the stringent conditions for the perpetual lease will improve the production and viability of the particular place. Also, it will encourage conservation measures and lead to good management practice because, no doubt, the place will have to be inspected before it will be granted a perpetual title. The other advantage of perpetual leases relates to ownership. Once someone goes from renting a place to owning a place, his psychological outlook is greatly improved. He is prepared to do much more to improve it. I believe the same effect will be noted here. There has been mention in previous debates of the capital-raising for a property. One member suggested that it is only the actual cattle, plant and equipment which are of any value. This certainly does not seem to be the attitude that I have found amongst pastoralists to whom I have spoken. They see considerable advantage in having title in perpetuity in that their ability to raise finance to improve their properties and see them through droughts and other problems would be greatly enhanced.

The bill allows for fines instead of forfeiture. Warnings will be given if there are breaches of the conditions of the pastoral lease. It is not like freehold; one cannot do as one likes and perhaps ruin large areas of land. Warnings will be given and these will be followed by fines. The fines may possibly force someone who was not doing the right thing to sell to cover the fines. The maximum fine is $10 000 and $100 a day. In the first year, this would amount to something like $46 500. That would be a massive sum to many pastoralists. To a large company, it may not be so heavy but there are 2 schools of thinking on this. These are maximum fines and, if it is found in practice that even these are not enough, there is a possibility of our amending the legislation if we need to.

I believe the government has taken the right action. We have a duty to check on large holdings in relation to conservation and production. I believe that farsighted pastoralists would agree with and perhaps even welcome the inspection that would be made of their property. It is a fact of life that most of us perform best when we are under some degree of pressure. Many pastoralists would welcome the inspection because it would point up faults which they may not have realised. It is in their own interests to correct

such things as poor land management, erosion, overstocking and problems with fencing and disease.

I believe that there is a bit of stick and carrot here. There is the incentive to improve the pastoral property and the industry in general and the possibility of wealth creation which would come from that. There is a spin-off to the pastoral properties that are working well and producing efficiently and to the community as a whole. There is an old saying that, when the farmers are doing well and smiling, everybody else is smiling too. That is very true in this country. I know there are allowances made for the bad times in relation to droughts, fires and depressed markets. That is reasonable and I am sure everybody agrees with this particular part of the bill.

My key interest is in the possibility of diversification, particularly into areas of horticulture. Proposed section 40A relates to agriculture which the pastoralists can undertake and 40B to other purposes for which ministerial approval has been given. I am pleased that it is there, but I am not really happy with the fine that can be imposed upon a pastoralist if he does not give notice. I am concerned that many pastoralists feel that their area of expertise is in the pastoral industry and they may not have the time or expertise to try to diversify into other things. By the same token, such large areas of land have the definite possibility to provide more wealth than is necessary to support the few families involved in the cattle side of the industry. Nobody really likes the idea of resumption of land.

We all say that horticulture has a big future in the Territory. There are some successful areas, but we must realise there is much more potential. It is most important that land be made available to people other than the pastoralists. One would like to see a pastoralist go into partnership with a person who has expertise in horticulture. Another method would be to allow a subleasing system whereby the pastoralist may be persuaded by the right people to allow them on his land to start certain ventures with a right to renew the sublease if the venture proves feasible. The key thing is suitable land and knowledge of the things that are necessary to make a horticultural enterprise successful.

I believe people in the Department of Primary Production have tremendous knowledge. They know where water is likely to be found and have a pretty good idea of the quantity and quality of the water. They know a lot about soil types, have weather records to refer to and can make sound judgments on what crops are possible in particular places. I believe we must make use of that specialised knowledge and this Assembly has a duty to encourage this activity and, if necessary, legislate to make land available so that some of these other enterprises can be established. We bring so much into the Territory and pay freight on transportation. That is expensive. I believe that, with the right incentives, we can get people to grow that produce in the Territory which will help to expand the Territory and give employment to our kids. At this particular time, when unemployment is fairly high down south, if we make land available, we have an ideal opportunity to attract experts here to help us develop this Territory.

I asked a question of the Minister for Primary Production this morning about the NTDC seminar in Alice Springs. In many ways, this was a brainstorm inciting activity where many ideas were put forward. I asked if he could gather this information together and have his department analyse the possibilities and publicise them so that people with a bit of motivation could take them on. One thing that particularly appealed to me was a

suggestion which would involve certain pastoral properties with what may be called private tourists. On some pastoral properties there are beauty spots which, I have been told, are often far more attractive than those which are generally visited by tourists and others.

There could be an opportunity for pastoralists to join with a bus company to run tours to their properties. They could provide chalet accommodation. There was a set-up like that at Palm Valley. I believe there is a possibility to attract somewhat exclusive tourists and the pastoralists would benefit, as would tourism. That was just one of a whole host of ideas relating to land use that were put forward at the seminar.

I believe it is important to try to cut the red tape involved in making land available so that we do not kill the initiative of people who would like to have a go at some of these enterprises. If they use their own money and are prepared to have a go, we should not stand in their way but do all we can to help them. I hope the pastoralists will take up the challenge to diversify and I trust the government will do its part to simplify the system for making land available for entrepreneurial-type activities.

I give the bill my wholehearted support and believe we have a potential here really to increase the rate of wealth creation to the benefit of all Territorians.

Mr PERRON (Lands and Housing): Mr Speaker, in closing the debate, I will touch on a number of points raised by honourable members. The honourable member for Millner has circulated amendments to the effect that the opposition would like to see reinserted in the act a power of forfeiture under the perpetual tenure provisions so that, if a lessee breached covenants in a blatant fashion, the lease could be forfeited. That goes against the grain of what this legislation is about. I foreshadow that the government will not accept that amendment. I guess it is appropriate that I inform the Assembly now.

The honourable member said also that he would be seeking to have some further input at the committee stage on the question of public recreational areas on pastoral leases which have applied for conversions. I point out to the honourable member that there are savings provisions in the bill which ensure the rights of owners who currently may be holding in excess of total allowable land-holdings. I have not checked to see how many, if any, lessees would own collectively in excess of the new provisions in this bill which will allow holdings of up to 20 000 km^2. Certainly, there are a number in the Territory who hold a little in excess of the 5000 square miles referred to in the act at present.

Mr Speaker, the honourable member for MacDonnell, somewhat expectedly, spoke quite strongly against the large, interstate and, in some cases, overseas companies that own pastoral properties. He was quite bitter towards them and gave the impression that no interstate or overseas owner of a pastoral lease could possibly act responsibly in the Northern Territory. Mr Speaker, as you would well know, that is not so. In fact, a number of the absentee-owned pastoral leases in the Northern Territory are among the finest as far as capital input is concerned, and acceptance of the spirit of the brucellosis and tuberculosis eradication campaigns which are frightfully expensive. It is clear that people who have been in the best position to afford this sort of massive capital and operational input into some pastoral properties have been absentee owners. Obviously, we would all like to see all owners of land in the Northern Territory living on their land and taking

the particular interest that only a man who lives on his land can. Obviously, if that happened, there would be no more access to the resources which some of these companies have. I believe, although I have not verified it, that some of these companies which run pastoral properties have been losing money for many years in the Northern Territory. They have pursued a continuous campaign over a period of many years to reinvest in the property, particularly to bring their stock and their assets up to scratch. They believe that the returns will come in the longer term, as the world population and demand for beef grows and as properties become more efficient and produce better animals.

I reject the view put forward by the member for MacDonnell that there is no such thing as an acceptable and responsible absentee landlord. When claiming that an irresponsible lessee might deliberately overgraze a property in a serious manner in order to reap profits without regard to the condition of the land at all, the member overlooked not only the act before us but the very strong regulations under acts such as the Soil Conservation and Land Utilisation Act. By these, the government can order destocking programs and other requirements can be put upon a lessee in the event of his not acting responsibly. There is also legislation controlling the spread of noxious weeds and the use of water in the Northern Territory. There is other legislation, such as the Bushfires Control Act, which could be brought to bear on people who act irresponsibly. It is not, as some would have us believe, simply a case of handing somebody a perpetual title to a piece of land and, despite the fact that it has conditions on it, he can do as he pleases. That will not be the case.

As a final step, in this bill, there is a power for the government to take action itself in cases of emergency. In my second-reading speech, an example was given of fences being in bad repair or being destroyed. This may have had the effect of allowing diseased cattle to spread amongst healthy cattle. In such a situation, the normal service of notices to and fro between the government and lessee asking him to do the work would be quite useless to rectify the situation. We could have the work done expeditiously and make claims upon the lessee at a later time.

Mr Speaker, the member for Tiwi - and I give credit to her for her attention to detail on this subject that is obviously dear to her heart - sought clarification of the reference to a senior member in the Land Board as distinct from a person who is not a senior member. The minister appoints some members of the Land Board to be senior members and, from amongst those, can be drawn a Chairman of the Land Board. Honourable members will be aware that more than one Land Board may sit at a time.

The member for Tiwi also made a good point which I have not at this stage followed up in detail. She said that the penalty of up to $2000 for a lessee not notifying the government that he has gone into agricultural use on his land would seem to be a bit inequitable. I do not propose to change that proposal at present. It is the sort of thing that could be picked up in a future amendment. However, without discussing it further with my officers, it does seem that she had a point in that it is a harsh penalty, even though the maximum would not necessarily be imposed, simply because a person had used a pastoral lease for an agricultural purpose without notifying the government.

The member for Nightcliff raised the question of the multiple use of land. Nothing in this bill, as I read it, really takes away from the potential for land to be used for a multitude of purposes. Indeed, this government has always encouraged pastoralists, where it is appropriate, to use parts of

their land for other purposes. There are a number of small tourist ventures which have been established. There are agricultural ventures here and there on land which has been excised from the pastoral lease and given some other form of tenure. There is a provision in the act which enables a pastoralist not only to apply for an excision from his pastoral lease to be used for another purpose - and excisions are handy if money has to be borrowed for another purpose and collateral is required - but also to simply apply to the minister for permission to use his land for purposes other than pastoral. It can simply take the form of a letter from the minister giving that approval. Conditions may be placed on it. That was inserted so that tourism and perhaps other activities may be conducted on pastoral land in conjunction with its being a pastoral lease. It could be running a ranch for horse riding. Prior to that amendment, a lessee could face, in an extreme case, possible forfeiture of his lease for using it for other than pastoral purposes. That was quite silly. The government encourages the use of pastoral land for other purposes wherever it is economically viable. Wherever a lessee or a pastoralist wants to do that, we do not normally stand in his way.

Mr Speaker, in closing, could I just confirm to honourable members opposite that conversion to perpetual tenure under this system is not automatic. It will involve, in most cases, considerable money and work on the part of pastoralists to get their properties into shape so that they will be prepared to ask the Land Board for an inspection and a recommendation for conversion to perpetual tenure. There are some lessees who have always greatly exceeded the covenants required of them. They have more bores and, in some cases, homesteads, fences and stocking yards than has been required of them. After the necessary inspections by the Conservation Commission etc, those lessees will probably be eligible to have perpetual tenure granted to them fairly quickly. It is not an automatic right. Some lessees may never be able to obtain perpetual tenure because, in today's economic climate, they cannot raise money from the product of the land to have capital to invest further in the land. In many cases, that will be required.

Looking at the proposed amendments, the opposition seeks to put back in the legislation provisions whereby a perpetual pastoral lease could be forfeited for breaches of covenants. I could not help but reflect on a number of the issues relating to Aboriginals owning pastoral properties in the Northern Territory and their potential for conversion to Aboriginal inalienable freehold. The ALP argues that the very nature of the tenure that Aboriginals hold is so important because of the circumstances involved in their situation. Inalienable freehold is essential to them. The ALP argues that ordinary freehold is just not good enough for Aboriginals. When we say that perpetual leasehold without the threat of possible forfeiture is what the pastoralists expect and indeed what they should have, we have the opposition moving an amendment implying that the land would be too secure. I think that is monstrous.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

New clause 1A:

Mr PERRON: I move amendment 113.1.

This amendment inserts a new clause 1A. By way of explanation, amendments will be required to regulations under the Crown Lands Act as a result of this bill. Generally, these amendments will be restricted to the operation of the Land Board. However, there is a chance that they will not be drafted for a while after this sittings of the Assembly. The commencement of the act should wait until the regulations are ready for submission to Executive Council.

New clause 1A agreed to.

Clause 2 agreed to.

New clause 2A:

Mr PERRON: I move amendment 113.2.

This would insert a new clause 2A. In explanation, one of the major features of the bill is the granting of perpetual pastoral leases. The concept of 'perpetual' must be defined.

New clause 2A agreed to.

Clause 3 agreed to.

Clause 4:

Mr PERRON: I move amendment 113.3.

These 2 new subclauses ensure that the position of chairman can always be filled by the deputy chairman in the absence of the chairman. This will apply to meetings or sittings of the Land Board.

Mrs LAWRIE: Mr Chairman, I have a query on proposed subsection 9(2B) in this amendment: 'An act done by the deputy chairman in pursuance of subsection (2A) shall not be called in question on the ground that the occasion for the deputy chairman so acting had not arisen or had ceased'. I do not quite understand why that provision is to be included. If the need for the deputy chairman to act had ceased, why could it not be called in question? The deputy chairman, as I understand it, is to chair when the chairman is absent or unable to perform his duties. If he is not absent and the deputy chairman acts, I cannot see why his actions should not be called into question. Really, I am saying that I do not know why (2B) exists.

Mr PERRON: Mr Chairman, I will try to put it another way. The reason for the deputy chairman so acting would not in fact nullify the decisions or proceedings of the board upon the chairman's return. For example, the board's deliberations are not invalidated by the fact that either the chairman returns whilst the deputy chairman is still in the chair or the deputy chairman is found to be in the chair because the chairman is unable to perform his duties or is absent from the Territory but returns to resume his duties. The board would not have to grind to a halt and start again because suddenly the chairman is available.

Amendment agreed to.

Mr PERRON: I move amendment 113.4.

Proposed new subsections (3) and (7) refer only to meetings of the board. It is sought to omit these words from (3) because the situation where the

deputy chairman, in the absence of the chairman, may act as chairman is catered for by the definition of 'chairman'.

Amendment agreed to.

Mr PERRON: I move amendment 113.5.

This amendment would include the word 'also' to ensure a chairman has a general vote as well as a casting vote.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr PERRON: I move amendment 113.6.

To enable the consistent and smooth operation of the board, it is desirable that the chairman be directly responsible for questions and matters referred to the board.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8:

Mr PERRON: I move amendment 113.7.

Under the existing procedure in section 10B, where the lessee of a pastoral lease successfully applies for an adjoining area of uneconomic land, it is for the pastoral lessee to surrender his pastoral lease and a new pastoral lease to be issued which includes the area of uneconomic land. New subsection (2) is specific in that only an applicant who is the holder of an adjoining pastoral lease may apply. The land applied for will not be granted as a pastoral lease but merely as land that will be added to the existing pastoral lease by a process described in new subsections (6) and (7) of section 10B.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

New clause 9A:

Mr PERRON: I move amendment 113.8.

This amendment is consistent with other amendments in the bill which will omit forfeiture as a penalty for perpetual pastoral leases. The unpaid rent will be a debt owing to the Crown and can be recovered by court action.

New clause 9A agreed to.

Clause 10:

Mr PERRON: I move amendment 113.9.

Proposed section 24A(3)(c) is amended by inserting a new situation in which the lessee may default. In the original bill, where a lessee did not comply with proposed section 24A(2), the minister would again initiate action under 24A(1). It is not considered that such a lessee should be dealt with more severely. Proposed subsection (3) now means that, if no explanation is received or if the minister is not satisfied with an explanation received or a direction to comply with a covenant or condition, 24A(2) is disregarded. The minister in his discretion may direct the lessee to rectify the breach within a specified period or the lease - and this will not apply to a perpetual pastoral lease - may be forfeited.

Mrs LAWRIE: Mr Chairman, I understand this amendment and support it but I would ask the honourable minister what the government considers should be done in the case of a perpetual lease where, for example, the lessee does not comply with a government direction for control of the noxious weed or specified disease or pest which may occur on his property, and where he is almost insolvent and, therefore, monetary penalties have no effect because he does not have any money anyway. That is not an unusual position for a pastoralist to be in. What action can the government take if forfeiture is not available and monetary penalties have no relevance at all?

Mr PERRON: Mr Speaker, in the situation described by the honourable member for Nightcliff, the person's business could be wound up and the property sold. If circumstances required it, the government could take action on the land itself. The last resort for a situation which is completely untenable so far as public interest is concerned is for the government to intervene completely on the matter and use its power of acquisition. If a leaseholder does not have money to pay penalty fines for breaches, he would not have the land for that long either.

Mr SMITH: Mr Chairman, I suspect that, if this amendment is passed, it would preclude me from moving amendments 136.1, 136.2 and 136.3, so I will take the opportunity to speak at this stage about the reasons why we wanted to leave in forfeiture provisions for perpetual leases.

I think our starting point, as I mentioned in my second-reading speech, is the Martin Report where it said: 'The fact that there have been few forfeitures leads the committee to believe that the threat of that ultimate sanction has been a powerful aid to government in ensuring the development of pastoral leases'. I issued the honourable minister the invitation to address himself to the Martin Report and the reasons why the government had not accepted that recommendation of the Martin Report, being one of only 1 or 2 recommendations of the Martin Report that they have not accepted, but the honourable minister did not accept my invitation. I invite him to do so now because he still has not provided to the Assembly a good reason why the government is taking out the forfeiture provision. I also remind the honourable minister that, in my reading of the bill, there is no power for the government to vary covenants once a perpetual lease has been granted. We would be happier if the power to vary covenants on a regular basis was provided for perpetual leases, but that power does not exist either.

Mr Chairman, speaking more generally, what has prompted us to seek the reinstatement of forfeiture provisions is that it is an obvious trend that more and more pastoral properties in the Northern Territory are becoming

owned by interstate and foreign companies. I accept the point of the minister that foreign companies in a number of cases have done a good job in developing their properties and have exceeded their covenants. We recognise that and we have never spoken, at least in my time in the Assembly, against the influx of foreign money into the development of pastoral properties. Obviously, within limits, that is good and should be encouraged. What will happen with this increasing domination of money from outside the Territory in the pastoral industry is that decisions will be taken on investment grounds and not necessarily in the interests of the Territory.

We all know that the cattle industry is a cyclical industry. But the cattle industry from time to time goes through bad times. It is in those bad times that a lot of people who are making investment decisions might decide, particularly if they were from outside the Territory, that they will not put in the necessary money to keep to their covenants. It is the profit-based motive. I think a good example of the ruthlessness of people who make these types of decisions on whether they will or will not invest money is the recent decision to change the Women's Weekly from a weekly to a monthly. Here we have a market leader in the weekly women's magazine market making a decision on purely economic grounds that it will become a monthly. As a result, a printing house in Sydney has closed down. It employed 200 to 300 people. Another 30 or 40 journalists and others were put out of work. The decision taken by the Women's Weekly publishers was not in the best interests of the wider public at this time, particularly because of the economic climate.

I am afraid that, from time to time, similar sorts of decisions may be taken in the Northern Territory by these large interstate and international companies. Certainly, the financial penalties, $46 500, will not be of much concern to Nelson Bunker Hunt, holed up in his latest tax haven, if he decides that, because of the downturn in the cattle market at any one time, there is no economic advantage in it for him to keep to his covenants.

We submit that, if there is a case of wilful and persistent refusal to meet the covenants, the forfeiture provision should be there. The Martin Report accepts that. We use the words 'wilful and persistent breaches' carefully because we certainly have no intention of disadvantaging the small local pastoralist. Certainly it would be a defence in the short term if that pastoralist, because of the economic situation that he is in, was having financial difficulties finding the necessary money to make the improvements. But for large companies to make the decision purely on an economic, profit-making basis, whilst having sufficient assets to do the necessary upgrading to ensure that the covenants are met, is a different sort of story.

As I said in my second-reading speech, we accept that the institution of the financial penalties does provide an extra element to encourage pastoralists to meet their covenants. It is our view that a combination of the 3 steps - the warnings, the financial penalties and the ultimate resort, forfeiture - constitutes a just and equitable situation. In his last comments, the honourable minister almost seemed to agree. He accepted that there could be cases where the government wanted to take away a property from its owners and he thought that, in that situation, the government would acquire the property. I submit that, in that situation, it is much more sensible, easier and probably cheaper to have the forfeiture of perpetual leases provision in the act.

Mr TUXWORTH: I would just like to comment on a point the honourable

member made when reflecting on a firm which runs a station in my electorate. The member for Millner just implied that Nelson Bunker Hunt would not care less about what happened to his property in the Northern Territory if it was in the interests of his bottom line. From my limited experience with Nelson Bunker Hunt, and the way he runs one property in my electorate, if the 400 stations in the Northern Territory were run in that way, we would not have a cattle industry problem. From my experience, Nelson Bunker Hunt has ploughed money into his property from the day he bought it 10 years ago. In good times and in bad, he has invested in fences and bores, he has upgraded the herd and he has set an example that many people around him would very much like to follow and regret they cannot. I find that the reference to him in this particular case is unfortunate.

Mr PERRON: Mr Chairman, it is quite clear from the statements by the honourable member for Millner that we are so far apart on this question of what degree economics should play in the administration of the country that we obviously will never agree. In my second-reading speech, I said that it is considered that a properly-administered system of monetary fines is what is necessary to effectively control a property which is being granted the ultimate in rural land lease tenure. I can assure the honourable member that, with a penalty of $46 500 in the first year and thereafter $36 500, it would not take very long to eat up the average pastoral property. We would own it by virtue of the debts that would be owed to us. A property which is abandoned to the stage whereby it would be forfeited would be really quite a worthless property. People do not neglect properties that are of any value. Those on the bottom rung really are on the bottom rung and you can pick them up sometimes for the price of 3 or 4 houses.

Further, there is a very important point from the government's point of view. In a national press release by the Chief Minister on Aboriginal land rights, it was stated amongst other things that the government proposed to offer perpetual tenure to Aboriginal pastoral leases without forfeiture provisions. I am sure the honourable members opposite would not like us to go back on that undertaking which stands to this day.

Amendment agreed to.

Mr PERRON: I move amendment 113.10.

This amendment is consequential to a previous amendment.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 113.11.

Again, this is a minor amendment changing an '(a)' to a '(d)' and it is consequential to a previous amendment.

Amendment agreed to.

Mr PERRON: I move amendment 113.12.

Again, this would change a letter '(b)' to an '(e)'.

Amendment agreed to.

Mr ROBERTSON: Mr Chairman, I assume I can now talk about the Martin Report briefly since this matter was raised. My belief is that the Martin

Report was making a fairly light reference to its view that the forfeiture provisions acted as a disincentive to ignore the covenant provisions. I would suggest that is rather like saying the Smith Street Mall is a disincentive to elephants because we do not find any elephants in the Smith Street Mall. Of course, the honourable member for Millner read only part of the Martin Report and read it out of context. I thought that was the propensity of the Leader of the Opposition and not the member for Millner. If we look at page 86 of the report, there is a recommendation that the Crown Lands Act be amended to allow lessees to be fined as an alternative to forfeiture for non-compliance with a lease covenant.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13:

Mr PERRON: Mr Chairman, this amendment has not been circulated. I point out to the committee that proposed section 37(a) is a reference to omitting division 1 and substituting division 3. I am advised that this need not be proceeded with because it was corrected by the Statute Law Revision Act at the last sittings. I move that proposed section 37(a) be removed from the bill.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr PERRON: I move amendment 113.13.

An amendment is required here because the draftsman decided a perpetual pastoral lease should be defined. Members will recall that we put in a definition of 'perpetual' in the beginning of this bill. Although this bill will see the demise of the existing term pastoral leases that do not convert to perpetual pastoral leases before the end of their term, the government will have the ability to issue new term pastoral leases; for example, the creation of new leases over vacant Crown land, the subdivision of existing pastoral leases and the reoffering of lapsed or forfeited leases. Therefore, the existing term pastoral leases still need to be retained.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Mr PERRON: I move amendment 113.14.

This is a drafting amendment.

Amendment agreed to.

Mr PERRON: I move amendment 113.15.

The paragraph relates more specifically to a lessee rather than to a lease.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16:

Mr PERRON: Mr Chairman, in clause 16, members will note in proposed new section 38AA(1)(a) a reference to section 24A(3)(a). I am informed that the (a) should be (d). I therefore move that clause 16 of the bill be amended so that 'section 24A(3)(a)' appearing in proposed new section 38AA(1)(a) be read as 'section 24A(3)(d)'.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clauses 17 and 18 agreed to.

Clause 19:

Mr PERRON: I move amendment 113.16.

This is a drafting error. The word 'perpetual' is omitted. There is no such word in the principal act. The amendment to the act now refers specifically to a perpetual pastoral lease rather than to a new pastoral lease.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20:

Mr PERRON: I move amendment 123.17.

This corrects a drafting error. The proposed new section more correctly relates to the sequence of events in a lease offer. The applicants must be advised of the proposed lease conditions before a grant of a lease is made. The conditions may not be acceptable and that is why these new words have been inserted.

Amendment agreed to.

Mr SMITH: I move amendment 136.5.

It is a bit unfortunate that the honourable minister had not seen this proposed amendment until half an hour ago. Concern was expressed that, at the time when reports on areas of interest were due under section 48A - that is, when a perpetual pastoral lease is being sought - the interests of all the groups which might be interested in making a submission to the government at that particular time would not be adequately represented. I think you, Sir, mentioned that the National Trust was concerned that its interests in particular pieces of land might not be adequately catered for in the bill as it stands. My amendment must be read in conjunction with existing 48A. My amendment requires that, when the minister directs the Director of Conservation to examine an area and to report on areas of interest, at that stage the director should place an advertisement in the Gazette and in the newspaper stating that he has made such a request and inviting members of the

public or groups to make submissions to the Director of Conservation. It imposes a time limit of at least 1 month for this process to take place.

All we are doing in the amendment is opening up proposed new section 48A and ensuring that all people who have an interest and all groups which have an interest in a particular 'area of interest' have the opportunity at least to make a submission to the Director of Conservation. It does not change in any way the final decision. That obviously rests with the Director of Conservation reporting to the minister and then the minister making the decision on what areas of interest should be declared on that particular perpetual pastoral lease, but it certainly does provide for a greater opportunity for members of the public and groups to make an input into that process.

Mr PERRON: Mr Chairman, the government opposes the amendment. From our point of view, the Conservation Commission is a very well-respected statutory authority in the community which performs its work excellently. It is involved in the area of public recreation and public interest, including areas of historical interest. The thing that immediately comes to mind when one thinks of the Conservation Commission and its activities is the old telegraph station at Alice Springs. In addition to that, the Conservation Commission is undertaking historical work of major significance at Altunga out from Alice Springs. The Conservation Commission is also handling the historical aspects of the identification and preservation of the ruins of Port Victoria on the Cobourg Peninsula.

Certainly, the Conservation Commission is no stranger to the historical aspects of the Northern Territory nor to recreational aspects, including fishing, because indeed its rangers are very experienced people and do their jobs very well. The Conservation Commission, in examining a property - which it must do under this provision when directed by the minister to file a report to him - will do the job very thoroughly. I can assure honourable members of that as I have had much experience with the Conservation Commission and its fine work.

Amendment negatived.

Clause 20, as amended, agreed to.

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

In Assembly:

Bill reported; report adopted.

Mr SMITH (Millner): Mr Speaker, I would like to take the opportunity to refer to the minister's selective quotation from the Martin Report. From memory, he said the Martin Report recommended that financial penalties should be introduced as an alternative to forfeiture. Mr Speaker, we have accepted that point and, in fact, congratulated the government on introducing financial penalties. However, the Martin Report says as 'an alternative to forfeiture' and not to the exclusion of forfeiture. I suggest that the honourable minister has misread the intention of the Martin Report which is clearly laid out in other parts of it.

Bill read a third time.

ADJOURNMENT

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

Mrs LAWRIE (Nightcliff): Mr Speaker, over the past months, I have asked a series of questions and issued press releases relating to the Grumman Trackers. On Wednesday 17 November, I asked my perennial question of the honourable Chief Minister as to whether he had received any advice from the Minister for Defence on the possible return of the Grumman Trackers. In his reply, the Chief Minister indicated he had not and went on to say that he had always been quite favourably disposed to the idea and had pressed the minister to base the Grumman Trackers here on the basis that they did not supplant the existing civilian pilots and operations which provide a reasonable level of surveillance within the constraints that are placed on them.

Mr Speaker, there are 2 points that I want to pick up from the honourable Chief Minister's reply. Firstly, when they were here, they did not supplant civilian aircraft but were part of the surveillance of the northern coastline. The operations of Grumman Trackers and civilian aircraft are not mutually exclusive so the point that he was perhaps attempting to make there is not valid. The Grumman Trackers do not conduct surveillance exclusively. The 2 arms of the surveillance team worked side by side. The honourable Chief Minister also said in relation to civilian surveillance, 'within the constraints that were placed on them'. I have made the point time and time again that service aircraft do not have the same constraints placed upon them by the civil authorities as do civilian aircraft. I assumed that the honourable Chief Minister would be well aware of these points and would have given greater support to the return of the Grumman Trackers. In case he missed my earlier remarks when he was walking in, I stated that, when the Grumman Trackers were here before, they were complementary to civilian surveillance and the 2 are not mutually exclusive.

To give some thrust to the continued case for the return of the Grumman Trackers, perhaps it would assist honourable members to make up their minds as to whether to support this or not if they learnt a little more about them. The trackers are all-weather, anti-submarine aircraft which are capable of conducting coastal and medium-range surveillance missions. It is well known to all of us that they have very good search and rescue capabilities. The aircraft is equipped with all-round radar and other sophisticated electronic sensors which can detect small surface and airborne contacts both by day and, more importantly, by night. A pilot, navigator and 2 observers operate the aircraft and its systems as well as maintaining a visual watch. Honourable members will remember that, when the Grumman Trackers were based here, they had an enviable record in the task they performed.

Mr Speaker, the forces would not wish to see their planes returned to Darwin and completely usurp the role of civilian aircraft presently engaged in surveillance. I do not think anyone has ever suggested that. But certainly it seems a gross waste of taxpayers' money to have 13 of these sophisticated planes, their spares and their crews, all of whom have been trained to do a particular job, on standby at Nowra doing nothing. Of course, it is not only the Darwin coastline that we are talking about now but also the north of Western Australia and Queensland which would benefit from the added surveillance capability of these navy aircraft. When we look at the role they could carry out, quite obviously they would expand the surveillance capability we enjoy at the moment by increasing the frequency of flights. As before, they would carry out close support duties with naval vessels conducting similar operations. This is why the defence forces - not simply the navy, but

the army and the airforce as well - work closely together on surveillance operations. Most certainly, they would be there to carry out sensitive surveillance operations for other federal government agencies, and the obvious one which comes to mind is the Australian Customs Service. They would back up what surveillance exists at the moment in the event of detections needing continuous tracking, which is a difficult procedure. They would be brought in when aircraft are found to be unserviceable. This happens to all aircraft, civilian, naval and RAAF aircraft alike. A couple of advantages of these planes are their ability to carry large internal and external disposable search-and-rescue equipment and to relocate datum areas by using long-life search-and-rescue beacons. The honourable the Minister for Education would be well aware of these things as he has an obvious interest in aviation.

Mr Speaker, the high standard of training given to the people operating these naval aircraft can only assist northern Australia in maintaining adequate surveillance. As I said at the outset, and the honourable Chief Minister indicated, if they were brought back here to operate alongside civilian aircraft, they would not be subjected to the same disciplines and impositions placed upon civilian aircraft by the relevant government authority. In particular, we must consider the restrictions placed on civilian aircraft in regard to night operations, low-level operations - most of us who have been here a while are aware that the RAAF and naval aircraft do not operate within the normal low-level flying restrictions - their ability to operate in adverse weather conditions and also to drop articles. Service aircraft are not as stringently covered as are civilian aircraft.

Given the added advantages of having the Grumman Trackers back with their personnel, their spares and specialist equipment, particularly in relation to submarine detection, one would hope that the Minister for Defence, when he has had time to study the report on fixed-wing aircraft, would deploy in northern Australia these aircraft which are not being used at present.

I have noted with interest the remarks of the honourable Chief Minister that much will depend upon whether or not Australia enters negotiations for the purchase, supply or building of another aircraft carrier - whether it will operate with fixed or rotary-winged aircraft. However, whilst these deliberations are taking place, the aircraft and their crews are sitting doing nothing. These deliberations may take another 3 years before this country knows where it is going in regard to an aircraft carrier. Meanwhile, surely it would be in all our interests to have the Grumman Trackers usefully employed in the north. I mentioned earlier in one of these debates that I had received advice from the Premier of Western Australia that he supports what I am saying and he has approached the federal government in that regard. The advice I received from Queensland was generally favourable but was not specific. That was the difference between the 2 governments.

I hope that the Chief Minister will consider the points I have raised and the particular advantages of having these service aircraft brought back to the north. I hope he will remember the role they played in conjunction with civilian aircraft before they were sent south in 1980 and will again request the Minister for Defence to make a decision in this regard even if the decision is that they be redeployed here pending a final decision on an aircraft carrier.

Mr BELL (MacDonnell): Mr Deputy Speaker, this morning, I asked a question of the honourable Minister for Community Development which he dealt with a perfunctoriness that was quite amazing. I asked whether he had received advice from his department about the provision of ablution facilities at the

Karguru bush camp in Tennant Creek. He said that he had not received advice. I then asked him if he would undertake to solicit such advice from his department because my information is that these particular ablution facilities are sorely needed in that particular place. I was very disappointed that the honourable minister, instead of facing up squarely to the question I asked, decided to do a bit of duck shoving. I am not sure whether he bleated about the status of the land, whatever that is supposed to mean, or the status of the people. Let me advise the minister that there are certain aspects of the needs of the people in that particular camp that should be taken into consideration by him. I would suggest that he obtain relevant advice from his department about the number of people there, their tribal background and their attachment to traditional country that has resulted in those people living at the Karguru bush camp. I understand that there are officers of the honourable minister's department resident in Tennant Creek who would be quite able to provide him with that information. I hope that he will endeavour to obtain it because ablution facilities in particular are sorely needed there.

You may ask, Mr Deputy Speaker, why no facilities have been provided hitherto bearing in mind that there is quite a large community there. At present, there is 1 tap for water and 3 pan toilets. These are scarcely adequate ablution facilities. I am sure you will ask, Mr Deputy Speaker, why a community must put up with the lack of those facilities in 1982. Of course, there is also the consequent poor health standard. In answering the question as to why the facilities are not there, I think that we should turn to the honourable Minister for Lands and Housing. I do not know whether he is aware of it but it is suffice to say that a decision has been made to prevent a lease being granted to those particular people. I understand that the application was made as early as January this year and that a group of people was advised in October that the application had been rejected. On one hand, we have the Minister for Community Development who has the responsibility to ameliorate the substandard and inhuman conditions but, on the other hand, we have the Minister for Lands and Housing preventing the provision of adequate facilities by refusing to grant a lease to this particular group of people.

Actually quite an array on the front bench are involved in this, Mr Deputy Speaker. As you will be aware, the Karguru bush camp is in the electorate of the member for Barkly whom some have been cruel enough to describe as not being a particularly local member. However, whether he chooses to investigate it as the member for Barkly or as the Minister for Health, I think he would be fairly appalled by the incidence of illness amongst that particular group. I intend placing on notice questions relating to that group so that some hard facts are obtained. I will certainly look forward to the answer from the honourable minister's department.

In closing, Mr Deputy Speaker, I would call on the honourable Minister for Community Development again to solicit from his department information about the living standards of these people and have a chat with his colleague, the Minister for Lands and Housing, to see if something can be worked out as far as the lease is concerned so that these people can get the ablution facilities they need. He might have a chat to his other colleague and find out exactly how badly off these people are and how much the honourable member knows about it.

Mr PERRON (Stuart Park): Mr Deputy Speaker, I rise today to claim that I have been misrepresented and perhaps to try to put the record straight. It seems a bit odd in that, though I am supposed to have said certain things, the Hansard clearly shows that I did not. I am rising to my feet to have recorded in Hansard what I did not say. It is probably a fairly fruitless exercise but I will go through with it anyway.

Mr Deputy Speaker, on Wednesday 17 November, I spoke in the Assembly on the subject of unemployment in Australia and stated my belief that the changed social pattern, whereby it has become quite acceptable, and in some cases even fashionable, to have 2 working partners in the family, is a significant contribution to the unemployment situation in Australia today. For that reason, I believe we will never return to the days long past when we had what was termed full employment because I just do not think the country can employ every adult who cares to work. Mr Deputy Chairman, at no stage in the entire debate - and Hansard will verify this - did I say for a moment that I opposed the concept of 2 parties working in a family. Unfortunately, the Northern Territory News in an editorial last Friday gave me a fairly stiff serve and said I was naive to think that this was a contributor to unemployment. I do think that. More importantly, it put forward the view that I was against dual income families. The implication was there, of course, that I was against married women working. Today, the honourable member for Nightcliff, who has less excuse than the Editor of the News to make such a statement, supported his views.

I can understand why the Editor of the News was wrong - I doubt that he read Hansard. I am sure he did not because, if he had, he would have had no reason to say the things he did in interpreting my attitude. However, the honourable member for Nightcliff, who was here when I made the speech and has very ready access to the daily Hansard, would know that at no stage did I imply that I was against 2 parties in a family working. I certainly did not say that I was against women working. As has been pointed out, my wife and I have worked together in the past and, clearly it would be absurd for me to say that I oppose this principle when in fact I indulge in it.

I wish to place on record my disappointment at being misrepresented. All I said on that subject is that it is sad that, in families where both partners work, often children as young as 6 months were placed in creches and, in all likelihood, stayed there on a daily basis until they went to pre-school. I still believe that those situations are sad but I do not think that my comments in any way indicated criticism of women in the workforce. I have not changed my view that working families contribute to the level of unemployment.

Of course, I was criticised - and I guess I expected it - because I dared speak on a subject like this when I receive what the community would regard as a very substantial income. I do receive a substantial income, Mr Deputy Speaker. If that fact alone is supposed to prevent a member of this Assembly from speaking about matters of poverty, matters of work performance or matters of value for money in employing people, then it is sad. The day we all shut up because we are getting $50 000 or $70 000 a year will be a day of shame. I urge honourable members who feel strongly on subjects like this to speak out despite the fact that they will be criticised because of their income. People must say the things that they feel strongly about because the country's problems will be more readily solved by airing all points of view.

Mr TUXWORTH (Barkly): Mr Deputy Speaker, I would just like to speak for a moment about a debate that is likely to come on tomorrow. The Leader of the Opposition has not been with us most of the day and I guess that is understandable in that he was probably preparing his speech for tomorrow. I am not reflecting on the honourable member about that at all. He said the other day that he could talk for half a day or more on the problem of Aboriginal land rights and perhaps tomorrow he plans to do that.

I would like to raise some points with him this afternoon so that he can address them in his speech tomorrow. I do not need him to speak for 4 hours

or more about the complexities of the land rights issue in the Northern Territory but I do have some questions that he may care to answer that would be helpful to me and to people who live in my electorate. The other day I asked these questions of him and members of his party but, in all fairness, they did not have notice of them and it was not possible for some of them to respond. So, to lay the cards on the table, I thought I would ask the questions tonight. I have also put them in written form so that honourable members might ponder them tonight, if they so wish, and comment on them tomorrow. For the benefit of Hansard, I will run through them now. If an attendant would be kind enough to hand them out to the other side for me, I would be grateful.

During the recent debate, the Leader of the Opposition felt that there was a need for change to the Land Rights Act. I would like to ask what his perception of the kind of amendments are that we need and what amendments would he propose. So far as Aboriginals are concerned who live on land, have worked it as pastoralists, and who can have the land taken away from them because of a weakness in the existing act, I would pose the question for the honourable Leader of the Opposition to answer tomorrow: is that fair and reasonable and does he believe that land claims over pastoral leases ...

Ms D'ROZARIO: A point of order, Mr Deputy Speaker!

Mr DEPUTY SPEAKER: What is the point of order?

Ms D'ROZARIO: Standing Orders prevent the pre-empting of a debate which is on the Notice Paper for the next day.

Mr DEPUTY SPEAKER: The point of order is upheld.

Mr TUXWORTH: Mr Deputy Speaker, I am trying to put forward some points that I think might be addressed in the debate to make it more intelligent rather than have somebody try and answer them off the top of his head.

Mr DEPUTY SPEAKER: The point of order is upheld.

Mr TUXWORTH: Mr Deputy Speaker, I wish to cover some issues that I believe are particularly important in today's environment. I raise them from the point of view of my electorate because people there are interested in the things that are going on in the Northern Territory. For the benefit of honourable members opposite, my constituents are particularly concerned about the state of the nation and things that are happening. They are keen to learn about the attitude of the ALP in relation to certain events and circumstances that surround us in the electorate. I do not wish to refer in any way at all to a debate that has taken place today or one that is likely to take place tomorrow. I will just talk about circumstances as they exist and ask honourable members opposite to tell me, at their leisure, about some matters that are really important to my constituents. That would be helpful to me.

I would like to know from honourable members opposite what perception they would have of amending the Land Rights Act and how they would see those amendments being introduced or handled by the respective federal and state governments. I would also like to ...

Mr LEO: A point of order, Mr Deputy Speaker! Clearly the honourable minister is flaunting your previous ruling. He is reading straight from the same document.

Mr DEPUTY SPEAKER: There is no point of order.

Mr TUXWORTH: I would like to pose another question to all members of the Assembly. Is it equitable for Aboriginals who have worked the land for many years to be deprived of that land because they are Aboriginals? I would like to hear from all members of the Assembly whether they believe that is equitable. As you would be aware, Sir, there are people in my electorate who have been working their properties for 70 years and are about to have them claimed under the Land Rights Act. The claim would be made legitimate by virtue of the fact that the claimants are Aboriginals and their land was held in a family trust. I would appreciate knowing whether members share my concern about the inequity of that.

To get a feeling for the matter, I would also like to know from honourable members whether there should be cut-off dates for the lodgement of claims. If people agree with a cut-off date, that is fine. I would like to know what date they see as being reasonable. If they do not agree, then perhaps they could explain to me what is unreasonable about having a cut-off date. I also wish to know whether honourable members believe that claims should be lodged repeatedly for land that has been lost under claim. That is a matter of concern to people in my constituency. It is not an unreasonable question to ask and I think that it would be helpful if members addressed themselves to it.

Another issue relates to productive land that has been purchased for or on behalf of Aboriginals being converted to freehold title and subsequently lost as productive land. I wonder whether members subscribe to that prospect or whether they consider it unreasonable.

Mr Deputy Speaker, I would also ask honourable members what their thoughts are in regard to the prospect of Northern Territory parks, created under Territory law, being converted to Aboriginal land. I think it is also reasonable for me to ask for comment at some time on whether Territory parks that have been set aside for the benefit of the whole community should be claimed at all. If there are reasons why they should not be claimed, I would be keen to hear them.

I would also be interested to hear members of the opposition put forward their views on what conditions they would negotiate for with the federal government and the land councils in a package for amending the Aboriginal Land Rights Act if they were in government. It is all very well for people to say: 'Oh, it's easy. We can amend the act. We are suitably equipped to do it because we have the ability and all the answers'. That depends on one's perception of what the answers are. If the honourable members could let me know their views on that, I would be grateful.

For the benefit of my constituents, many of whom operate cattle stations, I would like to know whether members of this Assembly, particularly the members of the opposition, believe that areas on cattle stations should be acquired compulsorily for the benefit of Aboriginal communities that have lived there for some time. If the honourable members opposite subscribe to that view, I would be interested to hear how they would do it and what their conditions of acquisition would be.

Also, I would put it to honourable members opposite that the Territory community as a whole is particularly keen to hear what sort of package they would negotiate with the Aboriginal land councils and the Commonwealth government, in toto, if they had the opportunity as a government. Mr Deputy Speaker, I know that that is not likely but we must consider all contingencies,

even the most remote.

I am not setting out tonight to be offensive. I am asking pretty simple questions which thousands of people in my electorate are asking. They are not unreasonable questions for people to have answered. If honourable members will address themselves to these matters, in the event of any opportunity becoming available for us to discuss the matter, we might have some rational debate.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, the reason for asking the honourable Chief Minister the question this morning about the conditions for keeping animals at Jabiru was to point out the restrictions at Jabiru on things that other Territorians regard as part of ordinary, everyday life.

For some time now, I have been receiving requests for help from constituents at Jabiru who wish to keep pets which they kept before moving to Jabiru, and also to find out if they can keep other animals for recreational purposes. I have had several requests, particularly from young people, about keeping horses at Jabiru. As the law stands in relation to keeping horses at Jabiru, it is just not allowed. That is because the Australian National Parks and Wildlife Service is worried that horses, being herbivorous animals which eat hay and grain, could deposit in the park by means of their faeces seeds which are not native to the area. That is a possibility but I do not think the pollution in the bush would be as great as the people in the National Parks and Wildlife Service would have us believe.

The pollution of the Kakadu National Park which would follow from the keeping of horses would be no worse than the pollution by ordinary people in ordinary, everyday life. The facts of the matter have to be taken into consideration in that there is a town in the middle of a national park which has the figure of 3500 as its maximum population. I do not know whether this figure will be changed in the future. However, whether we like it or not, these people will have some impact on the surrounds.

So many people who come to the Territory want us to leave the Territory exactly as it was centuries ago. Whilst I do not want to see the Territory mucked up for future generations, nevertheless, I think a little common sense must come into the whole situation. We are humans and, because we are living, we change our surroundings.

I think a much more sensible approach to the whole matter would be for the Australian National Parks and Wildlife Service to allow animals to be kept, but to monitor the situation. Apparently, the keeping of animals and birds for private and recreational purposes can be of psychological benefit. Doctors are now recognising that pets contribute in no small way to mental and physical well-being.

I have spoken before about the restrictions placed on the people at Jabiru. Jabiru is a lovely place. The people have facilities which are second to none in the Territory and Australia. They live in houses which are second to none. They have good roads and good services. Nevertheless, unnecessary and nitpicking little restrictions still surround them. It was brought home to me yet again recently at Jabiru. I have mentioned before, as has the Chief Minister, that there is no public accommodation in the town of Jabiru. That is another little nitpicking restriction placed on the residents of Jabiru by the Australian National Parks and Wildlife Service.

Mr Deputy Speaker, the more that recreation becomes of importance in

everyday life for people and the more free time they have because of shorter working hours, the more they will seek to fill in their free time. They will first investigate recreational possibilities close to where they live and then they will go further afield. That is the reason why we have so many tourists coming to the Territory: they want to see something new and interesting. We have to face realities as a community. The tourists are coming in increasing numbers. Facilities for tourists are practically negligible at Jabiru. There is no accommodation in any shape or form. Only by continually working on this problem can we hope to see a solution. I hope the Australian National Parks and Wildlife Service is not really as intransigent in the future as it appears to be at present.

On several occasions, I have spoken in the Assembly about the proliferation of street signs both in the rural area and in suburban areas. Fortunately, this has ceased in the rural area. We do not see the proliferation of street signs and road signs to the extent that we saw them some months ago. However, I have noticed an apparent lack of education on the part of those people who initially write the street signs. I wish to goodness that somebody would consult the old maps, or even the ordinary maps, and get their spelling right. In 5 or 6 instances, the spelling of these names is incorrect. If this sloppy attitude is allowed to continue, there will be gross distortion of very historical place names. That is to be deprecated because much interest is now being shown in the history of the Northern Territory. If the names of streets, roads and areas are bastardised by incorrect spelling, we will not be contributing anything to the accurate recording of history.

I refer particularly to the few signs that I have seen but no doubt there are many others around the Territory. I often drive down the Stuart Highway past Coomalie Creek. The name 'Coomalie' is spelt incorrectly. In the rural area, 'MacIntyre Road' is spelt incorrectly on the street sign. In the northern suburbs - and I stand to be corrected on this - there is a sign for Yanyula Drive and that is spelt incorrectly. I have seen 'Casuarina' spelt incorrectly.

The third subject on which I would like to speak briefly is in relation to an answer that the honourable Minister for Transport and Works gave to a question I asked him about water reticulation in the rural area. He said that, in future, subdividers in the rural area would have to supply water reticulation to the areas they are subdividing. That may sound all very well as far as it goes but, if the developers of land in the rural area have to provide reticulated water, that cannot be considered in isolation. The areas that will be subdivided are not contiguous with each other. It is no good the developer providing reticulated water to the boundary of his subdivision if the government itself does not provide reticulated water to the boundary of the property to be subdivided. I hope that the honourable minister and his officers will give some thought to this in the future.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION
Stuart Park Planning Study

Mr PERRON (Stuart Park): Mr Speaker, I present a petition from 84 citizens of the Northern Territory relating to the Stuart Park Planning Study. 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 the Northern Territory respectfully showeth that the undersigned are aware of the Stuart Park Planning Study currently being displayed for the purpose of development of an 8-storey block of flats R4 zone and strongly object to the proposal. Your petitioners therefore humbly pray that you will cause a public inquiry to be held to ascertain the effects of this plan on the current residents of Stuart Park, and your petitioners, as in duty bound, will ever pray.

TABLED PAPER
Annual Report of TIO 1981-82

Mr PERRON (Treasurer): Mr Speaker, I table the annual report of the Territory Insurance Office for the year ended 30 June 1982.

In tabling this report, I think it is appropriate that the position of the Northern Territory Insurance Office be assessed after 3 years of operation. The Territory Insurance Office has come a long way from its humble beginnings. It was established in July 1979 primarily to provide motor accident compensation benefits on a no-fault basis for all Territorians injured in road accidents, but also to offer general insurance business in the Territory. I am pleased to say that the Territory Insurance Office has been highly successful. In fact, it has been so successful that it is now writing about one third of all general insurance business in the Northern Territory. Premium income has risen from $9m to $15m and net assets have increased by $12m to $26.6m. The Territory Insurance Office has firmly established itself in the local insurance market and has had the desirable effect of promoting competition among the insurance businesses of the Territory.

One of the most pleasing aspects of the TIO growth has been that the Territory money has been reinvested in the Territory and thus Territorians are helping to shape the economic future of Australia. TIO funds have been made available to a local building society for home finance and the TIO supports the Northern Territory government loan. The TIO is a substantial investor in the development of the Yulara Tourist Village in central Australia. The TIO will shortly move to its new headquarters in Smith Street Darwin, an attractive building which allows for the office's future expansion. About one half of the floor space will be available for lease to private tenants.

Mr Speaker, I have a great deal of satisfaction in presenting the third annual report of the TIO. The benefits to Territorians in the continued growth of this enterprise will be obvious to honourable members. I move that the report be noted.

Debate adjourned.

TABLED PAPER
Second Report of the Sessional Committee on the Environment

Mr HARRIS (Port Darwin): Mr Speaker, I present the second report of the Sessional Committee on the Environment and I move that the Assembly take note of the paper.

Motion agreed to.

MINISTERIAL STATEMENT
Improved Services for the Disabled

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, you will recall that, in May 1980, I spoke about the need for improved services to disabled people and their families. Implicit in this was the growing realisation that disabled people wanted the opportunity to take part more fully in all aspects of community life. My statement was a response to the report of the Board of Inquiry into the Welfare Needs of the Northern Territory and the Review of Services for the Handicapped, both concluded in 1979 and which examined the special problems of handicapped persons in the Northern Territory. The reports recognised that the absence of facilities for caring for and rehabilitating disabled persons forced families to seek these services outside the Territory and imposed financial burdens on them. Also, the inadequate access to buildings and facilities in the Territory prohibited disabled people from participating in those basic activities taken for granted by the non-disabled. The special costs associated with disablement were also underlined in these reports and the dearth of funding available to organisations serving the disabled was highlighted. Finally, the lack of coordination, both in policy and services, was criticised as a major stumbling block to an improved situation for the handicapped.

In a statement to members at that time, I announced a range of government initiatives which aimed to overcome these defined problem areas and I would like to report to you now on the progress of those initiatives and, as a consequence of this progress or lack of it, update the government's policy with respect to improved services for disabled people. I take first, Mr Speaker, IYDP. 1981 was designated as the International Year of Disabled Persons. The original designation was 'for' disabled persons not 'of' disabled persons, which immediately aroused the ire of all persons concerned with the year. Again, it seemed as if those persons for whom the year was intended would play a passive role. The fact that the designation was changed signals the new attitude emerging towards disability. IYDP was the catalyst for many initiatives announced in my statement to honourable members.

Access: The building codes were revised to ensure that there was access to all government-owned or occupied buildings. My colleague, the Minister for Transport and Works, asked his department to prepare a study recommending modifications to government-owned buildings for improved access. The study was undertaken in 3 parts: the Darwin area, the main regional centres and remote areas. Stages of the report are being submitted progressively on completion and the government has already taken action on the first recommendations by including $250 000 on the 1982-83 design list for those items deemed to have first priority. It is proposed to implement further recommendations in future years. The Lord Mayor of Darwin, Mr Cec Black, initiated special parking concessions for handicapped persons and approved the installation of kerb ramps within the city. Mr Roger Vale MLA, the honourable member for Stuart, organised an awareness campaign whereby the mayors or their representatives in Alice Springs, Tennant Creek, Katherine and Darwin conducted their business for one day from wheelchairs, illustrating frustrations arising from the lack of access.

Coordination: As advised in my statement, northern and southern regional committees on the handicapped, a special education advisory committee and assessment panels for children requiring accommodation were established and provided valuable advice to the government on a range of needs. In the area of education, the honourable Minister for Education opened the new Henbury Avenue School. The school personifies the concept of integrating handicapped youngsters into the community through the provision of survival and work training programs. A special mention should be made of Henbury Avenue School principal, Charlie Carter, and his efforts in making the dream of such a school become a reality.

Accommodation: Improved accommodation for disabled people creates a real problem due to the myriad needs presented by the various disabilities. In conjunction with the Commonwealth government, our Minister for Health, Ian Tuxworth, has approved funding to the Spastic Association in Alice Springs and Somerville Homes in Darwin to operate residential care programs within a home-like setting, avoiding the institutionalisation of the severely disabled child. The Housing Commission has a scheme whereby its accommodation can be modified for a specfically disabled person to encourage independent living. Members will be aware of several recent accidents in which individuals have suffered crippling disabilities creating fears that they have lost their capacity for independent living. The Housing Commission has acted swiftly to provide suitable housing for these people.

Grants-in-aid: During IYDP, special grants-in-aid amounting to over $88 000 were given to organisations and individuals for innovative projects which would encourage the greater involvement of disabled people in community activities. Prototype rough terrain wheelchairs were developed. Special aids were provided to increase the employability of disabled people, and respite care programs were funded. Disabled people were provided with the means to participate in discussions and conferences within the Territory, interstate and overseas during which their views were made known through this direct participation. Additional grants of over $180 000 for ongoing work were made by the government to various organisations serving the disabled. Funds were made available for an original play written by Simon Hopkinson entitled 'Whoops', which had 2 seasons in Darwin and will play in other urban areas in the Territory during the year. Revenue generated by the play has been earmarked for worthwhile projects assisting the handicapped. Awareness of the difficulties experienced by disabled people attempting to live in the world of able-bodied people changed the attitude of many towards the handicapped.

Homemakers and remote communities: A homemaker has been appointed within the Department of Community Development to assist the disabled and their families. Grants have been provided to 6 Aboriginal communities to operate home care and meal programs for their aged disabled. During IYDP, particular concern was expressed about the effects of disability in Aboriginal communities and the Commonwealth government agreed to undertake a study of the incidence of disabilities throughout Australia. In anticipation of this study, Ms Vai Stanton was placed with the IYDP secretariat to identify the needs of handicapped persons in remote communities and assist those communities in obtaining services for them.

Non-government organisations: In my statement of 1980, Mr Speaker, I note that government services were only part of the effort to improve services for the disabled. The role of non-government organisations, dating back many years in the Territory, is recognised as the primary source of services to the handicapped. Organisations such as the Bindi Centre, spastic association, the Blind Association, and numerous parent groups have all been strong advocates for improved services for handicapped people. People like Harry Giese, Iris Hallam,

Lorraine Halliday and Leslie Oldfield, John Antella and many others thus deserve recognition for the part they have played in developing facilities to the stage at which they are now. As recently as October this year, the Chairman of Directors of Aboriginal Hostels Ltd, Lois O'Donoghue, opened a new wing of 14 new nursing beds and other facilities at the Hetti Perkins Home for Aged and Disabled Aborigines in Alice Springs. In doing so, Miss O'Donoghue paid tribute to the Aboriginal endeavour that the home represents and the work of Matron Cheryl Cox and her staff, and that tribute is endorsed. The efforts of people within these groups to raise funds, provide necessary services to children and adults and give support to one another illustrates the strong commitment of Territorians to helping the disabled overcome their handicaps.

Future directions: I have painted a picture of great energy and activity by government and non-government agencies during the past 2 years to provide equivalent services in the Territory to those in other parts of Australia. With a solid basis upon which to plan for the future, I would now like to address some of the nagging problems which persist and can threaten further improvements to services for the disabled if not remedied. These problems I identify as a lack of coordination and cooperation. Mr Speaker, all of us accept the premiss that normalisation should be the guiding principle for both children and adults. The coordination and cooperation necessary to achieve this goal must take place within government, between government and non-government groups and between non-government organisations themselves.

As you are aware, Sir, the Commonwealth government provides substantial funds to assist disabled people and their families in the Territory and the Minister for Social Security, the Hon Fred Chaney, made it clear to me that federal funding would not be provided for projects which are not integrative, replicate others or operate in isolation. The Territory government will be expected to ensure that the best use is made of the resources made available by the Commonwealth. Accordingly, the Disabled Persons Bureau has been established within the Department of Community Development to coordinate government policy. This was an outgrowth of IYDP which demonstrated the deleterious effects of fragmented services. Mrs Robyne Burridge, known by members for her activities during 1981, continues her work within the bureau.

Coordination is particularly important for the provision of grants-in-aid. Therefore, I have asked that all requests for funds be channelled through the bureau to ensure that overlap is avoided and that the government's integrative policy is fulfilled. Another important coordination function within the government is the ready availability of information and guidance to appropriate services for families of the disabled to avoid unnecessary shopping around. The bureau will provide this centralised service from an accessible shop-front location. Coordination between government and non-government groups is no less important. There must be priority setting which is based on the principles of integration, shared resources, accountability and participation of disabled people or their advocates.

As I mentioned, the key themes for the future are normalisation, coordination and cooperation. The reality of limited funds makes sharing of resources a must. The archaic concept of segregation by type of disability must also be changed. Accountability means that programs must have built-in systems for monitoring and evaluation to ensure that they are cost effective. Then too organisations must be run on democratic principles with disabled people or their advocates represented on the management committees.

In addition to government coordination, there must be coordination and cooperation between groups serving the disabled. I am aware that organisations

must compete for a limited supply of funds which governments provide and often cater to a divergent range of disabilities which may require different types of services. However, there are convergent areas of need amongst disabled children and adults. Certainly, many educational and training programs, recreational facilities, social activities, diagnostic services and physiotherapy facilities can be adapted to a variety of disabilities thus avoiding separate projects for the Down's syndrome child, the person affected by cerebral palsy or the intellectually-impaired individual. Again, government funding will reflect this approach in the interests of making the best use of resources.

In summary, I believe there is a responsibility both in government and the private sector to ensure that disabled people and their families are provided with the means to help themselves. This will be the underpinning philosophy of government policy. Both the limited funds available and the normalisation process will demand increasing coordination and cooperation at all levels. The establishment of the Disabled Persons Bureau will have this task within government. In turn, the Commonwealth government will expect the Territory government to look at the outcome and function of funded services. Non-government organisations must discard their isolationism and protectionism and consult with one another on their requirements. Self-help groups such as the IYDP advancement group in Alice Springs will be encouraged to take an increasing role in issues that affect themselves as disabled persons.

This government, therefore, stands ready to meet with groups and individuals on the best course of action for the future within the framework of coordination and cooperation. Whilst we must make what we are doing better, improved services for handicapped people, be they equal rights legislation, counselling, special education facilities, early diagnosis and treatment programs or various types of accommodation, will be subjected to this criteria.

MINISTERIAL STATEMENT
Housing in Aboriginal Communities

Mr PERRON (Lands and Housing)(by leave): Mr Speaker, at the September sittings of this Assembly, I indicated that I would make a statement to inform honourable members on the role I expect the Housing Commission to play in Aboriginal communities in the provision of both NTPS staff housing and general public housing. I will now fulfil that undertaking.

The Northern Territory government is firmly of the view that, provided that adequate funding is made available by the Commonwealth, the provision of all general public housing throughout the Northern Territory should be the responsibility of the Northern Territory government. The Commonwealth has decided, however, to provide housing funds to the Aboriginal Development Commission rather than to the Northern Territory government and, therefore, in the absence of what we regard as adequate Commonwealth funding, the Northern Territory government has adopted the policy that the Housing Commission should continue to concentrate on the provision of general public housing in areas off Aboriginal land and leave the field of general public housing on Aboriginal land to the Aboriginal Development Commission. There have been protracted negotiations with the Commonwealth on the matter of funding for Aboriginal housing on Aboriginal land but these have not produced any concrete results from the Territory's point of view.

With regard specifically to Northern Territory Public Service staff housing on Aboriginal communities, the Northern Territory Cabinet has recently approved the development of a housing program for replacement officers, both Aboriginal and non-Aboriginal, who are not locally recruited in Aboriginal communities.

This program will be funded through appropriations to the relevant user departments for construction on behalf of the Public Service Commissioner by the Housing Commission acting as agent.

Cabinet has also approved that funds for the housing of locally-recruited Aboriginal staff and Aboriginal communities shall be made available by way of grants to Aboriginal councils or Aboriginal housing associations. The Public Service Commissioner is taking action through the coordination committee to coordinate the development and implementation of the staff housing programs referred to and the necessary funds will be appropriated in the context of the 1983-84 budget of the Northern Territory.

Mr Speaker, I move that the Assembly take note of the statement.

Motion agreed to.

MINISTERIAL STATEMENT
Provisions of the Housing Act and Regulations

Mr PERRON (Lands and Housing)(by leave): Mr Speaker, honourable members have exhibited some interest in the provisions of the Housing Bill recently before the Assembly and the regulations to be prescribed under the act when it becomes law, these being measures which require the repayment of subsidised interest or interest rate increases on purchases under Housing Commission loans and sales schemes in certain circumstances. I make this statement to ensure that members are fully aware of the substance of the provisions.

I refer first to subsidised interest penalty upon the sale of mortgaged property in the restricted period. Clause 29 of the bill provides that all concessional term sales of dwellings after 31 December 1980, under the loans and sales schemes, shall be subject to a subsidised interest repayment if the dwelling is sold by the purchaser within 3 years of the date of purchase from the commission or the date on which a loan is made. 'Subsidised interest' is defined as the difference between the concessional rate of interest payable under the particular scheme and the maximum rate of interest payable under first mortgage under the Northern Territory government's Home Loans Scheme. The maximum rate of interest payable on first mortgage under that loan scheme is currently 12.5%. As honourable members are aware, the object of the concessional loans and sales schemes is to encourage people to settle permanently in the Territory. Those who take advantage of these schemes should therefore not be able to profit by virtue of the interest rate concession if they sell after just a few years' residence. The restriction on resale was previously 5 years but the government has dropped that restriction and adopted the 3-year restricted period during which an interest penalty will apply to resale.

The government proposes to extend the same provision to the staff sales scheme which offers vendor finance at interest rates of 6.75% or 9.75% per annum depending on income. The effect is that all mortgagors who became mortgagors under the concessional schemes after 31 December 1980, whether they be public servants or otherwise, face a similar subsidised interest penalty if they sell within the restricted period.

Clause 29(3) of the bill provides that the minister may, at his discretion and by written instrument, exempt a mortgagor from the liability for payment for subsidised interest. This provision will allow me to exercise discretion in extenuating circumstances. Circumstances where the subsidised interest penalty may not apply could be: where a sale of the mortgaged property cannot be

prevented because it will occur by the operation of law or by will or between the parties to a dissolved marriage; by enforced sale by a mortgagee in pursuance of the mortgagee's power of sale; where a mortgagor is legitimately required to move from one centre to another in the Territory on long-term transfer or promotion and sells the mortgage in the former centre to purchase another home in the new location; where ill-health on the part of a member of the mortgagor's family necessitates the mortgagor moving to some other place; and where the changed financial circumstances of the mortgagor might adversely affect his ability to meet the mortgage repayments. In waiving the requirement to repay the subsidised interest in whole or in part, regard will be had to all the relevant factors, including the capital gain, if any, earned from the sale and any detrimental effect that the imposition of the penalty may have on the security of a second or further mortgagor.

I turn now to increase in interest rates under staff sales schemes upon resignation or dismissal from the NTPS. The regulations that will be prescribed under the NTPS staff sales scheme will provide that concessional term purchasers under that scheme who resign or are dismissed from the service will be permitted to continue residing in the mortgaged dwelling but will be liable for annual increases in interest rates payable of 0.5% until a ceiling equivalent to the maximum rate of interest payable on the first mortgage under the Home Loans Scheme is reached. Interest rates under the Home Loans Scheme increase by annual increments of 0.5%. A similar interest rate increase is proposed under the staff sales scheme for those who forgo by resignation or dismissal their right to the concessional terms. This will place those persons on the same footing as other non-public servants. I hasten to add that retired ex-employees will retain the right to continue purchasing under the terms of the staff sales scheme and will not be liable to the interest rate increases, as will surviving spouses of persons who were employees of the NTPS or were retired ex-employees at the time of death. The liability for the 0.5% annual increase in interest rates payable by resigned or dismissed employees of the NTPS will have effect from the date on which the prescribed regulations become law.

For purchasers who resign or are dismissed subsequent to the regulations coming into effect, the interest rate increase will be applied from the effective date of resignation or dismissal from the NTPS provided they purchased after 31 December 1980. A purchaser no longer eligible at the date on which the regulations came into effect will incur on that date an interest rate increase of 0.5% only. He will not incur a multiple interest rate increase made up of a 0.5% increment for each year that has elapsed since his resignation or dismissal. Ex-employees who purchase before 31 December 1980 will be exempt from the interest rate increase. The interest rate increase of 0.5% per annum will apply to employees of the Northern Territory Public Service who resign to take up positions within the APS just as it will apply to NTPS employees who resign to take up any positions in any other employment. The interest rate increment provision, however, will not apply to the former employees of the APS who were compulsorily transferred to the NTPS on 1 July 1978 and who return to or have returned to APS employment in the Territory.

The next matter is the interest rate increase under the staff sales scheme upon mortgage when ceasing to occupy dwellings and letting for profit. The regulations to be prescribed under the NTPS staff homes sales scheme will also provide that concessional term purchasers under that scheme who cease to occupy the mortgaged dwelling and who let the dwelling for profit will be liable to pay the maximum rate of increase payable on the first mortgage under the Home Loans Scheme. Repayment of the higher rate of interest in this case will be invoked in full immediately the dwelling is let out. There will be no progression to the higher rate by annual increments. This measure will be applied irrespective

of whether the letting has been consented to by the commission. It will also apply equally to current employees and ex-employees who are required to move from one centre to another in the Territory on transfer or promotion who let the dwelling in the former centre for profit.

This measure is not designed to prevent nor preclude the exercising by the commission of its powers under the mortgage to foreclose or call up the loan, take possession etc where the exercising of these powers under the mortgage is warranted. The measure to invoke the interest rate increase will be applied pending the exercise of other powers under the mortgage. This measure will be applied to have effect in the appropriate circumstances on and from the date on which the regulations come into effect and will be invoked in cases of letting for profit which commence or are detected after that date. The increased interest rate will apply for the duration of the non-occupancy and letting for profit.

The rationale for this particular measure should be obvious. Although mortgages under the staff sales scheme like those under the loans scheme require the mortgagor to occupy the dwelling as a residence, cases of mortgagors residing elsewhere and using the mortgaged dwelling as a medium of making profit by letting it out to other persons are not uncommon. It has long been the policy in respect of mortgagors under the loans scheme who let their dwellings for profit and who pay concessional rates of interest to require them to pay the maximum rate payable under the first mortgage under this scheme. The provisions in the staff sales scheme regulations will extend the same measures to purchasers under that scheme.

In summary, all the measures are aimed at deterring profiteering, trafficking and malpractice by mortgagors who obtain housing finance through concessional loans sales schemes administered by the Northern Territory Housing Commission on the government's behalf. Obviously, these measures, like any policies, need to be applied with common sense and justice and that is the intention. Mortgagors who abide by the spirit of the generous scheme and who do not attempt to take advantage of their concessional terms have nothing to fear. Mr Speaker, I move that the statement be noted.

Debate adjourned.

MINISTERIAL STATEMENT
Bilingual Education

Mr ROBERTSON (Education)(by leave): Mr Speaker, the bilingual education project was established in 1973 with 4 schools commencing the bilingual program. By the end of 1981, 15 schools were participating in the project and were operating bilingual programs with varying degrees of involvement and success. The Department of Education and, more specifically, the Bilingual Accreditation Panel have identified 8 major aims of bilingual education and criteria for evaluation.

Briefly, bilingual education aims to develop competency in reading and writing in English and numbers to the level required on leaving school to function without disadvantage in the wider Australian community. As an example of the criteria for evaluation, students must achieve competence in the core curriculum at Year 5 level mathematics and Year 7 level English. Those levels, as specified, are what might be called the survival level. Of course, that is not the aim for Aboriginal education but the aim for bilingual programs. Obviously, our aims for Aboriginal education go way beyond the competency reached in those years.

Other aims include the fostering of proficiency in school work by the use of the Aboriginal language, where appropriate, and the Aboriginal language as well as English as a medium of instruction. The program also aims for students to develop sufficient skills in oral and written English so that, by Year 5, English becomes the major language of instruction and of literacy with the vernacular maintained for continued literacy development and for the teaching of both traditional and modern knowledge where appropriate. The bilingual program is not aimed exclusively at the students, but also attempts to promote the development of teaching skills, teaching responsibility and the formal educational leadership of Aboriginal staff, together with closer involvement and mutual understanding between the school and the community it serves.

As well as developing competency in the English language, it also aims to develop competency in reading and writing in the Aboriginal language. The bilingual education project should develop a better understanding of both cultures - that of the traditional people themselves and that of the dominant non-Aboriginal society. The Bilingual Accreditation Panel recently met to consider the bilingual education programs at Santa Teresa school, Bathurst Island, and at Sheppardson College, Elcho Island. The good news regarding the evaluation of the programs at Galiwinku School and Santa Teresa is that these schools are doing better generally in all areas tested in English and mathematics, and significantly better in some other areas. This is very encouraging although they are still not quite achieving urban standards. However, whether these imporvements are occurring because of the bilingual program or simply because of the energy released by the accreditation program itself is not known. Possibly both things have an effect. However, it seems certain that the setting of clear targets by external accreditation processes, combined with a desire to do well on the part of the school staff, is having a positive effect. The news is good regarding all the aims which are non-academic.

It is significant that these schools, together with Yirrkala, which received provisional accreditation in 1981 for a 3-year period, have undergone an extensive evaluation process aimed at providing accurate information regarding the viability of the project in each school in terms of achievement of the project aims, which I have outlined provisionally. The evaluation provided academic data, sociological data, discussions with staff and community members and operational data, including interviews and examination of records and documents. It is also significant that, for the first time, with the introduction of the core curricilum, it has been possible to impose definite criteria for the achievement of competency in English and mathematics rather than using only a control group of non-bilingual schools for comparison.

The aims of the bilingual education project and the proposed criteria for standards of achievements required also have relevance for the levels of performance of non-bilingual schools. The point I am trying to make is that the Northern Territory, having implemented bilingual education programs, is monitoring them very closely and continually evaluating them in order that such programs maximise the education of Aboriginal children in 2 languages. Such evaluations will continue at the request of bilingual schools in order that such advice and assistance as can be given to teachers in the field may be provided to them.

Mr Speaker, I move that the Assembly take note of the statement.

Motion agreed to.

MOTION
Aboriginal Land Rights

Mr EVERINGHAM (Chief Minister): Mr Speaker, I will move this motion.

Mr B. COLLINS (Opposition Leader): A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr B. COLLINS: Mr Speaker, I refer you to Standing Order 112. I am surprised that the Chief Minister would do it this way. Mr Speaker, just 3 sitting days ago, we had a very long debate on a motion, the substance of which was the government's 10-point package on Aboriginal land rights. Mr Speaker, I refer you to the fact that there are over 40 pages of Hansard covering that debate. The substance of this morning's motion is precisely the same: the government's 10-point package. I can assure the Chief Minister that, not only are we ready to debate this matter but we are willing to.

However, Standing Order 112 says: 'Except by leave of the Assembly, no question or amendment may be proposed which is the same in substance as any question which, during the previous 12 months, has been resolved in the affirmative or negative ...'. Mr Speaker, the previous motion which was on the government's 10-point package - which is precisely the matter the Chief Minister proposes this morning - was put to the vote and resolved in the affirmative. I would suggest to the Chief Minister simply that he should abide by the procedures of the Assembly and seek leave. If he does so, we will give it.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it seems to me that there is absolutely no point of order to be taken. It also seems to me that the taking of this point of order is utterly unnecessary if the opposition is ready and willing to debate the matter.

Mr B. Collins: We are.

Mr EVERINGHAM: If the opposition is ready and willing to debate the motion, there is no need to take the point of order. I see no point of order. The motion before the Chair last week was that the Assembly endorse a certain agreement. The motion before the Chair today is substantially at variance with that. One only has to compare the 2 documents to see that they are very significantly different and almost bear no relationship. I would submit that there is absolutely no point of order. The point of order is taken simply because the opposition does not wish to debate this matter. If it does not wish to debate the matter, why doesn't it say so? I am quite happy for it to announce publicly that it does not want to debate the matter. I will not be seeking leave.

Mr B. COLLINS: Mr Speaker, I did not spend the last 15 hours on this particular matter because I am unwilling to debate the issue. I point out again that the opposition becomes annoyed when, in his haste to score whatever political points he can from this matter, the Chief Minister tramples over the procedures that are laid down for the proper conduct of the Assembly. If the 2 motions are substantially different, I have indeed wasted the last 12 or 15 hours because I have devoted my response to the Chief Minister's motion - as he asked me to - on the question of the government's 10-point package. That is precisely the substance of the motion we debated 3 sitting days ago in the Assembly and the motion on that 10-point package was resolved in the affirmative.

Clearly, it is in breach of Standing Orders and I would ask you to rule on it, Mr Speaker. If he seeks leave, I will give leave.

Mr SPEAKER: I uphold the point of order. Will the honourable the Chief Minister seek leave?

Mr EVERINGHAM: Mr Speaker, it is not my intention to seek leave.

SUSPENSION OF STANDING ORDERS

Mr B. COLLINS: Mr Speaker, I move that so much of Standing Orders be suspended as would allow the Chief Minister to proceed with his motion.

I would say that he is being quite infantile in his behaviour, Mr Speaker, if he does not support it.

Motion agreed to.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that, recognising that:

- legislation in the Commonwealth parliament will be necessary in order to give effect to the agreement between the NT and the Commonwealth governments;
- this agreement was reached following protracted and continuing negotiations between all interested parties;
- the Commonwealth government has undertaken to introduce such legislation at an early stage;
- the fate of this legislation is likely to depend on its acceptability to the Senate;
- the Senate is likely to place considerable weight on the views of elected representatives of the NT Assembly, (who collectively represent the whole community) as indicated by public debate in the Assembly; and
- that earlier debates have not yet produced this detailed analysis;

this Assembly now agrees that the past 6 years of operation of legislation relating to land for Aboriginals and in particular the Aboriginal Land Rights (Northern Territory) Act 1976 have disclosed a number of shortcomings, including for example:

(1) the claiming of land set aside for public purposes such as stock routes and national parks;

(2) the prospect that, despite self-government (which came into effect since the Woodward Report and the Act), an increasing amount of land can in the future revert to administration under Commonwealth rather than NT law;

(3) the open-ended nature of the claim system (in terms of time to complete lodgement and hearing of claims, and the opportunity for repeat claims); and

(4) the lack of provision of living areas for Aboriginals on pastoral leases.

The Assembly further considers that these faults are leading to serious uncertainty and friction within the NT community, and that there is a clear need to amend both the Commonwealth and NT legislation to correct the flaws, and to provide inter alia for:

- a mechanism for living areas on pastoral leases;
- protection for Aboriginals already legally holding land against counter claim by other groups, which may be detrimental to their interests;
- areas set aside for public purposes to continue to be managed and used for such purposes;
- an adequate form of title and tenure under NT law to be provided for Aboriginal pastoral land (rather than under Commonwealth law);

and agrees that this motion and the resolution of this Assembly of 18 November 1982 together with the Hansard record of the debate on this motion and that resolution be transmitted from the Assembly to the President of the Senate, the Speaker of the House of Representatives, the leaders of the federal parliamentary parties, and all members of both houses of the Commonwealth parliament.

Mr Speaker, I have the sheets here for circulation if it is desired. It is impossible to consider this motion without some reference to the fact that public purpose land is now under claim and that the government believes that this action runs contrary to the public interest. This situation has arisen despite months of negotiations and, at this stage, I would like to table the Northern Territory government's original points of negotiation. The Central Land Council has proceeded with action laying claim to public purpose land, despite an understanding reached between the land councils, the Commonwealth and the Northern Territory governments that no precipitous action would be taken by any party. The Northern Territory government, the Commonwealth and the Northern Land Council took no action to breach that understanding. However, the Central Land Council did. It went ahead with claims over public purpose land before any resolution of all those months of negotiations. As a result, this government is forced to take legislative action. This is not a process I would wish for but it is essential to retain the status quo and prevent even more difficult situations from emerging.

As we practise it, government is based upon the premiss of the greatest good for the greatest number. Although important, the real issue we face today is not land or who owns it, but how we are all going to get on together once the land question is finally settled. We are witnessing claims over public purpose land and we know in this Assembly what sort of resentment that action is causing. This government wants to put a stop to those arguments before they injure community health and tolerance further. The proposals put forward and agreed to by this government and the Commonwealth will settle those issues. They will force pastoralists and Aboriginals living on properties to get together and settle secure title for some 3000 Territory people. They will dispense with the need for endless bickering over national parks, cattle corridors and the like. The entire Territory community would rest easier if these proposals were negotiated to a successful conclusion.

I am sure, Mr Speaker, that the honourable Leader of the Opposition would think these things worth striving for, but it is difficult to know exactly what he thinks because he has not yet told us. Instead, when this Assembly debated

a related motion last week, he complained of 2 difficulties. The first was that he did not have time to address himself to the actual proposals and the second that there was nothing to debate anyway because the Northern Territory and the Commonwealth governments did not have an agreement on the proposals. I think, Mr Speaker, that we overcame that problem.

Mr Speaker, I invite the honourable Leader of the Opposition to take as long as he wishes to explain clearly to this Assembly where he and the opposition stand on the proposals contained in the agreement between the Territory and Commonwealth governments. Last week, after protesting at a lack of time, the honourable member used his 20 minutes to tell this Assembly at length that I have acted in bad faith and 'deliberately, politically engineered', to use his words, 'a climate in which solutions cannot be found'. I am well aware of the honourable Leader of the Opposition's reservations about my shortcomings. What I want to hear about is whether he thinks there are shortcomings in the operation of the land rights system in the Northern Territory. He has told us that he thinks 'a resolution to this problem can be found' and that 'what is needed is a fresh approach'. He has also said that there is no holder of public office better equipped to bring about a resolution than himself. I would ask, then, that he share his views with this Assembly. The honourable Leader of the Opposition has said that he believes 'there are certain areas in relation to the land rights legislation and its administration that need review'. Perhaps he might let us know now what areas he believes need review. I suppose, Mr Speaker, that he will bring forward some amendment this morning to avoid a substantive debate once again.

The government view is contained within the proposals announced by the Commonwealth Minister for Aboriginal Affairs, Mr Wilson, on 2 June this year. For a short time, they were also the views of the Northern Land Council. Mr Speaker, I hope that this debate will provide a full opportunity for the honourable Leader of the Opposition to speak his mind.

SUSPENSION OF STANDING ORDERS

Mr LEO (Nhulunbuy): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Leader of the Opposition from completing his speech on this motion.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I would suggest there is a point of order in relation to this matter. I think that we should wait and see that the Leader of the Opposition gets to the statutory maximum before we actually suspend the Standing Orders.

Mr B. COLLINS (Opposition Leader): Mr Speaker, in respect of this matter, Sir, I certainly do not wish to breach any confidentiality, but I did have a conversation with you this morning about the protocol of that. I am perfectly happy to get up and down 2 or 3 times if that is what the Chief Minister wishes. I understand from a conversation I had with you, Sir, and with the Leader of the House that it would be perfectly acceptable to move this motion prior to my debating the issue in view of the fact that I gave advice to the Leader of the House and yourself that I would be speaking in excess of the 30 minutes allowed. I am happy to handle it either way.

Motion agreed to.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that all words after 'that' be deleted and the following words be inserted in their place: '(1) the

government negotiate with the land councils and use as a platform the suggestions set out in this motion; (2) that, while negotiations should be conducted on the basis of examining together the 13 points of the proposals, those areas where agreement is reached be subject to early implementation; and (3) continuing negotiations be had on those areas where agreement is not reached with a view to obtaining a consensus and compromise of the competing interests'.

Mr Speaker, I now wish to outline a number of suggested negotiating proposals regarding the administration of the Land Rights Act in support of my amendment. I will simply go through them now and return to them in more detail later in the debate. 1. Cut-off date for land claims to unalienated Crown land to be set at 12 months from the date of agreement. 2. Repeatability of claims is not acceptable as a principle. The only claims that would be allowed are those on normal legal principle; for example, fresh evidence would have to be used to obtain leave from the commissioner to reopen proceedings. 3. Parks should be subject to the following scheme: (a) the government and the land councils to settle a schedule of all areas to be accepted as parks; (b) on those areas where agreement cannot be reached, the dispute to be referred to a tribunal to resolve the competing claims; (c) the formalised schedule to be incorporated in legislation; (d) Aboriginal title to be granted over those agreed scheduled park areas; (e) a joint management agreement to be entered into in relation to those schedules with administration to be carried by the Northern Territory Conservation Commission; and (f) the existing legal arrangement in regard to Kakadu National Park to follow its course. 4. Excision legislation to be introduced forthwith and to provide: (a) a tribunal to hear applications; (b) eligibility to be determined on a criterion of attachment to the land on an historical or economic basis; (c) reasonable compensation to be paid to the pastoralists; (d) the Commonwealth to allocate and provide funding for compensation; (e) a time limit to be imposed specifying a cut-off date within which excision claims are to be lodged; (f) the tribunal to attempt conciliation of the claim failing which the tribunal to arbitrate and make a recommendation to the minister; (g) provision for reversion of the area abandoned for a period of not less than 2 years with a right of appeal by the former Aboriginal occupier against the reversion; and (h) the tribunal to take into account aspects of need, economic viability and access to services. 5. No claims for stock routes and reserves to be made provided that excision procedures are implemented and that provision be made for access to these areas for Aboriginal people and protection for sacred sites situated on such areas. 6. Section 50(1)(a) to be amended to provide criteria of traditional ownership in relation to land that can be claimed in which all estates and interests are held by or on behalf of Aboriginals. 7. Should it be proved that pastoral land converted to Aboriginal title is not being used productively in all of the circumstances, then amendments to existing legislation creating a covenant on the land requiring its use for pastoral purposes be introduced. 8. Amend the Land Rights Act to prohibit any action by government to unilaterally alienate any land that is subject to land claims. 9. NT government to provide alternative land for the Luritja Claim. 10. In negotiation with mining interests, any proposals affecting pastoral property owned by Aboriginals and land the subject of excisions, the same procedures and same safeguards as presently pertain under the Land Rights Act to apply. 11. To encourage maximum training and employment of Aboriginal people, particularly in projects undertaken on land owned by Aboriginal people, special funds for workable schemes will be appropriate. 12. No claims to be made for public purpose land on the condition that an agreed delineation of public purpose land be determined by the government and relevant land councils with referral of the delineation of the unresolved areas to the Land Commissioner for adjudication. 13. Examine the need for the Commonwealth government to provide specifically allocated funding to improve the ability of the land councils and the office of the Land Commissioner to assist with the task of expediting land claim submissions for determination.

Mr Speaker, I do not wish to dwell on anything that was said this morning by the Chief Minister because I do not really feel that he contributed anything that he had not already said in his introduction to a similar motion that was moved 3 days ago. However, I must make some passing reference to the performance of the Chief Minister this morning. After that performance concluded, I thought to myself that it would be interesting to be in a negotiating situation with the Chief Minister when he did not get exactly what he wanted.

Mr Speaker, in respect of the statement made in answer to a Dorothy Dixer during question time yesterday, I accept the Chief Minister's offer, and the spirit in which it was made - indeed, it was confirmed again this morning - to spend as much time as necessary in debating the motion. The reason I accept his offer is because of the terms of the motion that the Chief Minister has moved - that the record of the debate will be sent to every member of the federal parliament, both in the upper and lower houses. I would not like to put those honourable members to the trouble of having to refer unnecessarily to extra materials so I will attempt to cover most of the matters which are pertinent. For the benefit of honourable members, Mr Speaker, I wish to outline those areas that I intend to discuss during this debate.

Mr Speaker, I intend to discuss why, in our view, this motion is once again before us. I intend then to examine the motion itself. I wish then to discuss the historical context of Aboriginal land rights in the Northern Territory. I wish then to discuss the status of the Land Rights Act itself. I intend then to examine carefully the negotiations of the government with the land councils, particularly the Northern Land Council. Indeed, I have some obligation, Mr Speaker, to do this with care as it is an integral part of the Chief Minister's stated reasons for the breakdown in negotiations. I intend then to cover the reaction to the package of the people involved in the negotiations. I intend then to look at the alleged agreement between the Northern Territory and the federal governments. I wish then to discuss some of the acts of bad faith that have been perpetrated by this government in the conduct of these negotiations. I will attempt then to deal with the attempts that were made by the land councils to reopen negotiations with the government. I intend then to discuss the question of excisions. I intend to conclude by once again referring to the detailed set of proposals I have just read out and expand on some of them. A great many of them are self-explanatory, Mr Speaker, but I intend, at the end of my speech to go through them again.

Mr Speaker, the action of the Chief Minister in introducing the motion is most unusual and, I would suggest, very revealing. Last Thursday, this Assembly debated at length, again on the motion of the Chief Minister, the government's 10-point land rights package. While the Chief Minister is plainly not satisfied with the substance of that debate, it is a fact that the transcript occupied approximately 40 pages of the Hansard. We are now being asked to do it all again. The form of the motion is different but the substance of the motion is the same.

Mr Everingham: Absolute bunkum.

Mr B. COLLINS: I suggest that this motion is not about land rights.

In response to the interjection by the Chief Minister, I hope that he is still as fiery later on during the day but I suggest the best thing he could do would be to settle back and grin and bear it because, after all, he has brought on this debate. I suggest that he sit through it with as much good grace as he can manage although, as we all know, he has a very short supply of that.

Mr Speaker, I suggest that this motion is not about land rights. It is a further attempt to deepen existing community concern over the issue of the ownership of land in the Northern Territory for what is perceived to be the political advantage of this government. In my view, the government believes that it has found the issue for the next Territory election and it has been campaigning on this issue since the middle of this year. The Chief Minister's appearance before the National Press Club in Canberra was to launch the campaign. It was backed up by a major national advertising campaign at public expense. Last week's Assembly debate was another stage in the campaign and today's exercise is the latest. It certainly will not be the last.

Where do we go from here? What happens when the Chief Minister's alleged agreement with the Commonwealth on changes to the Land Rights Act falls apart as the federal Minister for Aboriginal Affairs, Mr Wilson, progressively disowns his statement of 2 June? What happens if the 10-point package fails to pass the Senate as the Chief Minister appears to believe may happen? Will we then have an election in the Territory? Will the Everingham government then seek a mandate from the people for its package? Is this what the government considers this whole exercise is about: electoral advantage and population percentages?

Mr Speaker, in my view, the government's political strategy is falling apart. It has failed to reach a consensus. Instead, the government has now resorted to an attempt to convince the Commonwealth parliament that there is a consensus by the expedient of the motion proposed today. It is well known that the recent Northern Territory urban survey conducted by the North Australia Research Unit indicated that issues relating to the role of Aboriginal people were identified as the most important problem facing the Northern Territory community. In the light of that, there can be no greater indictment of this government than its failure to resolve these issues.

Mr Speaker, I believe that, for the long-term benefit of all Territorians, the community does want a consensus established. I also believe that the Everingham government has failed to achieve that. It is also clear to me that properly conducted negotiations could lead quite quickly to substantial equitable agreement on the issues that divide the government, the Aboriginal people and other sections of the Northern Territory community. Therefore, the central question is: why has the government failed? In view of the nature of the motion before us today, the answer to this question must be placed in the broadest historical context. As I have said previously, I intend to examine the question in that context. I also intend to review the history of the current negotiations in detail. Detail is necessary, Mr Speaker, to expose the nature of this government's conduct.

The Chief Minister and his government profess to want successful negotiations, but the sorry history of this matter is one of government duplicity and deceit. The government professes to want a 'detailed analysis and resolution' from this Assembly and asserts that the earlier debates have not produced it. I think it should be obvious to any intelligent person that the fact that notice of this motion was given and the motion itself brought on for debate within 24 hours belies the government's intention. I have to confess that I am not at my usual sparkling best today, mainly because, thanks to the Chief Minister, yesterday suddenly turned into a long day which is still continuing. I have not seen bed yet. I am not complaining about that. It is an extraordinary exercise for a government, if it really does want a considered debate to go to the federal parliament on this matter, to grant me a suspension of Standing Orders in order to debate it at length but allow me less than 24 hours to prepare a considered reply. It is a disgrace.

If the government were serious, it would have introduced this motion at this sittings and debated it at the next as it is constrained to do with other legislation. Standing Orders provide for a minimum of 1 month to elapse between the introduction and passage of bills that come before this Assembly to avoid, and I quote Standing Orders, 'hasty and ill-considered legislation'. Mr Speaker, if we have ever had before us a matter that should not be treated in 'a hasty and ill-considered' way, it is this matter. The government has been prepared to give only 24 hours' notice that it wants a substantial debate on this subject even though it is constrained to give its legislation 4 weeks. I condemn it for that.

The motion is substantially the same as the one that was debated in this Assembly 3 sitting days ago. Only 3 sitting days ago, we debated this government's so-called agreement between the Commonwealth government, the land councils and the Territory government. I said then that there was no agreement. I intend to show today why the government has failed to achieve an agreement although I think that we all had an example of that this morning. I also intend to show how a consensus can be reached.

Mr Speaker, unfortunately, I was absent from the Assembly last night during the adjournment. However, my colleagues brought me a piece of paper that was circulated last night during the debate by the honourable Minister for Mines and Energy. Before I move on to other matters, I must make some reference to that well-known government pollster, Morgan Gallop Tuxworth, because, when I read that piece of paper last night in my office, it did seem terribly familiar to me. Of course, it bears an amazing resemblance to a Morgan Gallop poll. Perhaps, if I needed a further indication of the government's true motives in bringing on 2 debates on the same matter in the same sittings, the Minister for Mines and Energy handed it to me last night.

During the adjournment, the honourable minister distributed another of his do-it-yourself questionnaires. It is a measure of the honourable member's simple-minded approach to complex problems that he believes they can be dealt with by answering 'yes' or 'no' or putting a tick in the box. The honourable minister is just too cute for words. He has a talent, demonstrated again and again in this Assembly, for debasing discussion of serious and important matters and striving for the lowest common denominator. During Thursday's debate on the land rights issue, he was positively gloating as he luxuriated in the feeling that he had the opposition on the ropes. I recall his interjections only too well. 'Come out and fight', he said, secure in the belief that he had the opposition in a no-win situation - damned if we supported the Chief Minister's motion and damned if we did not.

We all know the honourable member's tendency for sticking his neck out and making himself a better target for getting egg all over his face. Ask the honourable member for Millner, Mr Speaker, who has never really been able to find the right words to thank the honourable Minister for Mines and Energy for all he did to help the honourable member from Millner in last year's by-election. It is probably the most useful thing he had done in office. I would like to know whether he could give me a 'yes' or 'no' answer on whether he intended that to happen. Perhaps a reasonable question to ask the honourable minister would be: 'Is it a fact that the honourable minister is a congenital idiot?' Answer 'yes' or 'no'.

Mr Smith: Yes.

Mr Everingham: Who's talking about the lowest common denominator?

Mr Tuxworth: Just answer the questions, Robbie.

Mr SPEAKER: Order!

Mr B. COLLINS: Mr Speaker, it is difficult to discuss this disgraceful piece of paper in any other terms than those that I have described. Have a look at it: 'Aboriginals on land have worked as pastoralists ... is that fair or reasonable? Answer "Yes" or "No"'. It would be only someone of the extremely limited intelligence of the honourable Minister for Mines and Energy who, on a subject so crucial to the future of the Northern Territory, would think that it can be brought down to putting a tick in the appropriate box. It is an indication of the approach of the government generally to the issue.

Mr Speaker, I wish to move on to consider the government's motion. Paragraph 1: 'Legislation in the Commonwealth parliament will be necessary in order to give effect to the agreement between the NT and the Commonwealth governments'. It is clear that some issues can be resolved without the intervention of the Commonwealth parliament. It is an indication of the Chief Minister's failure that he should have to move such a motion. For example, the vexed question of excisions - one of the 'sticky points' according to the federal minister - can be dealt with perfectly well under Northern Territory legislation. I intend later during the debate to explain how.

Paragraph 2 reads: 'This agreement was reached following protracted and continuing negotiations between all interested parties'. In the first place, there is no agreement. This has been confirmed by statements from the land councils and a number of statements by the federal Minister for Aboriginal Affairs. It is also confirmed by the terms of the government's own motion. How is it possible to have an agreement about a package of proposals concerning which the motion admits negotiations are 'continuing'.

Paragraph 3 reads: 'The Commonwealth government has undertaken to introduce such legislation at an early stage'. If we are to accept the alleged agreement, it is clear that the Commonwealth is already in breach because of the federal minister's statements that amendments would be introduced by the end of the year. The Chief Minister has already stated that he does not expect amendments to be introduced until the New Year.

Paragraph 4 reads: 'The fate of this legislation is likely to depend on its acceptability to the federal parliament as a whole, which is why we are perfectly happy to see the transcripts of this debate go to every member of both houses'. The government is making a bold assumption in implying that it is likely to be acceptable to the House of Representatives in its present form.

Paragraph 5 reads: 'The Senate is likely to place considerable weight on the views of elected representatives of the NT Assembly, who collectively represent the whole community, as indicated by public debate in the Assembly'. Mr Speaker, in view of the fact that the government's latest package of proposals on its current negotiating position was revealed in the Assembly only yesterday, how is it possible for all members of this Assembly to know what the views of the community are on this latest form of words? In these circumstances in which the members of the Assembly have had no opportunity to discuss the terms of this motion in their constituencies, how is such a thing possible? I certainly have not had a chance since question time yesterday morning to discuss it in mine. Furthermore, as I have already mentioned, the legitimacy of any resolution of this Assembly depends upon a prepared and reasoned debate which indicates that a consensus is being reached. By introducing this motion yesterday and debating it today, the government is frustrating the achievement of the very legitimacy it claims to seek.

Paragraph 6 reads: 'That earlier debates have not produced this detailed analysis'. Mr Speaker, this section could be replaced with the words: 'That earlier debates have not yet produced a detailed analysis in terms which are acceptable to the Northern Territory government'. Mr Speaker, the alleged failure of previous debates to produce what the government describes as a 'detailed analysis' has had a great deal to do with the rigidity of the government's 10-point package. The government has attempted to clothe the issue in a straitjacket.

Paragraph 7 reads: 'This Assembly now agrees that the past 6 years of operation of legislation relating to land for Aboriginals and in particular the Aboriginal Land Rights (Northern Territory) Act 1976 have disclosed a number of shortcomings including for example ...'. It then goes on to quote a number of shortcomings. As I will demonstrate later during this debate, other shortcomings in the Land Rights Act have been dealt with by agreed amendment, as and when required, without any of the animosity and hostility generated by the Northern Territory government in attempting to push through this current package. Indeed, I would say the extent of his already numerous amendments to the federal Land Rights Act would probably surprise a great many members. It is not the necessity for amendments to the act which is at issue; it is the form of the amendments, the insistence on taking everything in the package and the non-negotiability of the package that are the problems. We pointed that out in the previous debate.

I will not read out paragraphs 8, 9, 10 and 11. The comment I would make on these in general is simply that they are covered by the proposals that have already been put in support of my amendment.

Paragraph 12 reads: 'The Assembly further considers that these faults are leading to serious uncertainty and friction within the Northern Territory community, and that there is a clear need to amend both the Commonwealth and Northern Territory legislation to correct the flaws and to provide inter alia for ...'. I would point out what should be obvious to the Northern Territory government. If serious uncertainty and friction exists, and I suggest it does, then it is extremely unlikely to have this uncertainty and friction resolved by what amounts to a forced settlement. There would be some justification for saying that the government had no choice in the matter if I did not know that it has a great deal of choice because there are many areas on which everybody is willing to agree. The problem again is that the Chief Minister is not satisfied with anything less than everything he wants.

Paragraphs 13, 14, 15 and 16 are covered by our own amendment. Paragraph 17 reads: 'and agrees that this motion, together with the Hansard record of the debate on the motion, be transmitted from the Assembly to the President of the Senate, the Speaker of the House of Representatives, the leaders of the federal parliamentary parties and all members of both houses of the Commonwealth parliament'. We have no objection to sending this debate to all members of the federal parliament. However, I intend to ensure that there is sufficient material within the opposition's contribution to this debate to make the point that there exists within this Assembly a strong alternative view that the government's package, in its present form, is unacceptable to many Territorians, both Aboriginal and non-Aboriginal, and, if pushed ahead in the current climate, it will result in long-term disadvantage to all of this community. It is frustrating indeed, Mr Speaker, when you are dealing with somebody to know, as the text of certain proceedings that I will read into the Hansard this afternoon indicates, that everyone agrees on something - the government, the land councils, everybody - but you cannot reach agreement because the Chief Minister says, 'If you do not agree to everything, you will get nothing'. He said that, Mr Speaker, again and again and again.

Mr Speaker, I would now like to take a few minutes to put this issue into some kind of historical perspective. I do not apologise for doing this, Mr Speaker, although I concede that some of the things I will talk about have been discussed in earlier debates in the Assembly. However, if this debate is to be a definitive statement, as the Chief Minister wants it to be, then it is necessary not to put honourable members in the federal parliament to the trouble of having to look elsewhere.

In the present highly emotional climate, it is easy for some people to forget or to ignore that particular perspective and to become very impatient with the pace of land claim negotiations. The Chief Minister, of course, takes full advantage of that at every opportunity and, whenever and wherever he can, promotes that public impatience and encourages a sense of injustice amongst some quarters of the community. I think that it is important to outline briefly some of the history associated with Aboriginal land rights in the Northern Territory. The 'official' land rights movement in Australia, in terms of Aboriginals attempting to negotiate through the western system, has only been happening for the past 20 years. For a people who had the place to themselves for quite a few thousand years before that and have only had to share it with other races for the past 200 or so, I think that is rather remarkable. When you look at the newspaper reports of those first Yirrkala and Wattie Creek claims - and I will refer to those in a moment - you will also find reports of Aboriginals still having their first contact with the white population. That was in the mid-1960s, less than 20 years ago. Since it takes most people that long to sort out the red tape of bureaucracy, it is hardly surprising that it has taken at least that long for a people who had been living in isolation for thousands of years to adjust to a highly complicated and, for them, totally foreign, procedure of reaching agreement.

Mr Speaker, a local Northern Territory author, Alan Powell, in his recently released history of the Northern Territory - and a very good history it is - 'Far Country', put the predicament rather well. I could not say it better myself so I quote Dr Powell:

> *For all the human follies of its individual members, Aboriginal society achieved an enviable degree of balance with its environment, but strengths built up during the long ages of isolation from the rest of the world were weaknesses when that society had to defend itself against an expanding Europe. A way of life where change came so slowly that it must have seemed never to have come at all could not withstand the violence of change brought by those whose ethos was so different that they must have seemed like aliens from the other side of planet Earth. Even when those aliens came with goodwill, they could not understand the subtle complexity of Aboriginal life and their eternal bond to the land. When they seized the land, courage and fighting ability were not enough to eject them from it. There were no acknowledged leaders to organise armies of resistance or to negotiate for peace. Worst of all, there was no real sense of nationhood, of what has come to be called 'aboriginality'. Loyalty was to the local group, the tribe, and perhaps to friendly neighbours. All others were objects of indifference or hostility. Thus, the white men were able to use black against black in winning the continent for themselves, and the Northern Territory was no exception to the pattern set in the rest of Australia.*

I do not think, Mr Speaker, you can say it much better than that. Many of the early European settlers did have a fair idea of the deep relationship Aboriginals had with the land and accepted that, to accommodate that relationship, would not be easy and it would not be a non-controversial task. Indeed, as far back as the House of Commons report of 1837, the British referred to the Aboriginals in debate as 'proprietors of the soil' and said: 'Their land has been taken from them without the assertion of any other title than that of superior force'. In 1889, the Government Resident of the Northern Territory had this to say, and again I quote from the official government report of 1889. It is entitled, 'Government Resident's Report on the Northern Territory':

> *Reports from the outside country east and west are that the blacks are beginning to understand the conditions under which the white man holds the country of which they consider they have been robbed. The station manager informed me some time ago that an old man blackfellow said to him: 'I say boss stop here too long with him bullocky. Now time whitefellow take him bullocky and clear out. This fellow country blackfellow country'. After careful inquiry, I am of the opinion that this is the attitude of Aborigines towards Europeans. Entrance into their country is an act of invasion. It is a declaration of war, and they will halt at no opportunity of attacking the white invaders.*
>
> *In accord with this experience of my own are the reports I have received from the inland stations. The primary fact which philanthropists must accept is that the Aborigines regard the land as theirs and that the intrusion of the white man is a declaration of war and the result is simply the survival of the fittest. I am well aware that there are many odious things done by whites but I believe I express the opinion of nine-tenths of those who have taken their lives in their hands and gone into the backblocks when I say that occupation of the country for pastoral purposes and peaceable relations with the native tribes are hopelessly irreconcilable. There is a straight issue presented for the philanthropist, the statesman and the capitalist to consider: does the land inalienably belong to the Aborigines who, from time immemorial, occupied it and exercised tribal rights over it? If so, the pastoralists must clear out and the philanthropist and the missionaries must come in. If the land is, however, too wide for the nomadic population, how shall the real property interests of the Aborigines be preserved?*

Many things of great interest are contained in the Northern Territory's history despite the short time that it has been recorded. When the Commonwealth took over the Northern Territory in 1911, Sir Baldwin Spencer introduced a number of policies concerning Aboriginals which had far-reaching effects for a large section of the population. Although I have the time, I am not going to use it to detail those policies now, but it is interesting to note that he too appreciated the Aboriginals' deep relationship with the land and the importance of sacred sites and ceremonies. In a report to Gilruth, he said:

> *The real test of whether a native is or is not a member of any particular tribe is whether, under normal conditions, he may wander freely over the country owned by that tribe. He must not trespass on the land of any other tribe, entering upon this only after he has received permission of the owners to do so. In the case even of natives belonging to different sections of a tribe, there is a recognition of local ownership within the wider range of tribal ownership.*

Spencer recognised and emphasised the importance of traditional Aboriginal ceremonies and the significance of sacred sites. In fact, he predicted that these deep traditions would 'make it very difficult to remove the Aboriginals from any particular part of the country'.

We now move on to a period when disputes between pastoralists, police and Aboriginals drew public attention Australia-wide to the whole issue of land rights and highlighted the difficulties that were to be encountered when Aboriginals were dislocated from their traditional land. This is one of the sorriest chapters in Australian history and it is worth while to mention a few of the incidents that arose.

The lands that were given by the British authorities to cattle stations in those days were huge. Some were, and are, the size of Belgium or Wales. The cattlemen ruled like barons over thousands of square miles of what was formerly Aboriginal land. What happened to the Aborigines whose land was given to the cattle barons? Some still lived in squalid labour camps, but many were simply massacred. Not surprisingly, this was the instinctive response of the white settlers to any resistance from tribal Aboriginals. Up until the Second World War, whole tribes were exterminated as Aboriginals tried to resist by killing cattle or white people who had invaded the land, desecrated sacred sites and polluted springs that were used by Aboriginals for water supplies.

One example of many such massacres in the Northern Territory was the slaughter near Coniston in 1928 of at least 50 Aboriginals by a revenge party made up of police and cattlemen. This was known as the Coniston massacre. I concede that estimates of how many people died in that massacre vary widely, but 50 is the low number. Indeed, I believe that very shortly, by courtesy of our local commercial television channel, we will have a film shown to us that talks about that particular matter. Some Aboriginals, in trying to protect their land by deterring the invaders, killed a white man and some cattle. A board of inquiry into the killing said that the police killed the Aboriginals in self-defence. In the first instance, 34 Aboriginals were shot to death. One policeman said that he had to shoot to kill as he would not have known what to do with wounded prisoners. That is contained in the transcript of proceedings of the court of inquiry. Reports from Aboriginal people suggested that in excess of 60 people were, in fact, murdered.

A picture of the way in which Aboriginals were treated on cattle stations in the 1930s can be obtained from a letter in the Northern Territory Standard that was published in 1938. The writer said that he used summary justice on his station: 'I had a letter from a man who was attacked by niggers in the gulf country. I shot at sight. I have killed 37 to date. Another man boasted that he inflicted punishment with a stockwhip and a wire cracker. To be particularly severe, he sharpened a piece of sapling and drove it through both hands of the offender. He assured me that he was ceasing to have trouble with niggers'. That was published in a newspaper in 1938 in the Northern Territory.

Mr Speaker, as a result of belated conscience, under pressure from concerned humanitarians, particularly churchmen, the various state governments decided to create reserves for the 'dying-out desert Aboriginals in central Australia on land that was unwanted by the cattlemen', and it was left to these church missions to 'protect, control and confine the Aboriginals'. The central Australian desert reserves were instituted between 1920 and 1954. Mr Speaker, the hills and plateaus of Arnhem Land, so well known to me, were held by the

tribes as their sovereign territory right up until the 1930s and many accounts are given in the diaries of explorers in those days as to just how fierce those people were, which is why they were left alone until the 1930s. In 1930 and 1932, several police and fishermen who entered Arnhem Land were killed. After the killing of a constable in 1933, it was announced that a punitive police expedition would be sent in. However, some missionaries met with the leader of the Aborigines, Tukiar, and persuaded him to go to Darwin for negotiations with the authorities. Fool that he was, he had his early taste of negotiations with the whites. When he arrived in Darwin, he was put in jail. He was eventually found not guilty.

In the meantime, the authorities had decided to make Arnhem Land into a major Aboriginal reserve and authorised the Yirrkala Methodist missionary station on the reserve to 'passify and civilise the Aborigines'. This was in a way a partial victory for the Arnhem Land tribes. They had won their fight to preserve most of their land even though they had to accept government and missionary settlements and coercive regulations. They were to keep those lands until the 1960s when substantial excisions were made for mining interests. Indeed, as I have often said in this Assembly, it became fashionable in later years to denigrate the work that was done by missionary societies. It is a fact that, if it had not been for the intervention of the churches generally in Australia, because of the absolutely horrific things that were happening in the Territory in those days, possibly those Aboriginal people would not be in the position that they are in today.

When I first came to the Territory 16 years ago, I worked on a cattle station and I witnessed personally some absolutely horrific treatment of young Aboriginal girls by the white station staff. I am talking about kids of 8, 9 and 10 years of age. Coming from a fairly protected and fairly religious background in country New South Wales, I found it very difficult as a young bloke of 19 or 20 to accept that such things could happen in a supposedly civilised society. I am pleased to say that such incidents, which were not the rule but the exception, do not exist today.

Mr Speaker, the recognition by governments that Aboriginals should be given legal title to their traditional land is of comparatively recent origin. There was no provision for land ownership by tribes in British law, and the spiritual ties of the Aboriginal people with their land were not recognised for the purposes of legal title. The setting aside of reserves for Aboriginals was not a recognition of land ownership but an attempt to protect the Aboriginals by the churches generally from the worst effects of white contact and to isolate the problem that they presented. These reserves were Crown land and were in areas unsuited for or not desired by white settlers, although leases were granted to various missions to establish settlements on the reserves.

Mr Speaker, the discovery that much of Australia's mineral wealth was located on those reserves was one of the catalysts which has led to the emergence of the land rights movement. Another trigger was the coming into the open of problems concerning employment and social welfare on pastoral properties where Aboriginals were employed and often exploited. The possibility and the desirability of Aboriginal ownership of some of these properties then arose. In the 1960s, there was a growing interest in Aboriginal art and culture fed by anthropologists and other academics. It was recognised that the religious beliefs of Aboriginal people had been disregarded in the past and many of their sacred sites, some of great archeological significance, had been destroyed. About 10 years ago in Arnhem Land, I witnessed the quite extraordinary event of an Aboriginal person actually lying down and dying because a site of enormous spiritual significance to him had been destroyed in the construction of an air-

strip. That man, who was otherwise in good health and in his early 40s, died as a result. It was quite a salutary experience for me to see that happen. These 3 elements - the ownership of traditional lands, the leasing of pastoral properties and the preservation of sacred sites - have been the basis of the land rights movement.

The first major move by Aboriginals in the Northern Territory came in August 1963 when the Aboriginal elders from Yirrkala on the Gove Peninsula sent a petition to the House of Representatives. The petition expressed concern at the excision of the land for bauxite mining by Nabalco. There had been no consultation with them. Their hunting and food gathering land was being destroyed and their sacred sites were being threatened. Although the Yirrkala Bark Petition has been mentioned in a number of debates in this Assembly, its contents have never been discussed and I intend to read some of the contents of the actual bark petition itself which is now preserved in the House of Representatives in Canberra. The following petition, written in the Yirrkala tongue on bark,was presented to the House of Representatives on 28 August 1963: 'The humble petition of the undersigned Aboriginal people of Yirrkala, being members of ...'. It then lists all of the tribes that they represented. The petition goes on:

1. Nearly 500 of the above tribes are resident on the land excised from the Aboriginal reserve in Arnhem Land.

2. The procedures of the excision of this land, and the fate of the people on it, were never explained to them beforehand and were kept secret from them.

3. When welfare officers and government officials came to inform them of decisions taken without them, and against them, they did not undertake to convey to the government in Canberra the views and feelings of the Yirrkala Aboriginal people.

4. The land in question has been hunting and food-gathering land for the Yirrkala tribes from time immemorial. We were all born here.

5. Places sacred to the Yirrkala people, as well as vital to their livelihood, are in the excised land, especially Melville Bay.

6. The people of this area feel that their needs and interests will be completely ignored, as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakia tribe will overtake them.

7. They humbly pray that the honourable House of Representatives will appoint a committee, accompanied by competent interpreters, to hear the view of the Yirrkala people before permitting the excision of this land. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people, and your petitioners, as in duty bound, will ever pray.

Mr Speaker, that petition had a profound effect on many federal parliamentarians. A select committee, as suggested in the petition, was established and it reported on 29 October 1963 that Aboriginals had no legal title to their land but that their hunting rights and sacred sites should be preserved. The Yirrkala

Aboriginals next appealed to the Supreme Court of the Northern Territory - the first time that Australian Aboriginals had used the courts in an attempt to establish legal recognition of their customary land rights. The decision handed down by Mr Justice Blackburn in April 1971 found against the plaintiffs on all the substantive issues in the case. Mr Justice Blackburn found that the common law did not recognise native customary rights in land and had no doctrine of communal native title. Customary native title law did not provide for proprietary interest in any part of the subject land. 'Their own law recognises that Aborigines belong to the land rather than the land to the Aborigines'. The judgment of Justice Blackburn does not take long to read but certainly it is a landmark in the history of land rights in Australia, particularly in the Northern Territory.

Mr Speaker, Professor W.E.A. Stanner certainly has a great talent for writing clearly and, in an extremely interesting essay called, 'No, No, Sir James, Polyphemus not Goliath', that was written in 1970, made a number of points. Stanner's unusually titled essay of 1970 remains an insightful paper in considering the matters I have just discussed in respect of Yirrkala. The concerns of Aboriginal people then remain the concerns of Aboriginal people now. For the benefit of honourable members, I will explain the title. As honourable members would be aware, Polyphemus is the authentic giant from whom all giants descend. Polyphemus was a large, strong, efficient and one-eyed giant. He could only do one thing, but he did it very well. He ate all those who got in his way and then met a bad end. It is the operational Polyphemus model which was described by Stanner. This may be described as the model of the efficient giant, nourishing his single interest without regard for the social costs to the society which sustains him. All honourable members of this Assembly can pick their own Polyphemus.

This model was in Stanner's mind when he visited Gove Peninsula in 1970. Stanner was questioned extensively by the Aboriginal people. Did he believe they owned the land? Did some people really believe that they did not own it? Didn't people understand that they had been there from the beginning? Would they ever be paid anything for the land that had already been taken from them? These questions are still being asked in relation to the Gove example. Nabalco came into the country without consent or consultation, which in those days was thought unnecessary. The Aboriginals were not given or acknowledged to have any contractual or bargaining position. Eventually, legal action was necessary. The task for Aboriginal people is not made easier by a knowledge of the arguments that have been used against them. Such arguments include: they do not now - if they ever did - own the land they say they own; even if they do own the land, our law is not able or required to recognise their ownership; and, in any case, everything that has happened since 1978 has extinguished whatever archaic title and rights they may have had and their true position is that of trespassers on the land. The Aboriginals then and today must feel very much as Ulysses and his followers felt when they saw Polyphemus close the entrance to his cave with a huge rock that ordinary men could never roll away. I shall deal with the above arguments in due course. Suffice to repeat at this point that Polyphemus met a sticky end.

Mr Speaker, as I said, that landmark court case determined at that time that, under the existing common law, the Aboriginal people did not have legal title to their land. At about the same time that the Yirrkala claim was made, there were other significant events occurring. In 1963, an agreement, signed by BHP and the Church Missionary Society on Groote Eylandt, provided for lump sum payments and royalties for Aboriginals from the use of their land by the mining company. I must say - and it is an interesting comparison - that,

because they were able to operate on that basis from the beginning, it has resulted in a good relationship between the mining company and the Aboriginal people that exists to this very day. Indeed, to use a Biblical example, if you build your house upon sand, it is not surprising that it falls down later on. If you build it upon rock, it might be there for a few years. That is why I am particularly concerned at the current actions of this government.

It was in 1966 that perhaps the most significant event in relation to land rights occurred when another group of Aboriginals in the Northern Territory, the Gurindjis of Wave Hill Station, walked off that station and refused to work for the leaseholders, Vesteys, unless wages were increased. Hannah Middleton in her book described subsequent events, and I will quote from the book:

> *From about October 1966 until March 1967, there was a stalemate in the battle between the Gurindji and the pastoral company. The wet season is traditionally the time when the Aboriginal pastoral workers are stood down from employment and so it was expected that the conflict would not begin again until April or May 1967. The Northern Territory Council for Aboriginal Rights was threatening to bring out the Aboriginal pastoral workers on every single station in the north and thereby paralyse the beef industry completely some time in April. The NTCAR was planning and preparing a campaign to win trade union support in the south to pay for this move. The Gurindji strikers were rejecting all offers of future work under the old conditions.*
>
> *In the face of the united Gurindji and trade union stand, some of the stations in the area began to give in. As cattle work began again in early 1967, some of the Gurindji strikers left the Wave Hill camp to work on 2 small stations where the managers were offering pay that was only between $1.50 and $2 below the full award wage.*
>
> *In March 1967, however, the Gurindji took the step which not only radically altered their own struggle, but which also made a fundamental contribution to the Australia-wide movement for Aboriginal rights. The strikers and their families moved to Wattie Creek which they called Dagaragu. The place they chose lies within the area traditionally owned, occupied and used by the Gurindji, and it is close to several Gurindji sacred sites. There is also a permanent supply of good water.*
>
> *In April 1967, the Gurindji sent a petition to the Governor-General, at the time Lord Casey, asking for the return of 500 square miles of their traditional land in the Wave Hill and Limbunya area. Several months later, this was brusquely rejected. During the dry season months, from April to October of 1967, the trade unions continued to support the Gurindji, sending up food and other supplies. Some of the younger men were working on cattle stations to raise money for the group while others were putting up rough buildings in the new camp. The group received a considerable amount of publicity and were attracting political interest. They were visited by 6 members of the Northern Territory Legislative Council.*
>
> *When travel was again possible after the wet season of 1967-68, another significant political event took place. On 8 April 1968, the Commonwealth Minister in charge of Aboriginal Affais, Mr W.C. Wentworth, visited Dagaragu. He met and talked with the Gurindji leaders and was apparently impressed by their dignity and complete*

determination to have their land returned to them. The Gurindji and the public gained the impression that he intended to grant them sufficient land to set up their own village, a gardening project and for their stock horses and other domestic animals. Eight and a half square miles was suggested as a minimum area.

The land in the Dagaragu area was the obvious choice. It was arable, it was close to permanent water, it was near the sacred sites and, most importantly, it had been chosen by the people themselves. But Vesteys were bitterly opposed to this and it seemed clear that their lobbying in Canberra was effective and that they had the support of the Minister for the Interior, Mr Nixon, during Cabinet discussions which took place before the principle of land rights for Aboriginals was rejected on 10 July 1968.

Mr Speaker, it is somewhat surprising that they were able to get such strong support in Canberra seeing that they never paid any taxes. The announcement provoked an outcry in Australia and mass protest action - demonstrations, meetings, lobbying, vigils etc - was immediately organised by Aboriginal rights organisations in the main centres of population throughout Australia.

Mr Speaker, in the south and east of this country, although land rights were to be a vital and central issue in the Aboriginal movement, there were other matters of importance as well and one of these, of particular political significance, was the 1967 referendum and the campaign that led up to it. After years of argument, the Australian Constitution, accepted by the 6 Australian colonies that led to the establishment of the Commonwealth of Australia in 1901, provided that the new central administration, the Commonwealth government, should have no control over Aboriginal affairs. Section 51 reads: 'The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:- ...(xxvi.) The people of any race, other than the Aboriginal race in any State for which it is deemed necessary to make special laws'. That particular provision of the federal constitution was changed in 1967 by one of the very few successful referendums that have ever been held in this country, and by a very substantial majority.

Growing public awareness meant that the major political parties had then to give detailed consideration to the land rights issue. Before the election of 1972, both major political parties announced policies on land rights. So far as the Liberal Party policy was concerned, following the Yirrkala decision, the then Prime Minister, Mr McMahon, undertook 'that the Commonwealth will take the initiative, no matter what the decision might be in this case, to protect the recreational and ceremonial land rights of the Australian Aboriginals'. On Australia Day, 26 January 1972, Mr McMahon announced that Aborigines would be eligible for general purpose leases, new mining codes to protect Aboriginal interests would be developed and Aboriginal sacred sites and reserves would be protected. The policy speech on 14 November 1972 made no specific commitment to land rights but it promised that 'those Aboriginals who wish to remain separate in their traditional environment will be encouraged and assisted to do so'.

So far as the Labor Party was concerned, it had been developing its policy on land rights for some years before it came to power in December 1972. Aboriginal title to Aboriginal reserve land with full mineral rights was promised before the 1969 election. It was embodied in the ALP platform approved in Launceston in 1971 and expanded, in 1972, to include a central

Australian Aboriginal reserve including Ayers Rock and Mt Olga to be established jointly with the governments of Western Australia and South Australia. As you realise, Mr Speaker, the people living in that area cross the state borders. The establishment of an Aboriginal land fund to purchase land for significant continuing Aboriginal communities was also then part of Labor policy. Immediately after the election of the Labor government in 1972, the granting of land leases, mineral exploration licences and development leases was halted within Aboriginal reserves in the Northern Territory. After this, the Labor government established the Woodward Commission on land rights.

In 1973-74, the Aboriginal Land Rights Commission under Mr Justice Woodward, with direct consultation with the Aboriginal people of the Northern Territory, produced its reports, the first report in July 1973 and the second report in April 1974. Over the years that I have been in this Assembly, the Woodward Report has been quoted often. One of the problems is that, like the Bible, it has often been quoted selectively to suit the people concerned on both sides of the argument. In order to put this in context, I will read into Hansard the main principles of the Woodward Report, although it has become something of an historical document now. It has to be considered because it was from the Woodward Commission that the Land Rights Act came:

> *41. At the beginning of the year 1788, the whole of Australia was occupied by the Aboriginal people of this country. It was divided between groups in a way which was understood and respected by all.*
>
> *42. Over the last 186 years, white settlers and their descendants have gradually taken over the occupation of most of the fertile or otherwise useful parts of the country. In doing so they have shown scant regard for any rights in the land, legal or moral, of the Aboriginal people.*
>
> *43. There are now about 100 white citizens of Australia for every one Aboriginal or part-Aboriginal.*
>
> *44. These are the simple historical facts which provide the background for the government's expressed intention to recognise Aboriginal land rights in the most appropriate way possible.*
>
> *45. These basic facts and the human tragedy which they represent are, I believe, not sufficiently understood by the Australian community.*
>
> *46. Although it is only on the fringes of my terms of reference, I would like to suggest that the government should have a White Paper prepared that would set out the story behind the bald facts. I believe that this could be done simply by the reproduction of background notes, but without critical comment, of a number of extracts from historical documents describing a selection of events sufficient to paint an overall picture. Such a document could then be used in schools so that later generations of Australians could have a better understanding than we have of the background to claims for Aboriginal land rights. As an illustration of what might be done, I have set out in Appendix C a number of such extracts. Most of the documents are communications passing between the early Governors of New South Wales from the Secretaries of State for the colonies.*

47. Before considering the detailed recommendations which I wish to put before the government, I think it is desirable that I should state clearly some of the underlying conclusions which I have reached in the course of my inquiry. These are, with varying emphasis, fundamental to my thinking and thus to my recommendations.

48. The Aboriginal people themselves must be fully consulted about all steps proposed to be taken. They must be given every opportunity to consider and criticise proposals and to negotiate with the government for changes in those proposals.

49. This will involve some delays which will be criticised by those wanting instant action, but I am satisfied that the need for consultation is of paramount importance and, in this context, I would make it clear the consultation is not achieved by a meeting at which decisions already made are explained to Aborigines. Aboriginal involvement in the process of decision-making must be a reality and the Aboriginal people involved must be those who will be affected by the decisions.

50. Any scheme for recognition of Aboriginal rights to land must be sufficiently flexible to allow for changing ideas and changing needs amongst Aboriginal people over a period of years. This is so for a number of reasons. Surrounding circumstances may change; for example, local employment opportunities or the needs and aspirations of the community may alter as the result of increasing contact with the outside world. Further, certain widely-held expectations about, for example, the ease of reaching a consensus on certain matters may prove false. For all these reasons, future generations should not be committed by this generation's ideas any more than is necessary.

51. A step-by-step approach which allows for Aboriginal planning over time is much to be preferred. A final settlement would mean the surrendering of certain claims in return for the recognition of others. This type of agreement cannot be said to have worked well in North America. It is particularly inappropriate in Australia because of the spiritual relationship between Aboriginals and their land.

52. Our aim should be to find a just solution for our time and leave future generations to do the same.

53. Cash compensation in the pockets of this generation of Aborigines is no answer to the legitimate land claims of the people with a distinct past who want to maintain their separate identity in the future.

54. The terms of reference of the commission make no mention of cash compensation. I have been urged by some submissions to ask for an amendment of those terms of reference to allow consideration of such compensation.

55. However, I believe that the only appropriate recompense for those who have lost their traditional lands is other land, together with finance to enable that land to be used appropriately either for housing or for some economic purpose.

56. There is little point in recognising Aboriginal claims for land unless the Aboriginal people concerned are also provided with the necessary funds to make use of that land in any sensible way which they wish.

57. This does not necessarily require large sums of money at one time. It will usually be better to provide money progressively so there is the maximum possible degree of Aboriginal involvement in each project. For example, a housing project which involves trained Aboriginals in carpentry, bricklaying, plumbing and electrical work will take much longer to complete than one built by non-Aboriginal contractors, but the end results in terms of training, employment and sense of achievement are likely to be so much better that the delay will be well worth while. In the same way, the development of cattle or timber ventures should be at a pace which the Aborigines choose to handle from year to year even if the results in the early years are poor from a profit-making viewpoint.

58. It is important that Aboriginal communities should have as much autonomy as possible in running their own affairs. They should receive, without having to account for them except by way of audit, the necessary funds to cover all administration and other normal recurrent expenditure. Only major decisions involving the expenditure of public money should have to be approved by outside authority.

59. Aborigines should be free to follow their own traditional methods of decision-making. Concepts of elections and formal meeting necessary among large numbers of people, most of whom are comparative strangers to each other, have no place in traditional Aboriginal society and should not be imposed unnecessarily.

60. Aborigines should be free to choose their own manner of living. In saying this, it is unnecessary to remind some non-Aboriginal enthusiasts that this involves freedom to change traditional ways as well as freedom to retain them.

61. In the final analysis, there must be some accountability by Aborigines for their use of land, natural resources and public money. Lands and natural resources should not be used in such a way that they suffer unavoidable damage. There must be regard for principles of conservation. Public monies must not be wasted or misappropriated.

62. Differences between Aborigines should be allowed for, but any artificial barriers, in particular those based on a degree of Aboriginal blood, must be avoided.

63. This is essentially a matter for Aborigines themselves to decide but others dealing with them should be sensitive to this question.

64. In saying that differences should be allowed for I have in mind that the Aborigines of mixed descent in New South Wales share only some of the beliefs and aims of tribal Aboriginals in Arnhem Land. People from one background should not be readily accepted as spokesmen for people of the other.

65. On the other hand, I believe that it is vital that no artificial wedge should be driven between people whose Aboriginal ancestry is the dominant factor in their upbringing and their thinking. Their similarity should be built upon and their co-operation encouraged.

66. I believe that Aborigines will find that these objects can be best achieved by a concentration on the development of local and regional organisations and arrangements, leaving the national level for consultation, coordination and public relations. However, as I have said, I see this as a matter for Aborigines themselves to decide.

Mr Speaker, the reason I read that into the Assembly record is that I agree with all of it. I must say that, although the Woodward Commission report has now passed into the status of an historical document, it is interesting indeed to read through all those recommendations about financial responsibility, accountability and so on that indicate just how much Woodward knew about the situation and how farsighted those recommendations were.

Mr Speaker, the next significant event that happened politically was that, in August of 1975, the Gurindji people received leasehold title to their land from the Prime Minister, Gough Whitlam. The Aboriginal Land Rights (Northern Territory) Bill 1975, to give effect to the recommendations of the Second Woodward Report relating to the granting of land rights to Aborigines in the Northern Territory, was introduced in the House of Representatives on 16 October 1975. This bill lapsed with the dissolution of parliament on 11 November 1975.

It is history, of course, that the main Aboriginal Land Rights Act, the one that we work from now, was passed by the Liberal Country Party coalition government on 9 December 1976 and proclaimed on Australia Day, 26 January 1977. This act allowed for the establishment of the land councils. In April 1977, the Aboriginal Land Commissioner, Mr Justice Toohey, was appointed to administer the act. The NT government retained its right to pass complementary legislation on entry to Aboriginal land, protection of sacred sites and sea limits. The Aboriginal Land Rights Amendment Act of 1978 then amended the principal Land Rights Act to give effect to certain recommendations of the Ranger Uranium Environmental Inquiry. Mr Speaker, I will deal with other amendments to the Land Rights Act a little later.

The Ranger Uranium Environmental Inquiry was conducted by Mr Justice Fox and was another significant event in the history of land rights in the Northern Territory. The first report was received in October 1976 and the second report in May 1977. Mr Justice Fox recommended granting the claim of traditional owners in the Alligator Rivers region. This was the first claim made under the Aboriginal Land Rights Act of 1976. Mr Speaker, I was a close witness to the dealings at that time - I might say 'double dealings' at that time - in relation to the Ranger negotiations. Honourable members will be pleased to know that I do not intend to detail the chapter and verse of that exercise again, but let me say that it is hardly surprising that, after those events, Aboriginal people began - and this was early days indeed - to develop a much more cautious approach to negotiations, not only with the Northern Territory and the federal governments but also with the organisations that represented themselves.

Mr Speaker, with reference again to some interjections in the debate last week, particularly from the honourable Minister for Mines and Energy, honourable members of this Assembly would need to have very short memories indeed if they

did not recall the 6 part story that I told about those negotiations and the criticism I levelled at that time. It is important to remember those events in the light of the current all-or-nothing package that the honourable Chief Minister is proposing.

Mr Speaker, there is one other issue I will mention before going on to other areas, and that is land claims over national parks. We have a number of examples in the Northern Territory which indicate that, in contempory terms, this issue simply is not what the Chief Minister is attempting to make it. I quote again from Alan Powell's book, 'The Far Country', that was published recently: 'The leasing-back of Aboriginal land for Kakadu National Park and the creation of a new category of land use, an Aboriginal national park on the Cobourg Peninsula, indicate that these problems are not insoluble'. Mr Speaker, as I will demonstrate later in this debate, from statements the Chief Minister himself made to the land councils, he is of the same view. The opposition shares that view.

I shall deal with some of the pastoral land claims and those areas that affect section 50(1)(b) of the Land Rights Act. The first point to be made is that the Land Rights Act itself anticipated some of the concerns presently being debated. Much of what the government has been claiming in relation to claims has not been backed up with evidence or any factual analysis. I would defy the government to produce any evidence, certainly in debates in this Assembly, that it has done so. The government has been making a number of uninformed assertions, particularly in respect of parks and the financial ramifications of mining. One of the things the government fails to mention - and that I have mentioned on a number of occasions - is that all funds received by Aboriginal people are kept within the Territory economy. This has been the track record for the not inconsiderable funds that have been given to Aboriginal organisations. I know a number of business firms around Darwin which would be extremely upset if somebody took away mining royalties. That is a very good thing because that money is injected into the Northern Territory economy to the great benefit of the Territory. To a large extent, the government has been conducting a symphony to ignorance.

In relation to claims to alienated land prescribed under section 50(1)(a), pastoral lease conversions, section 50(1)(b) provides that it is a function of the Aboriginal Land Commissioner 'to inquire into the likely extent of traditional land claims by Aboriginals to alienated Crown land and to report to the minister and to the Minister for the Northern Territory from time to time the results of his inquiries'. Mr Speaker, the government would be in a much better position had it asked the Aboriginal Land Commissioner to exercise this function before setting off on its present course. It would have been in an informed position and could have laid to rest some of the more inflated claims being made in this area of the current issue. The opposition has done some research on this issue and I would like to hear from the government in respect to these matters.

Three categories of cattle stations exist. I am sure that the honourable members of the House of Representatives and the Senate will find this extremely interesting. These 3 categories are: enterprises on Aboriginal land, formerly reserves, which include Hermannsburg, Haasts Bluff, Yuendumu and Santa Teresa; pastoral properties which were purchased as such, which include Willowra, Ti Tree, Utopia, Mount Allan and Mount Barkly; outstations with cattle - one such venture operates in the Northern Territory, Alpira, and another 8 applications are pending. It is estimated that all of the ventures I have mentioned employ 200 Aboriginal people.

On the information that has been given to me, all the ventures are complying, in line with the attitudes and circumstances of the non-Aboriginal-owned cattle stations, with the requirements of the tuberculosis and brucellosis eradication program. In general, the fencing on these cattle stations is poor, but attempts to improve it are being made. It is estimated that one-third of the properties I have mentioned have fences equal to non-Aboriginal-owned properties. One-third are in the process of improving fences to a standard that will be equal to that standard, and one-third do not have the resources at this time to make such improvements. Yuendumu has a 5-year program which, basically, it is keeping to. This program includes an improved water base. Four new bores have increased the water supply on the station by 60%. Ti Tree is running sheep as a trial and is in the final stages of de-stocking which is taking longer than anticipated. Mount Allan is disease free and its herd is self-replacing. All the infrastructure is in. It operates on a European management base and the former owner is managing the property very well. We also have an example in the Top End, Peppimenarti, which also runs cattle, and on not particularly good country.

Mr Speaker, in the centre of Australia, on 7 cattle stations which are owned by Aboriginal people, 1150 Aboriginal people are actually accommodated. On the 97 non-Aboriginal cattle stations in the Centre, 2000 Aboriginal people are accommodated. There is, therefore, an average of 164 Aboriginal people on each of the Aboriginal stations and an average of 20 Aboriginal people on the non-Aboriginal pastoral leases.

I would refer again to a comment that I made earlier in respect to this matter that claims on a needs basis were envisaged and recommended by Woodward. This recommendation was carried into effect in the Labor Land Rights Bill but was deleted from the bill that was introduced by the conservative government in 1976. As a result, the Aboriginal people have only had part of these particular recommendations from Woodward. They have not complained about it but, had it been left in, there would probably be much less trouble than we are currently having in this area.

Mr Speaker, the Chief Minister is currently making a great deal about amending the Land Rights Act. Indeed, there are some people in the community who think it has never been amended and, indeed, the government is prone to say that the opposition in the Legislative Assembly, on some kind of ideological principle, has objections to amending the Land Rights Act, which, of course, we have never said. I would just like to point out to honourable members the history of that. The original 1976 Land Rights Act had 78 sections. Since 1976, a number of amending acts have been passed by agreement. In fact, there have been 42 amendments to the Land Rights Act over the 6-year period. These have covered, for example, the question of multiple trusts, the repayment of funds, the Kakadu National Park and the question of roads. I stress again that the Land Rights Act has had 42 amendments since 1976. It could hardly be said by this government - unless, as is often the case, it is said in total ignorance - that the Land Rights Act is something of a sacred cow that cannot be amended.

Mr Speaker, I now wish to examine that area of the negotiations between the Northern Territory government and the land councils, particularly the Northern Land Council. The reason I have to do this in some detail is because it is a fundamental part of the Chief Minister's stand on this issue currently that the Northern Land Council agreed with the package and subsequently reneged on it. That is the Chief Minister's assertion and it will not be possible to refute that assertion without going into some detail on the proceedings and the negotiations that have taken place.

In respect of this matter, I might say that I have a number of land council members living in my electorate. Indeed, a number are close personal friends of mine. Over the last 12 months, I have been in a position of having those delegates discuss with me the proceedings of these so-called negotiations between the land councils and the government. I did have the benefit - not that I thought that it would be conducive for anybody to beat a drum about it - at the time of some of the details of these negotiations. In light of the fact that the government wants to put it on the front pages, I have no alternative and indeed no reservations about responding to this particular assertion by the Chief Minister.

One thing particularly interested me at the time and perhaps we could have an explanation of it from the Chief Minister. A previous federal Minister for Aboriginal Affairs conceded that there was some examination necessary of the Aboriginal Land Rights Act and appointed a lawyer, Mr Barry Rowland QC, to come to the Northern Territory, travel extensively, talk to many people and conduct such a review. The interesting thing about that is that the Northern Territory government chose not to make a submission to him. I made a submission to him, as did the then Leader of the Opposition.

I would like to know why the Chief Minister decided that he did not want to make a submission. Perhaps it was because the submission would subsequently become public. Indeed, I would like to quote from a letter from the Chief Minister to all Aboriginal communities - I remember it coming to my electorate. It is dated 21 April 1980. It is addressed to all Aboriginal communities:

> *You would know that the federal government through its Minister for Aboriginal Affairs, Senator Chaney, has appointed Mr Barry Rowland QC to carry out an inquiry into the operations of the Aboriginal Land Rights Act. This is to advise that the Northern Territory government has decided that it will not be making a submission to Mr Rowland. Yours sincerely, Paul Everingham.*

Mr Speaker, the government decided to make a submission in confidence directly to the minister. It was not prepared to put the same submission to the Rowland inquiry into the Land Rights Act. I must say that, considering the government's current preoccupation with amending the Land Rights Act, the attacks it is making on the land councils and the fact that one of its federal colleagues initiated the formal inquiry, I find it rather strange that it not only failed to make a submission on where it thought the act could be changed but it was quite happy to tell Aboriginal communities that it would not make a submission.

Mr Speaker, I would like to deal now with some of the details and negotiations that have taken place on this matter between the Northern Territory government and the Northern Land Council. The minutes of the 20th meeting of the full land council that was held on 17, 18 and 19 June 1981 indicate - and I am happy to make any of this material available to any honourable members who wish to study it in more detail later - that that meeting discussed in some detail the package of proposals from the Chief Minister.

Subsequent to that meeting, there was a meeting of the Northern Land Council's executive in July 1981. I will read from the minutes of the executive meeting. Galarrwuy Yunupingu asked: 'Where does that leave the Aboriginal people when the Commonwealth is simply going to throw the laws away? They are asking us to make up our minds and it appears that the government, which is responsible for the legislation in the first place, is now going to change

these laws'. The representative from the Department of Aboriginal Affairs then said: 'I wish to advise that, if the council wishes to argue the point, then do so, but it would be to the detriment of the Aboriginal people'. That was Bill Gray. Wesley Lanhupuy, Executive Director of the NLC, then said: 'I will advise the council that the position was discussed at the last full council meeting and that further discussions will take place with the other land councils in Alice Springs and a report will be brought to the executive'. The motion was then passed, and I will read it out: 'That the Executive Council supports the decision made by the full council, motion C20/254 June 1981, on the amendments to the Aboriginal Land Rights Act and further resolves for further consultation with the Tiwi Land Council and the Central Land Council at a joint meeting on 7 August in Alice Springs and thereafter. Should the land councils agree to any change of policy in respect of the amendments to the Aboriginal Land Rights Act, which in fact contradicts this full council's decision, then the executive asks that the Northern Territory government allow time for the NLC executive to call a special meeting to pass a resolution to make such recommendations as it deems necessary to the full council in respect of any decision or compromise on the amendments to the Aboriginal Land Rights Act. The executive also authorises officers of the executive and staff of the bureau to attend the joint meeting in Alice Springs on 7 August 1982'.

We then move on to the 21st full council meeting of the Northern Land Council. This was a special meeting. It was not a regular meeting of the NLC. It was not called by the Aboriginal people. It was convened by the federal minister at short notice under the powers he has under the Land Rights Act. It was to discuss the NT government's package. A great many of the people that I have mentioned in my electorate attended that meeting. There were a large number of the people at the meeting. There were a number of distinguished guests: Senator the Hon P. Baume, Minister for Aboriginal Affairs, Mr John Taylor, Secretary of the Department of Aboriginal Affairs, Mr Creed Lovegrove, Department of the Chief Minister, and last but certainly not least, Mr Paul Everingham MLA, Chief Minister of the Northern Territory.

Mr Everingham: I was there for a very short time.

Mr B. COLLINS: As I am about to demonstrate. It did not take you long to say what you had to say either. It was short and to the point.

The meeting opened at 10 am. Mr Yunupingu commented that the meeting was called at very short notice and, as people are all committed to other things in their home areas and had to travel so far, he felt that 1 or 2 weeks' notification should have been given of the special meeting. The chairman then thanked him for his comments. Mr Lanhupuy, the executive director of the land council, then explained that the minister had called this meeting to allow members to discuss the proposed changes to the Land Rights Act by the Northern Territory government. Meetings had taken place recently with the TLC, the CLC, the Chief Minister and the Minister for Aboriginal Affairs. He then explained that, under the act, the minister can convene a meeting of the council even at short notice, especially on such an important issue as amendments to the Land Rights Act. One of the legal officers of the land council then advised the meeting that indeed the minister did have those powers.

Mr Yunupingu, who was not to be daunted by this, said that he felt that the council should make the minister aware however that, although he had the legal power, some respect should be given to members who had to come to the meeting at such short notice. The chairman then advised that he also agreed with the comments that were made by Mr Yunupingu but the minister had called the

meeting. Mr Lanhupuy, who was doing a John the Baptist at this particular point, advised that the Chief Minister would be arriving at the meeting later to discuss the amendments to the Land Rights Act and it would be up to the members to ask questions and decide whether they agreed to the changes or not. He then said that, after that meeting, further meetings would take place: 'After this meeting, further meetings will take place in Alice Springs to discuss with the Central Lands Council the outcome of this meeting and to advise the Chief Minister of our decision'.

Further discussions were then to take place on the arrival of the Chief Minister. I will skip through several pages of other business. The land council legal officer briefly explained to members items that were discussed at the last full council meeting in relation to the proposed amendments to the Land Rights Act. He further explained that, during the executive meeting, a resolution was passed and motion EX23/162 that authority be given to Wesley Lanhupuy, Gerry Blitner and Phillip Tiezell to go to Alice Springs to discuss further land rights issues with the Central Land council.

The TLC lawyer further advised that some issues were good for Aboriginal people but more time would be required to discuss the details which had yet to be laid down by the Northern Territory government on certain aspects of its proposal. This is the meeting which the Chief Minister said got right behind him and said, 'We will do it'. He outlined briefly to the members the various proposals submitted by the Northern Territory government, especially on the aspect of pastoral leases being changed to perpetual leases and that future claims on this land would not be allowed. The Minister for Aboriginal Affairs, he then told the council, would discuss his point of view and then the Chief Minister would attend to put forward the proposals. The legal officer further suggested that the members not make a decision on these proposals until further discussion had taken place on the changes.

The Chairman then introduced Senator Peter Baume, Minister for Aboriginal Affairs, and the other distinguished guests with the exception of the Chief Minister. Everyone else got in; I do not know why they kept him waiting. Senator Baume then went on to say that he thanked the members for inviting him, apologised for the short notice given on calling the meeting but advised that, due to the pressure being placed on the parties - and we all know where that was coming from - to discuss the proposal urgently, he felt it best that the Northern Land Council be aware of what was happening. He expressed his concern at the short notice again to members, but advised that meetings had taken place recently to work out whether the Land Rights Act should be changed in any way. He felt that he would like to hear what the members felt should be done and if they were happy with the proposals from the NT government as they affect Aboriginal people. Senator Baume then explained that, although the federal government had not been heavily involved in the discussion, he stressed that he wanted to try and reach some agreement.

He then went on to say that his wish was that the land council understood what the present situation was, and that they listen to the NT government and understand what was being offered. He then said that the NT government could make laws of its own and some of these laws could affect Aboriginal people and the federal government wanted to ensure that any changes were made in full agreement with the land council concerned. He then went on to say that present Aboriginal land did not fall under the issue; that would not change. Only if the Northern Land Council and Northern Territory government did not reach an agreement on the present proposals would it possibly become more difficult for Aboriginal people to obtain pastoral leases in the future. The NT government proposals did not affect land already claimed under the Land Rights Act.

Moving to some other material, I come to the high point of the day. The chairman then introduced Paul Everingham, thanked him for attending the meeting and advised members to ask relevant questions. Paul Everingham thanked the members and asked if they wished him to go through the draft proposals by the NT government and the request was made that he do so. He then did so. It is not necessary to go through it again because they are the same proposals that we had before. Mr Everingham explained that, if any one part of the 10 proposals was not accepted, then nothing would be accepted. It was not a question of whether the 10 proposals, as is perfectly normal, should be considered together or whether he was prepared to offer any flexibility in discussions as he was quite happy to do at the National Press Club. I will repeat again what he said at the meeting: 'The Chief Minister explained that, if any one part of the 10 proposals was not accepted, then nothing would be accepted'. That is called negotiation.

We all saw a little demonstration this morning of how the Chief Minister behaves when he does not get his own way. I would have liked to have been a fly on the wall at this one. This is quite interesting in respect of some statements made by other honourable members about parks: 'The NT government will enter into negotiations with the land councils about the granting of titles in the Northern Territory law to national parks subject to land claims'.

The Chief Minister went on to say that legislation providing for the amendment of the Aboriginal Land Rights Act eliminating claims for national parks would be proclaimed only on the satisfactory conclusion of negotiations between the NT government and the land councils in respect of such parks. The Chief Minister explained that the Conservation Commission and the traditional owners would run the parks together and the Aboriginal people would have the title to the land but the land would continue to be available as a national park. We had no argument with the Chief Minister on that, and neither did the land councils. What we do wonder is why they cannot simply implement it and dispose of that part of the package. The Chief Minister clearly has not changed his views on that issue because, in an interview that he was kind enough to grant to The Australian only last weekend, he was asked about it and he said the same thing: 'I am not worried about the ownership of the land but the use it is put to'. That was in last weekend's Weekend Australian. That is completely in line with the advice that he gave the Northern Land Council.

The Chief Minister then advised members that those were the proposals that the NT government wished to put forward and felt that they were not unreasonable. He certainly needed to say that because he had begun by saying that, if they did not accept every last fullstop and comma, they would get nothing. He then suggested that the members discuss further on these issues and advise their delegates to give instructions to the meeting in Alice Springs. He then left. Everyone then went for lunch.

After lunch, the meeting was opened again. The executive director made a statement to the meeting, and I will quote it. Mr Lanhupuy explained the 10 items discussed. He said: 'If one thing goes wrong, then we do not get anything. If we accept all of the items, then the NT government goes ahead and the councils discuss further with the Central Land Council. If the council does not agree, then the NT government will change the law this week in the Legislative Assembly'.

I must say that that kind of impression left with the land council is totally consistent with 'negotiations', a much-abused word, that have been carried out ever since the introduction of the Land Rights Act. I would like to know of some of these 'negotiations' which were in fact held where there was

not a gun pointed at the head of the Aboriginal people. I point out again that, for a person who was genuinely looking for consensus in everybody's interests, it really is an extraordinary position to take: to stand at a negotiating table and say, 'Here are the proposals. They are non-negotiable. You take the whole lot or you will get none of it'. That is precisely what happened.

I will go over again what the executive director said to the land council after Mr Everingham had left. He explained the 10 items. He explained to the council that, if any one thing goes wrong, it gets nothing. He then said that, if they accepted all of the items, the NT government would go ahead and further discussions would be held. He then went on to say that, if the councils did not agree, the NT government would change the law.

Mr Speaker, again I have skipped over some irrelevant parts of the minutes but I am perfectly happy to give them to anyone who wants to read them fully. Yunupingu then stated, as the senior legal officer of the Northern Land Council had stated: 'We either lose or gain and, if we do not accept it, then we lose the lot'. Mr Yunupingu went on to say that, as the Chief Minister had come to discuss these things, if the council did not go along with the proposals, then the Land Rights Act would be damaged as a whole. He stated that, as it was a very critical time, he felt the council had to make a decision to assist its own people in the Top End of the Northern Territory. Mr Yunupingu continued and said, without prejudice to the Central Land Council, that the Northern Land Council made this decision on behalf of all the councils. I quote Mr Yunupingu again: 'The council must make this decision and advise the minister of this decision and authorise our delegates to talk to the meeting at Alice Springs. If not, we will lose our powers within the Land Rights Act and we do not want to see the government damage what we already have'. Mr Finlay said that he agreed to some of the general principles, but he did not agree to some of the areas of the pastoral leases and felt that the details should be looked at more closely. The land council then moved a motion. This is the motion the Chief Minister says gives full endorsement to his 10-point package:

> *1. Subject to resolution 4 hereof, the Northern Land Council resolves that the principles contained in the proposal, as amended and presented to the Northern Land Council by the Chief Minister on 24 August 1981, are accepted.*

I stress the words at the opening of that paragraph: 'Subject to resolution 4'. I will come to resolution 4 after I read resolution 3:

> *2. In accepting such principles, the Northern Land Council draws to the attention of both governments its concern that a significant existing right - that is, the conversion of pastoral leases to Aboriginal land under the Aboriginal Land Rights Act - will be removed from the act. The Northern Land Council accepts the principles contained in the proposals in the belief that, through demonstrating willingness to cooperate with the NT and the Commonwealth government, the community of the Northern Territory in general will benefit. The cooperation of the Northern Land Council is based on its reliance on proper and complete implementation of the proposals for the purposes set out above.*

If, in that motion, Mr Speaker, you detect a certain air of, 'Goodness me, we hope this time they do the right thing', you are right.

3. The NLC directs (certain people) to attend Alice Springs 25 August 1981 for further meetings. In respect of amendments to the Aboriginal Land Rights Act it thereby delegates these people to have that power and act on the resolutions.

And here, Mr Speaker, is part 4 of the resolution upon which the first part was predicated.

4. The NLC requests that the NT government include representatives of the NLC and representatives of such other councils as wish to participate in the drafting sessions. These sessions are for the purpose of completing drafting instructions which will lead to legislation based on the proposals. Such detailed drafting instructions, and any draft legislation, is to be considered by the NLC prior to its introduction in either the Legislative Assembly or the federal parliament.

5. The NLC directs its delegates to consult with the CLC and make known resolutions to the Central Land Council. The delegates are instructed to attempt to obtain the agreement of the CLC to these resolutions. Thereafter, the delegates are instructed to place these resolutions before the Joint Councils Meeting, without prejudice to the rights of the CLC.

Mr Speaker, you saw an example by the Chief Minister in debate the other day where he made an extraordinarily political use of statistics. The Chief Minister is adept at making convenient, political use of all sorts of things, particularly the facts. The resolution upon which the Chief Minister is basing his whole argument, the resolution which the Chief Minister says gives this complete, full, unequivocal, gung-ho support to his motion and which the NLC later reneged on - remember the accusation is that bad faith is on the side of the land council - clearly says that support of the proposals hinges on - subject to resolution 4 - the drafting instructions. That is not an unreasonable demand, Mr Speaker. We insist in the Assembly that our subordinate legislation shall be substantially in line with the principal act. It is not an unreasonable thing to ask for. That is the motion on which the Chief Minister bases his case of bad faith.

Mr Speaker, there was another meeting of the full council in November 1981, the 22nd meeting. I will refer to the minutes again. The legal officer of the land council gave a report on the meetings that had taken place with regard to the Land Rights Act amendments. He explained how the act came about and further discussed the amendments that were to be put to the council at their special meeting in August, and the meeting that took place in Alice Springs. It had been further decided that more discussions were required on the issue as the correspondence he had received during the previous 2 days were not in the true sense what the Northern Land Council felt the proposals, in the first instance, to be. He explained the letter that he received from the Chief Minister which outlined the aspects of perpetual leases and excisions of land. He advised that the NLC believed that Aboriginal people would get automatic perpetual leases but this appeared not to be the case. He felt that the council would have to be careful on what they accepted in the proposals. The chairman agreed that the council could not give up anything until such time as it was aware, in detail, of all aspects of the proposals put to it. As it saw it, it was not fully discussed at the last meeting and it was only when he visited Alice Springs to attend the working party meeting and many things were talked about that he was unaware of. Mr Finlay then expressed his concern that the

government was using its powers to threaten the council and the motion at the last meeting was passed because the government advised that, if nothing was done, it would pass its own law. The Chairman agreed that this move was only to get the council to make quick decisions but it would take a long time before an act could be written, so he asked why all the hurry. It then moved motion C22/283:

> *1. The NLC is dissatisfied with the progress achieved by the working party considering amendments to the Aboriginal Land Rights Act. The council notes a form of instructions to the NT draftsman was produced to the Bureau of the NLC on 2 November 1981.*
>
> *2. The NLC resolution of 24 August 1981 indicated agreement to proposals made by the NT government but those proposals have not been reflected in the drafting instructions of 2 November 1981. This council instructs the Bureau of the NLC to continue negotiations so as to achieve satisfaction in respect of the below-listed principles that were embodied in the proposals of 24 August 1981.*

That motion then went on to set out the 10-point proposal.

Mr Speaker, I am not going to bore honourable members of this Assembly any more than is necessary, but this is certainly necessary. I will go over a little bit of the ground again. The Chief Minister says - and it is a plank of his platform - that the NLC gave certain undertakings to support his 10-point proposal and later reneged on those undertakings. He said that this was in breach of an agreement that it made and the bad faith is on the side of the land council. As I have clearly indicated by reading the full motion, the motion supporting those proposals was based entirely on the assumption that the detailed drafting instructions would be based on the proposals. That is not an unreasonable assumption. They then had a meeting to discuss the drafting proposals. I will give an example, Mr Speaker, of what it is like to deal with the honourable Chief Minister and his government. The Chief Minister, as many of us do, might well go to church on Sundays but you have to look out for him on Monday. When dealing with this government, Mr Speaker, you have to watch the fine print. Mr Speaker, if you know Aboriginal people at all well, they do not expect to have to be lawyers when they deal in good faith with governments. They want a little bit of good faith on both sides.

This is a page from the drafting instructions that were handed to the NLC by the government subsequent to the 10-point package being agreed to on the understanding that the drafting would be based on those 10 proposals:

> *1.4 The government intends that these proposed amendments to the Crown Lands Act are to be dealt with by parliament at the same time as proposed amendments to the Lands Acquisition Act. These matters will be the subject of separate instructions. At the same time, further amendments to the act are to be put forward by the Commonwealth government in relation to the removal of stock routes and stock reserves from the operation of the act and the repeal of section 67 of the Land Rights Act.*

Section 67 of the Land Rights Act does not talk about land councils, money or anything else. There was a package of 10 proposals put to a land council in which no mention was made of section 67 of the Land Rights Act. A motion was passed because the Land Council was desperate to come to an agreement with the government to indicate, as it said, for the benefit of all the Territory community, that it supports the government's package which did not say anything

about section 67. The motion said that the drafting instructions had to be based on the package. That is fair enough. Buried at the bottom of this page is this little reference that it will repeal section 67 of the act. The government described this as a piece of detail. What is section 67 of the Land Rights Act that these drafting instructions will repeal? I will read it out:

> *Aboriginal land shall not be resumed, compulsorily acquired or forfeited under any law of the Northern Territory.*

That is section 67 of the Land Rights Act. It is only a minor matter. It is only the protection in the Land Rights Act that prevents the Northern Territory government, under its own laws, from acquiring, if it wishes, every single piece of Aboriginal land granted under the act. Buried at the bottom of the drafting instructions is a statement that that section of the act will be repealed. I would ask all honourable members to turn their attention to the 10-point package. I defy any member to find anywhere in that 10-point proposal that the government intended to repeal that section of the Land Rights Act, which is the only protection that Aboriginal landowners have from compulsory acquisition of every single piece of their land by the NT government.

Not surprisingly, when the Northern Land Council read that proposal, it thought that it had been had. Indeed, it had been had. It was then pointed out to the government that it did not feel that the removal of the main foundation stone of the Land Rights Act was part of the 10-point package that it had agreed to a few weeks before with the Chief Minister. Clearly, the evidence is that it was not. There it is; I am happy to supply it to anybody who wants to have a look at it. For that reason, the Northern Land Council later rescinded its decision to support the 10-point package proposal of the Northern Territory government. I do not blame it. I would not blame any reasonable person for doing the same.

Mr Deputy Speaker, in any drawing up of a contract between 2 parties where there is supposed to be some degree of goodwill, it should not be necessary to read the fine print with a magnifying glass in order to reach a reasonable agreement. One would expect that, if you said, 'OK, we'll draw up a contract next week and these are the 10 points on which we will base it', and both parties agreed to that, and then next week you put something at the bottom of the package which is not contained in the original agreement, that would destroy the contract completely. My attitude would be to walk out of the room and never go back again.

I would ask all honourable members to take the trouble to read through the full minutes of the NLC meeting that accepted that package. What is clear from that meeting is that there were many aspects of that package that it was not happy with. There were many aspects of that package that it did not want to accept but, because it was trying to maintain some goodwill with the Northern Territory community and with the government, it agreed to support the package on the basis that the drafting would reflect the package that was agreed to. Two weeks later, it was hit with that. I do not blame it for thinking it had been done.

If the Chief Minister can say that that is reneging on an undertaking that the land council had made, I think it is a prime example of how difficult it is to deal in good faith with the honourable Chief Minister. I would suggest that many members of both houses of the federal parliament will think precisely the same.

Mr Deputy Speaker, after this business, a press release was issued by the Northern Land Council:

Full council meeting held in Darwin on 16 to 18 June 1982. The Northern Land Council considered the proposed amendments to the Aboriginal Land Rights Act and resolved as follows. It was dissatisfied with the terms of the offer made by the respective governments in exchange for amendments to the Aboriginal Land Rights (Northern Territory) Act 1976. Accordingly, the council revoked the resolutions of the full council passed in August and November 1981 and March 1982 and discharged itself from any obligations arising therefrom. Such revocation is merely a formality but it removes from doubt any suggestion that this council continues to support the draft proposals as submitted by the Chief Minister to the land council on 24 August 1981.

The Northern Land Council expressed its desire to discover a resolution of the conflicting cultural interests within the community of the Northern Territory and stated its willingness to pursue further negotiations with the Commonwealth and the Northern Territory in an attempt to secure this objective, provided that any agreement ultimately reflected the interests of the Aboriginal community and is submitted back to the full council for approval prior to acceptance.

The Northern Land Council said that one of the reasons why negotiations had failed was because of the insistence of the government of the Northern Territory to only negotiate on the basis of a package of proposals. The Northern Land Council said that, if the government of the Northern Territory continued to adhere to this negotiating stance, such an attitude could well hinder the success of future negotiations.

The Northern Land Council instructed its officers to have discussions with the Central Land Council and Tiwi Land Council in order to canvass the possibility of a joint sitting of the 3 councils, preferably in July 1982. The above resolutions were made after taking into consideration the following matters:

1. That, as far as the Northern Land Council was concerned, it has not been bound by the August resolution since November last year because the Northern Territory government had broken the agreement last year and this breach has been consistently reflected in the council resolutions since then.

2. On an assessment of the drafting instructions submitted by the government of the Northern Territory concerning excisions, and after taking into account the Northern Territory government draft proposals, it considered that the conditions imposed upon Aboriginal people in order to achieve excisions were so onerous that, when compared with the considerable benefits of section 50(1)(a) of the Aboriginal Land Rights (Northern Territory) Act 1976, any amendments to this section would not be justified.

3. In view of the appeal to the High Court by Meneling Station and others over the Finniss River Land Claim, the council considered that, if it lost the grazing licence argument, such a result may not only affect future claims but may also jeopardise past claims to such an extent that the only way Aboriginal people may regain lost land would be to purchase neighbouring pastoral properties and convert them to Aboriginal land pursuant to section 50(1)(a) of the act.

It then goes on to talk about the detail of the drafting instructions. I am saying to the people of the Northern Territory - and the evidence is irrefutable - that the Chief Minister went to the Northern Land Council and secured an agreement on his 10-point package. The agreement was that, when it was put into legislative form, that legislation would reflect the terms of the agreement. A couple of weeks later, the removal of the most significant section of the Land Rights Act had been introduced into those drafting instructions. That was not part of the original agreement. If the government had not pulled a shifty, which is exactly what it was, that agreement would have been concluded. Any dispassionate reading of the minutes that I have read out and the details of the Northern Territory government's own draft indicate that that is a fact. It was the government's own bad faith that destroyed that agreement. It had an agreement in its hands and it threw it away. I suggest, and I do not think the evidence can be pointed any other way, that it did so deliberately.

A press release was then issued by the Northern Land Council on 3 June 1982:

The Chairman of the Northern Land Council, Mr Gerry Blitner, today completely disassociated himself and the Northern Land Council from statements by the Minister for Aboriginal Affairs, Mr Wilson, which indicate that the Northern Land Council had agreed to proposed amendments to the Aboriginal Land Rights Act. Mr Blitner said that discussions between the land councils and the federal and the NT governments had taken place over the period of the last 14 months and that, as far as he was concerned, those negotiations had not been concluded ...

I have no doubt that the Minister for Aboriginal Affairs had accepted, in good faith, the word of the Northern Territory government that indeed an agreement had been reached with the land council and it had complied with its terms of the agreement and put out a press release saying that the agreement existed between the NT government and the Commonwealth. The evidence was placed before him by the land council the day after he made the press release. Five days later, he backed away from that statement at 100 miles an hour. I can hardly blame him.

A number of other press releases were put out by the Aboriginal organisations indicating the fact that no agreement existed. These were from the Pitjantjatjara Council and a number of other organisations. I will not read them; I will make them available to anyone who wants them. A press release was issued on the same matter by the Australian Democrats in the Senate. The Chief Minister just spent $0.25m of Northern Territory taxpayers' money promoting these changes nationally on the basis that, by the power of his arguments, he would persuade the Senate to pass the agreement and support it. I can tell you, Mr Deputy Speaker, that the same evidence that I have delivered in this Assembly this afternoon was put before the Democrats and they were highly

unimpressed. I suggest that, if the government cannot act in good faith, it is substantially wasting considerable public money in trying to support something that in fact should not be supported by anyone:

> *Senator Don Chipp today expressed his grave concern about the proposed Northern Territory Commonwealth land rights package. 'The Australian Democrats will not accept any legislation that will weaken or erode this', he said. Senator Chipp stated that the Democrats had come here to listen to representatives of Aboriginal organisations and what is coming through loud and clear is that Aboriginals are unanimous in their opposition to this package ... 'If the government thinks that it is trying to achieve social harmony or to relieve racial tension, it is living in a dream world'.*

These are the people whom the Chief Minister wants to convince. These are the people whom he has to convince if he wants the amendments put through. That is why I said this morning, and I say it again quite confidently, it is not only the Senate that he will have trouble with. I suggest that there will be a few clear thinking people with a conscience in the House of Representatives who will have trouble in supporting the package as well.

We come now to the only evidence that has been presented so far by the government for the so-called agreement that exists between the Northern Territory government and the federal government. It is a press release put out on 2 June by the federal Minister for Aboriginal Affairs:

> *The Minister for Aboriginal Affairs, Mr Ian Wilson, announced today that the government would introduce legislation which would give effect to a package of proposals which had been the subject of negotiation between the Northern Territory government, the Commonwealth government and the Aboriginal land councils in the Northern Territory. The minister said that the legislation which the Commonwealth proposes to introduce would amend the Aboriginal Land Rights (Northern Territory) Act 1976.*
>
> *Mr Wilson said that a number of negotiating sessions involving the land councils, the NT government and the Commonwealth government had been held during the course of the last 14 months during which a proposal had been submitted by the NT government which provided not only for certain amendments to the Aboriginal Land Rights Act but also substantial amendment to the NT legislation in favour of Aboriginal interests. That proposal had been the subject of further negotiations between representatives of the parties mentioned which resulted in the development of detailed drafting instructions with regard to elements of the proposal requiring amendment to NT legislation.*
>
> *The minister said that the package of proposals, as submitted by the NT government, had been agreed to in principle by the Northern Land Council by way of resolution dated 24 August 1981 but as yet had to be accepted by the Central Land Council.*
>
> *The minister said that the Commonwealth government is of the view that the proposal submitted by the NT government is one designed to reduce the tension between the polarisation of Aboriginal and non-Aboriginal communities in the Northern Territory. More specifically, it will substantially advantage some 2000 or more Aboriginal people in*

the Northern Territory who, under existing legislation, have limited opportunities to secure title to the areas on which they live within the boundaries of pastoral leases. The proposal will also provide for the recognition of prior ownership by Aboriginals of the Uluru Ayers Rock Mt Olga National Park by way of a grant of title to Aboriginal trustees and for that area to be declared and managed as a national park under Northern Territory legislation for the benefit and enjoyment of all Australians.

The minister said that the amendments to the Land Rights Act would ensure that, while existing claims over Aboriginal-owned pastoral leases may proceed, no further claims could be made over pastoral leases purchased by Aborigines in the future. 'In order to avoid any unforeseen commercial consequences arising from these proposals, I would envisage that, when accepted by the parliament, the operative date of the relevant legislation would be 3 June 1982', the minister said.

Aboriginals would be able, however, to gain perpetual leasehold title to pastoral leases purchased by them on the open market. In addition, land claims to NT national parks, stock routes and other public purpose areas in the Northern Territory would no longer be available for claim. In relation to Territory national parks, however, the NT government would negotiate arrangements with the relevant Aboriginal land council with a view to the granting of title over those parts which are currently the subject of valid claims by Aboriginals and to secure management participation in the operation of these parks on a case-by-case basis.

The minister said the Commonwealth was of the firm view that the total package of legislation was designed to cater for the genuine needs of the citizens of the Northern Territory, both Aboriginal and non-Aboriginal, and it was for this reason that the government intended, in parallel with the Northern Territory government, to proceed as soon as practicable to introduce legislation designed to give effect to the proposal. The minister said: 'In the preparation of the legislation, it is proposed that we maintain a close contact with the NT government and the land councils'.

That, Mr Deputy Speaker, is the sole piece of evidence which the government has offered for an agreement between the federal government and the Northern Territory government. It is a fairly extraordinary way for the Northern Territory government to be handling Commonwealth-state relations - basing them on press releases. Nevertheless, we know enough about the Commonwealth-state relations of the Chief Minister to know of the substantial number of formal agreements that exist between the Northern Territory government and the federal government. Indeed, they are handled in a manner which is totally different from this.

On 2 June, hot on the heels of that statement, the minister made a number of other public statements in respect of the agreement. I quote from the NT News of 8 June 1982: '"Changes to the Land Rights Act will not include giving the Territory government the power to resume Aboriginal land', said Mr Wilson'. Mr Deputy Speaker, I would point out to all honourable members that it is my view that the federal minister accepted, in good faith, the assurances that had been given to him by the Northern Territory government, and probably by the Chief Minister himself, that the Northern Territory government had achieved an

agreement with the NLC on the 10-point package and that the drafting proposals would be based on that package.

Immediately after that press release, the land councils set out for the minister the evidence of just exactly what happened. The opening paragraph of his statement is not really very coincidental, and I will repeat it again: 'Changes to the Land Rights Act will not include giving the Territory government the power to resume Aboriginal land'. The report went on: 'Aboriginal Affairs Minister, Mr Ian Wilson, gave this assurance during a Press Conference today. Mr Wilson said, "The drafting instructions have been introduced to give a firm basis for further negotiations with the land councils"'.

In the Canberra Times, Mr Deputy Speaker, the following report was given:

The Minister for Aboriginal Affairs, Mr Wilson, is prepared to back down on a proposed package of land rights legislation which has angered Northern Territory Aboriginals. He said this after the opening of Kakadu National Park yesterday and that the package prepared by the Northern Territory government was in the nature of 'an ambit claim', and he was willing to negotiate with the Northern Territory land councils. The package includes the disallowance of new land claims on pastoral leases, land claims on stock routes and public places and includes the existing provisions in the Aboriginal Land Rights (Northern Territory) Act ...

Mr Wilson said that the part of the proposed package that allowed the NT government to compulsorily acquire Aboriginal land was something the federal government had never been prepared seriously to consider. He wanted the legislation to go through federal parliament before the end of the year, but this would depend upon the negotiations between the federal government, the NT government and the Aboriginals.

Mr Wilson said he was in a sense disappointed with the reception the package had received from NT Aborigines, but all the federal and Northern Territory governments had agreed on were 'some principles' and there was still a great deal of consultation to go on. He then went on to say, in respect of the land councils, 'They are unhappy about some drafting instructions that were sent to them which, in their nature, included some ambit comment which was put in with a view to being knocked out'.

The Aborigines were concerned about some of the same things the Commonwealth was concerned about and he said, 'In respect of the Northern Territory government, we would not have entertained them for one moment'. The Northern Land Council knew there were some sections in the NT government drafted legislation that the Commonwealth was not prepared to go along with. These included the repeal of section 67 of the act dealing with the resumption of Aboriginal land. That proposal was in the draft instructions. Mr Wilson said that the Commonwealth has never been prepared to entertain changes or amendments to that section.

That, Mr Deputy Speaker, is the agreement that exists between the Northern Territory government and the federal government.

I want to give one more fairly peripheral example of what it is like to deal with some of the members of the Northern Territory government in respect of

Aboriginal matters. This so-called agreement of 2 June is not the only recent example of unilateral action by the government in asserting that agreements exist with Aboriginal people when they do not. We also have the interesting case of the press release of 29 September from the Minister for Aboriginal Affairs who must be getting rather tired, I would suggest, of dealing with ministers of the Northern Territory government. It concerned a ceremony planned for 1 October this year by the Minister for Mines and Energy for the issue of the Palm Valley production lease. Mr Wilson said that the Minister for Mines and Energy had not consulted with him prior to the issue of the invitations, nor had he sought his advice as to whether the Palm Valley agreement had been approved. In fact, no agreement could be signed until the Minister for Aboriginal Affairs approved it. Of course, that is correct. It is in the Land Rights Act. The Minister for Aboriginal Affairs said:

> *I consider it not only a matter of courtesy but also one of common sense that I should have been consulted before the invitations were circulated. Mr Tuxworth is aware that I am bound by law to ensure that the relevant land council has met all of its obligations before I can approve the agreement. In this instance, I have sought additional information regarding consultations undertaken by the Central Land Council about the Palm Valley agreement and I have raised certain questions regarding the content of the agreement. The Central Land Council has advised me that it is unable to provide a complete response before 7 October. Until I receive that response, I will not be in a position to approve the agreement.*

Mr Deputy Speaker, as a politician, reading the very restrained language of both press statements of the honourable minister in regard to the Chief Minister's proposed package - and his slipping into the drafting instructions the bit about acquiring Aboriginal land - bearing in mind the fact that he belongs to the same political party as his colleague in the Northern Territory and noting again the very considered restraint in the press release concerning the honourable Minister for Mines and Energy's actions, the real feelings of the federal Minister for Aboriginal Affairs in respect of these people is only too easy to imagine.

We have discussed in this Assembly a number of actions taken by the government which, in our opinion, constitute acts of bad faith. Frankly, Mr Deputy Speaker, I am becoming extremely weary. I do not think that, for the purposes of this debate and for the purposes of understanding why the Northern Land Council decided it did not want to pursue the agreement with the Chief Minister, we need any more of this. Nevertheless, to round out the debate, I will do it.

I have traced the progress of negotiations between the Territory government and the Aboriginal land councils over the last 12 months. I would like to have seen a resolution to those negotiations. It was pretty galling to know that agreement on that package had been reached between the NLC and the government and that, had the NT government simply had the good faith to follow through with drafting instructions which were in fact based on the 10 proposals that had been agreed to, an agreement between that land council, at least, and the government would have been concluded. The fault for that failing lies entirely in the Northern Territory government's insistence on trying to pull a swifty with a little bit of fine print. It is good lawyer stuff, Mr Deputy Speaker, for a certain kind of lawyer. I suppose the Aboriginal people who wanted to be able to talk in reasonable, human terms, without getting into the fine print, found it a really devastating experience. Certainly, you have to bring your silk with you when you talk with the Chief Minister.

Mr Deputy Speaker, there are a number of other matters to consider. The Chief Minister says he wants to know from me what the facts about acts of bad faith are. I have listed a few examples:

1. Extending the town boundaries of Darwin to an area 4 times greater than that of London in an attempt to defeat a particular land claim. This matter, of course, is still the subject of legal action.

2. Passing legislation designed to prevent the Aboriginal Land Commissioner obtaining evidentiary material on the question of the mala fides of the government's action in extending the Darwin town boundary following the High Court ruling of December 1981 that such questions ought to be considered.

3. Breaching the government undertaking that it would not, within a 2-year period, process development applications for land under claim by purporting to alienate a substantial area of the Lake Amadeus Land Claim. This is something that the government concedes did happen, and indeed that is the reason you will find it in the detailed package of proposals we have put to the government. The government has indicated to the land councils that it is prepared to make some adjustment in respect of that matter. In fact, it has offered to set up a group to deal with it. We have no argument with the government on that. We think it should go ahead and do it.

4. Making concessions to others regarding excisions from pastoral leases when it was not prepared to grant those same excisions to the very people with whom its legislation dealt.

5. Granting grazing licences over areas under claim and claiming then that the grant of the grazing licence was an alienation of land.

6. Closing the claim to Utopia Station which was held by the Aboriginal Land Fund Commission on behalf of Aboriginals, and raising technical arguments that were rejected by the High Court. The Northern Territory government has a consistent record of failure in the High Court.

7. The Minister for Mines and Energy promising Peko-Wallsend that he would alienate land at the very time that a claim to it was being heard by the Aboriginal Land Commissioner.

8. Threatening to alienate unalienated Crown land under claim unless the land councils accepted the government's demands to alter the basic principles of the Land Rights Act.

9. Tabling legislation designed to weaken the protection of sacred sites by emasculating the Northern Territory government's sacred sites legislation. Let us not have any rubbish from the government about the fact that it did not bring it into law. It was put before the Assembly so that it could be used very effectively as another gun at the head.

10. Alienating parts of the Warumungu Land Claim and keeping this alienation secret from both the claimants and the hearing. Again, as I discussed the other day, the government allowed that hearing to continue for 3 full days before it advised the Aboriginal Land

Commissioner, but I suggest that anyone who reads through the transcript of the court proceedings will again see a fairly restrained and responsible use of language on his part.

Mr Speaker, the Chief Minister, during a previous debate in this Assembly, which bore a remarkable similarity to this one, tabled a great many telexes. Therefore, it is now necessary for me to deal with those telexes which the Chief Minister tabled. He made a great deal of those telexes. I have already discussed the relationship of the government, in these negotiations, with the Northern Land Council. I will now deal with some of the arrangements that occurred between the government and the Central Land Council. I feel that, in order to get to the bottom of this, a careful examination of all the material is necessary. It is not something that one gains from a press release; one has to sit down and work at it. If you carefully examine those telexes, what they disclose is a history of political duplicity on the part of this government. On 16 September, the Chief Minister telexed:

> *In April this year, I agreed that I would not proceed with the stock routes and associated legislation which I had introduced into the Legislative Assembly pending the conclusion or abandonment of our joint negotiations on the draft proposal related to Aboriginal land ownership issues. This agreement was subject to the verbal understanding given on behalf of your organisation that you would not proceed with existing claims to stock routes and stock reserves while negotiations continue.*

There are 2 points to be made in respect of that telex and they can be substantiated very easily. The first point to make is that no such agreement existed. No such agreement took place in April or at any other time. As we know, the government is pretty heavy on non-existent agreements. These agreements in fact rest purely on the unsupported assertions of the Chief Minister. The second point to make is that there was no 'verbal understanding'. In introducing these matters, I am of the view that Goldwyn in fact said it all when he said that verbal agreements are not worth the paper they are written on.

What in fact occurred in April was a specific offer from the Central Land Council to the Chief Minister's representative to delay the presentation of specific claims to stock routes and reserves on pastoral properties, a matter of great concern to pastoralists, if proper negotiations took place on the question of adequate living areas for Aboriginal people on pastoral properties. I might say, Mr Speaker, that an examination of the record will disclose that the Central Land Council on that point has been totally consistent. After seeking advice on this from the Central Land Council, I was told it is unaware whether this offer was transmitted to the Chief Minister because he certainly never replied to it. Further, he destroyed any basis for agreement by secretly entering into a deal with the Commonwealth government designed to destroy stock route and reserve claims and to impose inadequate living area provisions on Aboriginal people.

Mr Everingham: It is now an agreement but a secret one.

Mr B. COLLINS: It was therefore ridiculous to talk of agreement or understandings. If the Chief Minister does not have the wit to follow this debate, then perhaps he should stay out of it.

The point that there was no agreement or understanding was made in a telex sent by the CLC Chairman to the Chief Minister on 22 September 1982. These are

all telexes tabled by the Chief Minister. It is worth quoting this telex to the Chief Minister from the Central Land Council:

> *Dear Mr Everingham, I find the contents of your telex dated 16 September very surprising. At no time did you or your representatives communicate any intention not to proceed with the stock routes and associated legislation to the Central Land Council. To talk of any agreement between the CLC and yourself is therefore nonsense. In April 1982, the Central Land Council indicated its willingness not to present any of the claims for stock routes and reserves on pastoral properties if meaningful negotiations could be held on the question of providing adequate living areas for Aboriginal people on pastoral properties. The response of your government to this reasonable offer was to destroy the negotiations by entering into a deal with the Commonwealth government in June 1982 whereby an all-or-nothing legislative ultimatum for claims to stock routes and reserves were to be eliminated and an inadequate provision for living areas on pastoral properties is to be thrust upon the Aboriginal people.*

I will pause during the reading of the telex to say that, if the Chief Minister does not have the wit to see the distinction, then so be it. The Central Land Council was basing that claim on public statements by the Chief Minister himself, and that is reasonable. What I am talking about in respect of this non-existent agreement, Mr Speaker, are not the public statements of the Chief Minister but whether in fact that agreement ever existed. These are 2 completely separate issues. The telex continues:

> *In these circumstances, any talk of undertakings is ludicrous. If your government now has a genuine concern about discussing land rights issues with the land councils rather than arbitrarily imposing its will upon the parties, it should indicate clearly its willingness to commence negotiations on matters of principle. If such a course was followed, the Central Land Council would, after consulting with the Aboriginal people affected, consider delaying the presentation of stock routes and reserve claims on pastoral properties.*

In his next telex, dated 6 October 1982, the Chief Minister then withdrew the assertion of a verbal understanding in April 1982 and pointed instead to a telex sent by the Central Land Council on 22 February 1982. In that telex, it was stated:

> *The Central Land Council is prepared to forgo the immediate presentation of the stock routes claims for hearing if there is any chance of an acceptable solution being reached. Since these routes and reserves have not been used for many years, it cannot be argued that there is any need for high speed legislative activity.*

However, the honourable Chief Minister's response to that telex was swift. On 23 February 1982, he telexed:

> *To date, I have had no response from the Commonwealth or the land councils which would justify postponement of the bills to which you refer.*

That is in reference to the stock routes and the associated legislation. It logically follows from that that there was no acceptance whatever of the offer of the Central Land Council. Indeed, in his telex dated 6 October 1982, the Chief Minister was in fact forced to concede:

There was no formal response to yourselves to the effect that the stock routes and associated legislation would not proceed.

That, Mr Speaker, was and is the situation. In desperation, we then have the Chief Minister pointing to the circumstances that the bills have not been passed. As was pointed out - and I happen to agree - in the Central Land Council telex of 12 October 1982, such an approach is extremely hypocritical. The whole matter was dealt with in that telex:

You refer to the offer of the Central Land Council on 22 February not to proceed immediately with stock routes claims. As is clear in that telex, such an offer was predicated upon your government agreeing not to proceed with the stock routes and associated legislation. The response of your government to that offer as contained in your telex of 23 February 1982 was to refuse any commitment to postpone the passage of such bills. While such bills have not been subsequently passed, it is a little hypocritical to suggest your government deserves credit for such restraint when the intervening period has been utilised by persuading the Commonwealth government to introduce legislation that destroy such claims.

The whole course of events, as the documentation clearly illustrates, is one where a very politically-motivated Chief Minister is trying to create agreements and undertakings when none could or did exist. In pursuing this course, I believe that he misled the Legislative Assembly when he stated on 14 October 1982:

Following verbal and written undertakings given that the land councils would not proceed to hearings of stock route claims until our negotiations were either completed or abandoned, I undertook not to proceed with the stock routes and related legislation. Because these stock routes and stock reserves remain in the land claim, I have exchanged telexes with the Chairman of the Central Land Council reminding him of the undertakings given and suggesting that the Central Land Council should stand by the undertaking. The replies I have received up to date, in my view, have been unsatisfactory, and, if the claim to parts of these stock routes and stock reserves continues, there is a risk they will cease to exist. This position is untenable so far as the Northern Territory government is concerned and I have instructed officials to put in train action necessary to remedy it. To ensure that these stock routes can be alienated, they must retain their present status in the interests of the Northern Territory people.

Mr Speaker, from a careful examination of these exchanges, it is absolutely clear that such verbal or written undertakings never existed except in the mind and in the public statements of the Chief Minister. As a man who has practised as a lawyer - although, in his interview in the Weekend Australian, he described himself rather as a businessman with legal qualifications - the Chief Minister must understand what constitutes an undertaking or an agreement. His statement to the Assembly then is all the more reprehensible, but the matter certainly does not end there. On 28 October 1982, the Central Land Council again telexed the Chief Minister and I quote from the telex:

The executive agreed in principle to an adjournment of claims for the stock routes and reserves presently claimed which are situated within the boundaries of pastoral properties. We see this as an

opportunity to re-establish serious negotiations on the issues of excisions for Aboriginal communities on pastoral leases and claims for stock routes and reserves on pastoral properties.

Mr Speaker, the telex also indicated that instructions would be sought from the claimants and council and the NT government would be kept informed of any developments. The Chief Minister rejected that offer. In a telex he sent to the Chairman of the Central Land Council on 3 November he said: 'Because of the uncertainty that still exists in relation to these stock routes and stock reserves, it is my intention to take the necessary action to bring about their alienation'. Mr Speaker, as I pointed out in debate already, when he sent that telex saying that it was his intention to proceed to the alienation, he had already secretly taken that action 5 days previously. Not only that, he had also taken action to alienate 5 other areas as well, and not just stock routes.

Like the Chief Minister's earlier telexes, the telex of 3 November was misleading. It misled the Chairman of the Central Land Council by not informing him that the action intended had already been taken 5 days before. Let us not have any legal nonsense about the fact that the minister had only proclaimed the alienation and that it had not been signed. What we are talking about is one person talking to another with a reasonable degree of honesty. He misled the Chairman of the Central Land Council by failing to disclose to him that 5 other areas of land had also been alienated 5 days previously. I believe that it can be fairly said that the actions of the honourable Chief Minister would seem to fall short of the standard of frankness required from a Chief Minister.

Mr Speaker, the ultimate example of the Chief Minister's dealings with the land council is revealed in yet another portion of the telex of 3 November 1982: 'I am not prepared to negotiate on any aspect of this package in isolation. In the circumstances, your proposal to consider only the stock routes and the living area issues is unacceptable'. The duplicity of this approach is obvious because the Chief Minister had already done precisely what he was pretending to condemn and had treated the stock routes and reserves issue in isolation. Furthermore, by alienating these areas of land, the Chief Minister himself had ripped apart his all-or-nothing legislative package. I would remind all honourable members that that is number 1 in the package, which he himself has already broken.

Does this mean he is now prepared to discuss individual aspects of the package or is there one rule for the NT government and another rule for Aboriginal people? That is a fair question. Isn't it about time that the Chief Minister and his government were prepared to discuss rationally each individual land rights issue instead of indulging in secret political manoeuvres? In respect of the telexes tabled by the Chief Minister, I think there is no need to go any further than that.

Mr Speaker, I did say at the beginning of this address that I intended to spend a short time dealing with the attempts that the land councils have made to try to negotiate this package with the Chief Minister. I refer to a telex dated 21 September 1982 from the Central Land Council to the Chief Minister:

Dear Chief Minister,

For your information, I forward the resolutions of the full land council passed on 7 September 1982 relative to the land rights issue:

1. The Central Land Council reaffirms its opposition as

declared at the Santa Teresa meeting on 16 June 1982 to the proposed changes to the Land Rights Act in their present form.

2. The Central Land Council supports the continuing campaign against these proposed changes to land rights.

3. The Central Land Council reaffirms its willingness to talk with the Northern Territory and Commonwealth governments about the land rights legislation.

4. The Central Land Council supports the stand taken by the executives of the Northern Land Council and Central Land Council at Ali Curung as expressed in the joint press release issued on 11 August 1982.

I will read part of another telex from the Central Land Council to the Chief Minister:

The executive agreed in principle to an adjournment of claims to the stock routes and reserves presently claimed which are situated within the boundaries of pastoral properties. We see this as an opportunity to re-establish serious negotiations on the issues of excisions for Aboriginal communities on pastoral leases and claims to stock routes and reserves on pastoral property.

All of these approaches fell on stony ground. A letter was sent from the Northern Land Council to the Chief Minister on 2 September also containing proposals to open negotiations again with the Chief Minister. There is a considerable amount of material detailing the specific areas of agreement which the Northern Land Council was prepared to reach with the government. I will not read them all out. I will make them available to honourable members who wish to read them.

Mr Speaker, I referred earlier to a combined press release on the issue by both land councils. I will read it out:

In an historic meeting held on Aboriginal land at Ali Curung on 10 August 1982 and 11 August 1982, the executives of the NLC and CLC discussed the proposed land rights amendments. The land councils reaffirmed their opposition to the package and amendments to the Land Rights Act being advanced by the Northern Territory and Commonwealth governments. These amendments are an attempt to retract basic rights which were bestowed on Aboriginal people by the whole Australian community a mere 6 years ago ...

As I said before, this was a statement from the land council which, just a short time before, had agreed to support this package of the Chief Minister. I will read further from the statement:

What was needed was return to the negotiating table for a separate examination of each of the suggested laws based on proper and adequate research and consultation. Up until now, the uncompromising attitude of the NT government with its all-or-nothing ultimatum has made such an examination impossible.

Mr Speaker, I stated when I began that I wish to deal in some detail with the question of excisions because that, indeed, is part of our package of suggestions to the NT government. I am perfectly happy to discuss any one of them in isolation with the honourable Chief Minister. Indeed, the issue of excisions is one of the 'sticky points' described by the federal Minister for Aboriginal Affairs in the pursuance of these negotiations. The issue of excisions is extremely important in the context of these proposed amendments to the Land Rights Act.

It is an issue which needs to be seen in its historical perspective. This is not because I have some preoccupation with history which, as we all know from a previous contribution from the honourable Minister for Transport and Works, is a thing of the past. Indeed it is. It is necessary to look at it in an historical context because of the Chief Minister's attitude towards this particular 'sticky point' as demonstrated at the Ayers Rock meeting and subsequently at the National Press Club.

Mr Speaker, the impact on Aboriginal society of European settlement in remote Australia has been dramatic. The effect of the cattle industry on the fragile Australian ecosystem has been well documented. Cattle monopolised good watering places, competed with indigenous wildlife, disturbed Aboriginal food sources and destroyed many native plants. The cattle were in competition with the Aboriginal people themselves. These are prices that must be paid, Mr Speaker. The facts were that the hunters and gatherers were forced to mendicant dependency on pastoral stations as mobs of station Aboriginals. As I said earlier, I have some experience of this myself. The traditional mode of survival had been effectively and dramatically destroyed. While their country was inexorably transformed to satisfy western economic enterprise, the Aboriginal people were reduced to units of labour with the status of beggars.

In 1966, as honourable members would be aware, there was a mass walk-off by Aborigines from all Vestey's stations in the Victoria River District against conditions and treatment which they were forced to endure. In 1968, when the Commonwealth Arbitration Commission ruled that the full pastoral award was to apply to Aboriginal employees, many Aboriginal people were laid off. Certainly, no criticism could be levelled at the cattle stations because many of them simply could not afford to pay those wages. Nevertheless, that was the position Aboriginal people were in. While many Aboriginal people have been forced to the fringes of towns to live in a no-man's land, caught at the bottom of the socio-economic system, some have been able to maintain a tenuous foothold on pastoral properties. They see the fringe-dwelling alternative as even worse than the conditions that they and their forefathers endured in the pastoral situation. In part, that is the context in which the question of excisions must be seen. I say 'in part' because I have not touched at all on the spiritual attachment of Aboriginal people to their land nor on the violence inflicted on Aboriginal people.

Mr Speaker, I dealt earlier, but not in particular detail, with the ample evidence on this kind of thing that is available in a reading of the Northern Territory's history. The reason that it is relevant to this debate is that, at that crucial meeting at Ayers Rock, the Chief Minister was quite happy to acknowledge it. To go over some of that detail, I will talk about that particularly bad affair, the Coniston massacre.

On 7 August 1928, a dingo hunter, Fred Brook, was killed by Aborigines on lonely Coniston Station, 160 miles north-west of Alice Springs. Scorching drought lay over the land forcing the nomadic Walpiri people to move close to

stations in search of food and water. Cattle-spearing increased and few station lessees had the means or the inclination to supply the tribesmen with rations. This was the background to Brook's killing. The immediate reasons are disputed; the results are not. C.A. Caywood, Government Resident of central Australia, sent out mounted constable William Murray with trackers, Paddy and Major, to find the killers. At Coniston Station, Murray recruited the lessee, R.B. Stafford, and 3 other men. On 16 August, the party reached a camp of 23 Aborigines. They shot dead 3 men and 2 women and rode on, killing Aborigines at other camps as they encountered them. On 1 September, Murray returned to Alice Springs with 2 prisoners, Padygar and Akirkra. He reported 17 killings. Caywood sent him out again to avenge a murderous attack on pastoralist, Nugget Morton. This time, the dead totalled 14, officially. Unofficial estimates average about 70 dead for both expeditions. Johnny Martin Jampijimba was a small boy when he saw his father killed along with other men: 'They just drafted them out like cattle and shot all the men'. Padygar and Akirkra were tried in Darwin for the murder of Brooks and were acquitted, but the Walpiri fled their country and many of them never returned.

Mr Speaker, in 1971, the federal government, by way of the Gibb Committee, examined the situation of Aborigines on pastoral properties in the Northern Territory. This committee made recommendations whereby living areas or excisions could be negotiated for Aboriginal people on pastoral properties. This has been notoriously unsuccessful as it depended on the willingness of the lessee to enter into a negotiation process. The lack of success has been acknowledged by the Northern Territory government.

Mr Speaker, I submit that a remedy exists. The Northern Territory government has the power to acquire excision areas from pastoral properties for Aboriginal people. Such areas could be determined without detriment to the pastoralists and yet meet the needs of the Aboriginal people. Indeed, as part of our proposal, we would seek to make sure that a clause, saying that there should be no detriment, is inserted. The government states the same thing in its proposals. All that is required is an act of good faith and genuine recognition of the needs of Aboriginal people by the Northern Territory government. I submit that this government is sadly lacking in good faith. In its proposed package, the NT government has adopted a position which obliges Aboriginal people to forgo rights before a dubious process to provide for excisions is to operate. While the living conditions of Aboriginal people on pastoral properties remain, in many cases, a disgrace, it is repugnant that the NT government is using this fact to influence other Aboriginal people. In exchange for the possibility of some excisions, the NT government is attempting to change and weaken the Land Rights Act.

Mr Speaker, I now wish to consider the details of the government's excision proposal and the difficulties associated with it. Obviously, the Minister for Mines and Energy will be the excisions expert. In relation to excision, the NT government proposes to pass legislation which will create a pastoral area community tribunal. The tribunal would comprise a representative of the land council, a Supreme Court judge and a representative of the pastoralists. In cases where agreement between a pastoralist and Aboriginals could not be reached on an excision, this tribunal would hear evidence from each party and make recommendations to the Northern Territory government. If the NT government accepted the recommendations from the tribunal, the excision would be compulsorily acquired. The NT government would be compensated subsequently by the Aboriginal people.

There are several serious difficulties associated with this proposal. The main difficulty relates to the date of the operation of the proposal. In

order to apply to the tribunal, people will need to have been resident on a pastoral property as at 31 March 1981. This detail will exclude people who have already been forced off pastoral properties. The Chief Minister acknowledged it quite happily and the evidence of his own videotape made at Ayers Rock shows that this happened. It is definitely not the case that those who moved off pastoral leases did so because they no longer felt any attachment to the land, as has been asserted on a number of occasions by the government. In most situations, traditional owners have been forced off their land by various factors.

Mr Speaker, the date of operation of this proposal ignores the people who have been most unjustly treated in the past and, in fact, who have the least hope for the future. The Chief Minister has made the point, in a number of written statements that I have seen, that the Land Rights Act substantially provides a lack of justice for a great many Aboriginal people, primarily those who live on pastoral leases or - I would suggest to the Chief Minister - those who have been forced off pastoral leases and now live in town camps. The Chief Minister's proposed excision package will do nothing for them.

Mr Speaker, a second questionable aspect of the proposal relates to the size of the excision. There is no guarantee that an adequate excision will be granted and the proposal retains for the government the discretionary power to accept or reject the recommendations. Personally, as an issue to be negotiated, I do not have any severe reservations on the issue of ministerial control.

In coming to a recommendation, the tribunal must consider the need of Aboriginal people for an excision, the effect of the economical viability of the pastoral lease, the extent of Aboriginal people's historical contact with the area, the availability of alternative areas of land to the applicants, the estimated cost of compensation to the pastoral lessee, the cost of providing infrastructure and services and the benefits likely to be gained by the applicants. The retention of this discretionary power, on past experience of trying to obtain excisions, does not inspire any confidence. Since 1971, 10 excisions have been negotiated. These include: Narwietooma 230.7 ha out of 2735 km^2; Maryvale 201.1 ha out of 3180 km^2; Stirling 266.9 ha out of 7314 km^2; Murray Downs 84.75 ha out of 5617 km^2; Neutral Junction 661.8 ha out of 4618 km^2; Ammaroo 259 ha out of 3014 km^2; Mount Skinner 10 km^2 out of 3004 km^2; Lake Nash 1500 km^2 out of 8547 km^2; and Alcoota 236.4 ha out of 2424 km^2.

Mr Speaker, in relation to Lake Nash, I should explain the excision in question is unsuitable for human habitation and is certainly not wanted by that community. We have had a number of questions raised in this Assembly on the unsuitability of that particular excision. The Lake Nash Aboriginal community wants a very much smaller area of land near the station where the community has lived for very many years. The management has strenuously resisted that particular proposition. I quote, Mr Speaker, from Lorna Lippmann's book:

> *The management of Lake Nash cattle station in the Northern Territory attempted to evict some 90 Aboriginal people by refusing access to the store for the purchase of food and petrol or for the cashing of cheques. Lack of petrol prevented them from driving to Camooweal in Queensland for alternative supplies.*
>
> *The station, owned by King Ranch of Texas through Swift Australia Pty Ltd, is a property of 8500 km^2 providing pasture for 40 000 head of cattle worth some $15m at today's prices. Some of the men had worked on Lake Nash station as stockmen for 40 to 45 years and*

their children had been born there. The eviction would have meant their destruction as a community. The Alyawarra people concerned obtained an injunction from the Northern Territory Supreme Court on 6 August 1979 under certain sections of the Crown Lands Ordinance No 3, No 170 of 1978, which states that, where Aboriginals are residing within 2 km of the homestead, they have the right to water, animals and vegetation and the use of educational, medical and other facilities.

The injunction enjoined the company from preventing the people from these rights and using the school. This proved sufficient to give a breathing space to the people to pursue their claim for 500 km^2 of their own on which to run a limited number of cattle and to achieve some measure of independence. The considerable national publicity stemming from the injunction alerted the Commonwealth government and the public that the Lake Nash management had been systematically trying to starve out the people, and the store was reopened.

Indeed, Mr Speaker, I am sure all honourable members will remember that particular incident. A further 80 decisions have been requested but little has happened in this respect. The next issue to which I refer is that of payment for excisions. I quote from a recent publication called 'A Question of Balance' which was tabled in this Assembly:

Why should traditional owners who have been forced off their land have to pay compensation to the pastoralist for the return of a portion of that land? Aboriginal people have never been compensated for the land that was taken from them and used to the benefit of the pastoralist. Surely there is something ludicrous about the idea of paying compensation to those who took the land so that they will give part of it back.

I am quoting from that document but I wish to say that I believe that a clear case for compensation to the pastoralist does exist. I do not particularly agree with the view expressed in this document except in so far as I cannot particularly see why it should be the Aboriginal people who have to pay for it. Nevertheless, the pastoralists would be compensated. I have indicated that in the proposals that I have put to this Assembly in my amendment.

There are some additional concerns. The nature of the proposed title is such that it will provide no particular control and it remains of some concern that, in fact, there is no guarantee, once an excision is granted, that some major enterprise will not take place in the middle of it, thereby almost immediately depriving Aboriginal people of what they only just managed to obtain. In all fairness, I would suggest that there is a fair track record of precisely that happening and it is a reasonable cause for concern by Aboriginal people.

I now wish to examine 2 conflicting stands that have been taken by the honourable Chief Minister in relation to excisions. I have debated this in the Assembly before and I shall do so again. The Chief Minister had a meeting with Aboriginal people, many of whom would be affected by his proposed legislation, at Ayers Rock on 3 July 1982. I wish to quote from a transcript of that meeting. I have seen the videotape the Chief Minister has of the meeting and I will be the first to say that, in my view, some people who were at that meeting came out of it very badly. One of them is the Chief Minister. I put those points of view to officers of the Aboriginal Liaison Office who very kindly

allowed me to view the tape upon an invitiation issued on After Eight that morning by the Chief Minister himself.

I would advise all honourable members in the federal parliament that the tape is available in the Office of Aboriginal Liaison. Should honourable members in Canberra wish to view it, I am sure it would be made available to them. All the evidence is there. I will quote from the written transcript of that meeting. Mr John Coldrey is the Central Land Council's legal officer:

Mr Coldrey: I understand that you say some 4000 people will benefit from the living area legislation. Why is that legislation not extended to enable Aboriginal people who just did not happen to be ordinarily resident on pastoral properties as at the date of March 1982 to make claims for living areas on pastoral leases?

Mr Everingham: For the simple reason that is what it is designed to accommodate - the needs of people living on pastoral leases.

Mr Coldrey: But don't you accept the situation that there are many people who would want to go back to pastoral leases but have left them because they have either been made unwelcome or because they have not been able to establish themselves because of lack of water or lack of transport or for some other reason, but still want to get back to their traditional land? If your government is concerned with giving land to Aboriginal people, why doesn't it extend the legislation to meet the needs of people who want to get back on to pastoral leases but did not happen to be living there on the date of March 1981?

Mr Everingham: Well, presumably, if they were not living anywhere on a cattle station, their attachment to it must have been, you know, not all that strong.

Mr Coldrey: That doesn't follow at all does it? Some people, as you would well know, were made unwelcome on cattle stations. Others can't live there for reasons of transport. People, of course, as you would agree, in the history of things, have moved off cattle stations on to settlements and grew up there. But they still have a desire to get back to their original land and what I am putting to you is, you know, really,if the government is genuinely concerned, would your government consider extending that legislation to cover these people? I add this: I know the government's been upset with stock route claims and is attempting to prevent them from going ahead, but they are a product, as I understand it, of people's desire to get back on to the land and not being able to get living areas on pastoral leases.

Mr Everingham: The government isn't too upset about the stock route claims, but the pastoralists are because there are claims for areas that dissect pastoral leases. In fact, John, you know, we are just going to go on arguing round and round on this because the government is not able to extend the proposal.

Mr Coldrey: Well, why? The question I want to know, and I think people want to know, is why won't your government consider extending the proposal?

Mr Everingham: Other people have established rights in the property, that's why.

Mr Coldrey: They have established rights in property in the areas where you are proposing to legislate to allow people to get excisions as well.

Mr Everingham: Those people are there.

Mr Coldrey: That's the only reason?

Mr Everingham: And that's that.

Of course, the Chief Minister could hardly respond in any other way because the logic of that argument is pretty unassailable. It is a funny sort of logic to claim that excisions are not being given because other people have an interest in the property, when excisions will be granted under your own proposals on pastoral leases where other people have an interest in that property as well. It does not make much sense.

However, at a National Press Club luncheon on 28 July 1982, the following exchange took place, and not coincidentally, Mr Speaker. I understood the journalist had been given the question to ask by one of the Aboriginal delegation led by Stanley Scrutton who went down to be present at the Chief Minister's press conference. A journalist from the Australian Associated Press asked the Chief Minister the following:

AAP: I have a question in 2 parts. The first flows from an earlier question on the issue of excisions from privately-held pastoral leases in the Northern Territory. I understand there are several hundred people who lived on such pastoral leases prior to March 1981 and they would not be covered by your proposals. In view of the fact, if accepted and passed, these proposals would effectively stop wider land rights claims, are you willing to compromise on this issue and give these people some hope of a secure land tenure?

Mr Everingham: We are certainly prepared to look at anything at all at any time because I believe it is the function of the government to respond to requests from any of their people who want to put proposals to them. But I can say this to you: we have not received any group of counter proposals from the Central Land Council to proposals we have put to them. They have, I freely agree, said that we should not have the date, as it were, on claims in respect of pastoral leases. If there is some other system that can be devised which would give certainty, we would certainly be prepared to look at it and I am sure we can convince the pastoralists, whom we have had to convince already about this non-existing proposal, and I am prepared to look at that. But, at the moment, the existence of a more certain system defies my imagination.

Mr Speaker, I do not think I need to make much comment on that. It stands alone. At the meeting with the Aboriginal people directly affected by his proposals just a fortnight before, the Chief Minister was a brick wall. He said: 'I will not even consider extending the proposals'. I stress that he would not even consider it. To the same question asked by a journalist at the National Press Club 2 weeks later when he was launching his $0.5m land rights campaign, the Chief Minister was the voice of sweet reason, agreeable to looking at anything because he saw that as his function. I consider that to be contemptible. I

have said it before and will say it again. The significant point is the detrimental effect that that attitude has for the whole of the Northern Territory. In that room there were representatives of the very same people with whom the Chief Minister had spoken a fortnight before. Of course, they went back to the people at Ayers Rock and said: 'When he was out here talking to you 2 weeks ago, he would give you nothing. When he went to Canberra and talked to all the balandas in Canberra at the National Press Club, all the newspaper people he wanted to impress, he was prepared to talk about anything they wanted to put to him'. Mr Speaker, in the eyes of the Aboriginal people, that constitutes bad faith.

In conclusion, I believe that, on the aspect of delays in land claims that the Chief Minister has expressed such great concern about - but, I might point out again, has failed to address at all in his package - there is blame on both sides. However, some perspective is needed to assess the overall position. One of the problems in preparing claims for hearing is the drain on resources of the land councils in regard to their other functions. It is worth recording that substantial negotiations have been completed recently relating to such projects as Jabiluka and the gas pipeline. I might also add that, from close personal knowledge I have of this situation over the last 3 or 4 years, considerable resources of the land councils have been diverted to negotiating the Nabarlek agreement and the Ranger agreement. Currently, the Northern Land Council is substantially preoccupied with attempting to process and negotiate on the 185 exploration licence applications which cover the majority of Arnhem Land. I do not think there has been a more severe critic in the past than myself of some of the actions of the Northern Land Council, in particular, although I am pleased to say that that situation has dramatically changed. I say now, without hestitation, in defence of that land council, that I know the workload it has. It would cripple the executive directors of General Motors Holden, Mr Speaker. It has conducted this extraordinary series of mining negotiations, a large number of which have been concluded and, of course, the mines are now operational. Currently, it is besieged, as the honourable Minister for Mines and Energy knows full well, with 185 ELAs, a great many of which have now proceeded to the point where formal proposals prepared by the companies are being carried around Arnhem Land. All of this work falls on the land councils. Clearly, additional resources would enhance the possibility of an early resolution of land claims.

There is fault on both sides but there is another matter which has to be put on the record in this respect. A great number of land claims have been heard, reports forwarded to the minister and nothing decided. I will just list a few in central Australia: the Warlmarpa claim - the report was dated 30 September 1981 - no decision; Dagaragu claim - the report was completed on 18 November 1981 - no decision; Walpiri claim - the report was completed on 26 March 1982 - no decision; Borroloola claim - the report was completed on 3 March 1978; the Alligator River Stage 2 claim - the report was completed on 3 July 1981 and the government acted only on part of the land claim; Limmen Bight land claim - 30 December 1980 - no decision; Finniss River land claim - the report was completed on 22 May 1981, currently before the High Court - no decision; Daly River claim - completed on 12 March 1982 - no decision; Roper Bar land claim - 1982 - no decision. Mr Speaker, as far as early resolutions to land claim issues are concerned, the fault does not entirely lie on one side.

I now wish to turn to the package I introduced. Because of the lateness of the hour and because most of the points are self-explanatory, I do not need to go into great detail. But I will make a number of comments in regard to some of the proposals.

The cut-off date for land claims to unalienated Crown land should be set at 12 months from the date of agreement. That is fairly clear. Repeatability of claims is not acceptable as a principle. Again, Mr Speaker, it is my belief there is no argument from anyone on that particular issue. The provisions of item 3 are laid out in some detail and there is no need to go through them. There is certainly a substantial difference in the excision proposals of the opposition and the government. I think that that basic difference is contained in item 4(b) which reads: 'Eligibility to be determined on a criterion to the attachment to the land on an historical or economic basis'. It makes it clear in item 5 of the agreement that, should such agreement be reached, there will be no claims on stock routes.

Item 7 does bear some discussion. Currently less than 5% of pastoral leases are held by Aboriginals. It is a fact that all of those leases are being used to run cattle. It is also a fact that the Aboriginal people who are running those pastoral leases have every intention of continuing to do that in the foreseeable future. It cannot be demonstrated by this government that there is any need at this time to do anything about that particular situation because no problem exists. If legislation enacted in any house of parliament in Australia was, as the government tries to tell us, some sort of sacred cow that once promulgated could never be touched, perhaps there would be some strength in the argument that something is needed to be done about this. But that is not the case, as I have already demonstrated. The Aboriginal Land Rights Act has already had 42 sections amended since it was enacted. You could hardly say there has been a reluctance to deal with it. We are asking why promote absolutely needless confrontation. It is not necessary at the moment. Those comparatively few Aboriginal pastoral leases are being used to run cattle. There is no intention to do anything else with them. What we are saying is leave it be and watch it. If it can be proved at some later stage that taking land out of productivity is a problem, then amendments can be introduced at that stage to create covenants on the land requiring its use for pastoral purposes. There is no problem legally with that. There is no need for it at the moment. Why create a fight if you do not need to? The government, of course, is in the business of doing that.

Item 8 is simply a proposal to put into the legislation a public undertaking that the government has given on a number of occasions. We do not see any hassles with that.

Item 9, as I have already pointed out, is part of the government's own proposals. We agree that that should be done.

I have spoken at some length about item 10. I do not need to go into it again except to say that the Northern Territory government has made some considerable play on the issue of the problem with land claims, but has not attempted to address the problem in any way in its own package of proposals. We have attempted to do so. Acting in isolation, we have only said that we should 'examine the need for the Commonwealth government etc' because we do not know at this stage, in the time that has been available to us, the details of that need. We do not know. We are simply saying to the government that that should be looked at. Discussions should be held with the Land Commissioner and the land councils, getting right down to the nuts and bolts of what is required to expedite these claims. We suggest that this should be done. I might add, with the best will in the world - and this is something that the Minister for Mines and Energy cannot see - there is a distinct difference in the facilities for the resolution of problems available to the government and those available to the opposition. When I said that during the previous debate on this matter, the

honourable Minister for Mines and Energy let out a great guffaw of laughter. I point out to the honourable Minister for Mines and Energy one simple fact: as Leader of the Opposition, I am not in a position to go to the Northern Land Council and negotiate with it on anything because I am in opposition. The government has those powers; we do not.

Mr Speaker, what I have tried to do in the debate this afternoon is to attempt to rectify the problems which the government itself has been unable or unwilling to resolve. More importantly, there is every likelihood that these problems will remain largely unresolved. The government refuses to move from its present rigid stance. That is what is causing most of the problems. The government has been insistent that the opposition respond in a specific way to the 10-point package. Mr Speaker, we have done so. That leads to the question: what does the government intend to do now? I have a suggestion to make, and the government's response to that suggestion will provide an important clue as to just how serious it is in seeking a solution to these problems. I have put 13-points forward in response to the government's 10-points. Those 13-points, whether one agrees with them or not, deserve a considered response. I have suggested a course of action to be taken in relation to each of those points, which I sincerely urge the government to examine.

My suggestion is that the government now adjourn this debate to enable a thorough examination of the opposition's suggestions. We are prepared to offer the government, in order to resolve this, a latitude it did not offer us. When this assessment is completed, I suggest that it be left until the next normal sittings of the Legislative Assembly. However, if necessary, the government could call a special sittings of the Assembly for as long as is needed to debate the relative merits of the 2 sets of proposals. They should not be debated by press releases; those proposals deserve to be debated here. They should be debated with a view to hammering out a compromise acceptable to Aboriginal people and to the larger Territory community. I sincerely hope the government will adopt that course of action. The government has shown its complete willingness to call special sittings of the Legislative Assembly for such matters as compulsory acquisition of land in the past. It is perfectly true that a special sittings was not required but the government had stated its intention in legislation to do so.

The Chief Minister has said, and I agree with him, that this entire matter of land rights is the most serious social issue that this Territory faces. Therefore, I would like the government to give a considered response. I was fortunate in having had considerable discussions over the last 12 months on this matter. As I have said before, many of the delegates of the Northern Land Council live in my electorate. I did in fact have many suggestions that I intended to put at a later stage but I hope that the government will in fact resolve the issue. I must admit I had some degree of difficulty in the time that was made available to me to prepare my response. I would not want to put the government in the same position because I think it detracts from the debate to do so.

I would like the debate adjourned, Mr Speaker, so that the 13-point package that I have put forward can be considered by the government and a debate ensue on its deficiencies or merits. If the government chooses to reject this course of action, then I would advise honourable members that I have a course of action of my own in mind. I would point out again to honourable members that it was with some considerable degree of frustration - and I certainly do find it frustrating being in opposition - that I saw a situation some time ago of the government actually being in agreement on that package with the land council and then the

whole thing being destroyed just a few weeks later by the government trying to slip something extra into the package of such a substantial nature that it was immediately rejected out of hand. I do not think it is necessary to proceed along that course. What I intend to do, if the government will not seek an adjournment of this debate so that it can come back and either set up or knock down each of the proposals we have put - and I do not think there is a single member who would have the hide to say that a considered response could be delivered to those proposals in the course of this debate - is to seek to institute a series of negotiations with the 3 land councils to achieve a point by point settlement of each issue outstanding. I say 'seek to institute', Mr Speaker, because I certainly am not forward enough to say that they will say, 'Sure, let's do that'. I will seek to institute that if the government will not agree to this course of action.

If those meetings can take place, I will then take those points on which agreement can be reached to our Labor colleagues in Canberra with a view to preparing the necessary amendments to the Land Rights Act. For our own part, we will prepare whatever complementary amendments or new legislation is required within the Territory and introduce it to this Assembly. Mr Speaker, if any issues have not been resolved at that stage, and I am reasonably confident that there would be few, we and our federal colleagues, in view of the impending election federally, would set up machinery to resolve them. I say again that it is up to the government to do these things, not us. I would like this debate adjourned so that at least members can have the opportunity of providing some considered response to what I have put forward. The government does not have a monopoly on the desire to have land rights issues settled nor does it have a monopoly on the means by which this might be achieved. Mr Speaker, the ball is now firmly in the government's court.

Mr TUXWORTH (Mines and Energy): Mr Speaker, it is the government's intention to continue the debate and I will be speaking against the honourable Leader of the Opposition's amendment. One reason in particular that the government feels we should continue with this debate is that the Chief Minister is aware of most of the proposals that have been put forward by the land councils and mentioned by the Leader of the Opposition. He feels quite comfortable about proceeding now.

For my part, Mr Speaker, I would like to just step back a couple of days and read a quotation from Hansard.

Mrs Lawrie: The unrevised Hansard?

Mr TUXWORTH: Mr Speaker, I can say to you that it is the Hansard provided to me by the officers of the Assembly and I would assume that it is reliable. Let me quote from what the Leader of the Opposition said last Thursday.

Ms D'ROZARIO: A point of order, Mr Speaker! You have previously ruled that members are not to quote directly from the unrevised Hansard and the honourable minister has just said that he will quote from last Thursday's Hansard.

Mr SPEAKER: It is not an unrevised Hansard. It is a photostat of the Hansard. What is the objection, honourable member?

Mr BELL: Mr Speaker, I would have thought that, if it is a photostat of the daily Hansard, it would still be in contravention of Standing Orders.

Mr SPEAKER: My understanding from the honourable the Minister for Mines and Energy was that a Hansard was supplied to him by the staff.

Mrs O'NEIL: Mr Speaker, the Minister for Mines and Energy has told you and the Assembly that he will quote from the unedited Hansard. Mr Speaker, many times in this Assembly, you have ruled that members should not do that. The minister is not quoting from the Parliamentary Record which is the revised version from which you allow us to quote. He intends to quote from the daily version which has not been corrected. Mr Speaker, I draw your attention to your numerous rulings in the past that that is improper.

Mr B. COLLINS: Mr Speaker, is it a statement of mine that the honourable Minister for Mines and Energy is referring to? If so, Mr Speaker, could I advise you that I have not yet had the opportunity to correct anything in respect of what I have said or am alleged to have said in the unrevised edition of the daily Hansard. In line with previous decisions you have made on this, Mr Speaker, it is impossible for the member to use either that or a photocopy of it if I have not in fact checked it and given my approval for him to use it.

Mr SPEAKER: The honourable Minister for Mines and Energy will refer to the passage from memory.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I am sorry if I have caused any offence to the Chair or members by using a document that was not checked or regarded as a true record of Thursday's proceedings. I was particularly keen to use what I believed was a true record and I will try to recall, as best I can, the pertinent points of the honourable member's comments.

As I recall, the honourable member said that the reason that he could not support the motion last Thursday was not because he did not want a resolution to the problem. Indeed, he said that he believed there was nobody in the Northern Territory who wanted a resolution to the problem more than he did and he had no hestitation in saying that there was no one better equipped to bring about the resolution of the problems we have before us than himself. Based on that strong feeling that the honourable Leader of the Opposition had at that time about his ability to solve some of the problems, I am of the view that that is one of the things that led us to today's consideration of the Chief Minister's motion. What it has shown us is how the honourable member's mouth from time to time gets us all into trouble because we have been sitting here for 4 hours waiting for the solutions that he promised last week. So far, not one of those suggestions that we were looking for has come forward.

Mr Speaker, I would like to run over a bit of ground for the honourable member. I would make the point that I listened to his very slow and painful dissertation for nearly 4 hours and I was gracious about it. I would be grateful if he would extend to me the same courtesy.

Mr Speaker, last week I asked the honourable member whether he or other members of his party could address certain questions that were important to me. Admittedly, it was after he had spoken. Although he did not have an opportunity to speak, other members declined to comment on the points that I believed were important. I hoped that he would address himself to them today and not in the cavalier manner that he did by throwing them on the table and reflecting on my parentage and my mental capacity. I know I am not as clever as he is but I sought from him a genuine response to genuine questions.

It was interesting that I went to the trouble yesterday to try to bring these points to the opposition's attention so that they would be dealt with fairly today because I believe they are very important questions to be answered for the Northern Territory community. I also think that it is pertinent to point out that my attempts yesterday were headed off by points of order. They were not recorded and the honourable member was able to deal with them in a contemptuous manner. Despite all of that, the questions have not gone away. They will be dealt with again this afternoon.

The honourable member said that the questions were simple and could be answered with a yes or no. I am sorry if that caused some offence to the honourable member but it was done quite deliberately, and not because I think the Leader of the Opposition has a simple mind. I am aware that, from time to time, the honourable member can be very slick, evasive and deceitful. I was keen that he answer the questions in a simple form so that there would be no misunderstanding and he would not ramble on for nearly 4 hours and bury the answers in a lot of mumbo-jumbo. That is exactly what happened.

The honourable member bragged last week that he could speak for half a day on this topic. He has done just that. He also bragged that there was no one more eminently suited to solve the problems than he. Today was his big chance to give us the benefit of his wisdom. All I can say is that we have had a tremendous filibuster. He spoke very slowly for 4 hours. He feigned fatigue and weariness. He said nothing and, without any doubt, he has set a record for a speech in this Assembly. If that was the intention of the honourable member's contribution, he has done fairly well. As I have said before, he evades the issues, the policies and the things of great concern to the community. He has treated this issue with the same contempt that he treated the uranium issue. He says one thing in one place and another thing in another place. My constituents and I are keen to hear exactly what he and his party think.

I have come to the conclusion, after 4 hours of the censorious ramblings of the honourable Leader of the Opposition, that all we had today was a big smokescreen. All it did was hide what will be exposed in a short while as a new policy that the ALP has for transferring as much land as it can to traditional owners in the Northern Territory with as little regard as possible for the public interest. I would not like that to be regarded as unfair but I would say that the honourable member's 13-point proposal is worthless. I would also make the point that the honourable Leader of the Opposition spent 15 hours preparing and gearing up for this afternoon's debate. It would have been very helpful for the debate if the 13 points could have been provided to us. They were not available. One of the reasons that I believe they were not available is that the fine print was of such a nature that he did not want anybody to investigate it. I will come to that document later.

So far this afternoon, our self-professed saviour has set out to abuse members on this side and denigrate what was a genuine attempt to extract information from him. He has given us stories, quotations, evasive explanations, historical recollections, minutes of meetings and transcripts of videotapes but I believe the members on this side are as much in the dark as when he began his speech at 2 o'clock.

Mr Speaker, I will deal in some detail with the questions that I raised because they are very pertinent. If honourable members on the other side think that they are irrelevant and that the people of the Northern Territory do not care for the answers to those questions, I advise them that they have misjudged the situation.

The honourable member began by saying: 'We are doing it all again. We are not talking about land rights; we are talking about a campaign issue'. He has become obsessed with the possibility that there will be a Northern Territory election next year. He talks about it publicly often. So far as I am concerned, the members of the opposition are the campaign issue. They are weak and disorganised. They do not have policies for the important things that matter; they are leaderless. This is a very important social issue that we are trying to come to grips with.

Mr Speaker, the Leader of the Opposition claimed that there had been some failure on our part to resolve Aboriginal issues and asked why there had been a failure. He went on to say that he believed there should be considered debate on these issues. I would put it to the honourable member that, if there has been failure, it has not been because the government of the Northern Territory has not tried. If there is a government fault, at least we are examining ourselves and trying to find out where we can improve. In fact, we sought the wisdom of the Opposition Leader on this matter. We believe in considered debate. It was the honourable member's own contribution last week that encouraged us to seek a contribution from him that would show us the way. So far all he has done is to try to gag me last night and cut me off this afternoon. He also believes that hasty and ill-considered debate is not worthy of the issue that is before us. I do not believe that this is a hasty and ill-considered debate. Like the honourable members opposite, we live with this matter all day every day in some form or other. Members on this side will be able to point that out themselves because they too will be raising very important issues.

Mr Speaker, the Leader of the Opposition also castigated me for seeking yes or no answers to the questions that I asked and suggested that that was simplistic and puerile. I am not particularly looking for a yes or no answer. I was trying to encourage him to say something. I would be happy for the Leader of the Opposition and the speakers who follow him to answer in clear unequivocal terms the questions that I have asked. They are not unreasonable. Everyone out there wants to know what the answers are. It is not unreasonable for us to know in here. If the honourable member for MacDonnell thinks it is such a trivial matter, he might like to address that when he gets to his feet instead of guffawing the way he is.

The Leader of the Opposition made one of the most incredible statements this afternoon that I have ever heard. He said: 'Of course, the Aboriginals have trouble reaching agreements that are foreign to them'. Those were his words. I can accept that we all have trouble reaching agreements that are foreign to us but I made the point that the Aboriginals have proven to be quite adept at reaching agreements. Could I point out to the Leader of the Opposition and his colleagues that the Aboriginals have negotiated agreements for Ranger, Nabarlek, Jabiluka, the Cobourg Peninsula, Palm Valley, the Mereenie and the Granite developments in central Australia. That does not demonstrate to me a lack of ability when it comes to negotiating agreements. That is a pretty fair accomplishment by any standard. I find it very hard to accept the proposition that people are having difficulty negotiating agreements because they are foreign to them.

Mr Speaker, I would like to pose a question which I would like the opposition members who intend to speak to address. I understand that the exercise of land rights is to give traditional owners land that would enable them to be independent and to enjoy the traditional and ceremonial pursuits that they know so well. I can understand that. I do not have any difficulty with that at all. I would like somebody to explain for my benefit and for the benefit of my constituents why it is absolutely necessary for public purpose

land such as parks, stock routes and reserves to be included in that claim process when those lands are available for all Territorians in the community to use. That particular point causes me concern. If the honourable member for MacDonnell could address that, I would be grateful.

The Leader of the Opposition referred this afternoon to the fact that there were 3 kinds of stations in the Northern Territory. I cannot recall the 3 types that he mentioned at the time but I put it to him that there is a fourth kind of Aboriginal station in the Northern Territory. I shall speak of 2 within my electorate which I believe have been ignored by the Opposition Leader in his 4-hour discussion this afternoon. I refer to Beetaloo and Vanderlin Island. They are very real problems.

Beetaloo Station is owned by an Aboriginal trust which operates the station as a pastoral property. Its tenure has always been that of a pastoral property. For the benefit of honourable members who may not know, Beetaloo Station was settled very early in the century by a fellow called Harry Bates who was later known as Bullwaddy Bates. The Bathams and the Bostocks are the families that have lived on the station and owned and operated it. They are all Aboriginals. When Bullwaddy Bates died, the title to the station was transferred into a trust. All the 19 Aboriginals in the family are members of the trust. Recently, a situation arose where other Aboriginals, who were not related to the station and who lived in another part, lodged a claim under the Land Rights Act against the station because the members of the family who operated and owned it as a pastoral company were Aboriginals who benefit not from the Land Rights Act but from the family trust. They faced the risk of having their station ripped out from underneath them. That is an inequity in the present act, Mr Deputy Speaker, that I find very obnoxious. I believe it needs to be rectified very quickly. I do not think it is reasonable to have that sort of justice being dispensed. That issue was not addressed in any way at all this afternoon by the honourable member. In 4 hours, he could not find a sentence for it. Perhaps one of the other opposition members following could address the matter because my constituents would like to know what is wrong with their having the same rights as other people in the community.

The other station that I referred to is one that has operated on Vanderlin Island for a very long time. Steve Johnson and his family of about 20 people have been on Vanderlin Island for about 47 years, raising cattle and selling them. They sent their children away to school. They found their livelihood, their land and station, as they know it, whisked away from under them in the Borroloola Land Claim. I am not reflecting on the people who lodged the claim, the Johnsons or anyone else. But I think that if an Aboriginal man and his family, who have lived and worked an island as a cattle station for nearly 47 years, can have that ripped off them without so much as a prayer, there is a very serious flaw in what we are doing as a community. If honourable members wish to disregard that and dismiss it as trivia, saying that a few sacrifices must be made for the benefit of the majority, then that is one thing. But I think that we are setting an unfortunate precedent when we allow that to happen in the Northern Territory.

Mr Deputy Speaker, the Leader of the Opposition made several comments about the fact that the Aboriginal Land Rights Act is not a sacred cow and how aware he was that there had been 42 amendments to it. Most of those amendments came about as a result of things that the Aboriginals wanted, amendments that they needed for the administration of the act, rather than because other people in the community needed them.

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

Mr EVERINGHAM: Mr Deputy Speaker, I move that an extension of time be granted to the honourable Minister for Mines and Energy.

Motion agreed to.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I asked the honourable member the other day, quite sincerely, to explain to me - and I realise that I might not be as alert as he is - what is so unreasonable about the package that the government has put forward. If there is nothing unreasonable in the package, it is not unreasonable for somebody to stand up and say so. The Leader of the Opposition made a great play about some underhanded action that he felt had taken place that reflected badly against the package. Mr Deputy Speaker, I can tell you that the Chief Minister will be dealing with that matter in a fair amount of detail. It is not necessary for me to do so.

What are the other points in the proposition that are so obnoxious, difficult, unreasonable, unworkable, impracticable or what?

Mr Bell: Excisions.

Mr TUXWORTH: Mr Deputy Speaker, a lone voice from the depths calls out 'excisions'. What a fantastic contribution to this debate. Wasn't that magnificent! I am still waiting for someone to tell me what is so unreasonable about the contents of the proposition the government has put forward. The only inkling I received was that the Leader of the Opposition found most difficulty with the fact that it was non-negotiable. The basis of the offer was that we give them things and they give us things. He found that really terrible. I do not know where the honourable Leader of the Opposition lives, but that is what life is all about: people having deals, arrangements, understandings and agreements.

Mr Deputy Speaker, the only proposition the honourable Leader of the Opposition put forward was that he found it objectionable that there were non-negotiable criteria relating to the offer. That is really a most incredible perception to hold. I was expecting that the Leader of the Opposition would tell us how he would negotiate an agreement and how he would represent the interests of everybody in the Northern Territory, not just one group. However, he is not a negotiator. He was caught with a loose lip, Mr Deputy Speaker. He ran off at the mouth last Thursday and had to spend 4 hours today talking himself out of the situation he had put himself into.

I would like to turn to the questions that I asked the other day. I will ask them again of all honourable members opposite. I do not think they should be dismissed as unreasonable or political point-scoring. If the honourable member thinks they are political point-scoring, he can say so and refuse to answer them on that ground. I would rather he did that than pretend they did not exist. The honourable Leader of the Opposition was asked what amendments he would propose to the act. From the point of view of Aboriginals who have lived and worked on land as pastoralists, I asked whether it is fair and reasonable that the people of Beetaloo and Vanderlin Island can be dispossessed of their stations because of a weakness in the act. Can somebody explain to me the justice in that? I am having a great deal of difficulty grasping that proposition. I also asked the honourable member whether he believes in land claims over pastoral leases being sought by Aboriginals and whether they should be approved. All I want to know is whether he believes that, every time an Aboriginal buys a station, it should become Aboriginal land. If he says yes, that is fine. If he says no, that too is fine. If he has another a

would like to hear it. I am happy to hear anything he has to say on the matter because the opposition has been pretty shy about it to date. It is not necessary for the honourable member to become annoyed with me. I am just trying to represent my constituents.

In response to my question about the cut-off date for claims, the Leader of the Opposition has proposed: 'Cut-off dates for land claims to unalienated Crown land to be set at 12 months from the date of agreement'. If we do not have an agreement, does somebody have a date when land claims should be cut off? Should they run forever? If the honourable member believes they should run forever, I am happy to hear what he has to say about it so long as he addresses the question. If the honourable member is saying they should not run forever, then I would be pleased to know what he has to say about it.

I would also like the views of honourable members on the repeatability of claims. The Leader of the Opposition said that repeatability of claims is unacceptable as a principle and that the only claims that would be acceptable would be those on normal legal principles; for example, if fresh evidence were to become available. It occurs to me that it would be pretty easy to find fresh evidence just about anywhere and at any time for the renewal of a claim. If the honourable member does not see that as a possibility, then could he define exactly what we are talking about because we have talked for a long time and it is not terribly clear? If the honourable member is saying that there should be an ability to claim a couple of times, could he give us an idea of how many times land can be claimed?

Mr Deputy Speaker, so far as the proposal that productive land purchased for or on behalf of Aboriginals converted to freehold title be put beyond the normal requirements of land to remain productive, would the opposition member to speak next explain in detail whether he believes that land should be allowed to lie fallow or not? If it should not, what clear steps should we take to ensure that the land is productive?

I would also like to ask the opposition what its thoughts are on claims over national parks created under Territory law. I pose the question to the honourable member for MacDonnell. My constituents say to me: if parks are for the benefit of all Territorians and if Aboriginals have a relationship to that land which cannot be changed whatever title we give, why is it necessary for such land to become Aboriginal land? If the honourable member can explain that, I will take the explanation back to my constituents. I asked yesterday whether the opposition would grant title over national parks to Aboriginal groups if it gained government. That was avoided today. The honourable Leader of the Opposition, in 3 hours 50 minutes, managed to miss that completely. Perhaps one of his colleagues could follow it up.

I also ask the member for MacDonnell how he and his colleagues would address the question of secure title for Aboriginals living on pastoral properties. Do they believe in compulsory acquisition? If so, how would they go about it? What conditions and mechanisms would be used? That might seem to be facetious but it is not meant to be. I happen to have 44 stations in my electorate and the leaseholders ask, and not unreasonably, where they stand. I can tell them where they stand with us but I would also like to be able to point out to them if there is a difference between where we are going and where the members of the opposition are going.

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

Mr BELL (MacDonnell): Mr Deputy Speaker, if ever there was a need for the government to adjourn the debate, we heard fairly ample evidence of it during the last 30-odd minutes. If the government had been prepared to adjourn the debate on this motion, I am sure that the honourable minister would have been much more capable of making a sensible contribution. Unfortunately, because he has not had the opportunity to consider what the Leader of the Opposition put forward, his contribution was somewhat less than sensible.

He suggested that the Leader of the Opposition had presented no solutions. I think that, in the cold, clear light of day, when he has the opportunity to view the document that the Leader of the Opposition has passed around and to read the unrevised daily Hansard quietly to himself, he will be able to appreciate that the Leader of the Opposition made a significant contribution to the ongoing debate in the Northern Territory about the recognition of Aboriginal land rights. I think it will be regarded as a landmark. Quite clearly, he has demonstrated the poverty of both the Chief Minister and his government in negotiating in a reasonable manner over this issue. Apart from the fact that the Leader of the Opposition's speech was the longest I have ever heard in this Assembly, it was certainly the finest I have heard in my time here. I am sure that goes for many people on both sides of the Assembly.

Before I turn to the comments of the Minister for Mines and Energy, there is a point I would like to pick up from the Chief Minister's comments. I do not intend to rehearse the debate that was conducted in this Assembly on substantially the same issue last week. I do not propose to repeat any of the points. However, the Chief Minister commented on the shortcomings of what he referred to as the land rights system - a particularly inappropriate form of words. Bearing in mind the shortcomings he refers to in the so-called land rights system, I would like to draw his attention to a longer-term view of what has been happening in the Northern Territory in the negotiations over land rights. I would like to contrast the negative confrontationist attitude that he has adopted in negotiating with Aboriginals whom he insists on seeing as an undifferentiated group of people over there. 'We only want to see them over there' is his attitude. He says: 'We will talk to them. We will give them this and we will take that'. He has demonstrated his incapability to perceive the different needs of those particular people.

The conflicts of the Chief Minister's own making in this regard contrast very starkly with his ability to take into consideration competing interests in many other areas. Why is it with Aborigines and with the Land Rights Act that the Chief Minister has so many problems? He seems to have no problem in reconciling conflicting interests in other areas such as the pastoral industry, the tourist industry, the mining industry etc. Why does he make such a thing of his negotiations with the Aborigines? Why does he draw such a long bow when it comes to the operation of the Land Rights Act? I think that ought to be taken into consideration by members of this Assembly and I am sure it will not be lost on the Northern Territory public.

To turn to the meagre offering of the honourable Minister for Health and, bearing in mind that he has not taken the opportunity to fully consider the proposals put forward by the Leader of the Opposition, I would make the point that he said that the Leader of the Opposition was incapable of indicating any unreasonable aspects of the package. I would say, and I think I can demonstrate it quite clearly, that the particular problem with the package is the way it has been touted around and the manner in which the Chief Minister has gone out to Aboriginal communities and said it has to be taken on an all-or-nothing basis. The government would not consider bits and pieces. It has to be on an all-or-nothing basis. The Leader of the Opposition demonstrated that quite clearly.

I will now refer to the points that the Minister for Mines and Energy raised and direct him to the proposals put forward by the Leader of the Opposition. I will do that so that he can be quite clear that the answers are there. He can refer to the daily Hansard tomorrow and he will see all the answers.

The first issue that he referred to was that of pastoral leases owned by Aborigines who are not necessarily traditional owners. He referred to the Tuxworth poll on Aborigines who have lived on land and have worked as pastoralists. He referred to the problem that that land could be taken away from them. If he had bothered to listen to the Leader of the Opposition, he would have heard him say, as I heard him say today, that part of the negotiating proposal that the Labor Party is putting forward is that section 50(1)(a) of the Land Rights Act should be amended to provide a criterion of the traditional owner in relation to land that can be claimed in which all estates or interests are held by or on behalf of Aborigines. If the honourable member is prepared to use his grey matter a little bit and consider what that might mean in terms of actual amendments to the Northern Territory Land Rights Act, and what that might mean as far as resolving the undoubted problems that have arisen on the properties that he referred to in his own electorate, perhaps he might be more than satisfied.

The next thing the honourable member referred to was the cut-off date for lodging claims. He went over and over this. Again, I refer him to the negotiating proposals put forward by the Leader of the Opposition in which he said that the repeatability of claims is unacceptable as a principle. The only claims that would be allowed are those on normal legal principles; for example, fresh evidence would be used to obtain leave to reopen proceedings.

The honourable member referred to the issue of maintaining the productivity of land that is purchased and converted to Aboriginal freehold land. Again I refer him to the negotiating proposal number 7. The Leader of the Opposition said that, should it be proved that a parcel of land converted to Aboriginal title is not being used productively in all the circumstances, then amendments to existing legislation creating convenants on the land requiring its use for pastoral purposes should be introduced. It is my understanding that the Soil Conservation and Land Utilisation Act would apply in that regard.

A further point that the honourable member referred to was the issue of national parks. This is a vexed question but, again, if he had turned to the proposals put forward by the honourable Leader of the Opposition, he would have seen that he was suggesting that parks should be subject to the following scheme. The government and land councils would settle the schedule of all areas to be accepted as parks. On those areas where agreement cannot be reached, the dispute should be referred to a tribunal to resolve the competing claims. This formalised schedule should be incorporated in legislation and Aboriginal title could be granted over those agreed as scheduled park areas. A joint management agreement should be entered into in relation to those areas with administration by the Northern Territory Conservation Commission and the existing legal arrangement in regard to Kakadu National Park should follow its course. I think that is a reasonably constructive suggestion.

A further point that the honourable minister raised was that of Aboriginal people who live on pastoral properties. I am very pleased to see the honourable minister taking some interest in that particular issue. He said in his little screed: 'How do the Leader of the Opposition and his colleagues address the question of secure title for Aboriginals living on pastoral properties?' I presume he is referring to what arrangements might be made for people living on

pastoral properties and I welcome his concern. He said that he had many queries from the 44-odd pastoral properties in his electorate. That is very good. I hope he has received queries from some of the resident Aboriginal groups on those pastoral properties in his electorate. Of course, he would have been able to ease their minds in that regard. He would have been able to say that the appropriate course of action for the Northern Territory government to take, since there have been so many problems in leaving these negotiations as just a matter between the pastoral lessee and the resident Aboriginal groups, would be to introduce some sort of arbitration process. That is really the only fair and just means of resolving it. I wonder how articulate the honourable member has been in replying to those queries from his electorate. If he is in any doubt about that, he can refer again to the constructive proposals of the Leader of the Opposition. Point 4 of the suggested negotiating proposals stated that excision legislation would be introduced forthwith which would provide a tribunal to hear applications and that eligibility would be determined on the criterion of attachment to land on a historical or economic basis. I will not bother to read them all out but it is all clearly laid out there for the honourable member to peruse at his ease.

In closing, Mr Speaker, I would like to refer again to the precipitous haste with which the government has pushed ahead this debate. If it was genuinely interested in taking into consideration the excellent proposals by the opposition, it might learn something and also might actually be able to make some concrete contribution to good government in the Northern Territory.

Mr PERRON (Lands and Housing): Mr Speaker, the contribution we just heard from the honourable member for MacDonnell is what I would expect from a man who considers non-Aboriginals in the Northern Territory to be expatriates. He asked why the Northern Territory government does not negotiate more fully with Aboriginals. He asked why the Chief Minister has such success at negotiating on other issues but has some difficulty on Aboriginal issues. I can assure him that any difficulty has not resulted from any lack of time, research or resources that the Chief Minister has been prepared to put into negotiations. As I mentioned earlier, they would have to be the group most consulted by the Northern Territory government. Indeed, self-government itself was negotiated in a far shorter time. With all its complexities and gravity, it was negotiated in a much shorter time than the Chief Minister and the government have been negotiating with Aboriginals on the package which we have before us in the Chief Minister's motion.

Mr Speaker, on this very subject of negotiation, it seems that members of the opposition have conveniently overlooked the fact that negotiation requires a continuing edging towards agreement from both sides and not from 1 side only. As I will demonstrate, the opposition has a number of proposals which are conveniently contingent upon other parts of the proposals being accepted. This point is very important. The Leader of the Opposition seems to want to dismiss the concept of a package of proposals. The term 'package of proposals' means exactly that; they are contingent on one another. Yet, he argues that we should not worry about such matters. We should simply settle forthwith those matters within the package that Aboriginals would probably agree to immediately. We should set aside the more vexing questions and not worry about them until some other time. 'Concede whatever you will, but do not worry if you are being given a hard time'. The opposition has said repeatedly in these debates that the Chief Minister has conducted these negotiations for some 14 months by laying on the table a set of proposals which it says are the same as those contained in the agreement we have with the Commonwealth government. That is not true. Indeed, there has been a great deal of negotiation and there has been considerable give and take during that period of negotiation. What we have today is what the

original package has boiled down to - a package which the NLC accepted and then later decided not to accept.

Mr Speaker, I will touch on a few of the points which were part of the Northern Territory government's original proposals tabled at the first meeting with the Aboriginal land councils. This was alluded to earlier by the Leader of the Opposition. The document tabled before the Commonwealth government and the land councils contained the problems that the Northern Territory government has with the administration and operation of the Aboriginal Land Rights (Northern Territory) Act. We have not heard much of the proposals on which negotiations began because largely they were set aside for various reasons. They were put forward. Most of them were conceded by the Territory government as matters on which there was no possibility of reaching resolution at that time or matters that no one on the other side of the table was prepared to discuss. We did not leave them all on the table saying, 'Unless you take the lot, there will be no agreement'.

The first related to problems relating to Aboriginal land which adjoins the Territory coast. May I read out 1 line of Mr Rowland's report, Mr Speaker? Mr Rowland is a Queen's Counsel who examined for the federal minister problems that all parties saw with the Land Rights Act. In relation to Aboriginal land adjoining the coastline of the Northern Territory and the problems we are having with determining the coastal boundary of that Aboriginal land, Mr Rowland pointed out that 'effectively, all the coastline in the Northern Territory (99%) is, in the absence of permission, out of bounds'. He meant, of course, out of bounds to non-Aboriginals. The question was whether Aboriginal land that is granted adjacent to a coast in the Northern Territory extends to the high-water mark or the low-water mark. As I understand it, the view is that it extends to the low-water mark. That presents all sorts of problems for the fishing industry and people's rights to transit and work. One can imagine all sorts of complications when a person is committing an offence if he is on Aboriginal land without permission. However, that matter, which created a problem in the Northern Territory with the administration of the Land Rights Act, was set aside in those very first days of negotiation with the land councils.

A second one related to a proposal to amend the act to clarify that grazing licences are alienated land for the purposes of the Land Rights Act. We raised this matter early in the piece. There may have been a possibility to negotiate a settlement. What we were seeking was an amendment to the act to clarify the position. Our position was that it should be clarified to ensure that grazing licences are alienated Crown land. That was set aside. It is not in the latest package of proposals.

The third proposal was to amend section 50(3) of the act to ensure proper consideration of the effects of a land claim upon interests other than those of the claimant. We have had some disagreement in this area. I think the question has gone to the High Court. We find that the administration of the act in this regard is causing us some difficulty as far as the Aboriginal Land Commissioner reporting on the subject of detriment is concerned. Detriment, of course, is involved in that aspect of the Aboriginal Land Commissioner's functions where, when he reports to the minister with recommendations to grant areas of land to Aboriginals, he is required to indicate possible detriment that may be suffered by parties other than the claimants should the minister act on his recommendations. This matter is not included in the latest proposals. It is not an insignificant one. Indeed, the 3 or 4 I have mentioned are far from insignificant. They are very important. We have not demanded that all of them be conceded, or none, as the Leader of the Opposition would have people believe.

Another proposal was for changes to the act and other procedures relating to deficiencies, inadequacies and inequities in the procedures for the appointment and the conduct of arbitral hearings for mining. Mr Speaker, whilst the act provides for the federal minister to appoint an arbitrator in the event of the negotiations between miners and the owners of Aboriginal land breaking down after a long period of consultation, there are many deficiencies in those provisions. It is not clear who shall be appointed as arbitrator and what rules will apply to his consideration of the case etc. Many very important issues need to be clarified. They are completely missing from the act. Who would want to go to arbitration - be they Aboriginal owners or miners - without knowing the rules of that arbitration? We argued that the act should be clarified considering the importance of mining and exploration in the Northern Territory. This is the very type of issue which is causing us great concern. It relates to the attitude of sections of the mining industry towards the Northern Territory because of the problems they see associated with the Land Rights Act. It is no wonder that their votes for exploration are going to other states and not to the Northern Territory. When it comes to splitting up the exploration cake, it is still a fairly big industry in the Territory. But how big would it be if those problems were resolved?

Another proposal was to change the act to have the rights of access to and from areas over which a person has a mining interest put beyond doubt. There was some doubt about this matter in the act. I am advised that, since we put this matter forward, it was picked up by the Commonwealth and was part of the amendments which have been made to the Aboriginal Land Rights Act in the recent past.

Another proposal was to amend the act to remove the disincentive which exists to mining exploration on any land which may become Aboriginal land. As I understand the situation, if a mining exploration lease is given and exploration is undertaken and the land subsequently becomes Aboriginal land, all the powers of the act for Aboriginals to veto mining if they so wish apply. The point has been put that it is rather unfair to expect a miner to go on exploring land which is under claim on the basis that, no matter what he finds and no matter how much he has expended, if the land eventually becomes Aboriginal land, it is not a matter of simply negotiating a mining agreement and royalties. The miner could face total veto of any further activity. We find that quite unacceptable and so do the mining companies. We sought to have an amendment to the act so that that situation is clarified. A miner who has expended some funds and finds a resource prior to the land becoming Aboriginal land should have a right to proceed with mining under all the conditions that are laid down, if necessary, by arbitrators. This important principle is not seen in the package of amendments which we are told were thrown on the table on the first day by the Chief Minister who, we are told, absolutely insisted that he would not change one comma. This is one of many important principles that is completely missing.

Amendments were proposed to the act to enable the Northern Territory government to renegotiate some mining agreements and other agreements with companies like Nabalco. These are complex legal matters. The provisions of the Land Rights Act would give us problems in legal interpretation if we chose to enter into rewritten agreements between Nabalco and ourselves rather than between Nabalco and the Commonwealth. Those new mining agreements could be subject to veto by Aboriginals in the area because of the provisions of the Land Rights Act. That is a fairly unacceptable position. However, I understand that further work is proceeding on that particular issue to see if there are better ways to resolve it.

Mr Speaker, the question was raised by the Northern Territory government that, in the event of its necessity in the interests of public purposes such as for dams, powerlines and powerhouses, the Northern Territory government should have the right to acquire land or at least easements on Aboriginal land. Whilst we have heard this mentioned today - and the Leader of the Opposition mentioned it - it did not appear in the final proposals. It does not appear in the package the federal minister has on his desk. Those few points should put an end to the lie perpetrated here today that the Northern Territory government has not budged one inch in negotiations, is not prepared to negotiate in detail nor to concede points.

The opposition admits in its own series of statements that the conceding of points plays a role in negotiation. However, they claim it is nonsense to have a package that is interrelated. Their own point 5 states that no claims for stock routes and reserves should be made provided that excision procedures are implemented and that provisions are made for access to these areas for Aboriginal people. That is a conditional clause. There is another in point 12: 'No claims to be made for public purpose land on the condition that an agreed delineation of public purpose lands be determined by the government and relevant land councils'. Within its own proposals are points which are only acceptable if other points are accepted. Yet it says that the package the government has put forward, which has been agreed with 1 land council and the Commonwealth government, is a package of conditional proposals.

The Leader of the Opposition said that he felt that land rights was an issue critical for the future of the Northern Territory. It is a shame it took the opposition 6 years to get around to putting its mind to it. There was hardly a mumble on the issues all that time. There was the odd word in an adjournment debate here and there, but most of the time it was head down and ride the fence for as long as you can.

The Leader of the Opposition said that this government's assertions in regard to national parks cannot be substantiated. I can assure the Leader of the Opposition that our assertion that non-Aboriginal people at least - and, unfortunately, this is one of those issues which clearly has divided people in the Northern Territory - do not believe that Kakadu-type deals or even Cobourg-type deals are a satisfactory resolution to the problem of the ownership of public parks in the Northern Territory. If it wants any confirmation that it is not satisfactory to people, then it should go out and speak to a few more. There have been petitions drawn up on the subject which would prove that point exactly.

Mr Speaker, we were told today how earnest the Aboriginal land councils were to reach an agreement with the Commonwealth to settle the matter once and for all and that they do recognise that there is disharmony in the community as a result of the existing situation. We were also told that, because they received the drafting instructions which had a condition attached in their minds, this was unacceptable to them. I will let the Chief Minister address this issue. However, I am talking about a situation where a group of people, who supposedly earnestly want resolution, reach an agreement with the government on a series of proposals. A few days later, they receive a piece of paper containing a proposal which they claim was not discussed and the proposals are rejected. Is it the action of reasonable people that, as we were told by the Opposition Leader, solely because the drafting instructions had a reference to section 67, they abandon the entire negotiations and pass a resolution that they reject the government's proposals in toto and there will be confrontation from then on? Surely, if they were genuine in wanting a settlement, they would simply have to pass word back through officers or through the telephone: 'In

the document we received, there is reference to an item that was not agreed to. Please take it out'. Surely that would be the move.

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

Mr ROBERTSON: Mr Speaker, I move that the honourable Treasurer's time be extended to enable him to complete his speech.

Motion agreed to.

Mr PERRON: Mr Speaker, I just could not accept what the Leader of the Opposition said - this sole issue was sufficient reason for the Aboriginals to reject entirely the proposals which to that date had been agreed to. The Northern Land Council had even passed a motion agreeing to them. We have been told that these people genuinely wanted to settle. Mr Speaker, it is too much to accept.

I must touch on the matter of the town boundaries. The Leader of the Opposition was trying to indicate that this government has done a series of things in bad faith. As far as the extension of town boundaries is concerned, an enormous amount of nonsense has been spoken about this and the opposition has demonstrated a consistent inability to understand what the planning boundaries were all about. Perhaps the Leader of the Opposition should consult with the honourable member for Sanderson, who purports to be a town planner, because she knows what town planning boundaries are for. She used to work in the section of government that proposes them. They are proposed from time to time not only in major centres like Darwin but in all areas. They will be proposed more often. As towns grow, they will require planning boundaries. Of course, the opposition wanted to insinuate other things. It did not appreciate that there was a requirement around Darwin for a planning boundary of the size that was drawn. I suggested that it ask some 5000 people who live in rural Darwin and on Cox Peninsula whether they think it is nice to have a controlled area and know what will happen next door. People have welcomed that town plan.

As far as future planning requirements for Darwin are concerned, we will certainly need all the land that was included in those town boundaries. Eventually, we will need more. No one suggested for one second - other than the mischievous people who were trying to get mileage out of the situation - that the town plan was an area which would be covered from boundary to boundary with skyscrapers. What a load of nonsense. Most of them knew, but a few just did not want to accept it. The whole of some of the states is covered by planning boundaries and instruments. There is no area not covered. However, most of the Northern Territory is not covered by planning instruments or controls - only the areas around the towns - and that is the way it should be. Because Queensland is covered by planning boundaries, does that mean that the borders of Queensland and the coast will be covered with skyscrapers? That is a load of nonsense.

The opposition proposes the granting of a lease over an area to compensate the people who made the original Amadeus claim. Whatever happened to traditional attachments? Will land claims now apply to other pieces of land? I am referring to the opposition's proposal that a piece of land be found to offer to the people who made the original Amadeus land claim which was subsequently alienated when the claim was made a second time.

The Leader of the Opposition also put forward the view that all the people in town camps in the Northern Territory were forced off pastoral leases. That is a load of nonsense as he well knows. Half of the people in camps in Darwin are from his own electorate. There are not many pastoral leases out there.

The proposals we heard from the opposition as compared to the proposals in the original motion will not preserve parks and reserves in the Northern Territory as public land, which they are and should remain. That is what the non-Aboriginal population of the Northern Territory wants. The proposals would not prevent repeated land claims. What a load of nonsense to say that repeatability of land claims can only occur if there is further evidence. Why else would there be a repeat land claim? It would be no good using the same evidence that was used in a claim that did not succeed. It would only be defeated again. The proposal would remove an existing Territory legal right to deal with vacant Crown land as it sees fit.

There are other proposals which are equally unacceptable. I guess the crowning one is that the proposals would not prevent, and do not even attempt to prevent, the progressive conversion to Aboriginal inalienable freehold of 50% of the Northern Territory which is currently under pastoral lease. One of the key points of the subject that we have been debating would simply be cast aside. The opposition has at least made its position fairly clear on that point: it would not allow anything to get in the way of the progressive purchase and conversion of pastoral leases to inalienable freehold. That would mean that, in addition to the 48% of the Northern Territory which is either Aboriginal land or under claim, another 50% could be claimed. I appreciate that it could not be done tomorrow or in 10 years. It certainly could be done in 30 to 50 years. That would mean 98% of the Northern Territory would be Aboriginal land.

Mr SMITH (Millner): Mr Speaker, I am fairly sure that the members of the House of Representatives and the Senate will enjoy reading this debate. They will enjoy it for 2 reasons: firstly, for the logical, if lengthy, exposition of the honourable Leader of the Opposition and his constructive alternative proposal and, secondly, because of the failure of the government speakers so far to address themselves to the problems. Though I do not want to spend too much time on replying to the matters raised by the 2 speakers so far, I feel that I should spend some time.

The Minister for Mines and Energy made the bald statement that the 13-point proposal is worthless. I point out to the minister that a number of the proposals contained within the 13 points are very similar to the existing proposals of the Northern Territory government. Furthermore, the 13-point package covers 2 important things that the government does not have in its 10-point proposal. Those 2 important matters are an attempt to deal with a land claim cut-off date and an attempt to deal with repeat claims. Neither of those things are part of the government's 10-point package. In that sense, our proposal goes somewhat further than the government's proposal and deserves more consideration than the outright rejection that it is receiving at present.

The Territory Cabinet seems to be airing its dirty washing in front of us all. We have a major conflict in the statements on the questions of parks and title to parks between the Chief Minister and both the honourable Minister for Mines and Energy and the honourable Treasurer. As the Opposition Leader pointed out, the Chief Minister in his negotiations with the Northern Land Council made it very clear that he had no objections to Aboriginal title. What he felt more important was the question of management and the day-to-day running of the park. From both the Minister for Mines and Energy and the Treasurer, we had clear statements that they do not agree with this. In other words, they do not agree with the position that the Chief Minister reiterated in the article in the Australian last weekend. It appears to me that there is a major conflict within Cabinet. If Cabinet cannot sort out its position on this very important question, what hope do the rest of us have of understanding it? Our proposal is very close

indeed to the proposal that the Chief Minister first expressed at the Northern Land Council meeting and expressed again in the Australian article last week. I would hope that, when he addresses the Assembly, he will clarify the matter for us because, presently, I am most confused.

The Minister for Mines and Energy paid tribute to the efforts of Aborigines in reaching agreement on a number of important Territory projects. I cannot remember them all but there was quite a list. I would agree that, in general, Aborigines have found no great problems in dealing with reasonable people and reaching reasonable agreements. The question that begs itself in the light of that comment and in the light of the Minister for Mines and Energy's comments is what has gone wrong in this case. Why haven't the Northern Land Council and the Central Land Council been able to reach agreement on this issue? I would put it to you, Mr Speaker, that, on the evidence provided by the Leader of the Opposition, the blame lies squarely in the court of the government. I would like the Chief Minister to address himself to the question of section 67 and how it happened to appear in the drafting instructions after the agreement on the 10-point package. Obviously, that is a key 'sticky point' and the reason why the land councils have found great difficulty in coming to grips with what the government is trying to do.

Mr Speaker, the Treasurer still has a problem coming to grips with what a package is. As I pointed out in the debate last Thursday, the government has consistently confused the sanctity of the package with the sanctity of its contents and, while it keeps on confusing those 2 things, there is no prospect that the 10-point package will prove to be the basis for agreement and consensus. On the other hand, we have the 13-point package. We have said that it is possible, within that 13-point package, whilst negotiating all points at the same time, to reach agreement and, if possible, to implement them as they come up. That does not mean that they would be implemented one by one. Obviously, both sides in that situation will establish bargaining points. We have in fact written into the 13-point proposal a couple of bargaining points, and they were mentioned by the Treasurer. What our package does that the government's sacred 10-point plan does not do is to allow flexibility for negotiation, for discussion and for amendments within the proposals.

Mr Speaker, in response to persistent calls and, if you like, the taunts of the government over the last week, the opposition has covered in detail its position on the question of land rights in the Northern Territory. It has made a detailed response to government's 10-point package. It has said that, for various reasons, those proposals cannot form the basis for a satisfactory resolution of what everybody sees as problems with land rights in the Northern Territory at present.

We have proposed a 13-point proposal which, by any standards, is comprehensive. As I have already mentioned, it takes into account a couple of matters that the government itself has not addressed. The government's invitation to us to make our position clear is worthless if it now proposes to ignore and reject our propositions. We suggested that the debate be adjourned after the Opposition Leader's contribution to enable the government to make a detailed examination of our proposals. By its refusal to give as much consideration to our proposals as we have given to its package, the government proves conclusively that the motions brought before the Assembly by the Chief Minister are nothing more than a political exercise.

Mr Speaker, our 13 points are all substantial and some of them break new ground. They are based on the belief that genuine agreement can be reached by all parties. They offer the prospect and the methodology for putting the

divisive aspects of the land rights issue behind us in the foreseeable future. The member for MacDonnell quite clearly covered the major points in our proposal and I do not wish to go over them at this stage. The government has rejected the opportunity to discuss these proposals. The opposition has signalled its intention in that case. It will continue to work to reach agreement on these vital questions. It believes that, with goodwill, agreement can be reached in the near future. Obviously, that agreement could be reached more easily and more beneficially if the government were prepared to bend from its inflexible position.

In fact, I would call on the government to reconsider its commitment to the 10-point package. I believe that there is a lot of common ground between the 2 proposals, not that all members of the government realise what is in the 10-point package as evidenced by the Treasurer when he accused us of inserting a new point - alternative land in the Amadeus Basin. This is taken straight from point 6 of the 10-point package. Perhaps it might help if members on the opposite side made themselves familiar with what is in their 10-point package. They might realise then how inflexible it is and the benefits that could come from at least examining and discussing our proposals.

In conclusion, I recommend to honourable members that they support the reasoned amendment of the opposition. It provides a basis for reopening discussions. It is a document on which substantial agreement can be reached on many points quickly. The government has already rejected the Leader of the Opposition's suggestion to adjourn this debate. Its failure to accept the reasoned amendment will confirm that it is not interested in a resolution of problems that everyone sees with the current operation of the Land Rights Act but interested only in political grandstanding.

Mr SPEAKER: The question is that the honourable Leader of the Opposition's amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Ms D'Rozario	Mr Everingham
Mrs Lawrie	Mr Harris
Mr Leo	Mr MacFarlane
Mrs O'Neil	Mrs Padgham-Purich
Mr Smith	Mr Perron
	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Amendment negatived.

Mr EVERINGHAM (Chief Minister): Mr Speaker, there would have been absolutely no need for this debate if the Opposition Leader had last week played the ball rather than the man. Why didn't the Opposition Leader, at that time, outline the points that he rolled out to us today?

The honourable member for MacDonnell said that I have had a lot of success in negotiation. In fact, he said that I have had a great deal of negotiating success with everyone other than Aboriginal land councils. Perhaps one should

examine that statement. Perhaps one should ask the Aboriginal land councils rather than myself why I do not have success with them. After all, if I am successful in negotiating with almost everybody else in the community and the federal government, why is it that my negotiations with the land councils seem to meet with failure? I certainly do not believe that the negotiations are a failure and I am sure that they will resume. I believe that the land councils have embarked on a course of filibustering with the support of the opposition to see how far they can push us. I believe that the Central Land Council has persuaded the Northern Land Council to adopt that course. Only time will tell, but the Northern Territory government is certainly ready to continue the negotiations on the 10-point package in relation to matters of detail as we have all along.

The Opposition Leader raised again the spectre that this is an issue for an early Territory election. This is the second time in the same number of months that the Leader of the Opposition has been raising doubts about the intention of this government to run its full term. I answered that matter when it was raised by the Opposition Leader a month or 2 ago. My position and that of the government is exactly what it was then. The government's intention is to do everything in its power to run its full term.

Before I examine the Leader of the Opposition's various points, I will deal firstly with the package of 13 points that he circulated. It was significant that, although he asked us to adjourn this debate so that we could consider it, he only circulated the package after he had been speaking for 3½ hours. Why couldn't we have had it as soon as he stood up. Apparently, it was typed out and ready to roll.

Mr Speaker, these proposals are not new and that is why the government is in a position to deal with them tonight. These are simply proposals that the land councils have made to us over the course of the last few months that have been resurrected by the Opposition Leader as his own proposals.

Mr B. Collins: That is news to me.

Mr EVERINGHAM: I will give chapter and verse on where some of them were raised with me or with Northern Territory government negotiators. I will deal with them seriatum, if I may.

The first proposal says 'a cut-off date for land claims to unalienated Crown land be set at 12 months from the date of agreement'. The date of final agreement - which may be never, Mr Speaker. That proposal resolves absolutely nothing.

Mr Speaker, I have been at pains all along to explain to the Assembly and to the Northern Territory community that what the government wants to do is resolve once and for all the problems in relation to the administration of the Land Rights Act and make reasonable provision of land for Aboriginal people in the Northern Territory consonant with the requirements of the wider community if that is possible. This list of 13 proposals is merely a prevarication designed to ensure that problems will continue for ever and ever. Look at the second proposal: 'Repeatability of claims is not acceptable as a principle. The only claims that would be allowed are those on normal legal principle. For example, fresh evidence would have to be used to obtain leave from the commissioner to reopen proceedings'. How can this be accepted, Mr Speaker? It means that any land that has ever been subject to an Aboriginal land claim must be kept in cold storage, as it were, and cannot be dealt with by the government, cannot be given to anyone else, because a repeat claim may be lodged in respect of it if fresh evidence arrives at any time in the future.

Mr B. Collins interjecting.

Mr EVERINGHAM: It is a ridiculous proposal, Mr Speaker.

Mr B. Collins interjecting.

Mr EVERINGHAM: It resolves nothing.

With the third proposal comes the issue of national parks. Mr Speaker, I am not going to worry with the interjections of the honourable Leader of the Opposition.

Mr B. Collins interjecting.

Mr EVERINGHAM: I sat through the honourable Leader of the Opposition's speech of more than 4 hours in silence.

Mr B. Collins interjecting.

Mr SPEAKER: Order! The Leader of the Opposition, and anyone else who continues a running commentary, should realise that my temper can run as short as other people's.

Mr EVERINGHAM: Mr Speaker, we get points of order from the opposition and interjections from the opposition. We suspended Standing Orders so that the Leader of the Opposition could speak as long as he liked. What other government is Australia would do that? We did it because we are seeking a genuine resolution of these problems and the members of the opposition have hugged the sidelines all the time the negotiations have been going on. We have had to force them; we have had to embarrass them. The honourable member for Millner is right: we have had to taunt them into telling us and the Territory community what their attitude is so that we can attempt, at least, to come to grips with what they propose.

On point 3, in relation to parks, I wish to make this clear: when the Leader of the Opposition quotes interviews with the Australian, he well knows that the Australian and any other paper does not publish everything that is said to the interviewer. I accept that because I am sitting in a seat where one gets into a crunch position from time to time. If we have to negotiate to preserve national parks and areas of public land that are under claim, I will certainly come to what I regard as an inferior arrangement so that the national park can be preserved. I firmly believe that Northern Territory national parks and public places, land reserved for the use of the public, should be in exactly the same position as Commonwealth national parks and Commonwealth public land under the Land Rights Act - that is, that there can be no claim over it. We saw what happened to the claim over the Uluru National Park which is proclaimed under Commonwealth legislation. It was defeated because the Commonwealth gazettal precludes land rights claims.

I do not know that there is much point in going through paragraphs (a) to (f) of point 3. Paragraph (a): 'The government and land councils to settle a schedule of all areas to be accepted as parks'. We said in our proposals that we will negotiate with the land councils over those parks which are subject to a valid claim and I do not see that any responsible government could do anything else. Why should we negotiate over parks that are not subject to a valid claim? I understand on legal advice that there are Northern Territory national parks which are not subject to a valid claim. Paragraph (d) also concerns me: 'Aboriginal title to be granted over those agreed scheduled park areas'. This, as far as I can see, is proposed to be federal title. Certainly, it will be

federal title if the land councils have their way. It is unacceptable to us.

Coming to point 4, the excision legislation, this is to be done by us now, Mr Speaker, this minute. Under these proposals, the land councils are committed to doing nothing but talk and we are committed to delivering the goods today. Point 5: 'No claims for stock routes and reserves to be made, provided that excision procedures are implemented and that provision is made for the access to these areas for Aboriginal people and protection is given to sacred sites situated in such areas'. The honourable Leader of the Opposition knows that this is nonsense. I have drawn 3 points out of it. 'No claims for stock routes and reserves'. No claims for stock routes and all areas of land reserved for the use of the public? Why just stock routes and reserves? Why make the differentiation between them and other areas of land reserved for the public? What is the logic in that, Mr Speaker? I would like the Leader of the Opposition, in due course, to explain the logic in that to me. It is a very interesting proposition: why stock routes and reserves should not be claimed, but other public areas be subject to claim. Why that? 'Provision be made for access to these areas for Aboriginal people' - they already have it because these are public areas. Anyone can go on them. Finally, there is the matter of protection for sacred sites situated on such areas. As we well know, the development of projects across Alice Springs is held up by sacred sites that have been declared in urban areas. Anywhere in the Northern Territory can be the subject of a sacred site claim. The Sacred Sites Act already does what the Leader of the Opposition proposes. Why propose it?

Proposal 7: 'Should it be proved that pastoral land converted to Aboriginal title is not being used productively, in all the circumstances, then amendments to existing legislation creating a covenant on the land requiring its use for pastoral purposes be introduced'. Mr Speaker, this was put to us relatively recently by the NLC. I think it was about the same time that we suggested it agree to the repeal of section 67. It has been put to me again and again. It was put to me at a lunch or dinner in the St Tropez restaurant by Mr Galarrwuy Yunupingu and other representatives of the Northern Land Council 2 or 3 months ago. It has been put to me on several occasions and the Northern Territory government concedes that reasonable provision for Aboriginal people in the Northern Territory will not be made if there is a cut-off point for alienation of pastoral properties at this time. We are prepared to agree to claims to pastoral properties already owned by Aboriginal people to proceed but, we believe, in the interests of the wider community - and so that the wider community can, for instance, enjoy some of the royalty benefits if mining ever takes place on any of these pastoral leases - that at least 50% of land in the Northern Territory should be preserved for the normal use and enjoyment by the community. That is because we know that 20 000 or so of the Aboriginal people in the Northern Territory are already living on Aboriginal land or land under claim. We know that some thousands are living in urban areas and that many of those people have no desire to leave the urban areas. We know that there are about 3000 people living on pastoral properties throughout the Northern Territory. We conducted a survey and found that our proposals would provide for all except 500 or 600 of those people living on pastoral properties throughout the Territory.

Mr Speaker, we have told the land councils that we are prepared to negotiate on the date of operation of the excision provisions. The land councils know that. I say it in the Assembly tonight. I have not been prepared to make this public earlier, Mr Speaker, because I wanted to consult with the pastoralists. After all, they are affected and we have to consider the interests of other people. The process of consultation with pastoralists is a very long one also.

Mr Speaker, we then come to point 8: 'Amend the Land Rights Act to prohibit any action by government to unilaterally alienate any land which is subject to a land claim'. We could have alienated it all on 1 July 1978 but we did not. In certain circumstances, such as Amadeus, where we regard the claim as having been heard, dismissed or withdrawn, we have alienated that land. We have alienated 5.2% of the Warumungu Land Claim because we wanted to maintain the status quo so that negotiations would be meaningful. I will come to that correspondence with the Central Land Council in due course and I will satisfy honourable members that the Leader of the Opposition quotes what it suits him to quote and does not tell the full story by any means. Point 9: we have offered that. Point 10: we have put our own proposal on that. Point 11 is picked up from our proposals and point 12 seems to me to be waffle - more concessions.

Mr Speaker, there is no objection to point 13 but the land councils told us that the appointment of an additional commissioner would not help speed up claims. We were pressing for the appointment of an additional commissioner. My recollection is that they said that their resources simply would not enable them to prepare claims any quicker than they are being dealt with at present. The Leader of the Opposition tells us of the trials of the land councils but they have quite a big staff. I think the Northern Land Council staff is in excess of 90 people.

Mr Speaker, the Opposition Leader will secure an easy agreement in his negotiations with the land councils because he is proposing to the land councils effectively what the land councils now say they want. That is the story about the Opposition Leader's proposals. His supposed consensus is a total sell-out of community interests to the land councils. He says this is the same as the motion moved 5 days ago - although he did not say '5 days ago', but '3 days ago' - but he complains about only having had 24 hours to prepare for it. If it is the same motion as last week, I simply cannot say that I have a great deal of sympathy with that suggestion by the Leader of the Opposition. He talked about my reducing everything to the lowest common denominator. In fact, his response to everything is to pour a gallon of bile over the proposer. I would suggest that he reduces things to the lowest common denominator because he engages really in a great deal of personal vilification.

The negotiations on the points of detail in the package continued for quite some time and the Northern Territory government is ready to take up the negotiations with the land councils on points of detail at any time. How has the 10-point package put discussions in a straitjacket? Even he has said that we should just give in on the 8 points that the land councils want and that we should only talk about the 2 points that the government seeks from the land councils.

Mr Speaker, we heard an interesting historical narrative from the Leader of the Opposition in which he told us that really the title of Australia was nothing but superior force. How else did it happen? What happened in ancient Britain when the Romans took it? What happened in North America? What happened in South America? What happened in Africa? What happened in India? What happened in China when the Mongols took over a nation of hundreds of millions? Mr Speaker, it is as old as the world and it is no good looking back. To recount the tragedies that occurred many years ago is a negative way of looking at the whole thing. People thought differently many years ago. It was a different world; they did different things. I am only standing here in this Assembly today, Mr Speaker, because an ancestor of mine was transported for life to Botany Bay on the ship Scarborough in 1788 for stealing 30 shillings worth of law books. Those were pretty hard times. They were flogged; they were hanged.

We all know about Macquarie Harbour, Norfolk Island and Van Dieman's Land. The Leader of the Opposition referred us a long time ago to the graveyard of convicts at Port Arthur when he recounted to us an amusing story about the honourable member for Alice Springs' supposed forebears. Those were tough times and we cannot judge today's situation by looking back and saying, 'My God, we are terrible chaps'. It was not us; it was our forebears and they all thought differently. We must look forward towards solving the problems.

The honourable Leader of the Opposition quoted with approval from 'Far Country' the statement that entrance into the Aboriginals' country was an act of invasion. How does this accord with the supposed intention of Aboriginal people to allow public access to public purpose lands that they have under claim? We heard a great number of quotations from the Woodward Report. I think it is important to note for the record once again that the Woodward Commission was set up and told that it had the job of determining how land rights would happen. Mr Justice Woodward was never asked to find out whether there should be land rights. He was told that land rights would happen and his job was to work out how they would happen.

The Leader of the Opposition quoted Justice Woodward as saying, 'This should provide a just solution for our time and leave the future generations to do the same'. Mr Speaker, what we are trying to do in the Northern Territory is arrive at a just solution. I said earlier that, when Aboriginals have eixsting claims recognised, it will mean that 20 000 or more Aboriginals will in fact be living on their own land. I have said how our proposals will ensure that the bulk of the rest of them will secure title to land. If our proposals are not equitable, especially since we are prepared to try to find a way to meet the needs of the few hundred that they do not provide for, I do not know what a just solution is.

The Opposition Leader talked about the leasehold title that was issued to the Gurindji people by the then Prime Minister, Gough Whitlam, in 1974. The leasehold title was issued by a Labor government. I cannot see why Aboriginal people who, as we were told by the Leader of the Opposition, are operating pastoral leases satisfactorily and economically, would not be satisfied with the type of proposals for leasehold title that we have offered to them. It is a far more generous proposal than the perpetual leasehold title that is offered to the ordinary pastoralist and is certainly not hedged about with all the caveats that honourable members opposite would like to have hedged about the proposal for leases debated yesterday.

I have already adverted to the matter of land claims over pastoral leases. I reiterate that I consider it just that Aboriginal people should receive about 50% of the land in the Northern Territory - not a potential 98% of Territory land which would exclude the wider community from the financial and other benefits from those lands.

Mr Speaker, the Opposition Leader made great play about the 43 amendments to date to the Land Rights Act. It has certainly never been the government's position that there should not be amendments to the Land Rights Act. That is indeed what we are arguing for. It has been the position of the land councils rather that there should be no amendments to the Land Rights Act.

In relation to the Leader of the Opposition's statement that the Territory government did not make a submission to Mr Rowland QC, the Territory government informed the Minister for Aboriginal Affairs, at that time the Hon Fred Chaney, that we would be making a submission direct to him. We did not see it as consonant with the dignity of the government to make a submission to a man who held

nothing but an informal reporting commission from the minister himself. We made our submission direct to the minister.

I seem to recall the Leader of the Opposition saying that a meeting with the then Minister for Aboriginal Affairs, Senator Baume, in September 1981 was in some way suspect. In the past, I seem to recall the Leader of the Opposition saying that Senator Baume would not have forced the 10-point package on the Aboriginal land councils in the way the current minister is said to have done. Therefore, I wonder why and how the meeting with Senator Baume in September 1981 could be suspect in that way.

Mr Speaker, we come to this business of the minutes of the Northern Land Council from which the honourable Leader of the Opposition quoted. I cannot quote from them because I do not have them. They are the minutes of the Northern Land Council. They are certainly not minutes of a meeting prepared by the Northern Territory government, if any were. The land councils do not send me their minutes so I do not have the advantage that the honourable Leader of the Opposition has had. He quoted me as saying that, if the 10 principles were not accepted, none could go ahead. I said that in the light of months and months of negotiation. The honourable Treasurer has pointed out some of the concessions that the Territory government made in the course of those negotiations. The Opposition Leader then said that they talked about national parks and went out for lunch. They then came back, the resolution was put and discussion ensued. That resolution was obviously put some hours after I had spoken to the land councils. If my alleged pressure could sustain them over lunch, I would be very surprised.

The honourable Leader of the Opposition said that Mr Wesley Lanhupuy stated that the Territory government would forthwith pass certain legislation if the package was not agreed to. I do not know what legislation that would be. Mr Lanhupuy is not authorised to speak on behalf of the Northern Territory government and what he said to the Northern Land Council is of no concern to me and certainly was not authorised by me. If he said it, he did himself a disservice. Those are the minutes of the NLC; they are not mine.

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

Mr ROBERTSON: Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Chief Minister from completing his reply to this debate.

Motion agreed to.

Mr EVERINGHAM: The honourable Leader of the Opposition says that the Northern Land Council has honourably acquitted itself of this agreement because there was an escape hole in point 4 of the resolution whereby land council representatives were to be involved in drafting sessions. Mr Speaker, I can tell you that there were a considerable number of drafting sessions held between representatives of the Territory, the Commonwealth and the land councils following the passage of that resolution by the Northern Land Council. Those drafting sessions countinued from September 1981, when that resolution was passed, until well after June of this year. What is being used as an escape clause is utterly nonsensical and ridiculous.

We have been told also that the Northern Territory government put forward the proposal that there be a repeal of section 67 of the Land Rights Act. Mr Speaker, I will divert one moment to talk about the compulsory acquisition

for public purposes of private land. You and all honourable members are familiar with the Northern Territory Lands Acquisition Act. We all know that it is model legislation of its type in Australia and it can only be used to acquire land for the proper purposes of government. It is able to be used in respect of every other person's land in this Territory. The Commonwealth is able to acquire Aboriginal land. Although we conceded that we will not proceed with this point at this time, we have told the land councils all along that we will have to keep pressing for an eventual amendment to the Land Rights Act to secure the power to acquire Aboriginal land for the proper purposes of government. We told the land councils that we are even prepared to specify the purposes if they will talk about it, but they will not talk. Although it is not in order for us to introduce that into the drafting sessions, it is quite in order for the land council representatives to introduce point 7 of the ALP proposals into the drafting sessions. What is sauce for the goose is sauce for the gander.

I was confronted regularly by Northern Territory government representatives coming to me from these drafting sessions with further proposals that the land councils had put forward. If the land councils could break off the negotiations for that reason, why couldn't I, Mr Speaker? If there is any validity in the point made by the honourable Leader of the Opposition - and he gave the date when the proposal was put forward - why didn't they break the negotiations there and then? Why did they continue with them for months afterwards? Mr Speaker, it is a ridiculous theme and the Leader of the Opposition is simply trying to excuse the inexcusable, namely, that the NLC has reneged on its resolution and rescinded it.

The Leader of the Opposition told us that land council members do not set out to be lawyers. May I say that the negotiations held between the Northern Territory and Commonwealth governments with the land councils were generally held with batteries of land council lawyers. I know that no one in this room is under any misapprehension, but let no one else be under the misapprehension that the Northern Territory government negotiated direct with Aboriginal people. The land councils bring their batteries of highly-paid lawyers and whoever else they feel like retaining - just like anyone else - to these meetings. They are as well advised and as well guarded as the Bank of New South Wales. As I said, section 67 was not just landed on them. We raised it; they objected; we dropped it and negotiations continued. The Opposition Leader said we pulled a swifty. As I have already said, that is rot.

The Leader of the Opposition said he has produced the same evidence here today as he produced at other times. Mr Speaker, the Leader of the Opposition has not produced evidence of anything. He has made a lot of statements today, but what he said is all hearsay. None of it is evidence; it is hearsay with the honourable Leader of the Opposition's own inimitable twist. Mr Yunupingu put proposals to me only a couple of months ago. He is allowed to do that but I am not. In fact, the Leader of the Opposition still goes on about the agreement or, as he sees it, the lack of agreement between the Commonwealth and Territory governments. Despite Senator Baume's unequivocal answer in the Senate, the Leader of the Opposition pursues his duplex arguments. Mr Speaker, I would like you to know, and I hope it does not cause you any concern because it does not cause me any concern, that the commitment by the Commonwealth government to construct a railway line from Alice Springs to Darwin in the Northern Territory is only evidenced by an oral statement by the Prime Minister at a public meeting. But it is in fact accepted by the federal government as being a binding commitment.

Mr B. Collins: Let's see it first.

Mr SPEAKER: Honourable members, I will take action under Standing Order 60 which says that no member may interrupt another member who is speaking. The other one is Standing Order 204.

Mr EVERINGHAM: Mr Speaker, we are subjected to all the doubt that the Leader of the Opposition can muster being cast on the validity, veracity, source, authenticity and otherwise of the press release issued in Canberra, and Darwin I might add, by the present Minister for Aboriginal Affairs. That is no good. That does not evidence anything, Mr Speaker. In the same breath, the Leader of the Opposition is happy to quote in support of his contention about what the Minister for Aboriginal Affairs says from any old newspaper report around the country. Mr Speaker, he cannot have it both ways. I would prefer to accept what the Minister for Aboriginal Affairs says in a press release rather than the reportage of what he may or may not have said at Kakadu or elsewhere.

The honourable Leader of the Opposition talked about acts of bad faith. The Treasurer has already dealt with a couple of them. The Minister for Education dealt with the Lake Amadeus matter in a long controversy with the member for MacDonnell either this year or last.

The Leader of the Opposition said it was bad faith for the Northern Territory to oppose the Utopia Land Claim in the High Court. Mr Speaker, if we cannot do what we see as our duty and take the community interest as far as the High Court, I just do not know what the government's duty is. It is certainly not an act of bad faith in my book. We found out that the High Court did not accept our legal contention but we certainly had considerable legal advice that said we should do it.

The Leader of the Opposition was guilty of bad faith when he trundled out hypocritically his story when we were processing the amendment to the Evidence Act. That was schoolboy stuff. The Northern Territory Evidence Act cannot operate to affect the federal legislation that we are talking about, namely, the Land Rights Act. The Leader of the Opposition knows that we have cooperated since with the Land Commissioner in the production of documents in respect of the Kenbi Land Claim. The Leader of the Opposition is guilty of bad faith because he still peddles what he knows to be a falsehood. As to acts of bad faith, over all the years since self-government, we have permitted the Land Rights Act to continue its operation by our forebearance except in the alienation, as I recall it, of 2 areas: the Lake Amadeus claim - a repeat claim - and the Tennant Creek or Warumungu business.

I will discuss the latter now. I will read part of a telex that I sent on 23 February 1982 to the CLC. The Leader of the Opposition did not think it worth bringing to your notice, Mr Speaker. I think I had better bring it to your notice just to set the record straight. I made a statement in this Assembly in respect of alienation of this land, and how more open can one be than saying it in the parliament of the Northern Territory? But, I am accused of duplicity. Am I supposed to take out paid advertisements in the paper as well to get it across? Every time I do that, I am accused of wasting taxpayers' money anyway. It is okay for the Central Land Council to advertise nationally, as it did. It had the first media campaign. It went away in the middle of the negotiations without a word to us and advertised all across Australia that the Northern Territory government was a bunch of so-and-so's. We are supposed to cop all that sweet, and we did. We kept talking.

This is the telex that I sent in response to the one I received on 22 February from Mr Coldrey of the Central Land Council. It is tabled and anyone can read it:

23 February - Everingham to Coldrey:

Thank you for your telex of 22 February 1982 setting out the resolutions of the CLC executive on 17 February 1982. I make the following comments on those resolutions. The attitude of the executive to the introduction of the bill relating to stock routes, and I quote, 'while talks were still taking place' is a little hypocritical in view of the several land claims to stock routes which were lodged by the CLC earlier while talks were taking place. You are well aware that that action was provocative. It caused anxiety to many people and undermined the confidence of the public in the value of those negotiations. The proposals put forward by the CLC did not meet the Northern Territory government's concerns. For instance, they did not deal with the Northern Territory government's view that land which has been classified for a particular public use should not be able to be redesignated except by deliberate decision of the government. The CLC itself set the end of October 1981 as the deadline for completion of negotiations ...

The Opposition Leader never talks about that but the CLC pointed the finger at us over the negotiating table in 1981 and said these negotiations had to be finished by October that year. The telex continues:

I had indicated that, if a satisfactory position had not been reached by that time, the NT government would be placed in a position of having to take action itself on some matters. To date, I have had no response from the Commonwealth or the land council which would justify postponement of the bills to which you refer. The Assembly commences sitting again on 9 March and perhaps the necessary assurances may be provided by then to justify my acceding to your request ...

Mr Speaker, the Leader of the Opposition said to us this afternoon that I rejected the CLC proposals out of hand. Just let me repeat: 'The Assembly commences sitting again on 9 March and perhaps the necessary assurances may be provided by then to justify my acceding to your request'. The honourable Leader of the Opposition is nothing but a twister. The telex continues:

The undertaking to which you refer was given in good faith for land which was obviously intended as being claimable and subject to qualifications as to repetitive claims. It was not envisaged that claims would be made to such things as stock routes which could thus deprive the government and the pastoral industry of responsibilities and rights which they presently have. I welcome the willingness of the CLC to continue talks as I believe there is still the possibility of resolving issues to the benefit of particular Aboriginal groups and Territorians generally. I applaud the discussions which you are having with the pastoral industry and am hopeful that, in due course, you may jointly put forward views on a range of matters for consideration by the government. I think the timing of hearings of claims to stock routes is a matter for consideration by the commissioner in consultation with all interested parties. A withdrawal of those claims to stock routes would enable negotiations on the draft proposal to be undertaken in an atmosphere far more conducive to a final agreement. I have already commented on the Stock Routes Bill and associated bills. The Crown Lands Amendment Bill (Serial 23) which has resulted from con-

sideration of the Martin Report has been before the Assembly for some time and its progress through the Assembly is a matter for the government and the Assembly and is not negotiable. The last point which you make has some validity and perhaps the Aboriginal Land Rights (Northern Territory) Act in its present form is a good example. However, negotiations cannot be unending and a point has to be reached in a reasonable time when decisions are made.

Mr Speaker, I really cannot say much more. If I have been duplex in my dealings with the Central Land Council, I am unaware of it. I have seriously bent over backwards because I recognise the importance to the Northern Territory of the resolution of this matter once and for all, and not to set up another running sore like the opposition wants to do with its so-called 13-point package. It is an unlucky number for the Northern Territory that they have thought of because it would be another ulcer on the social body of the Northern Territory.

According to the opposition, anything the land councils want is okay but anything we want is no go. The CLC, as I said, conducted the first media campaign about these negotiations and I think, as I have said before, what is sauce for the goose is sauce for the gander.

If Aboriginal people, as the Leader of the Opposition said, are using pastoral properties economically and will continue to do so, why not leave them as pastoral leases? There are no worries if they continue to use them and run cattle on them, as we were told this afternoon. What is the problem? We have the Sacred Sites Act to look after their interests in relation to sacred sites, whatever the land. We are proposing special provisions relating to mining. There is absolutely no forfeiture and, if they do not meet the covenants, the Commonwealth government is committed to meet them for them. With those very favourable provisions, I cannot see any argument for the rejection of our proposals regarding the continuance of pastoral leases when purchased by Aboriginals. We are happy to have them purchased, Mr Speaker. They hold them because we agreed to their purchase.

I should say that those 2 telexes of 22 and 23 February were sent by me to the Chairman of the Northern Land Council and to the Chairman of the Tiwi Land Council. I was not trying to keep anyone in the dark. It is only the honourable Leader of the Opposition who would like to keep people in the dark.

Mr Speaker, we were told that I said fair words at the National Press Club. I would like to tell honourable members that all the journalists who were at the National Press Club were invited to a press conference. They were working journalists who were allowed to ask questions at National Press Club lunches. They were invited to a press conference for an hour or so, running from 11 o'clock to before the lunch. The AAP journalist was there because he talked to me. We showed them the video of the meeting at Ayers Rock on a big screen, with good sound, and they saw the whole thing before they asked me any questions. In that regard, the Leader of the Opposition refuses to make the distinction between negotiating on points of principle and negotiating on points of detail. The fact that there will be excisions is a point of principle.

Mr B. Collins: That is new.

Mr EVERINGHAM: There had been continuing negotiations on points of detail until a couple of months ago. As I said earlier this afternoon, they can go ahead again tomorrow. I would be happy if they would resume. We would be prepared to negotiate on the detail of the date when the excision provisions should commence.

Mr Speaker, members of the opposition have not addressed themselves to our proposals. The Leader of the Opposition has not said what is wrong with them; he has not talked about them at all. He talked about his proposals. That is good. We have his proposals now, but we still do not know what is wrong - according to his lights - with ours. He said that they have been put forward by me in a hard-nosed, negotiating situation. These proposals of ours were distilled over many months of hard-nose negotiation with the very hard-nosed lawyers for the land councils. They are just as hard-nosed as I am. In fact, harder I think.

He put some proposals to us that he said are new. They are not new; they are land council proposals resurrected by him. Why throw ours out? After all, they offer all Aboriginal people land. I want to try to settle the matter once and for all. I do not want a running sore, a continuing battle and continual community strife and unhappiness. Our proposals offer the rest of the community the chance to retain an interest in about 50% of Territory land. The Leader of the Opposition said that I am all-or-nothing in the 10-point package. In fact, Mr Speaker, I am a 50-50 compromise man as I think I have shown. In fact, I am better than that because the land councils are gaining an advantage from 8 of the 10 points in our proposals. The rest of the community is gaining advantage out of 2 of the proposals. It is the ALP, Mr Speaker, and the land councils that want everything for the land councils and nothing for the wider community.

Motion agreed to.

POISONS AND DANGEROUS DRUGS BILL
(Serial 216)

Bill presented and read a first time.

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

Mr Speaker, it is with great pleasure that I introduce the Poisons and Dangerous Drugs Bill. This bill consolidates all existing legislation in the Territory in relation to poisons, dangerous drugs and methylated spirits. The bill repeals the existing Poisons Act, Dangerous Drugs Act, Prohibited Drugs Act and the Methylated Spirits Act. It is based on the uniform poisons standards of the National Health and Medical Research Council. The schedules to this bill include the 8 schedules of the National Health and Medical Research Council. The bill provides that the minister may amend the schedules in accordance with the recommendations of that council. In this way, the bill provides the mechanism whereby the schedules may be constantly updated.

The bill provides for control of the manufacturers, wholesalers, retailers and suppliers of poisons. Manufacturers, wholesalers and retailers must be registered or licensed by the Chief Medical Officer and must comply with appropriate safety requirements. The Supply of poisons must be in accordance with the uniform poisons standards. Schedule 1 lists those substances which are extremely dangerous to human life. These substances may be supplied only on prescription to adult persons known to the supplier, except where the substance is included in a proprietary prescription intended for therapeutic use.

Schedules 2 and 3 contain therapeutic substances for which no prescription is required but which may be distributed only by pharmacists, doctors, dentists or veterinarians. Where there is no pharmacy, schedule 2 substances may be dis-

tributed through dealers in medicines or poisons. Schedule 4 contains the more common drugs supplied on prescription. Schedule 5 includes substances of a hazardous nature, which must be readily available to the public, but which require caution in handling, use and storage. Schedule 6 contains poisonous substances which must be readily available to the public for domestic, agricultural, pastoral, horticultural, veterinary, photographic or industrial purposes or for the destruction of pests. Schedule 7 includes substances of exceptional danger which require special precautions in manufacture and use and for which special labelling and distribution regulations may apply. This bill strictly limits the use of these substances to specially authorised persons for specific purposes. Schedule 8 relates to dangerous drugs including drugs of addiction for which there is a valid medicinal role. Supply of these drugs is, of course, on prescription only.

The bill does not alter the content of the current Prohibited Drugs Act. The government has left these provisions unchanged because it does not intend to vary the current law of the Northern Territory in relation to drug offences in any way until the new Criminal Code is introduced. Provision has been included for the licensing of pest control operators. The bill requires that pest control operators have an adequate knowledge of the properties of the poisons they use and the necessary first-aid procedures to be applied if accidental poisoning should occur. Pest control operators may be required to undergo medical examination to ensure they do not suffer from residual poisoning from the pesticides they use. Premises where pesticides are stored will be subject to inspection to ensure that adequate safety precautions have been taken.

Mr Speaker, whilst the Minister for Health will have a general responsibility for the administration of the provisions of this legislation, it is the intention of the government that the Minister for Primary Production will administer matters involving substances used in the agricultural, horticultural and pastoral industries. The Northern Territory covers a vast area. Consequently, our laws must take cognisance of the special needs of persons who live far from doctors and pharmacists. This bill provides for specially authorised medical kits which may include drugs which would otherwise be supplied only on prescription. The use of these drugs in emergencies must be specially reported and the bill should prevent possible abuse.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

NORTHERN TERRITORY DEVELOPMENT LAND CORPORATION (VESTING OF LAND) BILL
(Serial 282)

Bill presented and read a first time.

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

This bill seeks to grant title over certain land to the Northern Territory Development Land Corporation. By way of explanation, the need for this bill arises because of certain action taken by the Central Land Council in the Warumungu Land Claim at Tennant Creek in so far as it is claiming public purpose land. This is an issue which I have discussed on several occasions over many months. I have stressed repeatedly the concern of the Northern Territory government to maintain the status of certain public purpose lands in the Territory. This is a view that is well known to all concerned. As I pointed

out to this Assembly on 14 October this year, the Northern Territory government will take whatever action it considers necessary to ensure that stock routes and other public purpose land retain their status in the interests of the Northern Territory and all of its people. I foreshadowed, at that time, that alienation would follow.

It is totally unreasonable that a few people should be able to obtain exclusive perpetual title to land already set aside for the benefit of the public generally under Territory law when they cannot do the same thing to public purpose land set aside under Commonwealth law. It amounts to the situation that, outside of towns, the Territory government has virtually no power to preserve land in the wider public interest for any purpose whatsoever. In such a situation, it is impossible for any government to fulfil its responsibilities to the community at large, especially as the land councils rejected out of hand the Territory government's proposal to amend the Land Rights Act to make provision for compulsory acquisition of Aboriginal land for public purposes. This was one of our earlier proposals to the land councils during many months of negotiating the package.

I might mention that our Lands Acquisition Act is regarded as a model throughout Australia and drew extensively on Australian Law Reform Commission proposals. Legislation which attempts to preserve the situation in the case of stock routes was introduced in this Assembly in November 1981 but was not proceeded with, at this government's initiative, in view of the lengthy negotiations with the Commonwealth and the land councils and certain understandings reached. Since then, the Central Land Council has chosen to proceed with land claims for certain public purpose land regardless of these negotiations and in breach of its undertaking not so to do. I tabled that correspondence regarding the undertaking in this Assembly last week.

In an attempt to redress this situation, leases were recently executed over such parts of the land in the Warumungu Land Claim as are set aside for public purposes. The Central Land Council, on behalf of the claimants, took action in the High Court to obtain an order nisi directing the Territory government to show cause why the action of the government should not be reviewed. In so doing, they raised a number of complex legal issues which could take some time to resolve. The matter is not due for hearing until some time next year.

My concern is to maintain the status of public purpose lands and, at the same time, seek to overcome, by negotiation and agreement, those deficiencies and inequalities inherent in the operation of the Land Rights Act. This action is taken in the interests of all Territorians, including Aboriginals, and seeks to achieve a reasonable balance of interests.

This bill seeks to preserve the status quo in respect of those public purpose lands. It vests the lands in the Northern Territory Development Land Corporation by force of legislation. It does not seek to defeat the expectations of the Aboriginal claimants in that the public purpose land comprises only a very small portion of the total area of the claim. The claim to the vast majority - I believe 95% of the land - can proceed in the normal way. I use this occasion to call upon the Northern Territory land councils to take this opportunity to continue negotiations in a meaningful way on the operation of the Land Rights Act so that it can be made to operate fairly in the interests of all Territorians. Let us return to the conference table and seek to resolve all the issues in a spirit of cooperation and reasonableness. I am talking about all of the issues, Mr Speaker, not just some of them and not just those that suit the land councils.

Mr Speaker, we have the opportunity to avoid the dangers of divisiveness. It would be a disaster of major proportions if the present differences were allowed to produce alienation between black and white members of our community to the ultimate detriment of both. This comment is not meant to be scare-mongering, but merely an attempt to point out that it is in the interests of all Territorians, including Aboriginals, that differences should be discussed and an equitable solution arrived at by consultation and negotiation. The Territory is a community of people from many ethnic origins and laws must be framed to meet the reasonable expectations of all the people in the wider public interest. It is, as I have said on another occasion, a question of balance. I commend the bill to honourable members.

Debate adjourned.

PRISONERS (INTERSTATE TRANSFER) BILL
(Serial 277)

Bill presented and read a first time.

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

Mr Speaker, this bill is the product of the Standing Committee of Attorneys-General. It will eventually be introduced in all state and territory jurisdictions to provide a uniform national system for prisoner transfer. It is already in operation in Queensland, New South Wales and South Australia. The bill provides for prisoners to be transferred interstate on a number of grounds. I should point out here that it provides for jail inmates to apply for transfer on their own behalf.

Under the bill, where a prisoner is jailed in the Northern Territory, he may write to the minister of the relevant jurisdiction requesting that he be moved to another state or territory respondent to this legislation. If the minister agrees to the transfer, he may in turn write to his counterpart in the state nominated by the prisoner. This minister can either accept or refuse the prisoner so there is no binding commitment on any one transfer requested. The same sequence applies when a prisoner asks to be transferred to the Territory. It better not. The cost for removal would normally be borne by the jurisdiction sending the prisoner. The maintenance cost for the prisoner once moved would be the responsibility of the receiving state or, in our case, territory. It is obvious from what I have said that a prisoner would not be moved unless the ministers of both jurisdictions have agreed to the transfer. The bill also allows relevant material such as prisoner reports to be studied by the minister before any decision is made on a particular prisoner.

Mr Speaker, this bill has a further purpose - that of extradition. When an arrest warrant has been issued by another state or territory against a prisoner, the prisoner, with the consent of the minister or Attorney-General of the issuing state, can request transfer for trial to the state of the issuing warrant. The Territory can agree or disagree with this. Subject to our agreement, the matter would go before a magistrate who would normally order a transfer. There is of course a right of appeal to the Supreme Court on the magistrate's decision. The Territory may likewise apply to have a prisoner sent here from another jurisdiction to stand trial. If the term imposed following that trial is shorter than that imposed by the first jurisdiction, the prisoner can be moved back at its conclusion. With the agreement of all concerned, however, the prisoner could serve out the rest of the original sentence in the receiving state.

Mr Speaker, in the past, I have made clear my feelings on offences committed in the Territory. If a prisoner has been convicted and sentenced by a court in the Northern Territory, then that prisoner can expect to serve his or her time in one of our penal institutions. I must stress that, in none but the most exceptional circumstances, will any consideration be given to a transfer of an offender under the Territory law to another jurisdiction. There will be no change in this policy. The Territory suffers at times from the misbehaviour, if I might call it that, of villains from interstate. Should they choose to practise their villainy here, they can pay the consequences here. However, this legislation gives us, along with the rest of the country, the machinery for smooth transfer whenever necessary or desirable in all the circumstances. I commend the bill to honourable members.

Debate adjourned.

POLICE ADMINISTRATION AMENDMENT BILL
(Serial 281)

Bill presented and read a first time.

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

Honourable members will be aware that section 128 of the Police Administration Act empowers a member of the police force in certain circumstances to take intoxicated persons into custody for their own protection or the protection of the public. Persons taken into custody are not to be charged with any offence or even questioned in relation to offences. The act contains a number of safeguards to prevent persons being held in custody longer than is necessary. Persons apprehended under section 128 are required to be released as soon as they are no longer intoxicated subject to an exception to avoid people being turned out on the streets in the early hours of the morning. Again, subject to the same exceptions, persons cannot be held for longer than 6 hours, if this is necessary, without a direction from a justice of the peace. A person may apply to a justice of the peace to be released from custody at any time and an intoxicated person may be released at any time into the care of a responsible person. Provisions provide very real safeguards against unjustified retention and for the protection of the rights of persons taken into custody. Whatever the merits of this legislation, it has one grave defect, in my view, and that is that the person concerned really does not have the right to be brought before a justice or a magistrate.

The existing grounds for apprehension under section 128 are restrictive and have presented difficulties in practical application. At present, before a member of the police force can take a person into custody under the provision, he must be satisfied of certain matters. Firstly, he must have reasonable grounds to believe the person is intoxicated either by alcohol or a drug. Secondly, the person must be in a public place or trespassing on private property. These are reasonable limitations on apprehension. However, the police officer is also required to satisfy himself that the intoxicated person is likely to commit an offence, cause harm to himself or to another person, damage property, disrupt the privacy of others or cause them alarm or substantial annoyance or be unable to care for himself. The list of prerequisites is set out in some detail in subsection (1) of section 128.

The bill seeks to remove these prerequisites to apprehension, leaving the requirement that the intoxicated person is in a public place or is trespassing

on private property. The removal of these prerequisites to arrest will ensure the removal from public places of drunken persons. As the law currently stands, the police officer must determine whether the intoxicated person comes within the categories prescribed. It must be remembered that a drunken person has little or no control over his conduct and, whilst he may not come within one of the prescribed categories at the time of coming under the observation of the law, after the police have gone, he could become a danger to himself or to other persons. At the very least, he is likely to be an offensive sight to the general public.

Mr Speaker, crime rates in the Northern Territory have reached such levels as to create justifiable concern over the deterioration of the quality of life. Statistics show clearly that, with the exception of dishonesty crimes and certain miscellaneous offences, the majority of persons apprehended for offences were affected by alcohol at the time the offences were committed. Growing public concern over public drunkenness is evident and manifest in the increasing number of complaints concerning the unsightly spectacle of drunken persons and of their behaviour in public places. Drunken persons are generally repugnant to the community in general and the sight of a drunken person should not have to be tolerated by decent law-abiding citizens.

As the section stands, individual police officers are required to make predictions as to the likely future conduct of an intoxicated person and value judgments as to what other persons might regard as substantial annoyance or unreasonable disruptions to their privacy. Many people regard the mere sight of public drunks as a substantial annoyance. I believe a police officer should be given clear authority to remove drunks from public places rather than require him to gaze into a crystal ball to establish what might happen the moment his back is turned. The power is one that the police will have to exercise with discretion but I am sure that members will appreciate its desirability.

The existing safeguards to protect the rights of apprehended people and to ensure that persons are not detained longer than necessary will continue. The removal of the prescribed categories from section 128 will necessitate a consequential amendment to section 132 of the act.

I stress that this proposed amendment is intended to protect the public at large and it is the view of the government that an intoxicated person should be taken into custody before he can harm himself or cause distress to other persons going about their business. The amendment does not provide a complete answer but will achieve some measure of protection for the intoxicated person. I commend the bill to honourable members.

Debate adjourned.

DANGEROUS GOODS AMENDMENT BILL
(Serial 276)

Bill presented and read a first time.

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

Before proceeding to the bill itself, I would like to inform honourable members of the current position regarding the Dangerous Goods Act. As honourable members will recall, the act was passed by this Assembly some time ago and has yet to be brought into operation. The reason for this delay is the need

to put into place extensive regulations to control the use of dangerous goods within the community. The development of these regulations has been a mammoth task. However, I am pleased to inform the Assembly that drafting is now at an advanced stage. I anticipate that, once this amending bill has been passed, the principal act and the regulations will be able to be brought into operation.

As a result of work being carried out concerning the regulations, certain deficiencies in the act came to light. The need to amend the act is primarily to ensure the validity of certain parts of the regulations when they come into force. Since this act requires amendment, the decision was also taken to incorporate other changes which it is believed will make the act more effective. I would hasten to add that the majority of the changes contained in the bill do not represent changes in relation to this government's attitude to the control of dangerous goods within the community but are in the nature of a technical amendment.

Mr Speaker, I do not propose to go through all the changes in detail because I believe the majority are self-explanatory. However, I would like to refer to some of the more substantial changes. The first is contained in clause 7 which provides for the repeal and substitution of division 3 of part III of the act. The division, as presently worded, relates to the declaration of dumps for the disposal of dangerous goods. The proposed new division will expand these provisions to enable the disposal of dangerous goods, not only by providing for declared disposal sites, but by making provisions for the disposal of dangerous goods at other locations approved by the Chief Inspector. This will enable, when appropriate, the control of waste disposal at premises where dangerous goods are used. Further, provision has been made for the Chief Inspector to control the method of disposal and enable modern methods of disposal, such as the use of chemical reactions, to be implemented as soon as such methods become available. I believe honourable members would agree that the regulation of the disposal of dangerous goods is a very important aspect of this legislation. It is important that the disposal of all dangerous substances be controlled and that modern technology be used wherever possible.

Another important change to the act is contained in clause 15. As honourable members will be aware, considerable damage to the environment can be caused by the unauthorised spillage or dumping of dangerous substances. The new section proposed in clause 15 will enable the government to require a person to rehabilitate an area where damage is caused by dangerous substances. This will require the person to carry out the work to the satisfaction of the minister or, alternatively, for the minister to arrange for the work to be carried out and to bill the person responsible. As the act now stands, there is power to carry out emergency work at the time of accidental spillage. However, there is no power to ensure the rehabilitation of the environment in the long term. I believe that such a provision will receive the support of all honourable members.

Mr Speaker, these matters are the most important contained in the bill. Other amendments include the inclusion of new definitions and the amendment of some definitions contained in section 5 of the act. The amendments have been incorporated on the advice of the Legislative Draftsman.

Section 11 of the act dealing with the powers of inspectors will be amended to clarify some of the functions of the inspectors under the act.

Section 20 will be amended to enable the Chief Inspector to control the import of dangerous goods. Provision will also be made empowering the Chief

Inspector to vary the conditions of the licence or to cancel or suspend a licence where a person is in breach of a condition on which the licence is issued. As the act now stands, the Chief Inspector has the power to impose conditions. However, he has no power to vary such a condition or enforce conditions to which a licence is subject.

New appeal provisions are to be substituted for those presently in the act. Clause 13 proposes the repeal of section 28 which empowers the minister to determine an appeal. The new appeal provisions provide for an appeal to a magistrate. The right of appeal to a magistrate is consistent with similar appeal provisions in other industrial safety legislation.

Provision is to be made for the Chief Inspector and other prescribed persons to approve certain actions under the regulations. Such a power will enable modern technology to be used as soon as it becomes available without, as is normally the case, the need to amend the act or the regulations. Additionally, provision has also been made to ensure the validity of the calling up of standards and codes in the regulations. The use of standards and codes in this type of legislation is a matter of necessity and it is imperative that the validity of the calling up of such standards and codes is not able to be challenged should it be necessary to enforce the provisions of a code or standard.

The regulation-making power is also to be amended to ensure the validity of the regulations dealing with the licensing of persons such as gas fitters who carry out installations and repair work relating to dangerous goods. While it has also been the government's intention that the Dangerous Goods Act would be used to ensure only qualified persons do such work, the Legislative Draftsman has recommended that the act be amended to ensure the validity of the proposed regulations dealing with the licensing of such persons. I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 280)

Bill presented and read a first time.

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

This bill provides a minor amendment to section 49 of the Local Government Act to ensure the next ordinary election for the Alice Springs Town Council will be held on the last Saturday of the month of May 1984. In 1980, the Local Government Act was amended with the object of providing a common date for the holding of local government ordinary elections. Specific provisions were inserted in section 49 of the act to ensure that the next ordinary elections for the city of Darwin and the towns of Katherine and Tennant Creek would be held on the last Saturday in May 1984.

It was believed at the time that the ordinary election for the town of Alice Springs would be held on 31 May 1980 and, applying the criteria prescribed for fixing the date of the next ordinary election, that the next ordinary election for the council would fall on the last Saturday in May 1984. No specific provision in respect of that council was therefore enacted. However, the council subsequently decided to hold the election 1 week earlier on 24 May 1980 and, applying the criteria that the next ordinary election was to be held

on the last Saturday in May in the 12 months after the third anniversary of the last ordinary election, then the next ordinary election should be held on 28 May 1983, 1 year earlier than that intended and the council will have served a term of only 3 years by then. To put it another way, it seems that the Alice Springs Town Council served 1 full year in office in the first week of office. They must have been very busy boys and girls indeed. I commend the bill to honourable members.

Debate adjourned.

JUSTICES AMENDMENT BILL
(Serial 278)

Bill presented and read a first time.

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

The bill proposes several amendments to the Justices Act. Firstly, it will clarify the method of appeal under part VI of the act. This is done by clauses 16 to 22. Secondly, it will insert a provision by clause 23 whereby the Supreme Court may dismiss an appeal from a magistrate even though the court considers the appeal may have some merit, but where there is no substantial miscarriage of justice. Thirdly, it will provide, by clause 23, for reciprocal enforcement of fines and convictions made against bodies corporate in other jurisdictions and in the Territory. Fourthly, it will provide for fees to be set by regulation, which we should have done for the Real Property Act as well. Fifthly, it will add a new provision whereby, on a hearing ex parte, the court can proceed on evidence without necessarily calling witnesses to prove the case. This provision also allows the court to set aside an ex parte decision. Sixthly, it will change provisions for remand and custody for summary matters so that such remands cannot be for longer than 15 days. Seventhly, it will extend time limits for the serving of summonses by post, add a provision allowing a defendant to plead guilty at any stage of the hearing of an indictable charge that is being heard summarily and make provision to reintroduce deputy clerks of court. I propose, Mr Speaker, to deal with each item individually.

Since 1981, when the full court of the Supreme Court of the Northern Territory handed down its decision in Messel v Davern, a degree of uncertainty arose as to how appeals pursuant to part VI of the Justices Act should be treated by legal practitioners and by the court. The bill seeks to alleviate this uncertainty by setting out what mode of appeal is to be utilised before the Supreme Court. The mode of appeal proposed by the act is an appeal in the strict sense. This means that the unsuccessful defendant can appeal to the Supreme Court only on the basis of an error by the justice on a question of law or fact or both fact and law. Appeals against sentence will, of course, still be allowed.

Mr Speaker, some honourable members may ask why not treat an appeal as a hearing de novo; that is, a complete rehearing of the case. The answer to that is that a defendant should not have 2 bites of the cherry. If a defendant has 2 complete hearings, problems may occur. If the justice system allows for hearings de novo, the court system may become cluttered with defendant appellants who wish to have 2 hearings instead of 1 and court costs may increase because the case would have to be presented twice.

In the Territory, magistrates who sit in a court of summary jurisdiction are qualified legal practitioners of 5 years or more standing. One assumes that they have sufficient knowledge and expertise to administer justice in courts that they preside over. In jurisdictions that have appeals by way of hearing de novo, the magistrates have traditionally been lay people with no legal training. In this Territory, justice is meted out very fairly by the courts of summary jurisdiction. Of course, a magistrate may err at times, but this is the precise situation that is covered by the proposed legislation.

Mr Speaker, these amendments to the appeal provisions of this act will not mean that further or fresh evidence cannot be introduced on appeal. If the circumstances are such that fresh or new evidence comes to light, and if the appellant gives notice of such evidence at least 7 days before the commencement of the appeal to the other party to the proceedings, it may be that such evidence will be admitted by the court.

This amendment to the Justices Act also includes a proviso whereby the Supreme Court may dismiss an appeal even though it considers that the appeal has merit, but where it considers that no miscarriage of justice has occurred. Such a provision exists in similar legislation in other Australian jurisdictions and it will prevent persons being acquitted on a technicality.

Mr Speaker, the second amendment deals with the reciprocal enforcement of fines and convictions imposed on bodies corporate. The Standing Committee of Attorneys-General has decided that it would be beneficial for all states and territories to enable reciprocal enforcement of fines and convictions imposed on corporate bodies in courts of summary jurisdiction. The present fines or convictions imposed on corporate bodies in the Territory are enforceable in some other state and territory jurisdictions. The Territory is unable to enforce, on a corporate body registered here, any fine or conviction imposed in a court of summary jurisdiction elsewhere than in the Territory. It seems highly desirable that legislative provisions be enacted to enable the reciprocal enforcement of fines and convictions.

I now turn to the provision to allow fees to be charged. This is done mainly by amendment to the regulation-making section 203. This section previously enabled fees to be set but, in 1974, court fees were abolished. In most other Australian jurisdictions, fees are charged in the criminal process and these are ultimately added to a defendant's fine if he is found guilty. It is time that the Territory returned to this situation to help offset the cost of administering justice.

The next amendment is the change in hearings ex parte made by clause 12. This is a change to enable court procedures to proceed more efficiently. At present, matters can be heard ex parte but it is necessary for the prosecution to call its evidence to be averred in a summons taken into account by the court. It will not be necessary always to call witnesses. The new time limits on the service of summonses by post will overcome problems the police are having in getting summonses served within the present time limits. At present, persons served with traffic infringment notices have 1 month to pay and police action cannot be taken until that time has expired. To have a summons drawn up, issued, posted and received sometimes takes longer than a month. In that circumstance, the summonses must then be served again. No disadvantage will accrue to a defendant from this change.

The amendment in clause 9 to section 60 will bring the procedure in respect of summary offences in line with that on indictable offences to ensure

that a defendant in custody must come before a court at least every 15 days unless he is ill or otherwise incapacitated. This change will make very little difference to prison procedures as magistrates rarely remand for longer than 2 weeks at present. However, it is better to ensure that this is explicitly stated in the act.

Finally, there is the reintroduction of deputy clerks of court. Last year, the Assembly passed a bill to make, in effect, assistant clerks of the local court deputy clerks of the court of summary jurisdiction. Unfortunately, this arrangement has caused confusion and administrative difficulties and so this bill seeks to reintroduce deputy clerks. Civil and criminal jurisdictions in the lower court are becoming increasingly separate as far as administration is concerned, and the distinction between deputy clerks of the court of summary jurisdiction and assistant clerks of the local court recognises this.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

MEAT INDUSTRY BILL
(Serial 283)

Bill presented and read a first time.

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

Mr Speaker, the current Abattoirs and Slaughtering Act came into effect in 1955. Continuing changes in the industry and, more recently, the findings of the Royal Commission into the meat industry have resulted in the need to amend this legislation to the extent where it is now more practical to replace the act than seek an extensive number of amendments - hence the bill before the Assembly.

You will appreciate, Mr Speaker, that the change in name from the Abattoirs and Slaughtering Act to the proposed title of Meat Industries Act implies that this bill is concerned not only with abattoirs and the slaughtering of animals for meat production but also with the licensing and control of processing places, including independent boning-rooms, cold stores and the control of imports of meat from the states. In addition, emphasis has been placed on the need for licensees to accept their share of responsibility for the disease-free status, quality and integrity of their product. Provision is also made for documentation for all commercial traffic in meat whether within, into or out of the Territory. This will guard against the repetition of past malpractices and also provide useful statistical data relating to the industry.

A significant change is the inclusion of a power to determine the maximum number of licences of a specified type which may be issued in relation to a particular area or the whole of the Territory. We have seen too many abattoirs in southern Australia go to the wall with consequent serious, local and regional socio-economic problems. We want to avoid that occurrence in the Territory. Clause 5 is aimed at preventing the creation of hardship within the industry, particularly by eliminating the threat to the livelihood of people who rely on our meatworks, a threat which is inherent in the closure of any establishment. As long as a proposal for a new works will not result in the maximum number of works determined being exceeded, the application will be subject to a series of stages before a licence to operate is actually issued. The first stage involves approval of a location for a licensed meat establishment. This means

the applicant will not incur unnecessary expense before approval, in principle, to proceed is given. Then follows a second stage of the licence application where plans and specifications must be submitted. Approval of the plans will allow the project to enter a construction phase which, if carried out in conformity with the application, will enable an operational licence to be granted.

The bill also provides for penalties similar to those in the states for false descriptions of meat products with respect to both species and quality. In addition, an ultimate sanction is included in clause 30 where, if the holder of a licence has been convicted of an offence under the act or regulations, the licence automatically will not be renewed. Abattoir operators will need to be very careful that they comply in every way with this legislation.

The general provisions of the bill are aimed at preventing specific malpractices uncovered by the Woodward Royal Commission, and provides for the better operation of abattoirs, processing plants and cold stores, as well as the hygienic transportation of meat. These provisions cover the meat chain from the farm gate to the retail outlet. In so far as the latter is concerned, I should point out that the supervision of butcher shops is a matter for the Department of Health, working in close relationship with my department. In this context, I believe that my colleague, the Minister for Health, will be dealing with this matter.

Mr Speaker, in closing, I refer you to a quotation from the Woodward report: 'The small meat inspection service in the Northern Territory, controlled by the Department of Primary Production, has performed reasonably well in spite of a most inadequate legislative base'. I am confident, Mr Speaker, that the enactment of this legislation will repair this deficiency. I commend the bill to honourable members.

Debate adjourned.

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL
(Serial 279)

Bill presented and read a first time.

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

For some time now, the government has been considering the establishment of marine parks in Northern Territory waters. Many offshore areas exist around the Territory coastline which, because of the nature of the marine life they support, are worthy of protection. I have asked the Conservation Commission to undertake a study of certain areas with a view to having them established as marine parks. One such area includes the waters adjacent to the Cobourg Peninsula, which is known to contain unique forms of marine, animal and plant life.

When the proposal for marine parks was first developed, an assessment of existing legislation was made to determine its adequacy to enable the parks to be declared. The study showed that, while certain legislation allowed the seabed to be included in a park, there was some doubt as to whether this would include the sea above the seabed. This bill seeks to clarify that issue by inserting a definition of 'land' in the Territory Parks and Wildlife Conservation Act. That will clarify the issue, Mr Speaker. The wording of that definition will remove any doubt that the seawater above the seabed is very much a part of the marine park. I commend the bill to honourable members.

Debate adjourned.

POUNDS AMENDMENT BILL
(Serial 272)

Bill presented and read a first time.

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

Mr Speaker, no doubt some honourable members have been approached from time to time by constituents who were concerned at the nuisance and damage caused by straying cattle and other great stock. The government has been concerned at the increase in the number of these complaints as centres of population within the Territory develop and expand. It has become clear that the machinery, which was adequate when the legislation was first introduced in 1930, is no longer adequate today. As a result, a review of the Pounds Act has been undertaken with the object of improving its administration and enforcement and to ensure that impounding services are delivered at a level which will satisfy the needs of modern urban communities.

In the most significant of the amendments, it is proposed that devolution of responsibility for the delivery of pound services to local government within municipalities will be provided. Pounding is a local, community-based service and traditionally a function of local government. The present unwieldy procedures for reservation and dedication of areas for use as pounds will be abolished and replaced by a more flexible procedure whereby the minister or a council as the case may be may enter into an agreement with a landholder to use a portion of his property as the pound and for the landholder to act as pound keeper. I believe this proposal will be extremely valuable in providing a service in those parts of the Territory not presently served by local government. In particular, I refer to the outer Darwin rural area. As a result of a number of representations from the honourable member for Tiwi, who has serious difficulties with straying stock in her area, we bring this forward.

Penalties prescribed in the act are substantially increased to ensure they provide an effective deterrent against the commission of offences. The present penalties, particularly the penalty of $4 for allowing cattle to stray, are clearly inadequate and provide neither a deterrent nor an incentive to enforcement of the legislation. The incentive side is very relevant, Mr Speaker - ask any policeman. To assist them in financing the delivery of this service, councils will retain all fines and penalties recovered as a result of action taken by them under the proposed amendment.

A new provision is included to enable a reasonable cost for delivering cattle to the nearest public pound to be recovered from the owner of the cattle. Mr Speaker, honourable members may wonder why there is so much reference to cattle. 'Cattle' is defined as covering all great stock. One of the most significant costs in providing a pound service is that of actually rounding up the cattle and delivering them to the pound. It is only reasonable that this cost should be recoverable from the owner.

In conjunction with these amendments, it is proposed that regulations will prescribe a new and more realistic scale of sustenance charges for the maintenance of cattle in a pound. The provisions of the act enabling a person who has suffered damage or loss as a result of trespass by cattle to recover damages is amended by deleting the present limit of $100 and providing that the claimant may recover as damages the maximum amount which may presently be awarded by a court of summary jurisdiction.

Mr Speaker, I am confident that the amendments contained in this bill will provide for a more effective and efficient administration of the Pounds Act, enabling complaints from members of the community about nuisance caused by straying cattle to be dealt with expeditiously. I commend the bill to honourable members.

Debate adjourned.

ADJOURNMENT

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

Mrs LAWRIE (Nightcliff): Mr Speaker, having total recall, I remember that, on Tuesday 16 November, the honourable member for Port Darwin asked the Minister for Lands and Housing if consideration had been given to moving Admiralty House from its present site on the Esplanade. In his reply, the Minister for Lands and Housing indicated that consideration had indeed been given to this matter and he went on to outline in detail why he thought that Admiralty House should be moved. He mentioned negotiations following self-government at which an undertaking was made that, when the site on the Esplanade was required for development, the Commonwealth would hand it over to the Northern Territory. He stated that that time had now arrived.

Mr Deputy Speaker, many people in Darwin have opinions different from those expressed by the honourable minister. The minister went on to say, as I recall: 'As the honourable member for Port Darwin mentioned, the residence in question is not of particular historical or architectural significance to the Northern Territory'. The honourable member for Port Darwin said no such thing. He simply asked a question. I doubt if the honourable member for Port Darwin would be so stupid as to suggest that the residence had no architectural or historical significance to the Northern Territory. The Minister for Lands and Housing went on to say that Admiralty House had been considerably modified over the years with extensions and changes to its style and that we - and I presume that he meant Cabinet - believed that it did not have particular significance when compared to other buildings in the Northern Territory. Mr Deputy Speaker, buildings are not comparable in such a simplistic sense. In the past, I have accused the Minister for Lands and Housing of adopting a simplistic approach to questions and I think his attitude to this issue is another example of this.

The honourable member went on to talk about points put forward by the local National Trust to the Heritage Commission in recommending Admiralty House's listing and registration. He mentioned that the building had survived the Second World War and Cyclone Tracy and, for those reasons alone, it was an important building. The honourable minister stated on a radio program that people proposing the building for registration had simply not done their homework. I suggest that it is the Minister for Lands and Housing who has not bothered to do his homework. In his reply to the honourable member for Port Darwin on Tuesday, he said: 'The site is a fairly attractive one'. Well, of course it is. If the honourable minister thinks that every attractive site has to be snaffled up for what he calls development, then he is sadly out of step with the expectations of members of our community.

In speaking of the reasons put forward by the National Trust to the Heritage Commission, the honourable minister seemed to be arguing that they were insufficient. The honourable minister would be better off doing his own homework. The form which he has seen is simply the registration form which is

forwarded in every case to the Heritage Commission and only contains the bare outline of the reasons for its registration. I agree with him. Supporting data will be supplied and there are many people in Darwin working on that right now. The honourable minister does not seem to understand the procedures of the Heritage Commission and perhaps I can advise him because, for a number of years, I was on the Interim Commission on the National Estate, the forebear to the commission.

Mr Deputy Speaker, the government's view that Admiralty House on site has no particular architectural or historical value is unique. It is not shared by other members of the community and by groups particularly interested in preservation who know about these matters better than does Cabinet. I refer to such bodies as the National Trust which is promoting Admiralty House for registration on the heritage list, the Royal Australian Institute of Architects Northern Territory Chapter, which feels very strongly that it should be preserved on site and, indeed, the Northern Territory government's own Heritage Advisory Committee which, at its meeting in September of this year, stated: 'The committee asked that it be recorded: "The historic and archaeological significance of the building be recognised and, therefore, the Northern Territory Heritage Advisory Committee supports the nomination to the Registrar of the National Trust"'. A member of that committee, Mr Wells, the Surveyor General, asked that his objection on behalf of the Department of Lands be noted. The National Trust, the Royal Australian Institute of Architects and the government's own advisory body on these matters all support the registration of Admiralty House on site on the National Heritage List.

To take up the Minister for Lands and Housing's 2 points, let us deal first with the architectural merit. The house was built in 1937 to a 1927 design. It was a tropical design unlike the typical South Australian design of Lyons' Cottage. Of course, that is in the vicinity. The Royal Australian Institute of Architects NT states unequivocally that there is no question that the basic residence is an excellent example of the pre-war government tropical residence. The institute has also noted that the residence stands on a beautifully landscaped site. The landscaping is of the period and integrates with the residence. This point seems to be conveniently ignored by the honourable minister and his colleagues. Let us not consider the house in isolation. Landscaping is part of the integrity of the whole.

The institute proposes an interesting alternative development for the area: to block off Knuckey Street and extend the historical reserve to include Lyons' Cottage and Admiralty House with development allowed on the 2 blocks behind these residences and that portion of Knuckey Street between them. Like most of us, it is aware that the so-called alterations to Admiralty House have not been substantial, have not destroyed its integrity and have been carried out sympathetically. The institute realises the value of the precincts in tourist terms. It is an obvious tourist attraction to have Lyons' Cottage, an example of a particular type of architecture, and Admiralty House, an example of another type, so close. Both houses are viewed by many tourists. It is not much use urging development for its own sake and building flats and multi-storey hotels if there is nothing for people to look at when they get here.

Mr Deputy Speaker, let us now look at the historical merits of Admiralty House. Honourable members opposite seem to think that history - as the honourable member for Casuarina keeps reminding us - has to be a thing of the past. It is of course, but not necessarily the distant past. Since 1938, when Lieutenant-Commander Walker occupied the residence, it has been the official residence for all naval officers in command of the north Australia area. As we know, the navy has always played a significant role in Darwin and that is something the honourable minister seems to prefer to forget. The most dramatic moment this century for

Darwin was when Cyclone Tracy struck on Christmas Day 1974. After the incredible devastation which we witnessed, the navy's role in Darwin became even more prominent and the role of Admiralty House was indeed very significant.

Tracy struck Darwin on 25 December. On the following day, HMAS Melbourne sailed with Her Majesty's ships, Brisbane and Stuart, from Sydney to help Darwin. Two navy aircraft arrived in Darwin with Red Cross, diving and demolition teams. This was within 24 hours. HMAS Betano and Balikpapan departed from Brisbane for Darwin, the Flinders departed from Cairns and a communications telex link was established between Coonawarra and Canberra. This was within 24 hours after the cyclone. On 27 December, Her Majesty's ships Supply, Stalwart, Hobart and Vendetta left Sydney. On 28 December, 2 more navy aircraft arrived in Darwin with further medical teams. Next day, HMAS Balikpapan loaded at Cairns, telephone contacts were established between Sydney and the Naval Officer Commanding North Australia area. On 31 December, Her Majesty's ships Brisbane and Flinders arrived in Darwin and, on 1 January, Melbourne and Stuart arrived.

Shore command headquarters were established, and this is significant, at Admiralty House where the naval officer in command, Captain Johnston, was still living with his family. Before dawn on 2 January, the fleet commander with staff and ships officers had flown ashore while the Melbourne was still 130 miles out of Darwin. After a site inspection and a meeting with the naval officer in command, it was decided that the shore headquarters would be set up in Admiralty House with the stores area and a processing organisation alongside. As you know, Sir, a helicopter pad was established on the Darwin oval.

The establishment of the shore command headquarters started immediately following the first briefing. It was sited in and under Admiralty House, the commander's residence, which was basically intact except for the roof, the remains of which had been covered by a tarpaulin. The stores area was set up on the adjacent tennis court. Naval headquarters, as we all know, had been completely demolished. Admiralty House now had 3 functions: the residence of the navy officer in command, naval headquarters and shore headquarters for the navy operation in helping Darwin. Honourable members may be interested to know that subsequently the residence became known around the task group of the navy as Port Johnston.

The shore command became fully-functional on a 24-hour basis with a comprehensive communications network to serve the Navy Task Group, all from Admiralty House. This was 1 January. The navy did not waste any time and, on 2 January, house clearance in my electorate of Nightcliff started in earnest. Working parties from HMAS Melbourne and HMAS Supply were airlifted to shore, either to the old Darwin area or to the Nightcliff area. In fact, they landed within 20 yards of my own demolished home. I remember that vividly. The number of personnel landed by this means was in the order of 450, a task which took about 1½ hours and had all the appearance of marines landing.

Mr Speaker, during the period from 1 to 30 January 1975, the navy worked 17 979 man-days on shore, cleaning up Darwin. For the benefit of honourable members, a man-day means 6 hours on site. It does not include time taken in transportation to and from the site or gathering tools. In fact, they spent between 9 and 10 hours a day away from their ships. Throughout this massive clean-up, Admiralty House was the operational headquarters. I said publicly at the time that I was impressed not only by the actual physical work the navy was doing but by the sympathy and good humour they showed our people. Those sentiments were echoed by other members of the Assembly at that time. In fact, I think the honourable Chief Minister even had something nice to say. Tiger

Brennan, the Mayor of Darwin at that time, said, and I quote directly from his statement in the paper: 'I will not forget you. We owe the navy the greatest debt of all. I do not know how we will repay them'.

Mr Speaker, the repayment of the Northern Territory Cabinet seems to be to turf them out of this historic house and home as quickly as possible - to the shame of Cabinet. Admiralty House has survived Japanese bombing raids and cyclones. It is a house of architectural and historical merit and I hope it can withstand the greedy fingers of the Northern Territory government.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I felt I should not let today pass without saying a few words about cooperation between members on both sides of this Assembly. Earlier today, we had a lengthy debate that occupied almost the whole of today's business. It is a rare occasion when the honourable member for Stuart gets to his feet so, naturally, all of us were much alarmed when he stood up and called for a division on a motion that had been resolved in the affirmative by the Speaker - I imagine to the satisfaction of the government. The honourable Chief Minister sponsored the motion and it was a matter that he, if not the member for Stuart, took very seriously indeed.

Because of the cooperation shown by members on this side of the Assembly, my colleague, the honourable member for Fannie Bay, advised the Speaker that this was not normally a request made by a member who had voted with the ayes. I must say that I was a little disappointed at this precipitous action by the member for Fannie Bay. I would have derived a great deal of mirth indeed, Mr Deputy Speaker, in seeing the honourable member for Stuart's name recorded along with the noes. Standing Order 136, for the information of the honourable member for Stuart, says: 'A member calling for a division shall not leave the Chamber and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken'. According to Standing Orders the member who called for the division would have been obliged to vote with the noes. I must say this shows an extraordinary degree of cooperation in sparing embarrassment to the honourable member for Stuart because part of the motion was that the record of the debate be conveyed to all our colleagues in both houses of federal parliament. I imagine that they would have wondered what the hell was going on.

I am a little sorry, Mr Deputy Speaker, although I agree with the action of the honourable member for Fannie Bay, that her graciousness overcame my sense of humour.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I heard what the honourable member for Nightcliff had to say about Admiralty House. I seriously doubt its architectural merit and I say that with a keen sense of history and a considerable appreciation of architecture. All I can say about Admiralty House from an architectural point of view is that, because of its very attractive landscaping and very nice trees and shrubs, that the house has a certain chocolate-box appeal. However, I am unable to discern its uniqueness. How is it unique? The honourable member for Nightcliff certainly could not tell us in what way it was unique. She said it was unique but she gave no reason for that description.

I am very interested in history; it is one of my favourite topics. As the honourable Minister for Transport and Works said, history is a matter of the past. It is rather like the Hon Keppel Earl Enderby saying that most of Australia's imports come from overseas. Certainly, I am not ungrateful to the navy for the work done following the cyclone but, after all, the house was used as a shore headquarters, and that is all it was. The admiral, as I recall it,

and his staff stayed on board the Melbourne. It was used as a shore headquarters for something like 2 weeks. It was not as if MacArthur landed there and stayed for the duration of the war. I think that really there has to be something a bit more substantial than that to give it some real historical significance. The navy did a very good job and I am the first to concede that. We are all tremendously grateful. All the services did a good job. In fact, the real headquarters in Darwin after the cyclone was the communications room at the Darwin Police Station. If anything is done, I think that a plaque should be put there to record that that was where the Emergency Committee met every morning and where General Stretton has his office, whatever his faults were. I happened to be working in the office next to him so I had a fair acquaintance with the man. Nevertheless, that is where everybody worked, and worked jolly hard.

I should say, Mr Deputy Speaker, that this government's support for the preservation of things of historic interest throughout the Territory is evidenced by the fact that the very naval headquarters and, prior to that the original Darwin Police Station and cell block, I think they were, have now been restored at vast expense by this government to their original pristine state. In fact, they are probably a lot better than their original state. They are being used as offices and conference rooms etc by the Administrator and they are very suitable for those purposes. I might say that that restoration took place only at the personal insistence of myself against the opposition of a number of people in high places who will be nameless at this time and who did not particularly fancy the idea.

We have dedicated Audit House. Lyons' Cottage has been restored and a number of other places have been preserved. In all sincerity, I do not think that one can move down towards the Smith Street West area without finding examples of similar architecture. It is certainly not uncommon. As the honourable Treasurer said, it may be bastardised. I do not hold that against it; Windsor Castle is bastardised.

The crucial point is that the building may have been occupied in one form or another by naval officers since 1938 but it was moved to that site in 1951. It is a gypsy building, one might say. If it was moved from 1 site to another in 1951, what harm is there in moving it to a new site in 1982 or 1983? If it is of a pleasing aspect and its landscaping is excellent, that can be recreated on another site. I understand one of the sites being considered is on Emery Point and that could well be a much more suitable site. In any event, the Northern Territory government has indicated that it is prepared to shift the building if that is the desire of the Department of Defence. We are prepared to do anything reasonably possible to recreate that building on another prestigious site.

Mr Speaker, I really feel that a bit of rationality should be brought to bear on this subject. I have seen a copy of the National Trust's application. I am very anxious - because that application does not disclose it - to discern what significant and unique historical or architectural features there are in this house. I feel that I have as good an appreciation of history and architecture as the next man and maybe better than the next man. However, I cannot see it in this place although I certainly appreciate that it is a nice place in a nice position.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION
Aboriginal Land Rights Act

Mr VALE (Stuart): Mr Speaker, on behalf of the member for Elsey, I present a petition from 698 citizens of the Northern Territory relating to the Aboriginal land rights legislation. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that they are concerned at and against the divisiveness of land rights legislation in its present form which will give 48% of the land in the Northern Territory to the Aboriginals, in particular Katherine Gorge, Maranboy Common and local beauty spots. Your petitioners humbly pray that the government of the Northern Territory will take legislative and administrative action to change any future land claims, and your petitioners, as in duty bound, will ever pray.

SUSPENSION OF STANDING ORDERS

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 3 bills relating to liquor: (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together; and (b) the consideration of the bills separately in the committee of the whole.

Motion agree to.

INTOXICATED PERSONS BILL
(Serial 268)
POLICE ADMINISTRATION AMENDMENT BILL
(Serial 269)
SUMMARY OFFENCES AMENDMENT BILL
(Serial 270)

Bills presented and read a first time.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that the bills be now read a second time.

There is a major difference between the approach of the government and the approach of the opposition in relation to the question of intoxicated people. The government seeks to rely on legislative control to prohibit certain behaviour in relation to public drinking. None of us has a mandate on purity in that respect.

Mr Speaker, the government seeks to rely on legislative control. The opposition on the other hand believes that, if persons are to be helped in relation to the problem of drunkenness - which is the major evil in relation to questions involved in public drinking - what is needed is a system whereby persons can be detained if they are drunk in public and, most importantly,

cared for and provided with support to enable them to cope better rather than subjecting them to the criminal justice system.

Mr Speaker, this new bill is titled appropriately an act relating to the care and detention of intoxicated persons. The government's manner of dealing with the question of public drinking is to isolate public drinkers to areas that are either exempt or 2 km from licensed premises. There is an apparent sophistry in the government's policy relating to this matter and it is quite simple. The government says to the community that public drinking is all right as long as it occurs 2 km away from a liquor outlet. The false reasoning and the logic chopping exhibited here is simple. What is it about drinking 2 km away from a liquor outlet that makes that action permissible and what is it about drinking inside the 2 km range that makes it an offence? The only answer to those questions is that there is nothing inherent in the action itself which distinguishes it and, therefore, the legislation can only be seen as an attempt, in a discriminatory manner, to control social behaviour.

Leaving aside the 2 km law, which does not deal with the aspect of persons being drunk per se in a public place but only with drinking in public places, I now wish to examine the difference in approach between the government and the opposition regarding proposals for dealing with persons who are intoxicated.

Provisions exist in the Northern Territory, and I might say very broad provisions, for apprehension by the police of persons who are believed by a member of the police force to be intoxicated by alcohol or a drug. There is some similarity in approach between the provisions in the Police Administration Act and the intent of the provisions of this major bill. The main difference is that the Intoxicated Persons Bill is predicated on a belief that voluntary organisations and social welfare organisations will, in fact, assume a greater role in relation to these proclaimed places of detention and that the responsibility will not be assumed exclusively by police and police stations.

The other difference between the existing law and the proposed legislation is that the bill extends the category of people who are authorised to take persons into detention. Under the provisions of the bill, the prescribed person, not only a police officer, is entitled to take persons into detention. As we all know, despite the support given in this Assembly in 1974 by the now Chief Minister, it has taken until 1982 for the government to announce that, in fact, detoxification centres will now be established in urban centres from Darwin down the track.

Mr Speaker, there are also differences between the proposed and the existing legislation relating to the release of persons who are detained and the rights of persons detained. I have stated before, and I state again, that the opposition believes that public drinking itself should not be actionable. The real problem is public drunkenness. That is offensive to most people and needs to be examined with a view to providing necessary facilities for those persons who are drunk in public and a supportive system to help them to overcome their addiction. The situation of the ordinary person who wishes to drink alcohol in public, usually at a beach or place of recreation, is not something which should carry legal sanction.

Mr Speaker, I believe that the provisions of the Intoxicated Persons Bill, which are based primarily on New South Wales legislation, are the best form of legislation to provide for a system of detention and care for persons who become drunk in public.

It is really interesting to note that, from April 1982 until November 1982, there has been no offence of public drinking in the Northern Territory despite

the government's rather expensive television campaign which says to the contrary. In April this year, legislation was introduced creating the 2 km law as an adjunct to legislative amendments to the Liquor Act which were introduced in a separate act. These amendments were assented to on 8 April 1982. The amendments to the Liquor Act repealed the previously existing offence of drinking in a public place. Since April this year, there has been no offence of public drinking. All that has been in effect are the apprehension provisions in the Police Administration Act. The 2 km law had not been implemented.

Mr Speaker, I suggest to honourable members that this is a very clear indication of the strength of the opposition's approach. There has been an effective trial run of the system that I am supporting in the interruption of this bill during 6 months of the so-called peak trouble time involved with public drinking; that is, the dry season. Despite this, there has not been a flood of complaints or a demonstration of increased public concern. Nor has there been an increase in anti-social activity during that time despite the fact that drinking in a public place has not been an offence during that time. I would suggest ...

Mr Robertson: Did you watch TV last night?

Mr B. COLLINS: Did I watch TV last night? The adoption of a position contrary to it would be very hard to base on fact. There has been no outbreak of complaints, no public concern expressed and no increase in anti-social activities.

Mr Robertson: I thought ostriches ...

Mr SPEAKER: Order, order!

Mr B. COLLINS: The opposition acknowledges that this has always been a serious problem in the Northern Territory and only a fool, and the Minister for Education fits neatly into that category, would suggest that it has been any worse over the last 6 months than it has been in the last 10 years.

Mr Speaker, what one comes down to looking at in relation to public drunkenness is whether the police administration provisions are sufficient or whether this bill, in fact, provides more flexibility and a greater recognition of the need for involvement of voluntary agencies, something which the government acknowledges. The aspiration of government should be to remove itself from this area by the provision of resources directly to agencies rather than involving police and police station facilities.

I think it appropriate at this stage to deal with the concept of decriminalisation of drunkenness as I believe that the principles involved in that argument are relevant to our present considerations. The reason I raise this matter here is to dissuade members from the sometimes appealing prospect of legislating to deter anti-social behaviour connected with alcohol. It is quite clear that, in the last 2 decades, there has been a growing recognition in most western countries that the criminal justice system is an inappropriate means of dealing with public drunkenness.

The main arguments in favour of abolishing the criminal offence associated with drunkenness have been summarised by Good in his work 'Public Intoxication Laws: Policy in South Australian Experience' which is referred to in the Adelaide Law Review volume VII pages 253 to 273. The matters referred to by Good are as follows:

(1) The offence attaching to status rather than behaviour bears upon the least affluent members of a given society and has an inherent class bias; (2) the offence and its penalties achieve no significant deterrent or rehabilitating effect; on the contrary the evidence available suggests that the offence reinforces the behaviour; (3) on a cost-benefit analysis, the enforcement of social policy expressed by the offence results in a misallocation of police, court and correctional resources ...

I might add in that respect that there has been plenty of comment from the Northern Territory's own bench to support that view.

(4) the criminal law should not be used in cases where there is no specific act of misbehaviour and where the behaviour poses no threat or crime to others; and (5) given a proliferation of petty public order offences, the inebriate will almost invariably be liable to arrest and prosecution for an appropriate specific offence where he or she poses any kind of real social danger; for example, theft, assault, indecent or insulting behaviour.

I think that those arguments are compelling in the consideration of the interrelationship of the criminal justice system and the social misbehaviour of drunkenness. People often become confused in relation to this issue and think that drink rehabilitation can be dealt with through legislation. This is clearly not so. In fact, rehabilitation is something that will occur only when 2 things are present: the individual's desire to be rehabilitated and the availability of resources and support systems necessary to assist the person to be rehabilitated. The key word in relation to the issue of public drunkenness - and, as such, drunkenness is a form of unacceptable social behaviour - is 'resources'. It is clear that the direction of and the availability of appropriate resources in relation to this difficult problem is the only way that one can hope to overcome the difficulties associated with drunkenness in this society.

On many previous occasions in this Assembly, I have spoken on the issue of intoxication, particularly as it affects Aboriginal people. I do not intend to repeal those arguments. However, I believe that use of the criminal justice system to attempt to counter the difficulties and the problems connected with drunkenness, whether it be public or private, is unsatisfactory. The problem is a difficult one. I believe an attempt must be made to provide a system which recognises drunkenness as a social and health concern rather than as an activity which requires, or will respond to, deterrents through the criminal justice system. It has been clearly shown throughout the world that, in relation to this matter, involvement of criminal justice systems only leads to a greater drain on public resources and the misallocation of police resources in particular. Since similar legislation was introduced in New South Wales, the relief experienced by the police force in that state has been dramatic.

Mr Speaker, in recommending this bill to members, I set it against a background of overall commitment by government to attempt to resolve the issues involved in drunkenness, whether it be public or private drunkenness. I believe that the bill provides in an efficient and humane way a strong platform to deal with persons who are subject to public drunkenness. However, looking at the people taking notes on the government side of the Assembly, it appears that, as I expected, this bill will not be allowed to proceed even to the second reading.

I believe that the bill itself can be regarded as a welfare management law which, to a certain extent, retains some ties with the justice system. The

reason for that comment is that legal compulsion will be used to ensure that care is accepted by the inebriate and, at least in some cases, the police will be used both to pick up and to detain people. However, the important point is that the bill itself, by providing for a wider range of persons to have this power and for the recognition of a wider classification of places that may be used as detention centres, sets the platform for further work to be done to boost those centres and allow for more to be established to provide care and resources for persons suffering from the problem of drunkenness.

As I indicated earlier, along with the government, the opposition has been concerned about this issue for a long time. We have done our own research and review. One thing is clear every time one talks to the voluntary agencies that do such excellent work in this area at present: insufficient resources are available to allow the work to be done effectively. One voluntary agency in Darwin has concrete proposals, which I understand have now been put to the government, for dealing with that aspect - in precisely the terms suggested in this bill - in an extremely cost-effective way by using staff who are able to handle the problem of drunks much more competently than the police can. I am sure the Minister for Health knows the particular organisation I am talking about.

Mr Speaker, deterrence does not work. Repeatedly, it has been shown to be ineffective. It is futile to continue on that line. If an alternative is to be found and to work effectively, the government must be prepared to commit resources. I imagine that the amount of money - although we have not been told what it is yet - that has been spent in promoting the government's 2 km law, on top of the Boozers are Losers Campaign, could have been used to assist those organisations presently confronting this problem. As a direct comparison, the money that was spent on Boozers are Losers could have been used to set up and staff a 10-bed centre in Darwin and to operate it for a year. A one-year trial would have given a much more material result for the government than spending money on that campaign. I have said that a dozen times before. I am not knocking the campaign itself or any education process. However, I think that, in terms of pure cost benefit to the government, a trial of that sort would have been much more effective.

Mr Speaker, a great deal of money has been spent since on the 2 km law publicity. As a solution to the problem of public drinking, the return to the government from the establishment of 1 more place of detention, where other services would also be available, would have been much greater than the return from its attempt to sell the 2 km law. All members know of the proliferation of maps that blossomed suddenly all over the Northern Territory in Aboriginal communities and at the checkout counters at supermarkets. Of course, they all had to be removed again when the government amended its amendment to the amendments.

I turn now to the provisions of the bill before the Assembly. As I made clear in my public announcements regarding this, the core of the legislation revolves around the Intoxicated Persons Act that has been in force in NSW since 1979. Some adjustments to that legislation have been made to suit Territory conditions and some further rights have been given to individuals that are not present in the NSW legislation, although I understand they are currently being considered. It should be understood that this legislation has been tried and proven. By comparison with the 2 km law, it is easy to understand and would be practical in its implementation.

Clauses 1 and 2 deal with the title and commencement of the bill respectively. If this legislation is introduced, it will be necessary to establish the

various facilities required for its operation to work effectively. That is one lesson that has been drawn from the NSW experience. In Territory terms, however, some concessions may need to be made in relation to some of the more remote areas of the Territory. However, the point needs to be made that the facilities are as important as the legislation for the success of this approach to the problem of public drunkenness. I must say that we were encouraged, in introducing this particular legislation, by the Minister for Health's announcement that the facilities we will be enshrining in this particular legislation will be established by the government. He has given a commitment to that effect.

Clause 3 is the interpretation clause which sets out the definition of 'authorised persons' and what 'intoxicated' means. It is important to note that 'intoxicated' means 'seriously affected, apparently by alcoholic liquor'. There is also a definition of 'proclaimed place' which is consistent with that being sought to be introduced into all Territory legislation. There is also a definition of 'school' in accordance with the existing provisions.

Clause 4, the crux of the bill, deals with the detention of intoxicated persons. It will be seen in subclause 4(1)(a) that a person who fits the criteria set out in the subclause may be detained and taken to a proclaimed place by a member of the police force or an authorised person. Clause 4(1)(b) deals with the situation where it is necessary to transfer a person who has been detained from one proclaimed place to another.

Clause 4(2) deals with the requirement of the person in charge of a proclaimed place to record details of the detention and also provides the criteria for the detainee's release; that is, when he ceases to be intoxicated or 8 hours have expired from his first detention. Clause 4(3) contains a provision whereby a person who is detained may be released to a responsible person as long as it is the opinion of the person in charge of the proclaimed place, or the authorised person, that the person taking custody of the intoxicated person is responsible. Clause 4(4) is a machinery provision but allows for persons who are detained after a certain time at night not to be released until 7 o'clock in the morning despite the fact that, on a mathematical calculation, that may amount to more than 8 hours detention. Clause 4(5) allows the use of reasonable restraint to detain a person where such force is necessary to protect that person and other persons or property from damage by the intoxicated person. Clause 4(6) is a proviso that requires that a person who is found intoxicated in a public place cannot be detained under these provisions if his behaviour, in fact, constitutes an offence under another law in force in the Territory.

Clause 5 is innovative in the sense that it introduces 2 new rights for the persons who are detained. Clause 5(1) gives the person detained a right to make a phone call. This is an obvious requirement, particularly in relation to the provisions whereby a person who is detained is allowed to be released into the care and control of a responsible person. In practice, this is often a member of that person's family and all it needs is a telephone call to have that person picked up and taken to his home.

Clause 5(2) is a provision that may cause some concern as it gives a right to a detained person to undertake a breathalyser test if he or she so requires. This is something else that is being considered in New South Wales. The provision is inserted as a form of protection for the detained person and to discourage any attempt to abuse these provisions by holding people who are not intoxicated at all under the guise of being persons to whom these provisions would apply. The provision is also there to protect those persons who may give outward signs of intoxication but who are, in fact, suffering from some form or other of disease or medication. The right to the breathalyser will give instant proof

of whether they are intoxicated or not. From my own experience, one instance where this can happen is that of a person who is taking insulin. The appearance of someone in insulin shock is almost indistinguishable from someone who is drunk. We are not saying that there needs to be some new level of blood alcohol content set to determine whether a person is intoxicated or not. The breathalyser test is there purely to assist a person claiming to the police that he has not been drinking at all.

Clause 6 provides for the searching of detained persons and also for any personal belongings to be returned to them once their detention has ceased. Clause 7 provides for certain records to be taken by the person in charge of a proclaimed place and for the details of those records to be disclosed to the person who has been detained if requested. Clause 8 provides a statutory protection for police officers and other authorised persons in relation to acts done by them in good faith in execution of the provisions of the act and clause 9 provides that the Administrator may make regulations under the act from time to time.

The amendments to the Police Administration Act and the Summary Offences Act are simple amendments cognate to the main bill.

Mr Speaker, this problem has been a matter of considerable public debate for over a year now because of the government's moves in the direction of the 2 km law. I want to place on the record again that I believe the 2 km law is the most ridiculous law that has ever been put before any parliament in the world. It is clumsy and administratively stupid. It will be a nightmare to enforce and to implement and for the public to obey. I suggest that most members of the public do not want to break the law. No matter how stupid the law is, most people have a desire to obey it. There is no doubt that it was necessary to flood the Northern Territory with maps to advise people where they stood with the 2 km law. The government could do no less because people have a right to know whether they are breaking the law or not, particularly in the matter of having a drink. The Northern Territory government flooded the Territory with maps at check-out counters showing little circles drawn around licensed liquor outlets. If you drink outside the circled area, you are not breaking the law and, if you drink inside it, you are.

Mr Harris: Come on!

Mr B. COLLINS: When he replies to this debate, the honourable member for Port Darwin can tell me if that is incorrect. That is the government's 2 km law. Do not tell me it is not. If he says it is not, he is even more confused than most of the general public and I admit they are pretty confused. If he is as confused as they are, it gives an indication of how stupid the law is. There is an exception to that: if you are inside an exempt square or rectangle inside the illegal circle.

The honourable member for Port Darwin seems to have some difficulty in accepting that these are the provisions of his own government's legislation so I will go through them once more for him. Circles will be drawn around licensed liquor outlets - 'legislative circles', Mr Speaker. It is all right, Tom, there will not be teams of little men painting lines on the ground, although I would not even be surprised at that. There will be 2 km legal circles drawn around licensed liquor outlets. That is the government's law. If you drink outside the circle, you are drinking legally in a public place. If you drink inside the circle, you are committing an offence and will be subject to penalties under the act, except if you are drinking in an exempt place within the 2 km circle. However, that will also depend on the conditions that are

attached to the exempt area inside the 2 km circle. It has been publicly stated by representatives of the councils that some of these areas will not be exempt all the time. They will only be exempt for certain hours of the day.

We also know from public statements that have been made that councils intend to declare some of these places exempt but not all of them. I will give 1 example. It has been said publicly that it is the intention of 1 council to declare Mindil Beach an exempt place within the 2 km circle, but only part of Mindil Beach. Which part of Mindil Beach? How will that part of Mindil Beach that is exempted be delineated? Are there to be flags like those at surfing beaches? If you drink outside the flags, you will not be carried away by a rip or an undertow but by a policeman. It might sound stupid but that is what is proposed.

Mr Speaker, it will then be said that people are only allowed to drink in those exempt places on weekends. I am basing this on the public statements I have heard. What are you going to attach to the flags? How else do you propose letting people know where they stand? Again I stress for the member for Port Darwin's sake - and I hope he can refute these comments one by one - I am going on the public statements that have been made by various councils that will have to implement the legislation. They have said that there will be exempt places but not necessarily the whole place will be exempt. There will be exempt places but there will be hours of restriction on them. They will not be exempt 24 hours a day. How else does the honourable member for Port Darwin intend people who do not want to break the law to know where they stand?

Mr Harris: It has been broken for years.

Mr B. COLLINS: The honourable member for Port Darwin says it has been broken for years. That is an interesting approach to how to treat the public. Maybe he would like to plug that again at a later stage during his debate. It is a ridiculous law.

There will be a proliferation of exempt areas. The government has announced that it has already had applications. The Conservation Commission has announced that it will claim blanket exemptions for all its reserves.

Mrs Padgham-Purich: Good job.

Mr B. COLLINS: Absolutely, everybody should declare everything exempt. That is what the opposition is trying to do. What will also happen, as has been indicated in public statements - and the government has now introduced legislation to this effect - is that there will no longer be a need to worry about the Liquor Commission. People will just write to the friendly minister, and the friendly minister will direct the Liquor Commission to declare a place exempt. The people in charge of the public place, which may be the council, do not even have to make an application. So now we have legislation in force, thanks to the government, which means that a place under the control of the Darwin City Council, Tennant Creek Council or any other council can be declared an exempt area by direct ministerial action without the application of that council and without any intervention by the Liquor Commission. The minister now directs it to exempt it. The honourable member for Port Darwin, who I know is a democrat, is interested in looking after people in the big bad world outside. Tell me this, Mr Speaker, in simple justice, once the government starts declaring exempt places, how will it advise the public where it stands in regard to this law? I suggest that it will have no choice but to do what it has done before. It acknowledges it will have to be done. It will advise the public by advertising. Everyone has seen the advertising campaign

on television and by pamphlets throughout the Territory. But once exempt places are brought in, many of the maps the government has already distributed will be incorrect and they will continue to be incorrect while new exempt areas continue to be declared.

What will happen is that, every time an area is added to the exempt list, the government will have to publish new maps. It will be a bonanza for cartographers and printing firms but it will be a nightmare for the public, the police and the courts. It is a stupid law. It is ill-conceived and will accomplish nothing.

Mr Speaker, as we all know, there are provisions under acts other than the Liquor Act for police to take action. The powers are wide and adequate. People can be taken into detention for being offensive, using unacceptable language and causing a fuss in a public place. Those provisions are already there.

I will tell you how it works in practice. We all know what it is that people find offensive. We have only to walk from this Assembly to my office, through the park on the corner, any day to see it; or any park in Darwin. A reference to the New South Wales Police Force will indicate what happens in practice. Some 95% of people who habitually cause the problem are happy to go to one of these proclaimed places. That is what happens in New South Wales. Committed people who, in the main, are ex-alcoholics themselves, are used by these agencies to do the job. They become known to these people. In practice, when they come along, the people are perfectly happy to go with them. The problem is solved so far as the public's distress is concerned. In the 5% of cases when people get aggressive or nasty, there is provision for the police to be called in. I might add, the police are extremely happy about that situation in New South Wales because they do not like picking up drunks. I am sure that the police in the Northern Territory do not either.

The cold hard fact is that, by this alternative legislation suggested by the opposition, that burden will be substantially removed from the police force. That is why it is cost effective. It is not just a question of endlessly funding these centres. The honourable Minister for Health knows that the organisations are prepared to offer a very good deal on this because, I dare say, they have people who are prepared to do the job for a minimal wage. The organisations are out there ready to do it. I would like to have seen that 10-bed trial run for 12 months in Darwin. I think it would have been an extremely interesting exercise for not much expense and I think it is a shame it did not happen. I would ask the government to go ahead and do it now.

Mr Speaker, the facts are that it is cost effective because that burden is taken away from the police force. The bill makes it clear that it is not a replacement nor intends to be a replacement for any offence other than that of simple, public drunkenness. There is a specific clause in the bill that lays that out. If a person is being abusive or disorderly, is carrying out an assault or in some other way breaking a law in the Northern Territory, then this legislation could not be used to deal with that person. He would have to be dealt with by the police in the normal manner. We all know that that is not the problem.

We come to the bottom line. The honourable member for Port Darwin, a curator of the Northern Territory's museum and I had quite a spirited debate on this subject last weekend. It boils down to this: some people in the community - and I suggest they cannot be catered for in a democracy - are not worried about public drinking. When you get down to the nitty-gritty of it, they are not

worried about a person being drunk. When you get right down to the bottom line, it is not that the person is drunk or that the person is drinking in a public place that these people find offensive; it is the fact that he is there at all. What people are offended by - and I am quite sure there is no one in the government who will deny this is the view of some people in the community - is the fact that the person's clothes might not be too clean or that he might not have had a shave that morning. People go to a public park and see, sitting on a bench in that public park, 2 or 3 people who might be cold stone sober with a can of Fanta in their hands. They look as though they have been sleeping out in the open all night, because that is what they have been doing. They look as though they do not have any money and their clothes are a little dirty. They look a little unkempt. They do not quite look up to the mark. Well, it is a fact that some people in the community find that offensive.

All I can say is that it will be a very sad day for the Northern Territory if we try to legislate against that. It has been done in the past. We all know about vagrancy laws. We used to have laws against poverty. They did not cure the problem; they just locked people up who were the victims of it. The vagrancy laws were designed to remove from the streets people who simply did not look too good and did not have a dollar in their pockets. I would suggest that, with the current economic situation in Australia - the Treasurer announced only this morning that there are another 300 000 unemployed - it would be ludicrous to bring back laws against poverty. This kind of legislation will not satisfy some people in the community. That is what I am saying. It will not satisfy some people because they just want everybody who does not look like them off the streets. I would suggest that it is not appropriate in the Northern Territory in 1982 to bring in legislation that will get rid of people who are in those circumstances.

To conclude, the government itself has announced - and I am delighted because it has been pushed by the government benches since 1974 - the setting up of detoxification centres - in other words, centres that can be declared proclaimed places under this legislation. There is no point in placing criminal sanctions on the whole of the Northern Territory community for the misbehaviour of a few people. Why should the whole community be penalised for that? It is a stupid law. This bill is a sensible alternative and I urge all members to support it.

Debate adjourned.

TERRITORY DEVELOPMENT AMENDMENT BILL
(Serial 274)

Bill presented and read a first time.

Ms D'ROZARIO (Sanderson): Mr Speaker, I move that the bill be now read a second time.

As honourable members would know, the Northern Territory Development Corporation was established by an act of this Assembly in 1978. The Territory Development Act repealed the Encouragement of Primary Production Act and the corporation replaced the Primary Producers Board. At that time, all members of the Assembly supported the concept of establishing an organisation that would assist in the development of industry in the Territory. It was generally acknowledged by members that reliance on primary industry alone was insufficient and would inhibit exploitation of opportunities for developing a wider-based economy. There is no denying that, since its inception, the NTDC

has played a very important part in fostering Territory industry. This bill does not seek to diminish that role, rather, it is an attempt to reinforce it by increasing the accountability of the NTDC to this Assembly. The opposition has long been concerned that the present degree of accountability of the NTDC to the Assembly is inadequate. This matter was discussed as recently as the last sittings of this Assembly. This bill attempts to rectify that condition.

Clause 3 amends section 17 of the principal act by requiring the minister to consult with the Northern Territory Development Corporation, as soon as practicable after the commencement of each financial year, and make a determination on the quantitative targets to be attained by the corporation in performance of its functions and exercise of its powers in that financial year. The purpose of this amendment is twofold. Firstly, the minister is empowered and required to take an active role in determining the performance targets of the corporation and therefore in developing the economic strategy which includes such targets. Secondly, the requirement that every determination of quantitative targets must be laid before the Assembly as soon as practicable after it has been served on the corporation provides the Assembly with some measure by which the performance and role of the corporation may be evaluated.

In short, the proposed additions to section 17 of the principal act will increase the practical accountability of the corporation to the minister and of the minister to the Assembly. Accountability is derived from the tradition that statutory bodies should be held to account before parliament for the expenditure of public funds. Accountability implies both an entity which can be held responsible for action and criteria by which the action may be rendered explainable. Under the present principle of ministerial responsibility, the relevant entity is the minister. However, meaningful accountability to parliament entails more than paying lip service to the principle of ministerial responsibility. It entails the existence of criteria by which performance of the minister and the corporation may be evaluated. Such criteria are all the more necessary when the operations of the organisation in question are not subject to the normal market restraints but are subject to the strictures of commercial confidentiality.

Mr Speaker, the government has argued that the performance of the minister and the corporation are subject to the requirements of the Financial Administration and Audit Act and that the accounts of the corporation are subject to audit and the presentation of an annual report to the Assembly. My view is that neither of these requirements presently provides an adequate degree of accountability.

Proposed new section 17A in clause 4 proposes that, when the corporation submits its report and financial statement pertaining to operations during that financial year, it shall also report on its efficiency and effectiveness. Efficiency and effectiveness, in this case, relate to the achievement of quantitative targets that have been determined by the minister in consultation with the corporation and other ministerial directions. Proposed section 17A will ensure that there is a specific meaningful flow of information between the minister and the corporation.

The important point about the proposed section is that it places specific responsibilities upon the minister. The requirement is that the targets, and any other directions issued by the minister through the corporation, be published in the annual report. Under the present act, we do not know what directions the minister gives the corporation. The requirement that these directions be published will create an important disincentive to arbitrary political action which may adversely affect the corporation in the discharge of its functions and the achievement of its targets. Furthermore, it would help to make clear the extent

of the minister's responsibility for the performance of the corporation in spending public money. The proposed amendment, Mr Speaker, will ensure the corporation provides pertinent information in its annual report and, in this way, the accountability of the corporation and the minister to this Assembly will be enhanced.

By proposed section 17B, a register of money and resources, including loans and loan guarantees or indemnities, shall be kept by the corporation. That register shall be open to public inspection. This register will further enhance the accountability of the corporation to the public and to its minister. It is appropriate that, where assistance is made available from public funds at less than market rates, this information should be publicly available.

Finally, in clause 5 of the bill, it is proposed that the corporation shall submit reports to the Treasurer 3 times a year setting out the continuing liability of the corporation in relation to guarantees or indemnities provided by it. Under the existing act, guarantees and indemnities provided by the corporation require the approval of the Treasurer. In view of the nature of these guarantees and indemnities, it is appropriate the corporation be required to formally advise the Treasurer periodically of the extent to which such guarantees and indemnities exist.

Mr Speaker, when he introduced the original Territory Development Bill in this Assembly on 11 May 1978, the minister said that the corporation would bridge the liaison gap between government and the private sector. Through this bill, it is our intention to bridge the gap between the corporation and this Assembly. I commend the bill to all honourable members.

Debate adjourned.

MOTION
Draft Criminal Code

Continued from 17 August 1982.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in replying to the debate on my statement on the Draft Criminal Code, which I tabled in June this year, I would like to express my thanks to all members who contributed to the debate during the August sittings. In replying, I hope I will be able to demonstrate my intention that the constructive comments, suggestions and criticisms will be taken into account in the preparation of a bill for introduction.

Since the current draft was tabled in June, a great deal of work has been carried out to advance the criminal code exercise but a great deal remains to be done before a bill will be ready for introduction. The government has imposed no cut-off date for comment although I must have repeated my call for input on the code a dozen or more times since the first draft was tabled in March 1981. I repeat that call again to any interested parties, organisations, the public and the legal profession.

The member for Port Darwin expressed his disappointment with the lack of substantive comment from the legal profession and business community generally. I share that disappointment. As will the final bill, the draft code contains a large number of provisions dealing with practice and procedure. No doubt such provisions are of little, if any, immediate interest to the public generally. The draft code's provisions in this respect are drawn largely from Queensland undoubtedly because Sturgess and O'Reagan, who were largely responsible for the current draft, are Queensland lawyers and therefore picked the procedural

provisions with which they are most familiar. Mr Sturgess clearly admits to his lack of detailed knowledge of Territory criminal practice and procedure. He has tried to enlist the aid of Territory legal practitioners to see what they would like in this regard. It is only in the last few weeks that some assistance has been given to him by the Law Society as regards procedural aspects of the code. I would again add my voice in calling for a contribution from the Law Society and individual practitioners in relation to both procedural and general aspects of the code.

I turn now to matters raised in debate by members. The Leader of the Opposition's first substantive suggestion, that references to Roman numerals be deleted from the code, need not delay us long. I tend to agree that the use of such numerals is unnecessary and archaic and will refer the matter to the Legislative Draftsman. Unless he can advance some compelling reason for their retention, I will see that they are removed from the final bill.

The Leader of the Opposition's next point was a matter of far greater concern. It was argued strongly by him that the objective approach to the question of intent adopted in the draft code was an unacceptable extension of the existing criminal law concept of knowledge. This is a matter that has occupied me and, I might add, my legal advisers a great deal. The government's concern in proposing an objective approach to intention was simple enough. It was to ensure that a person's deeds were to be judged in accordance with the ordinary and decent standards of our society rather than the subjective thought processes of the accused. The need for the prosecution in serious cases, such as murder and those involving personal violence, to prove subjective intent beyond reasonable doubt can seem to be unduly generous to the accused.

Notwithstanding that concern, I now believe the provisions of the current draft code may go too far and I am still looking at the matter. It was certainly not my intention, as has been put to me, that the draft might impose unacceptably high standards on less able members of society or lead to murder convictions of persons who make foolish errors which result in fatal shooting accidents. I propose, therefore, that those parts of the draft which introduce an objective element in the general test of intention, principally subclause (2) of clause 1 and part of clause 18, should be deleted. However, I will propose a new clause to the effect that the natural and probable consequence of a person's actions shall be evidence of his intentions.

It may be appropriate at this point to deal with voluntary drunkenness as a possible defence since this subject overlaps with issues of intention. The Leader of the Opposition argued that clause 23 should be amended to provide for the defence of intoxication for serious offences where specific intent is an element of the offence. The Leader of the Opposition argued that the code should adopt the provisions of the High Court's decision in the case of R v O'Connor. The honourable member for MacDonnell joined him in this suggestion. I believe their reference to O'Connor's Case indicates the present confused state of the law in this context. The principles enunciated in that case do not apply in the current code states, namely, Western Australia, Queensland and Tasmania. The law for those states is set out in the case of Majewski. That case held that voluntary intoxication is relevant in crimes of specific intent. O'Connor's Case went further, but only in the non-code jurisdictions, and held that voluntary intoxication would be a defence for crimes requiring merely a general or basic intent.

I will not attempt to demonstrate the distinction between crimes of specific intent and those of general intent. Indeed, I am not sure that I or anyone else could do so comprehensively. The distinction is confusing, illogical

and so uncertain that it provides no real guidance as to how the courts will classify offences in untested cases. I regard O'Connor's Case as an unfortunate decision. It is quite out of step with what is required to deal with alcohol-induced and related crime. However, I appreciate that there would be real difficulties in the approach adopted in clause 23 of the bill, particularly if the changes I have referred to in relation to intention generally are made. I would therefore seek to restore voluntary intoxication as a possible defence, but this would be subject to a presumption that a person who is voluntarily intoxicated shall be presumed to have foreseen, and intended the natural consequences of, his conduct. I would also propose that a person acquitted on the grounds of voluntary intoxication should be liable, at the court's discretion, to pay the total cost of the proceedings brought against him. I have no doubt that such measures will be greeted with some criticism, but I, the government, and I am sure the majority of Territorians, are convinced that alcohol-related crime must be tackled in the strongest possible manner. The Leader of the Opposition noted in his speech that, under the existing law, drunkenness is not a mitigating factor in relation to sentence. In my view, drunkenness should be a circumstance of aggravation, particularly in relation to crimes involving personal violence.

The Leader of the Opposition, in referring to clause 10 of the draft code, recommended that the words 'to excape punishment' should be codified. I appreciate his reasons for doing so but, as he would be aware, the case law on this phrase is extensive. A comprehensive definition would occupy many pages of print. One advantage of adopting selected provisions from the Queensland Criminal Code is the existence of an established body of case law. I would of course be happy to consider a draft codification from the Leader of the Opposition.

The member for Victoria River suggested the substitution of 'convicted' for 'punished' in clause 11 which deals with the effect of changes in the law. I am pleased to support this recommendation.

The Leader of the Opposition, in commenting on clause 20 which deals with criminal liability in situations of extraordinary emergency suggested deletion of the words 'by the standards of an ordinary person similarly circumstanced'. This was criticised as an unwarranted extension of accepted principles on the ground that it introduced an element of objectivity in relation to criminal intent. I believe the Leader of the Opposition may have misunderstood the provision. He did not suggest the omission of the word 'reasonable' in the clause. In consequence, application of the provision would be judged on objective criteria. A similar approach is adopted in Queensland where the phrase 'ordinary person possessing ordinary power of self-control' is used. In fact, the proposal in the Territory draft is more apt to take account of individual circumstances.

In relation to clause 21, provocation, the Leader of the Opposition argued that the provision should be extended to allow for a defence in relation to any assault. I am not sure that I understand the point. The draft clause provides a wider defence than the equivalent provision in Queensland where provocation must be against a person and does not include provocation in relation to property. If it is intended to suggest that provocation should be a complete defence to manslaughter, I would not agree. This would be an unwarranted extension of the defence. The sentencing discretion on a conviction for manslaughter is sufficiently wide to allow justice to be done in all cases and would even extend to allowing a convicted person free on a bond if that were appropriate in a particular case.

The member for Victoria River suggested that it be provided specifically in clause 24 that proof is to be beyond reasonable doubt. This is unnecessary. The burden of proof in criminal matters is required always to be beyond reasonable doubt unless otherwise stated.

In relation to clause 27, the member for Tiwi queried whether the provision dealing with the compulsion of a wife by her husband should be restricted to circumstances where the husband is present. She also questioned the exclusion of murder in offences involving grievous bodily harm. The member for Victoria River wished to extend it even further by including acts carried out by husbands at the compulsion of their wives. I believe the clause extends sufficiently far. In 1979 this Assembly agreed to abolish the old common law defence of marital coercion. I would not like to see it return under another name. The existing clause 27 would provide a limited extension to the defence of duress in the case of wives. I believe it goes far enough.

The member for Victoria River, again adopting an even-handed approach, wished to extend clause 28 to cover de facto relationships. I believe that this would be a valid extension in the Territory's circumstances and I have asked the Legislative Draftsman to examine it to see if there may be any unforeseen difficulties with the suggestion.

I turn now to sedition. The provisions of the draft, together with those dealing with terrorism, have received a disproportionate amount of attention. My reasons for supporting the approach in the draft are on record from the earlier Criminal Code Bill. However, I would like to make it clear that my mind is not closed on the issue.

The Leader of the Opposition suggested reconsideration should be given to paragraphs (a) and (c) of clause 30. I would welcome specific suggestions for improvement because it is difficult to know what would satisfy the Leader of the Opposition in the absence of detail. There are vague references to potential for abuse but there is no evidence of such abuse under similar provisions which prevail in Queensland and have existed for 80 years. I am sure that the Leader of the Opposition would have found any that existed. I note the Leader of the Opposition also objects to sedition ever being dealt with as a summary offence but I believe that it is important to emphasise that, under clause 33, summary prosecution would only be permissible with the consent of the accused and the Attorney-General.

Finally, in dealing with sedition, the members for Victoria River, Nhulunbuy and Alice Springs all expressed concern as to the reliance on good faith and the defence set out in clause 34. In my view, the question of good faith should be a matter left entirely to the jury. It is a term impossible to define comprehensively. Any attempted definition is likely to amount to a limitation rather than a help. I am certain that the common sense of the jury is the best judge of what amounts to good faith and most other things.

In relation to clauses 36 to 42, dealing with terrorism, the Leader of the Opposition argued on behalf of the Labor Party that the crime of terrorism should be dealt with by the Commonwealth. The Leader of the Opposition suggests that the states might prefer the appropriate powers under the Commonwealth Constitution. I admire his optimism. If the states cannot even agree on the time of day in relation to when daylight saving is to operate, I doubt that they will all rush to seek powers to control terrorism from the Commonwealth in a cooperative venture. Look at industrial relations powers, Mr Speaker. New South Wales recently refused to join a cooperative scheme to allow police from one state to chase bank robbers and other offenders in another state. The

refusal was based on the ground that the proposal would allow Queensland police onto New South Wales soil. With that sort of petty parochialism, I cannot see New South Wales, for one, handing over its powers to control terrorism to the Commonwealth government.

The Leader of the Opposition also raised a number of specific points in relation to the terrorism provisions. The government's reasons for supporting the draft were considered extensively in relation to the earlier Criminal Code Bill (Serial 167). I will not take up the Assembly's time to repeat those arguments today. I will, however, indicate that, as with the provisions concerning sedition, I am still open to constructive suggestions. I have decided to support the deletion of clause 42 of the draft which would have made it an offence to fail to disclose information about acts of terrorism.

In relation to clause 51, the honourable member for Victoria River said in the debate that he could not imagine 3 people making such a noise that the general public were in fear to the extent of regarding it as tumultuously disturbing the peace. I agree that it is not likely that 3 people could ever come into this category. But the question is one of degree and fact. If not 3, should we substitute 300 or 30 or 10?

The Leader of the Opposition suggested that the matters dealt with in clauses 57 to 60 and 62 were more in the nature of summary offences and not appropriate for a code of serious offences. With one exception, I tend to agree and will be seeking to have these matters dealt with in the summary offences legislation. The exception relates to clause 57, namely, the offence of going armed in public.

The Leader of the Opposition would also prefer that the subject matter of clause 69, disclosure of official secrets, be dealt with elsewhere. I do not agree to that, I am afraid. The deliberate leaking of confidential information seems to have gained popularity in recent years, at least in the southern states. Condemnation of this practice should be in the clearest possible terms. In fact, I do not believe the present draft of clause 69 goes far enough. I wish to see the clause extended to cover others who come into possession of official confidential material in the course of their employment.

Clauses 81 to 89 deal with corrupt and improper practices at elections. The Leader of the Opposition was joined by the member for Nightcliff in a suggestion that these provisions should be allowed to remain in the Electoral Act. Of course, the substance of many of the draft provisions are already covered in that act. After consideration, I agree that it might be as well to leave all electoral law in one piece of legislation. Accordingly, I will be seeking the deletion of clauses 81 to 89 from the draft code.

The Leader of the Opposition pointed out that clause 114 concerning the advertising of a reward for the return of stolen or lost property raises the difficulty of striking a balance between the individual's interests and those of society generally. I do not believe the suggested solution to exclude the provisions applying to property allegedly lost would solve the problem. People disposed to advertise a reward, with no questions asked, for the return of stolen property could merely describe the property as lost or missing. While I am not entirely happy with the clause, I now believe that it is not an appropriate matter to deal with in the code. The maximum fine is only $500. I propose, therefore, that the matter should be looked at in the context of summary offences legislation.

In relation to clause 115, Justices of the Peace acting oppressively or where they have a personal interest, I think this provision should be deleted. The Leader of the Opposition suggested extending the clause to cover police officers acting as bail authorities. However, similar provisions have existed in Queensland for many years without, so far as I am aware, any prosecutions being undertaken. Other remedies are available to persons affected by Justices of the Peace acting unjustly and I do not think we should clutter the code with redundant provisions.

The member for Alice Springs stressed, in relation to clause 122, that the sentence imposed on an escaped prisoner should be cumulative on his original sentence. This matter is covered in clause 446.

The Leader of the Opposition recommended that clause 132, dealing with the refusal of a public officer to perform his duty, should be deleted from the code in view of the Essential Services Act. While I agree it may be possible that there is some overlap with that act, it was certainly not my intention that the clause should cover matters relevant to that act only. The type of situation that I envisage would be covered by the clause would include, for example, a policeman who, without any reason, refuses to respond to a call for help from a person being beaten up in the street or to answer a request for assistance from a householder who believes that there is a burglar in his house.

The Leader of the Opposition would also like to see clause 136 removed from the code. This provision would impose a penalty for failure to obey the requirements of a statute. The Leader of the Opposition argues that the matter should be covered in other relevant legislation. I agree. But the sad fact remains that the Territory inherited a great deal of archaic legislation at the time of self-government. This Assembly has done a great deal to remedy that situation. However, it is not yet possible to say with confidence that all statutes which should have a sanction for breach of their provisions include an appropriate penalty clause. Having said that, I believe the matter would be better considered in the context of summary legislation rather than in the code. Similar comments are applicable to clause 137 and, again, I will seek to have the matter dealt with in the Summary Offences Act.

I turn now to the sexual offence provisions of the Draft Code. The honourable member for Nightcliff complained, in opening her speech, that the issue of rape in marriage had been ignored completely in the Draft Code. I repeat what I said in tabling the draft. While the sexual offence provisions bear no resemblance in form or style to the corresponding provisions in the previous bill, the basic philosophy and end result are the same. Specifically, rape in marriage is covered by clause 219. In this respect married persons are treated under the draft in the same manner as persons who are not married to each other. It is not relevant to point out, as did the member for Nightcliff, that, at common law, a wife is presumed to have consented to sexual intercourse with her husband. A major feature of a criminal code, or indeed any codification of law, is that it sweeps away the pre-existing common law in the particular area addressed. It follows that, if no special provision is made for particular persons such as husbands and wives, then the provisions apply equally to such persons as to all others. So, under clause 219, a wife would have the same protection from sexual assault, including rape, by her husband as she would have if she were assaulted by any other person.

In relation to sexual offences, the only major difference in approach between the current draft and the previous bill is the absence of the procedural protection of sexual offence victims which appeared in the Criminal Code Bill. These provisions will be incorporated in the Evidence Act simultaneously with passage of the code.

While I am addressing the contribution to the debate of the member for Nightcliff, I will also mention her concern to protect young female Aborigines. The member for Nightcliff asked me to indicate to the Assembly whether the definitions of 'husband' and 'wife' in the draft included promised brides not yet cohabiting. She indicated that there would be no protection for young female children if they are so included. I believe it is quite clear that a reference to Aboriginal persons living in a husband and wife relationship according to tribal custom cannot possibly include persons not yet cohabiting. No one would describe a bride and bridegroom before their wedding as living in a husband and wife relationship. They might be, but it certainly does not follow from their betrothal. In any event, as I have already pointed out, the protection from sexual assault afforded by this draft code would apply equally to all persons - male, female, married or single.

The member for Tiwi pointed out an inconsistency between a sexual offence provision dealing with under-age males and females. It was noted that, under clause 143, it is a defence to prove the accused believed on reasonable grounds that the female was 16 years of age or older. No similar defence appears in the corresponding provision dealing with under-age males. I propose that a similar defence, dependent on a belief based on reasonable grounds, should be incorporated in clause 142.

The comments of the Leader of the Opposition in relation to clause 143 have caused me greater difficulty. The Leader of the Opposition recommended that it should not be a criminal offence where the under-age participants in sexual activity are within 12 months of the age of each other. I am aware that this approach has been adopted in Victoria. I have given the matter a great deal of thought but remain of the view that not all deserving or special cases can be covered by such a specific provision. In practice, of course, young persons indulging in sexual activity which would fall within existing legislation on the subject are rarely brought before the court. The matter is usually settled by or between the families of the children concerned without the need for judicial intervention. In my view, this problem is best left to the discretion within the prosecuting process, rather than giving what may be viewed as encouragement for sexual activity between young persons.

The member for Tiwi queried the need for legislation on bestiality and incest between consenting adults in these modern times. Depending on one's views, sexual morality has either declined or advanced in recent years, but I do not believe it has reached the stage where these offences should be wiped from the statute book.

Turning to other matters, the member for Tiwi also raised an important point in relation to clause 163. This concerned whether there was any inconsistency between the opening words of that provision and subclauses (9), (10) and (11) of that clause. The point is an important one in that clauses 163 and 164 catalogue the circumstances in which force may be used lawfully. Clause 163 deals with situations where it is lawful to use force provided it is not unnecessary force and it is not intended and not likely to cause death or grievous bodily harm. Clause 164 deals with situations where it is lawful to use force of a kind likely to kill or cause grievous bodily harm.

Mr SPEAKER: Order, the honourable member's time has expired.

Mr ROBERTSON (Education): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the honourable Chief Minister from completing his speech.

Motion agreed to.

Mr EVERINGHAM: Mr Speaker, in relation to clause 163, the member for Tiwi notes that, while the opening words refer to circumstances in which it is permissible to use force not likely to cause death or grievous bodily harm, subclauses (9), (10) and (11) provide that, in the circumstances referred to in those subclauses, a person must not intend to do bodily harm. The member for Tiwi asked how these provisions can be consistent.

The answer may be seen from a couple of examples. Under subclause (9) of clause 163, a person is entitled to use force to protect his movable property: for example, a car. If someone were to attempt to prevent the owner from entering his car by standing in front of the driver's door, the owner, under clause 163, would be entitled to use force to move him out of the way of the door. But this use of force is subject to 2 qualifications: firstly, it must not be force of a kind likely to cause death or grievous bodily harm and, secondly, the owner of the car must not intentionally do bodily harm to the person obstructing his car door. The owner might push the obstructor aside but would not be entitled, for example, to punch him in the face or hit him over the head with an iron bar. Of course, the degree of resistance by the person obstructing the car door might raise issues of self-defence in the application of other provisions of clause 163 or even clause 164.

Taking the example a stage further, if the obstructor produced a knife and threatened the car owner in response to being pushed aside, the owner would be entitled to rely on either subclause (7) of clause 163 or clause 164. In the case of the former, he would be entitled to attack the obstructor, unrestrained by the proviso about intentionally causing bodily harm, and, in the case of the latter, if the owner had a reasonable apprehension of death or grievous bodily harm, he would be entitled to use force of a kind likely to result in death or grievous bodily harm in defence of himself. In essence, the clauses draw a reasonable balance in the lawful application of force by providing that the use of force to protect, amongst other things, oneself, one's family and property is only lawful if reasonable in the circumstances. In other words, in order to be lawful, the use of force must be in proportion to the harm threatened.

The member for Tiwi continued her speech to raise other fundamental matters. In relation to clause 178, she queried the approach taken to defining when a child becomes a person capable of being killed. She said that the clause's reference to a living state was a very grey area. I agree that this is an extremely difficult problem. A similar provision in Queensland has apparently worked without great difficulty for many years. Nevertheless, the definitional problem has not been resolved fully and I am not entirely happy with the clause. The matter is being considered by officers of the Department of Law and I would be most grateful for any constructive suggestions on the matter.

The member for Tiwi also expressed reservations regarding clause 180. In particular, she felt there should be no legal compulsion to save grossly malformed babies incapable of continuing life without sophisticated life-support systems. I am sure many in the community would agree with the member for Tiwi and others who may disagree will admire her courage in declaring her position on this most sensitive issue. However, I do not believe that an amendment of legislation, in the direction indicated by the member for Tiwi, could be contemplated without the most extensive inquiry possible with full opportunity for public debate on the issue. I also believe that it is a matter on which there is a strong case for uniform legislation. Clearly, the Territory presently does not have the resources to undertake an inquiry of the scope that I have indicated.

The member for Tiwi expressed similar views with respect to clause 183 regarding acceleration of death. The clause was intended to restate what is already part of the law of murder in all jurisdictions. After further consideration, I believe that the matter should not be covered by special provisions but left, as it is in most jurisdictions, as a question of causation. The Leader of the Opposition also suggested amendment to this clause. I propose that the clause will not appear in the final bill.

In clause 188, the Leader of the Opposition recommended the phrase 'abnormality of mind' be used in place of 'mental illness'. I agree that this is a preferable approach to reflect the concept sought to be covered by the provision. I do not, however, agree with the Leader of the Opposition's suggestion that the sentence in convictions of murder should be left to the court's discretion. I believe it is necessary to express in the clearest possible terms society's condemnation of, and abhorrence for, murder. The Leader of the Opposition expressed the view that there are some instances where a heavy sentence would be required in relation to a murder charge but not necessarily a life sentence. No examples were given to back up this view. I can think of no example of murder where a life sentence would be inappropriate.

The Leader of the Opposition argued also that juries would be less likely to convict people of murder knowing that a life sentence was mandatory. If that be the case, so be it. A convicted murderer carries the conviction for life even if, as we all know, he is not destined to spend the rest of his days in prison. The seriousness of the offence is such that it should be accompanied by the strongest possible sentence available under the law. If juries are not sure, then they should not convict.

Both the member for Tiwi and the Leader of the Opposition queried the need for clause 195 dealing with attempts to commit suicide. I agree that the provision appears a little archaic and I cannot think of any situation where a prosecution would be likely. However, the value of the provision lies not in prosecution, but rather in the ability of the police to make an immediate arrest and take a person who attempts suicide into protective custody. I fully endorse the remarks of the Leader of the Opposition to the effect that persons who attempt suicide should receive treatment not imprisonment. The short answer is that you cannot treat dead persons. A person who attempts and fails suicide is better taken into immediate protective custody by arrest than left free to try again as soon as the police depart the scene of the failed attempt.

In relation to clause 248, unlawfully disclosing trade secrets, the Leader of the Opposition noted that this provision would make a criminal offence of what was previously a tort. Damages and injunctions are presently available as remedies for the disclosure of trade secrets. However, I believe that the modern importance of trade secrets is such that they should be protected by the criminal as well as the civil law. It should be noted that, for an offence to be committed, the disclosure must be made with an intention to cause loss or to gain some benefit. Much of the criminal law is concerned with the safeguarding of property and protection from loss of property. I can see no valid reason today why trade secrets should be treated differently in any manner from other forms of property. Consider, Mr Speaker, the recent case of industrial espionage in the silicone chip industry in California.

The Leader of the Opposition suggested that the provisions of clause 262, misappropriation by members of local authorities, were incomplete in the draft.

He was correct in this but, in reviewing the clause, it seems to me that, in contrast to the unlawful disclosure of trade secrets, the appropriate remedy should not be in the criminal law, but rather the ballot box. Despite its title, the clause does not deal with the misappropriation of moneys, which is adequately dealt with elsewhere, but rather the misapplication of money. If aldermen spend money for some purpose which has not been approved by the council, I believe this is a matter for electors, not the courts. The situation is entirely different if council money is applied for the alderman's own benefit rather than that of the electors. As I have indicated, this is adequately covered by the theft and fraud provisions of the code.

In relation to the provisions dealing with conspiracy in chapter 41 of the draft, the Leader of the Opposition expressed some disquiet at the current conduct of conspiracy cases. He suggested that many such cases could be narrowed down to charges of a specific nature. While he did not refer to it, clause 328 of the draft went some way to meeting his suggestion that conspiracy charges should only be conducted with leave of the court. The effect of the clause would be to allow the court to direct the prosecution whether to proceed on a charge for a specific offence or a conspiracy to commit an offence, but not both. On reflection, I believe that clause 328 is wrong in principle. It would involve the judiciary far too greatly in the prosecution process to direct the prosecutor on which charge to proceed. It is not the judge's role to determine which charges shall be brought against a person. It is for the judge to preside impartially over charges brought at the Crown's discretion.

I am aware of the criticism of conspiracy charges to which the Leader of the Opposition referred in his speech. The Attorney-General of New South Wales, for instance, is very fond of them, but I do not think he has succeeded in sheeting one home yet. I do not believe the way to solve the problem is by passing the buck to the courts by either allowing or requiring them to decide what are appropriate charges. The discretion rests with the Crown. I believe that any burden in exercising that discretion should rest with the Attorney-General of the day who is answerable in due course to the people.

In relation to the Leader of the Opposition's suggestion that the code should include a right of an accused person to have an interpreter, I can agree with the sentiment but not the practicality. I do not believe that sufficiently uniform training and qualifications for interpreters is available to enable us to enact such a right. I wish that it were otherwise. Until there is established some common national standard or qualification for interpreters, it would not seem feasible to give statutory right to the accused to have access to one. Of course, every effort will be continued to provide interpreters when necessary. I have not heard of any complaints in relation to lack of access to interpreters in Territory courts or criminal proceedings in the last several years.

Clauses 437 to 444 deal with the question of habitual criminals and detention of people incapable of controlling their sexual instincts. The Leader of the Opposition recommends deletion of both sets of provisions. In relation to the clauses dealing with habitual criminals, provisions of this nature are not new. Indeed, this Assembly enacted provisions to deal with habitual criminals in 1978 in the Criminal Law and Procedure Act. Similar provisions have existed in the Commonwealth Crimes Act and in state legislation for many years. The proposals in the draft code would offer far greater protection to a person declared to be an habitual criminal than does the existing law. Section 24 of the Criminal Law and Procedure Act provides simply that a person declared to be an habitual criminal may be detained at the Administrator's pleasure. The provisions of the draft code would at least provide a statutory

base for an offender to argue why he should not be declared an habitual criminal and, further, provide a formal procedure for applying for release from imprisonment. Both these matters are lacking from the present law. Provisions dealing with habitual criminals are very rarely used. Their existence may provide some inducement for the old lag to go straight. Certainly, there is no evidence in the Territory that the existing provision is being abused.

The provisions dealing with the detention of persons incapable of controlling their sexual instincts would be novel in the Territory. Similar legislation was enacted in South Australia recently. In supporting the provisions, I draw members' attention particularly to the very substantial safeguards built into them. For example, the initial report to the Supreme Court is required to be prepared by at least 2 medical practitioners, one of whom must be a psychiatrist. The offender is entitled to cross-examine the authors of the report. A written report by a psychiatrist is required to be given to the Attorney-General at least once every 3 months and the offender has a right to apply, by leave, to the Supreme Court for his release. The detention of persons under the proposed provisions would be akin to the detention of persons found not guilty of offences by reason of insanity. However, in the case of the specific provisions dealing with persons incapable of controlling their sexual instincts, the procedural safeguards to protect against injustice and undue detention through administrative action would be even stronger. At this stage, I would favour retention of the provisions in the code. Once enacted, the provisions would be subject to close scrutiny to monitor their effectiveness and ensure no injustice occurred.

Mr Speaker, before resuming my seat, I would like to express my appreciation again for the contribution of all members who participated in the debate. My particular thanks go to the Leader of the Opposition and the honourable member for Tiwi for their comprehensive speeches. Whilst, as I have indicated, I do not agree with all the suggestions and comments made by members, I hope that I have been able to demonstrate today that I am continuing to consider the issues.

With respect to the future of the exercise, Mr Sturgess continues to work on further suggested amendments to the draft code and officers of the Department of Law are also continuing their work. The undertaking has proven to be a massive exercise. It is my hope that I will be in a position soon to introduce a Criminal Code Bill into this Assembly which reflects truly the wishes of the community.

Motion agreed to.

INDUSTRIES TRAINING AMENDMENT BILL
(Serial 260)

Continued from 13 October 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition supports this bill. The only particular reservation the opposition had about the government's bill was in the area of representation from employer and employee groups because the composition of the commission had been reduced. I had some discussion with the honourable minister about this yesterday and we felt that it was a little too heavily weighted towards public servants. We felt that, in consideration of the very purpose for which the organisation existed, training people for industry, it was better to increase the representation. We think there should be 2 employer representatives and 2 employee representatives. I understand that the government has circulated an amendment which will accomplish that.

The original construction was that 2 people be appointed who are engaged under the Public Service Act. It was not clear whether they would necessarily be from the employer side of the public service. The reason I make that point is that we acknowledge that the public service is a very large employer. It was not clear from the actual wording of the bill whether it would necessarily mean that those people employed under the Public Service Act would be people who were skilled in employment matters. Mr Speaker, that is the only reservation the opposition has with the bill and that will now be corrected by the government. The opposition is happy to support both the bill and the circulated amendment.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, as I see it, this bill is about 2 things: rationalisation and coordination. The Industries Training Commission and the Technical and Further Education branch of the Department of Education cover, in part of their roles, similar areas in vocational training. There has been considerable duplication of effort in this particular process, particularly in estimates in the policy area of just how many trainees or apprentices may be needed in various parts of the Territory at a particular time. This is a very difficult job.

I have spoken to some people from industry in Alice Springs who have been involved, over the years, in trying to estimate how many apprentices are needed. Looking at the circumstances, it is a very difficult job. I agree that it is preferable that it be handled by one organisation only. Assessment is difficult because the number of apprentices needed depends on what jobs will be available in the future and the state of the economy. Types of apprenticeships can be planned to a degree but not entirely. Also there is an input from other parts of Australia which can have a bearing on requirements. A particular employer might say that, all things being equal, he will take on 2 apprentices in the following year. Then someone lobs at his door with the skills that he wants and he is very tempted to put them on and, indeed, may well do so. Then he will have no need of an apprentice.

As I said, this bill seeks to rationalise the duplication of effort between these 2 areas of education, particularly in policy and planning. I have mentioned one area of importance. The other is coordination of effort in these areas while still allowing each to carry out the practical side of the operation much in the way it has been done before. I am pleased to note amendments are being circulated regarding the composition of what will be known as the Vocational Training Commission. I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the bill. One would like to feel that coordination and streamlining of all effort in post-secondary education results in more efficient use of bureaucracy - and I do not use that term in a pejorative sense - and the better delivery of services to the people who it serves, both the employers and trainee employees. I believe that the Industries Training Commission, within its present constraints, is doing a very valuable job in providing a survey of required needs to industry, although I think that its manpower is relatively insufficient to provide this survey completely and adequately. It is also, within these constraints, providing the best service possible to young apprentices. All education is expensive - primary, secondary and post-secondary. We are all aware of that. We are gradually coming to the realisation that practical training, as technical and further education implies, is what the world needs at present, particularly our part of it. Honourable members will be well aware that, in the purely academic field, a large proportion of people with degree status in the southern states are frantically looking for work.

Mr Speaker, I have asked the honourable Minister for Education, a series of questions over the years regarding the proposed establishment of a tertiary institution for the Northern Territory. As honourable members now must be aware, I have a particular interest in trade training and diploma status training for Territorians. In that context, I welcome the bill as I believe that it will give impetus and status, and streamline the Industries Training Commission. Given those facts, it would be nice if the Industries Training Commission were given the manpower and policy directives to look at a couple of areas which at the moment I feel are neglected, not through any wish of the training commission but because they have in the past not been covered. It concerns the very real problems facing young Territorians when they leave secondary school and embark on either apprenticeship, diploma or graduate studies.

Some time ago, I mentioned to the minister the problem apprentices have with health insurance. Their incomes are relatively low and I asked if attention could be given to a scheme whereby they are provided with health cover. Once a person becomes an apprentice, he or she is no longer eligible for family health benefits.

Mr Speaker, you will be aware of my concern, particularly for apprentices who have lost their indentures through no fault of their own but because their masters moved south or became insolvent. The whole basis of apprentice training is that, because it offers on-the-job training and acquisition of work skills, apprentices are paid at a relatively low rate. Without the cover of that job training, their work could almost be regarded as slave labour.

I respect and endorse the government's policy to encourage post-secondary-school training. I believe that insufficient protection is given to trainees against the problems that can arise. The one I have mentioned is health care. It has come to my notice that some of these apprentices may be eligible for health care cards as their income level is below that set by the government. But none of them are given this information by the training commission, by their employers or by any other group. When an apprentice loses his indentures, it is not the role of the commission at the moment to try to find him another master, notwithstanding, as I said in the context of a previous debate, the very good will exhibited by people in the training commission who go out of their way to try and fulfil this role. I would hope that all people involved with ITC are given a clear direction that it will become a prime role not only to safeguard the welfare of the employer and to offer guidance as to which trade and diploma skills are most required within our community but also to provide a degree of protection to the young people who engage in this post-secondary-school training.

I have no problem with the bill and the amendments. I simply offer these opinions for the benefit of the minister in the hope that he will accept them in the way in which they are offered. I care very much about the future of our post-secondary-school students.

Mr SMITH (Millner): Mr Speaker, there have been more changes in the broad TAFE area in the Northern Territory in the last 4 or 5 years than most areas of government activity in the last 40 or 50 years. Perhaps the bill could well be subtitled 'the rise and fall and the rise again of TAFE' because it has had, in its short formal history in the Northern Territory, a very chequered existence.

When it started 4 or 5 years ago with the formal recognition of the Department of Education that it should establish a TAFE section, there were great hopes for it. Certainly, there was a lot of activity. Probably TAFE's high point in the Northern Territory was when, under the government's 5-year plan, it was

at one stage given responsibility for all training needs of Aboriginal communities. I am not quite sure what has happened to the government's 5-year plan for upgrading Aboriginal communities. Certainly, we do not hear much about it these days.

I think that one of the major problems in the past was conflict and lack of cooperation between the 3 major organisations involved in the TAFE area; that is, the ITC, the Darwin Community College and the Department of Education. Certainly, I am pleased to see this bill. It should go quite a long way to resolving this conflict. As I read the bill, it will settle once and for all the questions of who provides the courses, who does the organisation, who provides the accreditation and other equally basic matters. One of the main conflicts in the past was the fear of the community college and the Department of Education that the ITC, as well as identifying training needs, was actually getting involved in the training. I think that is one of the major things that comes out of this bill: that conflict has been resolved.

However, I think the government needs to address itself to a couple of questions. One of them must be whether there is any further need for the Post-school Advisory Council. It seems to me that the Post-school Advisory Council is now restricted to looking at the operations of the Darwin Community College and possibly, at some future time, the university. If its main role at this stage is to look at the operations of the Darwin Community College, I would see no purpose for it. Perhaps the government could look at whether there is a need for it now that it has sorted out the previous uncertain areas to do with TAFE.

A second point is that there is a Commonwealth committee actively involved in this area: the Construction Training Committee. I hope that the new Vocational Training Committee can work closely with the Construction Training Committee so that we do not have 2 organisations working at different levels. I know from my discussions with members of the Construction Training Committee that they are most anxious to work with the new VTC. Certainly, I would hope that that could be arranged so that the efforts that are being made in the TAFE area can be utilised to the full.

Mr Speaker, we are all aware that these are difficult times and that the transition from school to work has become most important. I was disturbed to read in the recent minutes of the Nightcliff High School Council, which I receive on a regular basis, an item that said that the council understood that the transition from school to work program would not be funded next year. I understand that the transition from school to work program is funded from moneys supplied from both the Commonwealth and the Territory governments. I would ask the minister to address himself to that. I must admit that I have not heard that anywhere else. I would find it inexplicable if it were the case. Certainly, it appeared in the Nightcliff High School minutes and it would be of some concern to me if the government were freezing money in that vital area at a time when there is probably a greater need than ever there was for money to be put into transition from school to work. As the Leader of the Opposition said, we support this bill and we hope that it will solve many of the problems that previously existed in the area.

Mr ROBERTSON (Education): Mr Speaker, I have noted the various comments of honourable members. This is indeed a very significant piece of legislation albeit a very small one. I can assure the member for Millner that, while it is irrelevant to the subject before us, there is no move by this government to restrict in any way the flow of funds in the transition from school to work program. On the contrary, we are constantly looking for constructive methods

of utilising the funds which are available. The strange part about it is that, to some extent, the type of unemployment which exists in the Northern Territory is not of a nature which can be aided by this type of program. However, it is an irrefutable fact that the Commonwealth and ourselves, as I indicated to the federal minister on the telephone a few days ago, are having difficulty finding programs that people will accept.

The transition program in Alice Springs failed completely because there were no takers for the courses which were offered. I think we have to rethink the matter. I have asked the Department of Education to look at the possibility of involving trade course students in remedial work in numeracy and literacy, particularly literacy. They become involved in more advanced mathematics in some of the trade courses and some assistance is needed there. I will be talking to the federal minister about that. I can certainly assure the honourable member for Millner that this government is most anxious to maximise utilisation of the funds which are available. When we make programs available under that program, I urge those from the community who wish to to make maximum use of those courses.

In respect of the Leader of the Opposition's reference to the number of public servants, I would not want it thought, even as the bill was prepared without the proposed amendment, that public servants were dominating the commission. Quite simply, the only reason for the 2 public servants is that the principal act provides for the chairman to be a member of the public service, and quite rightly so. In his absence, as will happen for the next 12 months, it will be necessary to have a deputy chairman. Quite obviously, because it is a full-time job, he must also be a member of the public service. That makes eminent sense. We will ensure that the public servant representatives will be people of expertise in this area. Everyone knows the present chairman, Mr G.W. Chard. Incidentally, Mr Speaker, I wish that gentleman well in his studies at London University. I think it fair to advise the Assembly that Mr Bill Grimster will be taking over the Vocational Training Commission for the period of Mr Chard's absence.

The honourable member for Nightcliff mentioned health insurance. Once a person becomes an apprentice, albeit his salary is normally very low, he is no longer entitled to the benefits of the family health insurance scheme. Quite clearly, with the cost of health insurance, that is a very significant burden on those wages. It is a matter for the health insurance funds or, alternatively, a matter for the Commonwealth to legislate upon because it has legislative power in respect of health insurance funds. Certainly, it is outside the competence of this Assembly or this executive to do anything on this. Nonetheless, the matter has been brought to the attention of various people who are in a position to do something about it. I hope something can be managed. I do not think that it would be proper for this government to charge in by way of subsidies. We have tried subsidy arrangements before in respect to apprentice employment and found them to be a singular failure. They involve nothing other than public expenditure for no increase in the actual number of apprentices. That is what we ought to be on about: not making the lot of employers or employees lighter in those regards but increasing the number of apprentices.

We have found from experience that those sorts of artificial subsidies matter not one iota in terms of actual numbers of young people doing courses. That is not the answer. The answer is to organise special rates through the medical benefits funds. I can see their problem of course. It would cost as much to keep an apprentice in a ward as a result of a motor vehicle accident or an illness as anyone else. It is a difficult dilemma. It is causing hardship to apprentices, particularly in the first couple of years. We are not

unmindful of the problem, but I am afraid there is very little we can do about it at this time other than to note our concern.

Mr Speaker, I thank honourable members again for their contribution and commend the bill to them.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 7 agreed to.

Clause 8:

Mr ROBERTSON: I move amendment 140.1.

This amendment proposes to increase by 2 the number of members on the commission. My original intention was to try to reduce it. I received very strong representations in respect of the necessity for balance. I discussed with the Leader of the Opposition last night the possibility of removing one public servant position and maintaining the originally suggested number of 8. That would seem to be impractical. In the event of needing someone to deputise for the chairman, that person must be a member of the public service. The only way we could possibly hope to enlist someone from outside of Darwin is to maintain the ministerial nominee. I assure the Assembly that that is my intention. I think it fair to indicate to the Assembly that Mr Keith Castle, the present member from Alice Springs, will be my nominee, so we know who we are talking about.

Amendment agreed to.

Clause 8, as amended, agreed to.

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

Bill passed remaining stages without debate.

ANNUAL LEAVE AMENDMENT BILL
(Serial 199)

Continued from 13 October 1982.

Mr LEO (Nhulunbuy): Mr Speaker, the amendments are to 3 sections of the Annual Leave Act. There is an amendment to section 5 which would delete from the interpretation of the word 'employee', a casual employee. Casual employees, it is my belief, receive a weighted salary in consideration of lack of annual leave and certain other things. It seems appropriate that casual employees should be deleted from the interpretation of 'employee'.

Another amendment makes sense of section 8(3). The present wording of the act does not convey the intent of that subsection. Of course, the amendment to section 16(2)(a) would adjust the requirement for recording of terms of service and length of service from the present 2 years to 3 years, which is in line with the Limitations Act.

The opposition supports the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

LIQUOR AMENDMENT BILL
(Serial 264)

Continued from 16 November 1982.

In committee:

Clauses 1 to 9 agreed to.

Clause 10:

Mrs O'NEIL: I move amendment 134.1.

The intention is to amend section 96(3) of the principal act to overcome the need for people to make separate application for seized goods to be returned to the owner when no forfeiture is ordered. This relates mainly to motor vehicles. It is my belief that this could be effected by making it mandatory for the court to deal with the issue at the same time, and in the same proceedings, as the prosecution for the offence against the Liquor Act. In the view of the opposition, this would simplify proceedings all round and make life easier for persons being dealt with under the Liquor Act, for the police and also for the Liquor Commission and the courts.

Mr TUXWORTH: Mr Chairman, I would like to foreshadow to the committee that it is the government's intention to defeat this proposal. I regret that I have not had a chance to speak with the honourable member for Fannie Bay about it. That was not through lack of intention but just a lack of time.

The member for Fannie Bay put this proposal forward the other day. At the time, I was not able to assess the matter as she spoke. On that basis we adjourned, which is why we are discussing it today. The honourable member for Fannie Bay has raised a pertinent point about a person resuming possession, with the minimum fuss, of a vehicle that he or she should rightfully have. It also brought to the government's attention a matter of concern in the bill in that vehicles are not forfeited to the Crown. It is our view that vehicles ought to be forfeited to the Crown as a matter of routine when there is a conviction.

I would like to foreshadow to the honourable member that we will be seeking to defeat her amendment and, at the same time, offering amendments ourselves that would require the court to order the forfeit of any vehicle, plane, boat, or whatever that was involved in a conviction. A second part of our amendment proposal would enable the prompt and rightful return to the owner of such a vehicle, who was not involved in the offence, through the Chairman of the Liquor Commission.

Mr Chairman, I seek members' support for the defeat of the proposal.

Mrs O'NEIL: Mr Chairman, the honourable minister is quite correct in his explanation of the course of events with regard to the amendments. I would like to take the opportunity to point out to the committee a difference that exists as a result of the amendment schedule which the minister has just outlined.

Certainly, it is true that items will be forfeited automatically upon conviction. However, according to the minister's amendment, the return of the goods will be subject to the discretion of the Chairman of the Liquor Commission. We do not consider that is appropriate and believe that such power should lie with the courts rather than with the Chairman of the Liquor Commission. I point that difference out to honourable members.

Mr TUXWORTH: Mr Chairman, for the benefit of the honourable member, we are proposing that, if the person involved in the offence were convicted, there would be no discretion at all relating to the forfeiture of a vehicle. We are advocating that, where a vehicle has been confiscated, which did not belong to the convicted person, and should rightfully be returned to its owner, then the Chairman of the Liquor Commission should return that vehicle. In our view, that is what the amendment says.

Amendment negatived.

Mr TUXWORTH: I invite defeat of clause 10.

Clause 10 negatived.

New clause 10:

Mr TUXWORTH: I move amendment 138.1.

Mr Chairman, under existing section 96 of the Liquor Act, when a thing is seized at the time of making a charge related to a restricted area - for example, the forfeiture of a car or a boat carrying liquor - and the thing is not forfeited by the court, it can be returned to the owner by order of the chairman of the commission. The effect of this new clause is that, whenever a person is convicted of an offence under this part, a thing seized in connection with the offence is automatically forfeited to the Territory.

New clause 10 agreed to.

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

In Assembly:

Bill reported; report adopted.

Mrs O'NEIL (Fannie Bay): Mr Speaker, following that interesting committee stage, I would like to point out to members that I had certainly gained the impression from what the honourable Minister for Health said, and I think he meant it, that he supported the proposition that goods should be returned simply and expeditiously to owners when a conviction has not been recorded. As a result of my amendment being defeated and his amendment 138.2 not being proceeded with - although I thought his was inferior - there is now not that facility for goods to be returned expeditiously and simply to their owners. People will once again have to proceed separately under the Justices Act.

Bill read a third time.

TRAFFIC AMENDMENT BILL
(Serial 265)

Continued from 23 November 1982.

Mrs O'NEIL (Fannie Bay): It seems to be the day for discussing liquor in one form or another. This Traffic Amendment Bill removes the time limit from the Traffic Act with regard to random breath testing; that is, it removes the sunset clause from the legislation. I point that out to the Assembly because, in what I believe was an otherwise succinct and excellent analysis of the situation, the minister omitted to say what the bill did. Nevertheless, I believe that his speech to it outlined very clearly the desirability of maintaining this measure as one way of dealing with the problem of alcohol abuse and alcohol-related motor vehicle accidents.

I do not believe there is a need to go over the whole issue again. We have debated it several times already. The facts are that we have a very high rate of alcohol-related motor vehicle accidents in the Northern Territory, there has been a reduction in the number of alcohol-related motor vehicle accidents since the introduction of random breath testing, the introduction of random breath testing has been seen to produce greater public awareness of the problem of drinking and driving and surveys have shown that random breath testing has the support of the majority of the population.

Given those facts, it would be a foolhardy Assembly which rejected this method of attempting to cope with drink driving. The opposition, therefore, supports the minister's amendment.

Mrs LAWRIE (Nightcliff): Mr Speaker, I think that it has to be said that it is not as universally popular in the Northern Territory as the minister said it is. In fact, I received numerous complaints about the operation of random breath testing, particularly in relation to the invasion of people's liberties and privacy.

On purely practical terms, there is one thing I would like to draw attention to: it is very difficult to blow into the breathalyser bag. I would like ministers to turn their collective wisdom to redesigning the bag. This is not a joke. People with middle ear, sinus or lung problems, who are stone cold sober when asked to blow in the bag, are putting their health in jeopardy. Mr Speaker, honourable members may roar with laughter as I say this but I have excellent lung capacity. I breathe very well, which will give no comfort to my adversaries. I have found it quite difficult to blow in the bag and I am trained in the art of breathing - I was a professional musician.

Mr Speaker, on behalf of the people of the Northern Territory whose lungs, ears and sinuses are affected, I would ask that a simpler, more mechanical means of breath testing be devised to eliminate the intense physical discomfort that those people are put through.

Mr DONDAS (Transport and Works): Mr Speaker, I thank honourable members for their contributions and support for the passage of this legislation. I have to agree with the honourable member for Nightcliff that it is very difficult to blow into the bag. I will provide the Police Commissioner with a copy of this debate and ask him if another device, which is easier to blow into, is available.

Mr Speaker, on a more serious note, a great deal of action is taking place around the nation on alcohol-related accidents. New South Wales is in the process of introducing random breath testing. Queensland is lowering the level from .08 to .05 and Victoria already has .05. Everybody is worried about the carnage on the roads. It is nearly Christmas, but that will not make any difference because we already have random breath testing. This amendment really only deletes the sunset provision.

I thank members for their support, Mr Speaker.

Mr SPEAKER: Honourable members, on the application of the Chief Minister under Standing Order 153, I declare this bill to be an urgent bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly at its rising do adjourn until 10 am on Tuesday 15 March 1983 or until such other time and date as may be set by Mr Speaker under sessional order.

Motion agreed to.

LEAVE OF ABSENCE

Mrs LAWRIE (Nightcliff): Mr Speaker, I move that leave of absence be granted to the honourable member for Victoria River. He is presently unwell and unable to attend the Assembly.

Motion agreed to.

ADJOURNMENT

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, it is appropriate to report to the Assembly about a meeting which was held recently in my electorate between some residents of Parap and officers of the Department of Lands. On behalf of the residents, I would like to take the opportunity of thanking those 4 or 5 officers, including the Secretary of the Department of Lands, who gave up their time to talk to residents about the planning problems they are experiencing in that area. The officers of the department were very pleased to see the number of long-term residents of that area who were particularly interested in discussing its future. The meeting was a result of concern expressed over a number of years to me, to the Planning Authority and to other authorities about the increasing density of residential development in the area without an apparent and concomitant increase in the provision of public open space, in particular recreational areas and other public services.

Mr Speaker, people do not reject the use of this area for medium density residential development. They appreciate that it is quite appropriate for such development. However, they become concerned when they see the intensity of development that is regularly proposed and which, from time to time, takes place. These people feel obliged frequently to scan the public notices in the newspaper for planning development applications. Since 1978, they have had to make submissions and lodge objections regularly with the Planning Authority over various proposals. Residents must do this constantly or see their area gradually whittled away.

They are particularly concerned about the need for recreational areas and public open space. The residents identified to the officers of the department a number of areas of open space which they would like to see preserved. Not all of them can be preserved. Some are small and some are large. I will take the opportunity to list them. There is an area in Somerville Gardens about which I wrote to the former Minister for Lands and Housing, the member for Gillen, at one stage. He agreed that, since there had been a playground in that area in the days when it was controlled by the railways, some area should be left for a playground, particularly in view of the number of Housing Commission units there now and the number of children resident therein. Unfortunately, a playground has not resulted. People would like to see the playground reinstated.

There is an area on the corner of Parap Road and the Stuart Highway which was formerly occupied by the old Emergency Services building. I think it was the old police station before that. People would like to see that area retained as a green belt between the Stuart Highway and the residential area. There is the area in Stokes Street which was formerly occupied by the Parap Infant School. This will not be available for recreational use. Not long after this Assembly amended the relevant legislation, it was sold as freehold title with an R2 zoning. That block of land has not been developed by the purchaser and it provides a salutary lesson on the need to ensure that large areas of land like that are sold under leasehold, with covenants, and not as freehold. I believe that the department has learnt that lesson.

All of those parcels of land are in quite a small residential area. Land owned by the Darwin Aviation Club provides another interesting story because that land is freehold. Because it was on a Darwin Town Area Lease under the old system, and not retained as leasehold, it is now freehold. The club was burned down and the area has been vacant for some years. Certainly, it was in an untidy state for some years. I am happy to say that club members have entered into an arrangement with the Darwin Trailer Boat Club in my electorate. They will presumably be using the bar and facilities of that organisation. The residents felt that the government should consider acquiring that land for public use especially since it can be assumed that the club will not be needing it for its own purposes and since it acquired it by a windfall.

Finally, there is a very large area of land occupied by OTC in Gregory Street. It has been based there for some years and the land is presently zoned FU which means future use. However, residents are concerned to note that OTC is building, from time to time, residences for its own staff on this land. They are concerned to see this encroachment on open space. Furthermore, the residents feel that the continued operation of this station in the middle of a near-city residential area is an inappropriate use of the land. The residents noted the call by the member for Stuart Park for the resiting of the oil installations in his electorate. They felt that that example could be applied to the OTC land. The government could consider offering alternative land to OTC so that the land in question would be available for a more suitable use. The people hope that much of it would be retained for open space.

One of the reasons they want open space is because of the lack of playgrounds in the area for children. It was pointed out that, although comparatively small, the school grounds are there. That raises a further problem. We all agree as a matter of principle that it is desirable to have public lands, such as school grounds, available for public use. However, in practice it has proved to be very difficult. Certainly, school councils have the impression that there are legal problems if they allow children to use that land after school hours. They have certainly gained the impression that the Department of Education frowns upon it.

I would ask the Minister for Education to see if some guidelines could be drawn up to make it easier for school grounds to be used for recreation after school time. With 1 or 2 exceptions in urban areas, they are not being so used. It is a waste of open space. I know the government's policy in relation to Palmerston, for example, is to have multiple community use of such public areas. It would be very good if encouragement could be given and a few guidelines laid down to enable it to happen in other places.

I also noted that 2 parks are to be created in the Ludmilla area. I am very pleased to see that. I understand that that may have been the result of a planning study of the Coconut Grove area. The residents of the Parap area, many of them long-term Territory residents, would like to see, as a matter of some urgency, a planning study in their district similar to the one recently publicised for Stuart Park. In the Darwin context, Parap is of some historical note. It has problems almost identical to those in Stuart Park, which was a statement made in that report. The residents asked the government to consider a request for a planning study of the Parap area as soon as possible.

This leads me finally to the question of the Parap School. I thank the honourable Minister for Transport and Works for the assurance he gave in question time the other day that he will attempt to have the upgrading of that school completed as far as is possible for the new school year. The teachers and, of course, the students have worked under some difficulty for a full school year while nearly half the classrooms have been out of action. On behalf of the school community, I thank the teachers who have managed so well in that circumstance. This building is nearly 25 years old. After Cyclone Tracy, it had only the minimum of repair. A further delay at this stage - 8 years after the cyclone - in the upgrading of the building is something that can barely be contemplated by the school community.

I thank the minister for his assurance and, once again, urge him to get as much as possible, if not all, of the work completed during the school holidays.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak on 4 matters. The first relates to an issue that was raised last week by the member for Sanderson and concerns the Keep Australia Beautiful Council and its recently completed Territory Tidy Towns competition. I would like to go on record as congratulating the Keep Australia Beautiful Council for the effort that it put into running that competition. Litter is a big problem in the Northern Territory. We are all aware of that. One has only to read the many letters written to newspapers on the subject to know that. I guess members have received numerous letters on the matter. Through the efforts of the Keep Australia Beautiful Council and the Territory Tidy Towns competition, a positive step has been taken to try to come to grips with this. There is no doubt that the competition has had the desired effect for the towns that entered and, through them, the whole of the Northern Territory has benefited.

I was very pleased to enter Port Darwin which received a third prize in category B. I would like to congratulate all the people in the electorate who put in the time and effort to make this possible. The 3 schools in my electorate, Darwin Primary School, Larrakeyah Primary School and St Marys, kept their grounds and the areas surrounding them in immaculate condition. They are to be congratulated. Also, the churches in the electorate maintained their grounds wonderfully.

Mention must be made of the support given to the program by the Northern Territory government through the work that has been carried out by the Conserv-

ation Commission. The Darwin City Council has also spent a great deal of time and effort in the city area. So it should have, because the city area is the area that contributes the most to the general rate. Some 15% of total rates comes from the area between Daly Street and the wharf.

To all those people who have taken part in this particular exercise, I offer my sincere congratulations. It was truly an exercise well worth taking part in. I hope that next year Port Darwin will top the field in category B.

Mr Speaker, following on from that, a lot of coffee bush has been cleared from the electorate of Port Darwin. I will not go into any detail on coffee bush because I might receive a rubbishing. I think members are well aware of my feelings about coffee bush. I want to make it quite clear that I have not pushed for complete eradication, even though that is what I would like. That would be impossible. I have asked only that coffee bush be kept under control.

A few people have raised the issue of erosion. The whole issue of possible erosion from the clearing of this land is being monitored closely. The area at the back of the Assembly has been covered with a hay and bitumen mulch which has been seeded and fertilised. This has been very effective. The area near the casino is also being seeded with couch grass. To date, the heavy rain has not caused any problems with erosion. But it is noted that this issue has to be monitored very closely.

Mr Speaker, we must have a follow-up program on any clearing that is carried out. All the areas that have been cleared have programs for maintenance. However, there is much more to be done. The areas are to be design-landscaped. That is happening. Of course, there must be consultation with the council and other people involved regarding the future maintenance of those areas once they are landscaped. Once the landscaping is completed, the city will be much more attractive. I would like to congratulate the Conservation Commission in that regard.

The third issue I would like to raise is to do with the announcement yesterday by the federal Minister for Aviation, the Hon Wal Fife, that the Darwin civil airport terminal will be proceeded with. That is something that all members of this Assembly welcome most heartily. The construction of the new terminal will cost some $26m and is due for completion in 1986. The total work to be carried out will cost in the order of $86m. As I said, it is most welcome news. We have put up with a substandard terminal for years. It did nothing to promote Darwin as the gateway to Australia. Many efforts to promote Darwin have been frustrated because of the state of our airport. Since self-government, a great deal of effort has been made in the promotion of tourism. Tourism is a very important industry to the Northern Territory's future. It has been very difficult to promote tourism when our airport has been so inadequate and I think we all welcome the announcement. I had doubts that negotiations on the terminal would proceed as quickly as they have and that is why I asked the Chief Minister a question during this sittings. I also approached him on other occasions. I was concerned that, because of the indecision of the federal government in relation to the siting of the tactical fighter base, the civil airport terminal might not be proceeded with as quickly as one would have liked. The tactical fighter base and the civil airport terminal were very closely related. Members must have noticed that the exercise was slowing down somewhat. I was very pleased to note the announcement that was made yesterday.

There is no doubt that the decision not to station the tactical fighter base in Darwin will have a marked effect on Darwin generally. If the proposal

to use Tindal proceeds, it will be good for Katherine. It will give the Northern Territory another viable centre, one that has a guaranteed future. However, the decision has cost Darwin dearly, not only in terms of losing many millions of dollars but also in terms of guaranteed housing for the new town of Palmerston, which would have resulted in an injection of funds to the Darwin community generally. However, Katherine should welcome the proposal. I guess many people in Darwin will be pleased because we will not experience the noise problems that would obviously eventuate from a tactical fighter base.

We should all welcome most heartily the decision that has been made. It is firm now. By 1986, we will have an airport of as high a standard as any in Australia.

Mr Speaker, the other issue that I wish to touch on briefly is a problem with a development in the McMinn Street area. Whilst the situation is very dangerous, and the action that has been taken has had to be taken, I believe that it should never have reached the stage it has. Plans were approved for the development of the Le Cornu warehouse and showroom. A lot of money has been spent on the project which has proceeded according to the approved plans but it appears now that the plans should not have been approved in the first place. Somewhere along the line, horns have been locked, people have been upset and the development has come to a standstill.

The problem is related to the alignment of powerpoles. I raised the matter with the minister the other day. The alignment of the building is very close to the overhead high-tension wires. The plans included the erection of flag poles on the top of the building from which, of course, flags were to fly. The problem is that, if the flags become wet, they would conduct electricity. Therefore, the erection of the poles had to be stopped.

I raise the issue today, because it does not matter who is responsible. Once plans have been approved and development is nearing completion, whether the responsibility belongs to the architects, the engineers or whoever does not really matter. The fact is that approval has been given for a plan and for development to proceed. The development is costing a great deal of money.

In future, every care should be taken by the authorities when approving developments in the first place. It is no good allowing a development to proceed according to the plans and then, when it is nearly completed, to come out and say: 'Oh yes, well the plans should not have been approved in the first place'.

This has also happened on a couple of other occasions. All I am saying is that we must take care that, before approval is given to plans, they are properly checked. Once development receives approval and a project is commenced, then the authorities who first approved the plan are as much at fault as anyone else.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, if one cares to examine the rivers in central Australia, one would find that normally they have very sandy beds with river gums along the sides and dotted along the bed. Generally, there is no grass present. However, the Todd River has a lot of couch grass growing in its bed and, particularly towards the Gap, there are many reeds. I have been informed that, in 1966-67, the Todd River was seeded with couch in an endeavour to reduce dust during the drought. Whether as a result of that or not, certainly we have couch grass in the river today.

The high water table we have is caused by 2 things: the fact that the basin under the town is no longer used for a water supply and, the water we pour into our gardens in Alice Springs drains into the Todd River. That high water table, no doubt aided by fertilisers from our gardens, has allowed the couch to grow rather profusely, particularly in the last few years. Growing with the couch grass are many young river red gums. I will return to that shortly.

My real concern about the couch grass is that it has an extensive root system - as anybody who has done any gardening would know - and is helping to hold sand, dirt and even dust. It might not be too obvious but, over the years, it certainly adds up. I believe that the height of the Todd River bed has been raised. It should not be too difficult to understand that, when the river is flowing, it is easier for the water to flow into the town and cause flooding. Of course, the grass has a slowing effect upon the water which allows it to build up. That is another factor which could increase the chance of flooding. We know that we can expect a flood every 100 years or so in Alice Springs which, from past experience, can cause flooding of some houses. But I think that, if the bed of the river is filling up, we are increasing the chances of that occurring more often.

I mentioned river red gum seedlings. The couch grass in the Todd dries at certain times of the year. For various reasons it catches fire and burns rather well. It destroys the young river red gums; they are not fire-resistant in any way, shape or form. I am not speaking only of seedlings about a foot high but trees up to 10 feet. Unfortunately, the fire does not kill the couch grass because it only burns off the top. The ever-resilient couch can bounce back again, grow and burn up another lot of young gums.

There has been much talk in the last few years in Alice Springs about trees dying. A lot of those trees are very old, which is probably the main reason for them dying. Perhaps their root systems have not been able to adjust to the raised water table. However, the young gums will adjust if we can protect them. I wonder whether the government or the town council could do anything to help. The answer may lie in poisoning the couch grass. It is very difficult to poison couch but, in the last few years, products have been on the market which are absorbed through the leaves of the grass at a time when it is growing and flourishing. It goes down to the root system and the grass dies. One of the beauties of these products is that they do not poison the ground as some poisons do, and it does not take years or months before anything will grow again. We want natural regeneration of the gum trees but this is very difficult so long as the grass grows and then burns as it seems to do with monotonous regularity. My secretary told me there was a fire yesterday in the Todd and many more young trees were burnt.

There are other potential causes of increased flooding of the Todd. One is the fact that Alice Springs is an expanding town and there are many more house roofs and more roads. House roofs and roads allow water to run into channels and, naturally, because of slope and the lie of things, much of this water flows into the Todd. It all adds to the water level. Another is the casino causeway. We need causeways but much thought must be given to their construction. The casino causeway is made up of box-type culvert drains, only about 6 feet across. It becomes blocked rather easily leading to a build up of water which enhances the possibility of flooding.

Of concern to a number of citizens of the town is the narrowing of the Gap. Elevation of the road through the Gap by another 1.5 m is in progress and will

help to some extent, but there is also a widening of the Gap. I will try to explain a bit of physics and mathematics to make it reasonably understandable. If the cross-sectional area of a vessel in which water is flowing is narrowed, the velocity of the water will increase in proportion. If it is halved, the velocity will double.

That leads to another interesting effect. The size of particles which the water can move along is proportional to the cube, or the third power, of the velocity. If the velocity of the water is doubled, then an 8-times more massive particle can be picked up. This explains why many rivers in the Centralian region which are forced to become narrow in some of the gaps contain quite deep waterholes. Glen Helen is an example and Simpsons Gap another. As a result of the rate of flow of water, quite large holes can be created. There is some concern that, although reduction in the cross-section area through the Gap will not be large, it will have some effect on the velocity of the water and its potential to undermine. I have had discussions with officers of the Department of Transport and Works and they are aware of my concern. They hope to be able to control this situation and avoid erosion in the area.

I believe that we should do everything we can to reduce the possibility of flooding in the town of Alice Springs. I think cleaning up the couch grass and allowing the flow of the river to lower the bed level in the Todd would have a worthwhile effect.

The member for Port Darwin mentioned the new airport here and I congratulate Darwin on that. We would certainly like to see a new airport building in Alice Springs. I daresay, in time, we will get one. But I would like to pay tribute, not only to our Chief Minister and ministers who have been plaguing the federal government on this for years, but also to our federal members, Mr Tambling and Senator Kilgariff. I know it is their job to fight for the Territory, but they have been plaguing the federal Ministers for Aviation and Defence and the Prime Minister on that matter for a long, long time. No doubt it is of great satisfaction to them that the decision has been made to upgrade the terminal and bring to Darwin a RAAF fighter squadron at least. I am informed that some 400 RAAF personnel will be involved in bringing the Mirages to Darwin. Those people are likely to stay on which will cause an increase in population in Darwin with increased pay packets and increased prosperity: the multiplier effect. I think we should acknowledge our federal members when they have a win, particularly one of this magnitude.

Last weekend, Mr Speaker, on your behalf, I had the pleasure of hosting the United Kingdom CPA delegation in Alice Springs. I would like to report that a very pleasant barbeque was held at the Telegraph Station. It was enjoyed by all of the members. They spoke about it considerably on the Sunday. They also flew down to Ayers Rock with an aeroclub pilot but there was no room for me on the plane. I would like to thank a friend who was able to give me a ride so I was able to accompany them down there.

I would particularly like to mention that Sir Angus Maude, the leader of the group, climbed almost to the top of Ayers Rock which, for a man of 70 years of age, was quite an achievement. Only time was against him. The first half of the climb up Ayers Rock is pretty steep and the second half is not so steep but rather undulating. He is not a fast walker but he had the determination to get up there. I must confess that I was one step behind him on the way up and one step in front on the way down, in case he stumbled. He kept saying that nobody would believe that he had actually gone up there. I am taking the liberty to record it in Hansard and I will send him a copy to pay tribute to him. We in Alice Springs certainly enjoyed sharing the company and experiences of the CPA delegation.

Finally, Mr Speaker, this being the last sittings for the year, I would like to record my thanks to the Assembly staff for their friendship, their assistance and their neutrality, which I think is very important. I wish them all the best for the festive season.

Motion negatived.

RESCISSION MOTION

Mr ROBERTSON (Education)(by leave): Mr Speaker, I move that the adoption of the report and the third reading resolution of the Industries Training Amendment Bill 1982 (Serial 260) be rescinded and that the bill be recommitted to the committee of the whole Assembly for reconsideration of clause 8, as amended by amendment 140.1.

Motion agreed to.

INDUSTRIES TRAINING AMENDMENT BILL
(Serial 260)

In committee:

Clause 8 (on recommittal):

Mr ROBERTSON: Mr Chairman, the amendment 140.1 contained an arithmetical error. I apologise to the committee for this error. I move that the figures '9' and '8' be omitted and that '10' and '9' be substituted in their place.

Amendment agreed to.

Clause 8, as amended, agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Mr LEO (Nhulunbuy): Mr Speaker, before making a few remarks about my electorate, I would like to bring to the attention of the honourable Minister for Transport and Works a matter I raised in the Assembly last week in an adjournment debate. It concerns the issuing of a certificate of compliance prior to occupancy of the Jape building. The minister has not as yet replied to my inquiry of last week. I hope that he replies this afternoon.

The simple facts are that the Jape building was occupied and a fire broke out. During the course of evacuation, while several employees resident in the building tried to put out that fire, it was discovered that a number of fire fighting implements were either not where they should be, unserviceable or simply not working. I could go through a list of those things: water tanks that were not filled, extinguishers that were not where they were supposed to be, fire hoses that had no water in them etc. I would ask the minister how that certificate of compliance could have been issued? Compliance was necessary prior to occupation of the building.

There is possibly a very simple explanation. The minister may say that my information is wrong. In that case, I will check it again. I would question

his source of information. There might be something wrong with the certificates of compliance which are issued. Perhaps they need to be examined more carefully. It is insanely dangerous that a building that has so many obvious faults should be occupied. It is quite beyond me and I would ask the minister to provide me with an explanation this afternoon.

I was informed yesterday that the prime employer in my electorate, Nabalco, has indicated that it will reduce the number of its employees by 50. That is approximately 5% of its workforce. Fifty employees out of 1000 does not sound many and it probably is not many given today's problems with metal prices. However, it does indicate the fragility of the economy in that particular community. I have said in this Assembly on a number of occasions that there is a great need to diversify the economy of Nhulunbuy. Without a great deal of success, I have attempted to instill a bit of diversification in the economic base of the community. I would ask the Minister for Primary Production and Tourism to use his good offices to attempt to develop those 2 industries in Nhulunbuy. I believe he has been to Nhulunbuy on a number of occasions. I certainly would assist him in any way possible to develop those industries. If he is over there in the New Year or later on this year, I would ask him to call on me because I have certain ideas which I would be happy to convey to him. I certainly do not have any political motives in this. For the sake of my electorate, a bipartisan approach is required.

Before I resume my chair, Mr Deputy Speaker, I would like to thank the staff of the Legislative Assembly. They certainly assisted me throughout 1982 and I know they will continue to assist in 1983. I thank the staff of Hansard who laboured until some incredible hour this morning. I think today's daily indicates the extent of their endeavours last night. I wish them all the very best for the festive season and look forward to seeing them next year.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this morning I asked the honourable Minister for Transport and Works a question regarding the ownership of 2 small lots immediately adjacent to the police station, lot 4794 and lot 4238, the Police Headquarters being on lot 4118. I often walk from the Assembly to the city and walking through the park adjacent to Block 8 gives me considerable pleasure because it is very well kept. Many people enjoy sitting in and walking through that park. The park near the law courts is also kept in good order, although it needs mowing.

However, the same does not hold for the small park next to the police headquarters. It is a disgrace to whoever owns it. I was told that the corner is under police ownership, although that is not absolutely certain. The small lot at the side of the police headquarters also has questionable ownership. The very expensive fountain there is not shown off. I do not particularly like that fountain but others might. When compared to the other 2 parks in the immediate vicinity, it does not show up to very good advantage. I hope that the police department, the Department of Lands, the Department of Transport and Works or the city council can come to some agreement over the ownership of the 2 lots of land and do something about bringing them up to a standard befitting the buildings that they surround.

I asked the Minister for Lands and Housing if consideration was being given to the use of a block of land immediately adjacent to the Humpty Doo Primary School and the Humpty Doo High School as a school farm, a camping area and or agricultural units. I was very pleased that the minister said that two 15 ha sites are under consideration. I cannot assume that the schools will get both sites, but I would be very pleased if they did. The Crown owns 640 acres in that area. If the schools were granted the 2 blocks of 15 ha, there would still be plenty of land left for other uses.

Recently, I attended a couple of meetings of the primary school committee and interest was expressed in the project. A few queries were raised, mainly about the viability of the project and how it would be received by the community. A subcommittee has been formed to examine the project to see what form such a farm area would take. It sought views from various people, including myself, on the final form and how to get the project under way. Whether it starts as a camping area and changes to a farm area, or starts as a farm and camping area, it will be unique in the Darwin area and possibly the Territory. I see a lot of good coming from this, both for the community and for the children who attend the primary and high schools as well as for children attending schools and pre-schools in the city area.

I expect that the Department of Primary Production would help. If the Department of Education, the Department of Primary Production and the school councils can work together amicably, such a school farm could become a show place and perhaps even an experimental farm. It would encourage the children to love the land and, in the future, to go onto the land to work. Children from the primary school at Humpty Doo visit rural projects in the area to see how agriculture works. That would happen with this farm.

If agricultural units were started, the project would receive cooperation not only from public servants but also from people living in the area. Working bees could be held and machinery that is no longer of use to its owners might be donated. Also excess stock might be donated.

Mr Speaker, if children are to develop an interest in the land, they need to be started as young as possible. Recently, 2 pre-schools visited my place to see the farm animals. I am always very pleased for children to come to our place. It is very interesting to get drawings back on what they saw. The last pre-school to visit was the Nakara Pre-school. The children sent me drawings of animals and a drawing of myself. It was very interesting to see myself as others saw me.

If this farm were established, it would form a very interesting show place for pre-school children to see animals on a farm and how those animals function in their everyday life in the rural area. The children could relate to stories they have been told about farm animals. I feel certain that, with the enthusiasm shown by the school committee at present, this project will get off the ground in the New Year and go like a rocket.

Mr Deputy Speaker, recently I received an inquiry from a constituent regarding camping in my electorate. At the outset, I would like to point up a difference between 2 sorts of squatters. We have heard a lot about fringe camps around towns and cities in the Northern Territory. Usually we relate to Aboriginal people living in fringe camps and we hear where the people have come from and the lack of amenities in fringe camps. We hear about requests to the Northern Territory and Commonwealth governments for certain facilities. It has been pointed out to me that the people who live in fringe camps make the decision to do so for whatever reason persuades them, but they ask for facilities no matter where they go: toilet and ablution facilities, shelters and demountables or other living areas, drainage, internal tracks or roads, electricity reticulation and, in some areas, fencing. Visits by social welfare personnel are sought and expected. Visits by health department personnel are asked for and expected. Those are just a few of the requirements and requests from fringe camps around towns and cities in the Northern Territory.

I shall mention another group of people camping in another area and you will see, Mr Deputy Speaker, that there seems to be a difference in the way

various groups are treated. I do not know whether it stems from skin colour or where people want to squat or camp. I am not trying to find excuses for where these other people are camping at all. I am merely stating the case and pointing out differences as they have been pointed out to me.

Mr Deputy Speaker, in Commonwealth Gazette No S116 of 29 June 1978 a notice was published relating to the acquisition, by the Commonwealth, of Mudginberri pastoral lease. This became Crown land at that time. At the moment, the area I am speaking of is waiting for the minister's signature to declare it, finally, part of stage 2 of Kakadu National Park. The area was given to the McMahon Construction Company under terms of permissive occupancy during the construction of a road. This occupancy was vested in the company while it was doing that work. In the event that anyone stayed after the road was finished, one could say that they squatted or camped there. These people, as I understand it, are European. They are not Aboriginals. I drove past the camp the other day but I did not stop. However, it appeared to me that the camp was reasonably well kept. The people were living in a demountable. I saw other gear there, a caravan and a windmill; the people have their own supply of electricity. All in all, it was tidy.

I understand that there is a land claim on that area, which was part of Mudginberri Station. I have not had time to check this out because I was only told about it this afternoon, but I understand that the Northern Land Council does not want these people to stay on the area. They have been given until 24 December to get off the land. They went to court to seek a stay of occupancy but I think the eviction notice, or whatever sort of notice is involved in a case like this, has been given to them and they have until 24 December to move. The difference was pointed out to me, Mr Deputy Speaker, that, on the one hand, fringe camps operate in many towns and cities in the Northern Territory and, on the other hand, there is one area to my knowledge where Europeans want to continue squatting, so to speak. The Aborigines, through the Northern Land Council - and I repeat that I have not had time to check this - do not want these people to stay there.

I would like to see a little give and take in this sort of situation, and I conclude by saying: 'Fair go mate'.

Mr BELL (MacDonnell): Mr Deputy Speaker, I can never quite work out whether it is the well-modulated tones of the honourable member for Tiwi or the intrinsic fascination of the material she tends to present in adjournment debates that makes listening to her so compelling. If ever she runs out of material, I can only recommend that she add to her list such subject as what she saw on her drive into the Assembly or, perhaps, what she had for lunch. That was terrific.

Yesterday, I asked a question of the Chief Minister in relation to the employment of Aboriginal people within my electorate at Ayers Rock, or Uluru. I implied that the employment of Aboriginal people at Ayers Rock, in terms of numbers, was considerably less than at Kakadu. That is a matter of concern. The Chief Minister, and I thank him for it, expressed interest in it and said that, in fact, it was the government's policy that Aboriginal people should be employed within the public service wherever possible. He mentioned that he had directed the attention of the Conservation Commission to that particular government policy. I thank him for that information.

This has come to my attention as a result of a recent visit I made to Kakadu National Park. I was very interested to see the management arrangements

there and the people involved in them and to compare it to the Ayers Rock-Mount Olga, or Uluru, National Park, in my own electorate. I feel that Ayers Rock fills a pretty important place in the mythology of all Australians. I doubt that many members here would disagree with me on that. I think there may even have been legal action over the use of a representation of Ayers Rock as a symbol of strength, or something like that. I cannot remember the details of it but I think that particular fight is perhaps an indication of how important Ayers Rock is to Australian people. If it is important to Australian people generally, it is even more important to the Aboriginal people who live and have connections in the area. I am very well acquainted with their aspirations and interests there. In the light of the lengthy debate that developed on this subject yesterday, I will not expatiate. I want to concentrate tonight on a matter that has been brought to my attention on a number of occasions by people at Ayers Rock, as well as other sections of my electorate, and that is the interest they have in obtaining employment particularly for the younger people in those communities.

But before I turn to that subject, Mr Deputy Speaker, I would like to note the management arrangements that apply at Ayers Rock and contrast them with those at Kakadu. At Ayers Rock, of course, management is carried out much more directly by the Conservation Commission than at Kakadu where the day-to-day management is carried out by the Australian National Parks and Wildlife Service. Particularly in relation to the management of Ayers Rock, there has been conflict in attitudes between the Conservation Commission of the Northern Territory and the Australian National Parks and Wildlife Service. The report of the House of Representatives Standing Committee on Conservation and the Environment puts this quite clearly, Mr Deputy Speaker. At one point it says:

> *While the Director of ANPWS considered that this was, in fact, the situation, the Chairman of the Northern Territory Conservation Commission did not feel there had been full delegation of management responsibility. He claimed that it was necessary to obtain approval from Canberra to undertake even minor works. The director argued that the only requirement was that a quarterly acquittal of expenditure under broad headings be provided.*

Quite clearly, Mr Deputy Speaker, there have been differences of opinion in that particular area.

I do not intend today to explore the rights and wrongs of the competing interests, as it were, of the Conservation Commission and ANPWS, but I would like to note that, to my mind, the Conservation Commission of the Northern Territory would enhance its reputation if its record in the area of Aboriginal employment, particularly at Ayers Rock, was comparable with that of the Australian National Parks and Wildlife Service at Kakadu.

The ANPWS runs a training course at Kakadu. It has been running it for 2 years now. I understand it will conduct a course again next year which will be the third 1-year training course. Nine graduate trainees, Aboriginal people, are now working as rangers in the park, apparently very competently. In addition, there are 2 cultural advisers, older men, who give assistance in interpretation in terms of the cultural significance of aspects of the park there.

I was fortunate enough while visiting there to see again the work being done at Obiri Rock in terms of explanation and preservation of the rock art. I was very impressed by it. This particular program has attracted interest all around Australia from many different groups, and also from the Northern Territory Industries Training Commission.

When we turn from what I see as a very progressive, positive approach at Kakadu, what is happening at Ayers Rock in this regard is certainly not in the same street. However, it should be pointed out that the Conservation Commission is moving in this direction and is to be applauded for that. I am a little concerned that it has taken so long for this initiative to be taken. I understand that a ranger-training officer position has been created at R3 level and that that position is likely to be filled in the very near future. Certainly, I wish both that officer, and whoever else in the Conservation Commission may be involved, every success and I hope that this leads to increased employment among my constituents at Ayers Rock.

In addition to that initiative, Mr Deputy Speaker, I understand an Aboriginal man is employed under the National Employment Strategy for Aborigines as a trainee ranger. Unfortunately, I also understand that there is no guarantee that his employment will continue far into next year. One other man is also employed by the Conservation Commission in the utility section on maintenance work.

Mr Deputy Speaker, there are many positive aspects to the Conservation Commission's work at Ayers Rock. I would not want my comments misconstrued or considered as a general criticism. They apply only to this particular area of employment of Aboriginal people in the work of the Conservation Commission. At the personal level, I know that the relationships at Ayers Rock are always positive and cooperative. Mr Derek Roff, who has been at Ayers Rock for many years, enjoys a very warm regard amongst the people there. Of course, that means that, for tourists and anybody who visits, Ayers Rock is a very pleasant place to be. I think the Conservation Commission's work in areas of park interpretation, in terms of explanation to visitors of the most interesting aspects of flora and fauna and the geological aspects of Ayers Rock and its surrounds, is excellent. One area to which I believe the Conservation Commission could give a bit more thought is the cultural interpretation of Ayers Rock. It does some work in this regard. I have had experience myself in terms of talking to Aboriginal people, collecting songs and mythological material. Some things are miit miilpa, sacred - what people want to keep separate to some extent - but I am sure people would be happy to share much of the culture with visitors. That is an area that may be of value for sections of the Conservation Commission to take into consideration.

Finally, Mr Deputy Speaker, I thank the Chief Minister for giving such a favourable response to the possibility of employment of Aboriginal people at Ayers Rock and look forward to hearing results of the submission he said would go to Cabinet before Christmas.

I would like to thank members of the Legislative Assembly staff for their forebearance this year and I offer them good wishes for the coming Christmas season.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I would like to make a short contribution to this debate. At the start, I offer the usual seasons greetings to all members of the Assembly staff and thank them for putting up with me during the course of the year.

I thought that I should make a couple of points on assertions made by the honourable members for Nightcliff and Fannie Bay in the Assembly in respect of the Darwin Women's Centre. One assertion by the honourable member for Fannie Bay was that there had been no consultation. I think the honourable member for Nightcliff commented that the Salvation Army was an unsuitable organisation to be considered eligible to conduct or run a women's centre.

On the point of consultation, Mr Deputy Speaker, you would know that, earlier this year, I appointed a person to my staff as an adviser in respect of women's affairs and equal opportunity. She commenced a round of meetings with community organisations, particularly those catering for the needs of women. On 29 July this year, Mrs Lyn Ryan met with a Ms Anne Rebgetz and a Ms Julie Ellis who were, I understand, representatives of the Darwin Women's Centre. She had been meeting with many other organisations, of course. After some discussion with those ladies, they decided, on behalf of the centre, to forward a submission for consideration by government to revitalise the centre. Apparently those were their words. A submission was received dated 19 August and a further meeting was held on Tuesday 28 September to discuss it. At that time, Julie Ellis and Robyn Murphy attended. In respect of the submission, I am told that evidence of need and usage was not supported in any way by current figures. Claims that 'the Darwin Women's Centre also provides government officers and politicians with real grassroots contact with a wide range of women of different backgrounds in the community' could not be verified. Statistics supplied with the submission related to 1979-80. Lyn Ryan requested current figures to support the submission and was assured that these would be extracted from the log book and forwarded to her. Further to that request for up-to-date information and figures on 28 September, Mrs Ryan requested the information again at a meeting with some other representatives - Annie Zon, Robyn Murphy, Gail Warman and Robyn Lesley on Friday 5 November. She was told by Robyn Murphy that the figures were still being extracted. To date, the figures have not been received.

A copy of the minutes of the annual general meeting of the Darwin Women's Centre, held on 21 September 1981, was enclosed with the submission. The Treasurer's report was not included, however, but comments in Business Arising from the Treasurer's Report - which is a strange item as there was no Treasurer's report but nonetheless that is what I am told it was - read as follows:

> *Explanation was given as to the small amounts of expenditure, for example, electricity. The reason for this was that several accounts were paid by cash and, therefore, were not recorded through the books. The amounts involved were donations of cash, also not recorded through the books.*

It sounds like a good financial system, not recording donations and making payments by cash.

Mr Speaker, to suggest that the government has not met with the collective and asked for statistics, is completely incorrect. Approaches have been made but, to date, with no satisfactory response. Therefore, since the government is concerned to see that there is satisfactory utilisation of the limited resources available, negotiations have commenced with the Salvation Army. Ways are being considered at all times by the government to coordinate delivery of services and assistance in all areas to the best advantage. The honourable member for Nightcliff said:

> *The Salvation Army plays a particular role in tendering welfare services to the community of this Territory but it is not a role which it could offer with the same adequacy as the women's collective. Women in crisis show a demonstrable reluctance to open up and express their problems to a male-oriented and religion-backed society, no matter how benevolent that society may be.*

That is ridiculous. Mr Deputy Speaker, in the words of Anne Gregory, 'Management of women's centres in Australia, and throughout the world, has

changed from collective management to appointed or elected management committees often including male members'. Anne Gregory is coordinator of a women's shelter in Adelaide, and recently travelled the world on a Churchill scholarship to study domestic violence, women and children in crisis, and management of womens' centres. She also said: 'Electives cannot successfully manage a women's refuge. In South Australia only one shelter is run by an elective. All other shelters, including Bramwell House' - the Salvation Army one in South Australia - 'are run by management committees open to male and female representation'.

Just before I sit down, Mr Deputy Speaker, I would thank the honourable member for MacDonnell for his complimentary remarks about the Conservation Commission and its management of the Uluru National Park. I point out that, although not too many Aboriginals are employed at that particular park, the Conservation Commission has numerous Aboriginal people in its employ elsewhere. For instance, I think on Melville Island alone something like 35 or so Aboriginal people are employed. In any event, it employs Aboriginal people throughout the Territory. There are 35 or so in one spot alone, which I think dwarfs what has been offered in terms of employment by the ANPWS at Kakadu. It is not that I am attempting to disparage that at all. It is my government's policy to encourage as much Aboriginal employment as possible. However, I do not think it is very apt to compare the two.

I would like to mention that, in my electorate of Jingili, 2 of the primary schools have now attained their 10th anniversary of opening. In a few days' time, Moil Primary School will celebrate the fact that, like Jingili Primary School, it will be 10 years old. Moil Primary School will be having quite a few celebrations including the opening of a fountain which has been built by the school parents and the children to commemorate the event.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, yesterday I was rereading a Hansard and, in the maiden speech of the honourable member for MacDonnell, I came across a reference to the Coniston massacre. I have heard references to it in this Assembly many times over the last 14 or 15 years. Yesterday was the first time I heard anyone with the guts to refute the allegation implicit in the charge that this generation is responsible for that massacre. The Chief Minister spoke very well about that yesterday.

One of the things that concerns me is this deliberate attempt to stir up what one might call racial hatred. Aboriginals have a lot to be sorry for in regard to their treatment by the white people of Australia but they have a lot to be thankful for too. We heard yesterday how 6 and 8-year-old girls were badly treated.

Mr B. Collins: I saw that, Mac.

Mr MacFARLANE: I have heard the honourable member for Nightcliff proclaiming about child brides but I did not hear you taking her side.

We heard about sharpened stakes being driven through the hands of Aboriginals and that 1938 was a pretty bad year for the Aboriginals around Coniston. Well, 1941 and 1942 were pretty bad years for Australia. On 7 and 8 December 1941, the Japs attacked Malaya and Pearl Harbour. On 23 January 1942, the Japs captured Rabaul. On 3 February, the first Jap air raid on Port Moresby took place. On 14 February, there was cessation of civil government in Papua. On 19 and 20 February, the Japs landed in Timor and bombed Darwin. On 28 February, the Japs invaded Java. On 8 March the Japs entered Rangoon, Lae and Salamana in New Guinea. On 8 March, the Seventh Division arrived back in Adelaide, had 7 days leave and were sent to New Guinea. On 5 April, Colombo

was attacked. I was there at the time. In April the 41st US Division arrived in Australia. On 5 and 8 May, there was the Battle of the Coral Sea. On 31 May, a midget submarine attacked Sydney Harbour. People who talk about the Adelaide River Stakes should remember that the Blue Mountain Cup had very many dead-heaters as the droves of people flocked out of Sydney. Everyone who had a car and petrol was over the mountains in very quick time. On 21 July, the Japs landed at Garaina in New Guinea and on 25 and 26 August, they landed at Milne Bay. On 17 September the Japs were halted on the Owen Stanley Range. The battle of El Alamein was on 24 October. On 2 November, Jakarta was re-captured. Really you could say that 1942 was quite a big year for Australia.

When I heard again on the ABC some self-proclaimed Aboriginal leader saying, 'You poisoned our flour. You poisoned our waterholes. You raped our women. You murdered our men', something inside me snapped and I said to myself, 'Yes, we saved you from the Japanese yoke'. That is what the honourable Leader of the Opposition raised some time ago. Everything we have done has not been bad. The honourable Leader of the Opposition can quote one case. There might be many more. I am not going to defend people who have committed crimes like driving stakes through people's hands. Certainly, I am not. If you read your history or if you know anything about the Japs, you will find that they did much worse things than that.

The defence of Australia was left to the troops outside Australia. There was the infamous Brisbane line. Everything north of that was sacrificed and left undefended. The 3 battles that saved Australia from the Japanese were the Battle of the Coral Sea, the Battle of Milne Bay and the Battle of Owen Stanley Range. This is what Field Marshall Sir William Slim, then Governor-General of Australia, said in Burma:

> *We were helped too by a very cheering piece of news that reached us and of which, as a morale raiser, I made great use. In August and September 1942, Australian troops had at Milne Bay in New Guinea inflicted on the Japanese their first undoubted defeat on land. If the Australians, in conditions very like ours had done it, so could we. Some of us may forget that, of all the allies, it was Australian soldiers who first broke the spell of the invincibility of the Japanese army. Those of us who were in Burma have cause to remember.*

When I spoke about saving people - and at the time I particularly meant Aboriginals - we saved not only them but Australia. We had troops in Ambon and Timor and Darwin had been bombed. New Guinea was on the brink of collapse. If the 3 battles that I have mentioned had not been successful, the whole of Australia would have been under the Japanese yoke. I doubt if there would be any land rights for Aboriginals or white Australians at this stage. The casualties were horrific. Some 85% of the 16th Brigade were lost through enemy action or sickness. That is a high percentage. Other brigades suffered as much.

Let us forget about the massacre at Coniston and think about how things would have been had not these 3 battles taken place. I think it is about time that we forgot about black and white and became Territorians and Australians because that is what people like me fought for. As I said before, I did not fight for a piebald country, a piebald state, a piebald Territory; I fought for Australia.

Mr B. COLLINS (Leader of the Opposition): Mr Deputy Speaker, I certainly did not intend to speak on the subject this afternoon, but I must make some

reference to a statement by the honourable member for Elsey - not that I disagree with all of it. I have responded to it before. I was not born until after the war but I want to say to the honourable Speaker - and I received a number of letters and put a press statement out to this effect - that a number of Australians were offended by that statement by the honourable member for Elsey when he made it before.

With great respect, I would point out to the honourable member again that Aboriginal Australians fought in that war too. Not only did they fight in that war, but some of them were highly decorated for the part they played. It is also a fact that some of those Aboriginal Australians had to wait 30 years to receive those decorations. I commend the honourable member for Tiwi for the efforts she made on behalf of some of those Aboriginal servicemen who served on submarines and as coastwatchers at Bathurst and Melville Islands in getting those long-belated awards. Also, many Aboriginal Australians who fought in the Second World War had to wait years to receive pay that was owed to them.

I want to say to the honourable member for Elsey that I think it is a dreadful inference that he places on that particular matter. It was not a bunch of white soldiers who went off to defend this country; it was everyone who was fit enough to go, and that included a number of Aboriginal Australians as well. There is plenty of evidence of it in the Canberra War Memorial if the honourable member for Elsey wants to have a look at it. Some of the Aboriginal Australians who fought in that war were highly decorated as a result. I think it is about time the honourable member for Elsey dropped that particular line because those servicemen, one of whom wrote to me, are getting a little tired of it.

Mr Deputy Speaker, it is a fact that the written word rarely conveys the actual meaning of what is said. Indeed, it is a fact that very often just the expression given to words verbally can completely reverse their written meaning. I made some reference to this a little while ago in respect of the alienation of some land under the Warumungu Land Claim. Indeed, I talked about judicial restraint. Since then, I have received a transcript from the hearing of the day before. I would like to read it into Hansard because I have some interest in these matters. It is from 3 November. Counsel representing the Northern Territory government was Mr Hiley:

> *Mr Hiley: Your Honour, just before we sign off could I indicate that I now have instructions from my client that certain areas of land have now been alienated. I think it is best that I make this known immediately. I am instructed that those parts of area A which comprise the north-south Barkly stock route have been alienated and that areas B, C, E, F, G, H, J and K have also been alienated.*
>
> *His Honour: Could you explain what you mean by that Mr Hiley? What do you mean, they have been alienated?*
>
> *Mr Hiley: As I understand it, there has been an alienation. I do not know whether it is in the form of freehold or lease at this stage but I will be seeking further information in favour of a body. Again, I am not terribly sure of its name but I think it is something like the Land Development Corporation which is a statutory corporation in which is vested title to various pieces of land in the Territory.*
>
> *His Honour: Which pieces of land are these once again, please?*
>
> *Mr Hiley: Perhaps I could hold up the map.*

His Honour: Do you know when it was alienated, Mr Hiley?

Mr Hiley: I understand it was over the last couple of days. As soon as I get further information, I will be providing everyone with it.

His Honour: We are most indebted to you, Mr Hiley. Thank you very much indeed. Doubtless the claimants will want to consider their position so if and when you are able to give some further concrete information as to the person or institution to which these lands have been granted, and the dates on which it occurred and how it occurred, I am sure they will be grateful and in due course you might let me know as well.

Mr Hiley: Certainly, Your Honour.

His Honour: It clearly changes the structure of the claim quite dramatically very much at the last moment.

Mr Hiley: Indeed, Your Honour.

His Honour: Thank you, Mr Hiley.

Then the court adjourned until the following day.

Mr Coldrey: I would seek more information in regard to the alienation of land, Your Honour, if Mr Hiley is able to give that.

His Honour: Yes, Mr Coldrey. Mr Hiley you made that statement yesterday and I think I asked if it was possible for you to provide further details of it. Are you able to do so?

Mr Hiley: Yes, Your Honour. I am instructed that the leases were executed by the minister last Friday, 29 October 1982, but they had not yet been executed by the lessee corporation.

His Honour: Thank you, Mr Hiley. Can you give me some idea of the nature of these leases? Are these leases under the Crown Lands Act or some other act?

Mr Hiley: I will seek instructions on that, Your Honour.

His Honour: Perhaps I could be offered an explanation as to why it is that, if these leases were executed on the Friday before the hearing commenced, I was not informed about them up till the conclusion of the third day of the hearing?

Mr Hiley: I will seek instructions on that, Your Honour.

His Honour: You are unable to give me any explanation at the moment, Mr Hiley?

Mr Hiley: That is correct, Your Honour.

His Honour: Thank you. Mr Coldrey, that is the information Mr Hiley furnishes.

Mr Deputy Speaker, it is very bland when you read it. If you give it expression, 'judicial restraint', I think, is a fair construction to put on it.

I am provoked to continue in this debate this afternoon by comments made earlier in the adjournment by the honourable member for Tiwi. Once again, the honourable member for Tiwi made completely unsubstantiated assertions about actions of the Northern Land Council in respect of Jabiru. Mr Deputy Speaker, I am prepared to place $5 on it now. I am perfectly happy to assume that the unsubstantiated assertions the honourable member made are probably as baseless as her previous performances in this Assembly and I would like to canvass two. One came up in question time during this sittings.

We all remember the honourable member's question to the Chief Minister. These little exchanges between the honourable member for Tiwi and the Chief Minister are almost as good as a Flo and Joh show. The member for Tiwi asked questions about certain signs the NLC was alleged to have erected around certain billabongs around Jabiru. In his answer, the Chief Minister made extraordinary accusations against the land council. He accused it of arrogance for putting up these signs. He used very extreme language. It was subsequently proven, of course, that these allegations were totally false and completely baseless. The signs did not exist. Despite that information being conceded by the government, no apology was ever offered to the NLC for those extreme statements.

Mr Deputy Speaker, we have had another example of that during this sittings. The honourable member again asked the Chief Minister a question on 18 November. The question was: 'Can he give me details of the building of a motel at Jabiru and under what conditions it will be open for business?' In the course of his reply the Chief Minister said: 'The Kakadu Park Plan of Management prohibits the development of any facility to accommodate visitors, even apparently business people and others with legitimate concerns in Jabiru'. I stress that. The Chief Minister went on to remark: 'Despite strong representations to the Australian government by the Territory government, there has been no relaxation of the Commonwealth stand'. The Chief Minister then advised us that, 'the Jabiru Town Development Authority is moving quickly to establish a hostel'. He called this, 'a ghastly waste of public funds when a small motel of, say, 20 or 30 units could be permitted to be built in the town'. The Chief Minister concluded by saying: 'Such is the intransigent nature of the Australian National Parks and Wildlife Service that no such thing will be contemplated'.

Mr Deputy Speaker, the facts are these. Perhaps we could ask for a public apology and get one this time. In the first place, the Everingham government made a detailed submission - and I did some work on it - when the Kakadu Park Plan of Management was formulated. In that submission, there is no comment whatsoever about the alleged inadequacy of the arrangements which the government entered into in respect of motels. The government had the appropriate opportunity to make that point and it did not do so.

My second point relates to the actual situation. As the Chief Minister said, his government has made representations to the Commonwealth government. I understand that he was advised in reply that the present policy stood. However, contrary to the impression the Chief Minister sought deliberately to give in this Assembly, with the help of the honourable member for Tiwi again, it is not correct to say that the establishment of a motel will not be contemplated or permitted by the Plan of Management. In fact, the Australian National Parks and Wildlife Service has said publicly that it has no objection to the construction of a motel for the purposes stated in section 31.2 of the Plan of Management and neither does the Northern Land Council. I have checked that out with that body today. It is, therefore, simply not true that relevant interests will not contemplate the establishment of a motel. Again, we find that the Chief Minister has either been given the wrong advice or he is simply making false statements. In either

case, he fails to serve this Assembly or the people of Jabiru. I will read from the Plan of Management: '31.2 The town plan will provide for a closed town for persons required in connection with mining operations. Overnight accommodation will be provided for visitors to the mining operations and guests of people living in the town'. I would refer honourable members back to the Chief Minister's answer. I can see that there is an area of disagreement over the use of motels for tourist accommodation at Jabiru. There is no doubt about that. But the Chief Minister was quite categorical in his statement: 'The Kakadu National Park Plan of Management prohibits the development of any facility to accommodate even visitors or, apparently, business people and others with legitimate concerns in Jabiru'.

The Chief Minister, the minister responsible for conservation, is wrong. Not only does the Plan of Management allow for it but it is a matter of record that both the Australian National Parks and Wildlife Service and the Northern Land Council have said on the record that they have no objection to the construction of a motel. In fact, I have sighted papers from the Northern Land Council that even suggest the size of the motel and, in fact, talk about a restaurant being established out there. The only dispute is on the question of the use of it for tourists. There is no question of a motel being allowed for visitors, business people, friends of the miners and so on.

The Chief Minister, with the help once again of the honourable member for Tiwi, has made statements in this Assembly attacking the Australian National Parks and Wildlife Service and, by inference, the Northern Land Council. We heard it again from the honourable member for Tiwi in the adjournment debate this afternoon. They are absolutely false! I refer the honourable member for Tiwi to the Plan of Management that she criticises. I would refer her specifically to 31.2. I suggest that, before she makes any more - and this is the third one tonight - unsubstantiated assertions, which of course get printed in the paper, against the Northern Land Council, she check the facts. The score so far is 2 our of 2 wrong. There has been no apology from either the honourable member for Tiwi or the Chief Minister. I confidently expect that, when I check on this matter tomorrow, it will be 3 out of 3. That is just not good enough.

Once more we are provided with evidence that the Chief Minister wants to promote a fight and a confrontation when there is no cause for one.

Mr DONDAS (Transport and Works): Mr Deputy Speaker, I rise to provide honourable members opposite with some information requested during the course of these sittings. The first matter is one the honourable member for Fannie Bay raised yesterday in relation to a bus service from Palmerston for the pensioners who are to move out there. A bus service already operates from the Howard Springs area into Darwin via Palmerston. The bus leaves at 7.10 in the morning from Palmerston but, prior to that, it departs from Humpty Doo at 6.40 am and Coolalinga at 6.55 am. It arrives in Darwin at 7.45 am. Yesterday, in answer to the honourable member's question, I was under the impression that the question was related to a direct service from Palmerston into Darwin. At that time, I indicated that there were no plans to implement such a service until a certain number of people were living in the area. Quite rightly, there is a bus service which operates from Humpty Doo Monday to Friday. In fact, there is even a Saturday service. I will ask the manager of the Darwin Bus Service to forward a copy of the bus schedules to those pensioners living at the new Chan Nursing Home.

On Tuesday 16 November I was asked if I could provide the Assembly with information relating to the issue of a certificate of compliance prior to the

occupation of the Jape building and breaches of the conditions of that certificate. At that time, I replied: 'My department does not issue the certificates of compliance. I think the honourable member is referring to whether the Fire Brigade approved the installation of the equipment which was in the Jape before it was occupied. I said at the last sittings that, whilst there had been irregularities relating to the equipment installed, that had since been cleared up and the Fire Brigade was satisfied with the fire equipment installed in that building'. At that time, I thought that particular explanation sufficient to appease the honourable member for Nhulunbuy, but it was not. He has come back again today and said: 'Please give me a bit more information regarding the certificate of compliance'.

I would like to reiterate to the honourable member for Nhulunbuy that certificates of compliance are issued by the Building Board. I understand that he is driving at a little more than that. He seems to think that there has been some kind of mismanagement, whether by the Fire Brigade or the Building Board, because recently there was a fire in the Jape Arcade. I have a minute from the Department of Transport and Works which I would like to go through because I want the honourable member for Nhulunbuy to be satisfied that the information provided to him is reliable. I would say that the information given to me by the secretary of my department certainly is. I will start from the beginning:

Background: September 1980, Building Board plans approved Darwin city hotel. January 1982, plans altered for use as office block shops. Northern Territory Fire Service was not made aware of this change. 12 January 1982, letter to Chairman of the Building Board advising fire doors not properly identified. 25 May 1982, letter to Secretary, Department of Lands, following full inspection of building 24 May 1982. 28 May 1982:(1) letter from Lands to Director of Fire Services stating fire doors do not comply with standards but that owners have undertaken to rectify; (2) rectification of other matters specified by Northern Territory Fire Services are not requirements of the Building Manual. 2 June 1982, letter to Lands advising that our fire safety officers will continue to inspect fire doors to ensure full compliance of relative Australian Standard 1905. 9 July 1982, Mr Tang, engineer from Singapore, where doors were purchased, stated: (1) all doors complied with all standards for fire resistance - this, however, is not a standard for construction and installation; (2) the Northern Territory Fire Service is yet to receive satisfactory evidence that all 26 doors used in the Jape Plaza comply with the current Australian Standard No 1905. 12 August 1982, letter to Tang advising that, as a result of further inspection, doors do not comply with the Australian Standard 1905.1. Reply received stating that ASA Standard 3008 and 834 were complied with but acknowledged they don't comply with the above Australian standard. 11 September 1982, final inspection by Northern Territory Fire Service completed report to Building Board 17 September 1982 reference FS6882. Australian standards still not complied with.

Fire report cause - apparent cause of fire was a lighted cigarette thrown into a plastic wastepaper bin setting fire to bin and wastepaper spreading to office chair and curtains causing noxious smoke. It is undesirable to use plastic bins in offices and attention is drawn to Fire Safety Circular No 37 from the Commonwealth Fire Board recommending a metal bin with space for air circulation beneath the bin. Summary of examination at fire - hose reel on 4th and 5th floors not charged. Booster pumps incorrectly connected. Fire

alarm system working satisfactorily, not connected to brigade headquarters at time of fire. (That is not mandatory.) NTEC have separate evacuation systems. Manual for own occupation - NTEC thought system would automatically operate building alarm system but found it was not yet connected to building alarm system. Air-conditioning turned off by manual operation in plant room on 5th floor by NTEC employees before the automatic operation cut in. Pressurisation of staircase systems operated satisfactorily on operation of alarm system. Workmen extinguished fire with hand extinguishers.

General observations: a subsequent inspection of the building on 30 September 1982 by the Northern Territory Fire Service found that it was safe for occupation; that is, means of escape were satisfactory, fire-fighting equipment was operational and accessible, fire detection systems were all operating satisfactorily, compartmentalisation and fire stopping of penetration were both satisfactory. On 1 October 1982, a further inspection was carried out by the Northern Territory Fire Service on the Jape Plaza building at the request of the Chairman of NTEC. The details of this inspection accord with the above. Two items do not meet fire safety standards that had been approved by the Building Board: Australian Standard 1905.1 in relation to fitting of fire doors mentioned earlier, and glass fitted in light well should be either wired glass or fire-rated glass.

In conclusion, it is the opinion of the Northern Territory Fire Service that the standard of the premises now complies with the current Fire Safety Standards except for the abovementioned 2 points, which are still being sorted out no doubt. Mr Deputy Speaker, my advice to the honourable member for Nhulunbuy is that that is the information I have. If he feels there is further information that would enlighten his investigation, I would request that he write to me and I will certainly obtain that information and pass it on to him.

A question was asked during the course of the week by the honourable member for Millner. It related to the through-fares for the regional airline. I said in reply that I was aware that an arrangement existed that people living in Tennant Creek and Katherine who were travelling on connecting flights with Ansett were able to take advantage of Airlines of Northern Australia with a through-fare. At that time I was not 100% sure whether it applied to TAA and I gave an indication to the effect that negotiations had been carried out with TAA but that there was no firm arrangement. I understand that, on 29 July 1982, ANA agreed that, where passengers are required to backtrack - and the example that the honourable member for Millner referred to was Tennant Creek-Alice Springs-Darwin - fares charged would be no higher than the existing direct fare for Ansett ANA connections. TAA have never been a party to the agreement. Therefore, backtracking involving an ANA-TAA connection would result in an add-on fare being charged. Connections are available for Tennant Creek and Katherine residents during the week but problems exist at the weekend. There are no connecting flights on Saturday from Alice Springs to Tennant Creek. On Sunday it connects to Adelaide. Ansett connects for Sydney vice TAA. For Katherine and Darwin, it connects with the Mt Isa-Brisbane-Sydney-Melbourne flight vice Ansett, and Sunday to remote locality commuter flights. For Katherine on Saturday it connects in Darwin on the Melbourne-Sydney-Brisbane-Mt Isa flight vice Ansett, and on the Adelaide-Alice Springs flight vice TAA.

Mr Deputy Speaker, I do not know what the honourable member for Millner was driving at but, as I tried to explain in answer to his question, Airlines of

Northern Australia had made arrangements with Ansett to provide those people travelling from the 2 centres with on-through fares. TAA is not party to the agreement. If he has some other information that indicates that that is not occurring, then I would be only too happy to take it on board and find out what is going on.

He asked another question early in the course of these sittings, Mr Deputy Speaker, which related to drainage arrangements at Wells Creek Road. I asked the department for a full briefing so that I can read it into Hansard to allow the honourable member for Millner to digest what is said because a TV segment alluded to the fact that there was a potential risk of danger. The segment focused attention on the risk to the stability of 2 power poles created by soil erosion in the table drains. One pole in Wells Creek Road itself would, in time, in the absence of any remedial work, be put at risk by erosion in the drain. Contrary to the member's observation, the pole is anchored in a concrete block. Discharge from the adjacent downstream culvert is not contributing to the erosion at the base of the pole. The department proposes to reduce the velocity of the water flow in the drain near this pole with a suitable structure. The drain will be straightened and deepened and the wall stabilised with concrete protection around the base of the pole. The remedial work will be undertaken within the next 2 weeks.

The other pole at the intersection of Wells Creek Road with Henning Road is not at risk. It is anchored in a concrete block inbedded well into stable lateritic rock. The adjacent - not opposite - culvert takes stormwater under the road and away from the side of the pole. Remedial measures are not required and none are proposed. Wells Creek Road, including drains, was constructed by a property developer, not the Department of Transport and Works. The easements over lots 2 and 31 were created in association with the subdivision of land and transferred to authorities at that time along with the road. The area immediately west of Wells Creek Road is a natural watercourse draining eventually into Wells Creek. It has an extensive catchment on the north eastern and western sectors. Wells Creek Road and Henning Road transect the western and northern catchment. The table drains and the culverts in the road take account of the natural waterflow.

Extension pipe drainage to Wells Creek Road could divert a small proportion of the flow away from some blocks along the northern section of the road. However, this diversion could only occur at the expense of discharging additional flows on the blocks further down the road. Clearly, this proposal would be resisted by owners of the latter blocks. The area served by Wells Creek Road is quite extensive. The terrain is relatively rugged with pronounced changes in gradients. Consequently, waterflows after heavy storms will be substantial. To overcome this problem would involve extensive engineering works within the total catchment area and would require a suitable injection of funds. I might add, Mr Deputy Speaker, that the department is of the view that such an undertaking is not really an economic proposition, at this stage, considering the existing land usage.

If the honourable member for Millner is able to provide me with any more information in relation to risk to those particular poles, I will certainly have it investigated.

One final thing, Mr Deputy Speaker. During the course of the week I was asked a question on the Ro-Ro and when it was likely to leave Singapore and come to Darwin. At that time I indicated to the honourable member for Millner that there were legal problems and that, during the course of the sittings, I would

provide the Assembly with further information. In fact, I gave an undertaking to provide that information within 24 hours. Well, the 24 hours have elapsed, Mr Deputy Speaker. I was asked a question again this morning and I advised the honourable member for Millner that a meeting was to be held at 11.30 am Darwin time and, until such time as I knew the result of that meeting, I was unable to provide any further information to the Assembly.

Mr Deputy Speaker, I will read into Hansard a telex received at 11.55 am today. It is to Max Hardy:

> *We have all parties and their lawyers assembled here for a meeting to finalise the deed. I will ring John Johnson as soon as the terms of the deed have been agreed so that he can clear any changes of importance with you. Regards, David Baker Allens, Singapore.*

Mr Deputy Speaker, at this very moment I have received another note indicating that Mr Hardy, who is the Chairman of the Port Authority, is on a 3-way telephone link in discussion with Sydney and Singapore, trying to find out at this stage whether the deeds of agreement have been accepted. Unfortunately, I am not in a position to give the Assembly any further information. I might add, Mr Deputy Speaker, that I am very concerned that the Northern Territory government has entered into a contract to construct a facility overseas. We understand that the marine contractor, who won the contract by tender, is one of the foremost authorities in these link-span constructions. He has built several in the European arena and has very good credentials. The stumbling block is that Land and Sea, the people who are building the facility, are having arguments with the main contractor. That is the reason why the Northern Territory Port Authority is involved, at the moment, in legal discussions to try to finalise these arrangements.

As I said earlier, the problem is that, unless the Ro-Ro leaves before November, the insurance company in London will not cover the voyage because of the cyclone season. It is imperative that the arrangements are finalised within the next 24 hours. As soon as I know one way or another, I will advise the honourable member.

Mr DEPUTY SPEAKER: Order, the honourable member's time has expired.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, we all know that the Chief Minister is a man of decision and action. We hope that the decisions he makes and the actions he takes are based on a variety of advice which he can evaluate. But this afternoon, in his adjournment debate speech, he replied to my speech of 16 November regarding the Darwin Women's Centre. It would appear from his statements that the advice he has received is not sufficient to enable him to make a full judgment on the issue I placed before him on the first day of this sittings.

Mr Deputy Speaker, the Chief Minister mentioned the question posed by the member for Fannie Bay this morning when she asked if he would meet with representatives of the collective of the Darwin Women's Centre prior to making any decision as to the centre's future. In his reply he did not indicate that he or any other government member would meet with them. He said that his adviser on women's affairs had been meeting with them and that was sufficient.

Mr Deputy Speaker, I do not for one minute call into question the fact that Lyn Ryan has been meeting with the women's collective and they are pleased that she has been with them for discussion. But they have asked her specific questions as to the government's intentions for the future of the centre and she

has been unable to advise them. She does not have the authority of an elected member of the government. Lyn Ryan is an adviser and not a politician. She has quite properly and wisely said that she cannot give any commitment. She undertook to take their concerns back to the Chief Minister and his Cabinet.

I cannot quarrel with that, but the Chief Minister seems to misunderstand the concern of many people in the community, men and women, that government at the highest level meet with the women's centre. This afternoon the Chief Minister said that he had been unable, through his women's adviser, to obtain statistics relating to the latter part of the operation of the women's centre. I find that strange because, on 16 November, I gave the statistics for the last 6 months of its operation to the Assembly. That is recorded in Hansard and I will not read them all out again. However, I received those statistics within 24 hours of asking for them. If I can attend at the centre and receive them, so can any other person. The unpaid coordinator of the centre said quite clearly that they were available to any person with a legitimate reason for asking for them. I cannot understand how a backbencher can obtain the figures yet the Chief Minister, with the entire government at his disposal, cannot achieve the same result.

The honourable Chief Minister said that recently the centre had been used as a residence only and had not been fulfilling the aims for which it was set up. Mr Deputy Speaker, that lacks logic. If the honourable Chief Minister cannot obtain statistics of the centre's activities how can he make that statement? He has not been there. He has not asked anybody. He stated unequivocally that he did not know because he had not received the figures yet. In the next breath, he stated that the centre had not been fulfilling a certain role. If he cannot get the figures, how can he make that assumption?

I gave details to him and honourable members on 16 November. I also said that the annual report of the collective was in my possession. If any honourable members wanted a copy, they had only to ask me or, better still, go to the collective and they would have been given a copy. It seems that, with all the Chief Minister's powers and his undoubted perspicacity, he does not yet have a copy of the report. It would appear also that he has not yet received the submission from the Women's Electoral Lobby on the future of the women's centre which was sent to him in August. I am very sorry about that. I now have 2 copies on my desk, one which I have had for months and another which was handed to me a few moments ago in case I did not have one. If I can get them, why can't the Chief Minister? He has only to ask. A copy was sent to him months ago.

Mr Deputy Speaker, it is significant that the Women's Electoral Lobby has not been afforded even the courtesy of an acknowledgement of receipt of that submission. The reason I repeat this is that I am asking those members of Cabinet present to advise the Chief Minister that it would appear there is a bottleneck somewhere in his organisation and the relevant information is not getting to him. I would ask them to put to the Chief Minister that he does not make any decision in this regard until he has received the submission, which is now 3½ months overdue, until he has had time to look at the statistics which I presented in this Assembly over a week ago, which he is apparently unable to find anywhere else, and until either he or another member of his Cabinet or, as I suggested last week, the honourable Minister for Health, takes up the invitation to visit the centre at any time and find out just what services it is offering.

The honourable Chief Minister also spoke of the range of services which apparently were not being offered although he had not been there to find out.

I think it is worth while for me to outline to honourable members the aims of the women's centre which it has been trying to fulfil on an entirely voluntary basis. As I said last week, that is almost an impossibility. We all lead busy lives and have other jobs. We have to feed and clothe our dependants and ourselves. To have worked in an entirely voluntary capacity for the last 18 months is really asking too much of life and limb.

The aims of the women's centre are to provide drop-in facilities for women in Darwin to meet, talk, share experiences etc in an endeavour to break down the isolation of living here and to provide or attempt to provide information and referral contacts to women with regard to problems affecting women. The centre also provides crisis counselling in circumstances of rape, domestic violence, child abuse, health issues, emergency accommodation, child care, financial advice, legal advice and associated women's issues. Resources are available to women for their use: a library, resource centre, children's play facilities, typewriters and an atmosphere where a woman, no matter what the crises she is facing, can be made to feel welcome. The centre, as of August and September 1982, was being used by such groups as the Women's Electoral Lobby, the Women Against Rape and the Women Writers Group.

Mr Deputy Speaker, it appears that the centre is still being used. In fact, I stated last week the number of women who had used it over that given period even though it is being run on a voluntary basis only. The figures are quite significant. In fact, in the WEL submission, we find that, during the 5 years when the collective was funded, over 7000 women used its services. Some multiple attendances would be included in that, no doubt. Since that time, although the funding has stopped, women are still using the centre for a variety of reasons. I outlined the statistics relating to that on 16 November and I ask honourable ministers, in particular, to read the debate of 16 November rather than my having to repeat it here.

Having said all that, if it is too much to ask of honourable members opposite to bring these concerns to the attention of the Chief Minister, who has left the Chamber, I have the information here and, on the rising of the Assembly, I will photocopy it and give it to the Minister for Health and the Minister for Community Development so they cannot possibly say it has not been provided. I suggest that the honourable Chief Minister and his advisers look to their lines of communication because there is most certainly a bottleneck somewhere. Backbenchers of the opposition and other interested people have free access to this information. I hardly think it can be the fault of the collective.

Mr Deputy Speaker, I wish to raise one other issue before I sit down as this is the last sitting day of 1982. Members of the public are not generally aware of the procedures of the Assembly and, therefore, at times approach honourable members to present petitions or to make statements when the time has elapsed for the full formal procedures to be followed. In that context, may I advise the Assembly that I received a letter this afternoon which contained a petition which I was asked to present to the Assembly. It is quite clearly impossible for me to do that at one hour's notice with the Clerk's vetting and signature needed prior to any sitting day. There are no more sitting days this year.

All I can do, without breaching Standing Orders, is to advise the Assembly that, on the first sitting day of the next sittings, if this petition receives the Clerk's signature in accordance with Standing Orders, I will present it. At the moment, it has 300 signatories, collected in only 4 days. It relates to the retention of Admiralty House on site and its inclusion on the National Heritage List. I am sorry that it is impossible for me to present it today in

the normal manner. It will most certainly be presented on the first sitting day of the next sittings and no doubt, by that time, there will be many more signatories.

Finally, Sir, may I extend my best wishes to the Clerk and staff of this Assembly for the festive season and, in particular, to Hansard. Mr Deputy Speaker, Hansard staff must work, above all other staff, long and arduous hours. The honourable Treasurer was moved to say at the last sittings that he wished the proceedings of this Assembly could be broadcast.

Mr Perron: Ah, ah. Read Hansard again.

Mrs LAWRIE: Well, Mr Deputy Speaker, if that is not what he said, I would like to say that I would like the proceedings to be broadcast so the public at large could see that the Hansard which they receive bears little resemblance to the vapourings of honourable members. Hansard is well written. The speeches are presented in correct syntax and grammar. I think half the members here think they are 2 horses in a race, and all that has been attended to by members of Hansard. The use of collective nouns and plural verbs by honourable ministers opposite when delivering their speeches afford me much innocent merriment. The strange speeches we sometimes hear go to Hansard and reappear magically in beautiful English. Mr Deputy Speaker, to the Hansard staff above all, I wish a very merry Christmas.

Mr TUXWORTH (Health): Mr Speaker, I regret that I do not deliver my speeches with the eloquence that the honourable member for Nightcliff would appreciate. However, I would like to touch on one matter this evening relating to a series of events at Papunya. Since Papunya is in his electorate, I anticipated that the honourable member for MacDonnell might raise the matter during the week but it seems to have been of little interest to him. Therefore, I thought I would present to honourable members a series of correspondence relating to the background of the present situation at Papunya.

My first letter, Mr Deputy Speaker, is from the Lyappa Medical Service, Papunya via Alice Springs:

To the Director of the Victoria Aboriginal Health Service, 136 Gertrude Street, Fitzroy.

Dear Sir/Madam, I am writing this letter on behalf of the Lyappa Congress and Lyappa Medical Service. We urgently require your skills in order for us to wage a successful political campaign against the Northern Territory Health Department and the assistance of Gary Foley for a period of 2 to 3 weeks. Unfortunately, the cost of airfares for such political assistance would not be approved by the Department of Aboriginal Affairs, as you would be well aware. If Gary could come on NAIHO expenses and if it was agreeable with all the medical staff here in Papunya, the medical staff could donate a portion of their salaries for his time and expenses incurred here.

I guess many of you folk would have read press releases etc about Papunya Health Service. Many criticisms have been directed towards the standard of hygiene in the clinic. I feel sure that Gary will form his own opinion about this. We feel that developing health worker skills and knowledge towards self-control and determining delivery of health care to their own people is far more important

than trying to be a black man in a white mask. Mind you, not that we do not care about cleanliness. We try our utmost to care for and maintain the building and we are aware that we are working with traditional Aboriginal people who have their own priorities of hygiene standards. Our health workers are tremendous in that they have adapted to certain standards of hygiene and health care.

DAA has also played a major role in obstructing the progress of Lyappa Medical Service in regard to their disapproval of the LMS budgets; for example, the disapproval of health workers attending NAIHO conferences, disapproval of 2 doctors. This has been a bone of contention between the council, DAA and LMS. We had a full political campaign against the DAA in 1981-82 because of the low level of funding and motor vehicle policy. These are only some of the aspects of DAA obstructing LMS. There have been statements in the press made by the Northern Territory Health Department which are derogatory and may even be libellous. In particular, I refer to the incident of the measles epidemic. There have also been criticisms of the high morbidity rate and the evacuation rate. We have a high incidence of pneumonia, gastroenteritis, malnutrition and I think this occurs in all Aboriginal communities. We hope a political campaign will force Tuxworth (Minister for NT Health) to disclose information of morbidity and malnutrition in the Northern Territory. This evidence is vital to help Aboriginal people. Whether they belong to AMS or a state health service, long-term damage is occurring to a high percentage of the Aboriginal children in the Northern Territory.

To include all the details would result in a long-winded letter. We would like to inform Gary of more details and evidence of these obstructions to and criticisms towards the Lyappa Medical Service in person. We hope you would cooperate in helping us form a political campaign against those who are purposely obstructing the Lyappa Medical Service.

Thanking you. Yours sincerely, Elizabeth Young. Sister (Papunya).

The next item, Mr Deputy Speaker, is a press release of 5 November 1982. The name on the bottom is that of the initiator of the press release: Naomi Mayers, General Secretary, National Aboriginal and Islander Health Organisation, telephone 062 835190:

Government blindness, neglect and obstructionism have led to Papunya and other central Australian Aboriginal communities facing crisis after crisis of disaster proportions. Chronically occurring acute illnesses with grossly underfunded Aboriginal community-controlled health services, struggling to provide for the crying daily necessities of primary health care, are the picture. The communities and their services at Papunya (Lyappa Congress) Kintore, Utopia (Urapuntja), Alice Springs (Central Australian Aboriginal Congress), Pitjantjatjara (Pitjantjatjara Homelands) have continuously pleaded with the federal government to provide sufficient funding to meet the needs for both clinical and preventative health programs which they have both the expertise and personnel to introduce and follow up.

The Northern Territory government is seeking to undermine these community initiatives and has threatened to add to the crises by

withdrawing the aerial evacuation service and other facilities to Aboriginal community-controlled health areas.

In addition, the Northern Territory Minister for Health and health officials have sought to confuse matters by misquoting figures with respect to alleged illnesses, their source and numbers.

The current disaster situation is fuelled by the collusion of the Commonwealth Department of Aboriginal Affairs, the Commonwealth Department of Health and the Northern Territory government. These upper level government obstructions are mirrored by DAA action on a regional level.

I think it is fascinating that the rest of the world can be on the wrong horse, but they are all right. I would like to present for consideration to honourable members a document I received from Dr D. Devanesen, the now Assistant Director, Rural, Alice Springs and Barkly regions. It is an internal paper but I will be happy to make it available for the benefit of honourable members. It is a report relating to the events, in chronological order, leading to the establishment of an interim health service by the Northern Territory Department of Health:

On the 17 November at 4.30 pm I received a phone call from Mr Gordon Campbell, President of Papunya Council, and Mrs Alison Anderson, Vice-President of the Papunya Council. They informed me that the Lyappa Medical Staff had walked off the job following an incident at their council meeting. They invited the Department of Health to run the health service for them. I asked them whether they would prefer staff from CAAC who usually provided relief. They replied that they definitely did not wish to involve the CAAC. I then assured them that we would help them and would cover all medical emergencies pending further discussions.

Later that evening I contacted Dr Keith Fleming, Dr John Hargraves and Dr Kerry Kirke. They all agreed that it was important to support the Papunya Council's request. Dr Fleming said that I could make any type of decision that was necessary and this was later ratified by the minister.

On 19 November, in the morning, I informed the Papunya Council that I would visit Papunya to assess the situation.

I arrived at Papunya at 10.45 with Mr Andy Barr, regional pharmacist, and Sister Diane Brookes, AMS Sister.

On arrival at the council office, we were met by the council President, Mr Gordon Campbell, and the vice-president, Mrs Alison Anderson. They introduced us to the rest of the council. The atmosphere was electric. A large community meeting was in progress outside the council office.

The council then gave us the following information. They had sacked the medical officers, the administrator and the nursing sister and had asked them to leave the settlement within 24 hours. They had asked the medical staff to leave the community meeting, but they had refused to do so. The council had requested the Papunya police to shift them.

The administrator had sworn at the president of the council during a council meeting. Though this action precipitated the current events, it was only the last straw in a series of unhappy events. The council was fed up with the style of Lyappa Medical Service and the constant political battles and the attitude of the staff. The people, they said, wanted to live quietly without running around all the time fighting other people's battles. They wanted the Health Department to run the service for them along the lines of its service at Yuendumu. They wanted this to take place immediately.

The council said that their decision did not affect Kintore. The Kintore community would have to make its own decision.

The council decision included all outstations of Papunya. The council would continue to employ all the Aboriginal health workers and the Aboriginal director of the service for as long as was necessary.

The council said that it would prevent any attempts by the staff of the CAAC from being involved. They would not issue them with permits to visit Papunya.

I then suggested that the Department of Health run an interim health service at Papunya to allow time for further discussions with the community and the Department of Aboriginal Affairs before any decisions for a complete return of the Department of Health to Papunya.

The council president then invited me to address the community. I made it clear that we had not taken over but we were running an interim health service to allow for further discussions as necessary. While I was talking to the community, the keys to the health centre were handed over to me. The community was asked by the president if they were satisfied with the arrangements and no one objected. I also spoke to several senior men including the all-knowing Nosepeg Jupumula who told me that the community was fed up with the Lyappa Medical Service.

On returning to the council office, we discussed staffing of the health service. I said that suitable accommodation would have to be available before we could send any resident staff but council said that they would provide a house as soon as the doctors moved out.

Mr Andy Barr, Sister Brookes and myself then went to the health centre. The health workers had turned up for work and had started seeing patients. Two health workers who had stopped work earlier because they had problems with the Lyappa staff had also returned to work. Doctor Sleigh kindly showed us around the clinic and left. We soon had a busy clinic. Health workers were wonderful and cooperated in every way. We were quite impressed with the skills of the health workers on the occasion. The Director, Mr Bullen, too was actively involved in making sure the service continued and we soon discovered that we were a bit short on drugs. Mr Barr was very concerned as he had only recently consigned $10 000 worth of drugs to Papunya. Mr Bullen later turned up with a 4-wheel-drive vehicle with the drugs in the rear. They had not been taken out of the vehicle for 2 weeks.

While Mr Barr checked on the medical supplies, I explained to the health workers that they would be in charge of the health centre until we sent out resident staff. Their only concern was the dangerous drugs. We handed the keys of the dangerous drugs cupboard to Mrs Stollzinow, the local pastor's wife, who was a trained nurse and was employed by the department and the Lyappa Medical Service in the past. We left Mr Andrew Bullen in charge of the 4 health vehicles.

Several members of the community visited the health centre during the afternoon and we are pleased with the level of support shown by the community for the department. When we left Papunya, the health workers accompanied us to the airstrip and 2 of them indicated that they would sleep in the health centre that night and be on call.

Mr Deputy Speaker, the latest advice that I have received is that there will be a community meeting on 10 December. The community has asked the Department of Health to provide an interim service until then and the department will stand ready to respond to any decision or request that the community may make.

In the few moments that I have left, I would just like to make the point for honourable members that I have been critical of Papunya in the past. My criticism is from a documented extract that is taken from the department's files. It has been made available to the Ministers for Aboriginal Affairs and Health in Canberra. That information is confidential in one sense but I would be happy to make it available on a confidential basis to any member of this Assembly, provided he or she maintains that confidentiality.

I would also make the point at this stage that the department will only be going back to Papunya if that is the wish of the Papunya people. It would only be on the basis that we go back there to dispense health services. We have not the slightest interest in politics nor the political machinations that occur from time to time.

In view of the events surrounding the walk-off from Papunya the other day - it was actually going on while the honourable member for MacDonnell was speaking - I thought it would be helpful for honourable members to have that background information.

Mr SMITH (Millner): It appears quite possible that the Ro-Ro is accursed and we may never see it here. The first accident happened to it shortly after the honourable minister launched it; it got stuck in the mud in Singapore. Now we have this strange situation where, for some legal reason which is not terribly clear to me even after the honourable minister's explanation, we may not see the Ro-Ro until next year. It is indeed unfortunate. It also points out a wider problem which I do not want to make too much of at this stage. There are sometimes disadvantages in placing orders overseas. I hope that, next time a similar need occurs, the government considers that possibility.

The second point that the honourable Minister for Transport and Works made that I wish to refer to is his comment on the back-tracking air fares for Katherine and Tennant Creek on Saturdays. I realise that there is a problem. But the problem, again, is of the minister's own making. It goes back to a situation in February when discussions on reducing the 7-day-a-week service down to a 5-day-a-week jet service plus commuter services on the weekends were running

hot. The minister at that stage telexed both the Tennant Creek council and the Katherine council and said that he had agreed to a new proposal from Airlines of Northern Australia if 4 conditions were met. One of those conditions was that, on the Saturday, when people would be forced to back track, they would pay no more than for a direct airfare. The honourable minister has indicated today that that is only half true. When they back track, if they connect with an Ansett flight, they only pay the normal fares. If they connect with the TAA flight, they pay the 2-sector fare - the Katherine-Darwin sector fare and the Darwin-Adelaide sector, or wherever they are going.

Unfortunately, on Saturdays, as with most other days, there is no choice of airlines for our travels south. On Saturdays, people from Katherine who want to go to Adelaide, are forced to travel TAA. At present, they are forced to pay the 2-sector air fares.

If the honourable minister had done his job properly in February, he would have realised this because the situation has been constant for the last 4 or 5 years. He would have checked out with TAA whether it was prepared to enter into such an agreement and then he would have telexed the councils with accurate information. Instead, we have a situation where the minister, once again, has been unable to meet a condition that he has placed on the airline industry. Once again he has broken faith with the people of Katherine and Tennant Creek. I think it is most unfortunate and I am sure the people of Katherine and Tennant Creek will add it to their list of broken promises on the question of airline services to those centres.

Mr Deputy Speaker, on a more positive note, I would like to join with you, Sir, and congratulate the federal government on finally coming to an agreement to commit sufficient money to build the Darwin airport by 1986. I think we all acknowledge that it is well overdue. In these straitened economic times, we recognise that it will give a considerable boost to the economy.

I share the concern of the honourable member for Alice Springs that the federal government has been unable to find money to upgrade the Alice Springs airport because, in my view, the need is equally great there. The only consolation I can offer to the honourable member for Alice Springs is that the Hayden Labor government, when elected, will give a much higher priority to it than the Fraser government has done. It would probably not be going too far to say that he could expect a brand new airport within 3 or 4 years of a Hayden government being elected. We would be happy to invite him to the opening.

However, there are a couple of questions that need to be addressed on the question of the Darwin airport at this stage. One of them is the legitimate concern of residents in the area. I think they have 2 causes of concern with the relocation of the terminal on the northern side. One is noise and the other traffic patterns. Probably that of traffic patterns is the more important. People who live along Sabine Road, MacMillans Road and Rapid Creek Road are concerned that the increased flow of traffic will have a considerable impact on lifestyles and property values.

I have spoken to various planners in the Department of Transport and Works and I think that they have approached the matter sensibly so that these effects will be minimised. But there is a need for regular and early discussions between the airport planners and residents in the area so that the planners get a chance to put across their views and the residents can express their concerns. If such meetings are commenced as soon as possible and continued on a regular basis, much of the concern of the residents in the area will be allayed. I will take it upon

myself to approach the planners early in the New Year to organise a meeting between them and the residents in the area so that this dialogue can commence.

Another major point concerns the number of jobs that will be created. The honourable Minister for Transport and Works, in his press release on the subject, said: 'Construction will provide work for more than 400 Territorians'. I do not dispute that there will be 400 jobs there but, on past indications, those jobs may not go to Territorians. We are all aware of what has occurred with the construction of Yulara. Most of the workers have been flown in from Perth and are here very much on a short-term basis. As I understand it, most of them even take their holidays in Perth and could in no way be regarded as Territory residents. Architectural planning work for the Darwin airport has gone to a southern firm. I think it is most important at this stage that there be a unified attempt by all people in this Assembly to ensure that as much of the work as possible on the Darwin airport project goes to Territory firms and Territory workers.

In the next couple of days I intend to write to the federal Minister for Aviation and seek assurance from him that he will follow this course. I invite members of the government, particularly the honourable Minister for Transport and Works, to join me in this common cause to ensure that as much of the work as possible goes to Territorians. In view of the present economic downturn we should make sure that the economy in the Northern Territory benefits as much as possible from this major project.

Mr Deputy Speaker, at the last sittings of this Assembly the honourable Minister for Transport and Works tabled financial statements for the Government Printing Office for the year ending 30 June 1980. As you will recall, Sir, grave problems were exposed in the operation of the printing office in that document. I said at the time that, unfortunately, this was not an isolated incident. It reflected the way in which this government sees the Assembly and the contempt it expresses on too many occasions for its operation. With the tabling of the Government Printing Office financial report for the 1980-81 financial year, we have yet another example of what can only be described as a scandalous state of affairs.

After the major problems in the operation of the Government Printing Office exposed in the financial statement for the year ending 30 June 1980, a similar situation was revealed in the financial statement for the printing office for the year ending 30 June 1981. Let me quote from a letter to the honourable Minister for Transport and Works from the Auditor-General in relation to operations in the year ending 30 June 1981:

> *The statement of accounts, which comprised a balance sheet and a profit and loss statement, are substantially in the form approved by the Treasurer. The statement was submitted to my office on 3 March 1982. After action to remedy certain shortcomings, the revised statement, in final form, was submitted on 29 October 1982. Section 30 of the act requires that financial statements be prepared within 6 months immediately following the end of the financial year or such other period as determined by the Treasurer. The financial statements were not prepared in final form by 31 December 1981 and an extended date of 31 October 1982 was determined by the Treasurer.*

Mr Deputy Speaker, it is now 25 November and the report has finally been tabled. It is nearly a year overdue. It reveals that there is a weakness in the act. I am sure that section 30, which gives the Treasurer the discretion to extend the period of time for the preparation of final reports, was not meant

to allow for an extension of 10 months. Yet, the Treasurer has consistently used the power that he has to give unwarranted and extremely long extensions of time to enable the Government Printing Office and the Darwin Omnibus Service to prepare their accounts. In my view, Mr Deputy Speaker, the Treasurer has misused the power that he has under this act. I serve notice on the government that we will examine this clause very closely and may come up with an amendment to it in the next sittings.

I ask the Treasurer to inform the Assembly of the date on which he granted an extension of time to allow the Government Printing Office to conform with the provisions of the Financial Administration and Audit Act. In the reply of the honourable Minister for Transport and Works on this matter in the last sittings, no mention was made of the fact that the Treasurer had granted an extension. In my view, it is quite possible that the Treasurer granted an extension of time retrospectively. Not only has that situation occurred for 2 years in a row but, for the second year in a row, the Auditor-General had this to say of the reports of the Government Printing Office:

> *In view of my above comments, I further report that, in my opinion, the statements are not based on proper accounts and records. Having regard to the material uncertainties referred to in the foregoing qualifications, I am unable to express an opinion on whether the accompanying financial statements have been drawn up so as to present a true and fair view of the transactions for the year ended 30 June 1981 and of the financial position of the Government Printing Office at that date.*

Mr Deputy Speaker, for 3 years we have not had a report on the operations of the Government Printing Office that the Auditor-General can agree is an accurate representation of what has happened. You will remember that, for the first year, no accounts were prepared at all. In the next 2 years the accounts were so confused that the Auditor-General was not able to come to an opinion. The honourable minister told the Assembly at the last sittings that there had been major problems with the Government Printing Office, and there surely had. He said that these problems were inherited at the time of self-government, 3 years ago. He then told us that, late in 1980, consultants were engaged to develop systems to overcome the problems. That was over 2 years ago. He said that the new system was not introduced until July 1981. That is another 9 months. And it has now taken another 16 months to get these financial statements before this Assembly.

This is yet another example of how the application by this government of the provisions of the Financial Administration and Audit Act fails to protect the interests of the Northern Territory taxpayer.

Mr Deputy Speaker, the incompetence of the honourable Minister for Transport and Works appears to have no bounds in these matters. In the past he has acknowledged that he is ultimately responsible for the operation of the department and the Government Printing Office yet, while acknowledging this responsibility, he has failed miserably to address the problems that he himself has highlighted in the past.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, I exercise my right to speak a second time today. I would not have known it was possible if the honourable Leader of the Opposition has not pointed it out to me.

I cannot resist responding to that little outburst by the honourable member

for Millner suggesting that we may have a Hayden Labor government and an upgrading of the Alice Springs airport 3 or 4 years after. Well, I hope we do not have to wait for that because I do not believe that we will ever have a Hayden Labor government. The little bubblings that go on in the federal ALP suggest that Mr Hawke's recent outburst that he would not attempt to try to overthrow Mr Hayden was only because the ALP had a suspicion that the Prime Minister might call an early federal election. Now that that is clarified, I would not mind laying a little wager that Mr Hawke may throw his hat into the ring. But that does not guarantee that we would have a Labor government. For the Territory's sake I say: heaven help us if we do. If we did not learn a lesson and remember what we learnt between 1972 and 1975 then there is something wrong with us.

Certainly, we would need to upgrade the Alice Springs airport if that happened. The Territory would be thrown very strongly back on tourism as its major industry because the mining industry in the Territory would be shot to pieces. We have been told the policy of the ALP: keep uranium mining going at its own pace. That is its promise but I would not trust that either. I suggest that it would not only be tempted to phase it out but that there would be plenty of radicals in the Labor party who would like to stop it completely, thereby abruptly ending the livelihood of the miners and ruthlessly affecting those people who have invested in the uranium mining companies. That would be a great aid to the development of this country, I can assure you, Mr Deputy Speaker.

We also have the oil industry. Let us look back to Mr Rex Connor, a federal Minister for Minerals and Energy in times gone by. Oil exploration went down the drain. In central Australia we have high hopes that, with further development, we will be quite an important oil, gas and wealth producing area for Australia. On the past record of federal Labor governments, I would not like our chances. The ALP gets so greedy, it wants to chop the head off the goose that lays the golden egg and eat it.

I suggest that any federal ALP promise to do great things for the Territory would be pretty idle because the things the federal ALP would do would be directed to the populous areas of Australia and the sparse areas would be neglected. One federal seat would not mean very much to it. I state categorically that this Territory owes a great deal to the Prime Minister of this country who has committed a tremendous amount of money to it.

Mr Bell: Does it come out of his own pocket?

Mr D.W. COLLINS: Out of his own pocket, suggests the member for MacDonnell. No, not out of his own pocket but politically. To his ALP masters there, one federal seat would not be worth worrying about. This is an investment in Australia. It is an act of faith which we have a responsibility to try to bring to fruition: the defence of Australia and the increased wealth of Australia. I do not believe that the federal ALP would do any of these things. It would have a very limited commitment to the Northern Territory.

Mr Bell: Read your history.

Mr D.W. COLLINS: I do read my history, definitely. I remember 3 years of ALP federal rule.

Mr Smith: Who built the Alice Springs railway line?

Mr D.W. COLLINS: With regard to the honourable member for Millner's comment about 400 people involved in the construction of a base here in Darwin, what I said was that 400 RAAF personnel would be involved. I believe this would be a continuing commitment to the Territory. Their presence here will create a need for school teachers and other services. Establishment of the base will increase the population of the Territory, and that is over and above any people involved in the construction stage. Certainly, I would like to see Territory firms win subcontracts for the building of the terminal here. Let us apply a little common sense to the competitiveness of this. We may not have this advantage in this instance, but usually in the Territory we offer 5% advantage to people who are local. If those local people, with the advantage of having their employees settled here, cannot compete against people from the south, then things are a little grim. Let us remind ourselves that the terrible people who come into the Territory are also Australians. I think it is not a bad thing that we remember that we belong to Australia too. It is nice to be parochial on occasion but some people who come here like the place and stay on and help with its development. It is an assumption by the honourable member for Millner that people from the south will come up and people from the Territory will get a short deal.

There is one last little thing which I would like to find out. There is a medical problem which plagues a lot of people right around the world. Those who do not suffer from it most probably do not appreciate it but those who do in many ways find it very debilitating. I refer to insomnia, the inability to get to sleep. I think, Mr Deputy Speaker, this afternoon I may have discovered a cure for it. I was led to this discovery by the member for MacDonnell who referred to the speech of the honourable member for Tiwi and speculated as to whether it was the modulation of her voice which stimulated him. I have had a subconscious feeling like that for some time, Mr Deputy Speaker. There is something interesting about the speech of the honourable member for MacDonnell over yonder. I made a special effort to remain alert and observant while that honourable member spoke. I noticed that the honourable Leader of the Opposition had his head down on his chest and his eyes closed and the honourable Chief Minister lay back in his chair with his eyes closed. I must confess he had a pained expression on his face. The honourable member for Millner was also lying back with his eyes closed. I noticed other honourable members seemed to be very very weary. I know that it is not legal to record the proceedings of this Assembly, but I suggest to my honourable friend, the member for MacDonnell, that he could be sitting on a fortune. If he could simulate the conditions of this Assembly and give a speech on tape, then he could do the world a wonderful service. I am sure that 10 minutes of that and anybody with insomnia would be off to the land of nod. It would be a marvellous cure for them and, of course, he would have the chance to make a few quid out of it himself. However, he is a socialist and, as such, is not interested in money-making enterprises so he might just donate his services to the world.

On that note, Mr Deputy Speaker, I wish all members of the Assembly a very merry Christmas.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I was in 2 minds as to whether I would report to this Assembly on a trip I took a few months ago. As the honourable member for Alice Springs abused the privileges of this Assembly by speaking twice, I think I should not consider too much the feelings of those members who remain.

Mr Deputy Speaker, a delegation of young American people has travelled to Australia to study our political institutions and political systems. This is

a return delegation of the political exchange program which was instituted earlier this year by the Australian and American governments. I am pleased to report that the person largely responsible for establishing the program, Sir Robert Cotton, a former Senator of the Australian parliament, has now taken up his position as Ambassador to the United States of America. I think we owe a great debt to that gentleman for the establishment of what I think looks like an extremely worthwhile program.

I was part of the delegation that visited America. The program that we undertook was extremely full. In 3 weeks we visited 6 cities. In all that time, we had one half Sunday off so I will not go through all the activities that we engaged in at the time. From the point of view of the political parallel, I thought that it would be interesting to talk about one particular place - Hawaii.

Mr Deputy Speaker, members will know that Hawaii is a recent addition to the American states. The Chief Minister visited there and reported to this Assembly on his impressions. I was very glad that it was included in the program. Of the 8 members of the delegation, I suggest I had the most interest in it because it bears the strongest resemblance to the political situation in the Territory. I was very pleased that 4 days were made available for the delegation to enjoy a range of discussions with political leaders and with United States defence personnel who conducted at their CINCPAC headquarters a very thorough briefing on Pacific defence.

I was very interested by our visit to the East-West Centre in Honolulu. Members will know that this is a fairly recent academic institution. It offers some very worthwhile lessons for us in respect of our proposal for a university in the Territory. The East-West Centre was created as a result of Hawaiian statehood which occurred in 1959. The centre itself was established by an act of Congress in 1960. It is a non-political institution but, of course, it has roots in American politics.

The East-West Centre started out as a campus of the University of Hawaii and since then it has developed into an independent research and teaching institution. At the start it was devoted to solving the problems of the Pacific region and, with that in view, it established 5 research institutes. These institutes were in population studies, communications, Pacific culture, environment and resource systems. There is a Congressional requirement for these particular schools that, for each American citizen who participates in a course, 2 places should be made available to participants from the Asian Pacific region.

As I mentioned, the East-West Centre is now independent of the University of Hawaii but it is interesting to note that it started out as part of that university campus. It continues contractual arrangements with the University of Hawaii. It accepts 250 students in undergraduate courses and 250 research fellows who are actual students at the University of Hawaii but to whom the East-West Centre provides academic support facilities.

Mr Deputy Speaker, in view of the discussions that have taken place on the establishment of our own university, I was interested in the notion of making a Northern Territory university an academic centre for people from the south Asian region. From this point of view, I was very interested to find that, whilst the East-West Centre strives very hard to relate its particular disciplines to the problems of the Asian Pacific region, it does not encourage students in its disciplines if their opportunities are thought to be better elsewhere. It does not encourage students in disciplines that it cannot service as well as other American institutions. Its very strong faculties are:

Asian studies - in which it is regarded as the best in the United States; ocean management; marine biology; population studies; and tropical agriculture. It was stressed by the last Vice-President of the East-West Centre, Dr Douglas Murray, who was our host on this particular visit, that, whilst other American universities are actively recruiting foreign students to counteract their shrinking enrolments, the East-West Centre only encourages students in those disciplines where it is confident it can offer them the very best. In its basic philosophy, it tries to strike a balance between high academic standards and relevance to Pacific and Asian development issues. I think the management structure, academic schools and basic philosophy of the East-West Centre hold some positive lessons for us in the Northern Territory.

Mr Deputy Speaker, I move now to the discussions we had with political leaders and people from the office of Hawaiian Affairs in Honolulu. As I mentioned earlier, Hawaii was admitted as a state of the United States of America in 1959. That was a fairly recent occurrence in terms of American political history. It is patterned on the existing United States state constitutions but, because it is so recent, its constitution is thought to be the best devised in that it addresses many of the problems that some of the original 13 states faced when they came to constitute their states.

The legislature is structured as a bicameral system which I found a little unusual in these days when most modern legislatures prefer the unicameral system. It was interesting to talk to elected members of the legislature because they were confronted with some of the problems that we have in the Territory. Hawaii is an archipelago, with very rugged country, and these members spoke at length about the problems of travelling through their electorates and making themselves available to constituents etc with which, I imagine, many members of this Assembly who represent remote electorates would sympathise.

They have single-member districts with which we are quite familiar. One of the unusual features of their system, which is common to a lot of states in America, is that they not only elect their legislators but also many of their public officials. At the time we were there, many states were gearing up for elections. We were a bit bemused to find that such people as district-attorneys, police commissioners, prosecutors etc were subject to election. This concept is totally alien to us because we have a firm division between the executive and the legislative arms of government. Americans do not seem to appreciate that to the same extent. In fact, in my discussions with people over there, they thought it was a good idea to subject certain public officials to election regularly. I noticed, in a current issue of Time magazine, a very interesting article about the quality of the judiciary in California as a result of having to elect officials to that organisation as well as having political appointments to it.

Mr Deputy Speaker, I sympathised with members of the legislature there. Their electoral districts are organised on the basis of population and not electors. I found that the average for the electoral district is 18 000 persons - not electors but population. It is very similar to my own circumstance. Naturally, the electorates are smaller, in terms of voters, than they are in the other states in the same way that the Northern Territory electorates, in terms of voters, are smaller than they are in other places in Australia.

Another thing which interested me, probably more than it would other members of the delegation, was that the military presence is very strong in Honolulu and the Pacific basin, both in terms of the air force and the navy. Strangely enough, the military does not vote in Hawaiian elections. Personnel maintain their vote in their own home states. I imagine that it is probably

easier for a lot of military personnel to identify with the home state when posted in Hawaii, which is not the same circumstance that we have in the Territory. In my electorate I have a large number of forces personnel. Of course, they are on the roll and are certainly welcome on the roll. Some have lived here for many years. If you happen to be a military service person in Hawaii, then you do not get a vote in Hawaii but you may vote in your home state.

Another parallel that I found was the mixed nature of the Hawaiian population. Our members would know that there is a very large population of Japanese in Hawaii. There are, of course, native Hawaiians and also people from the mainland. The attitude of Hawaiian residents to the mainland is very similar to the attitude of Northern Territorians to the rest of Australia. They feel to a great extent that they are economically and politically disadvantaged as are many Northern Territory electors.

One of the big problems in Hawaii is land reform. This has been the largest political issue since 1952. It appears that only 15% of land is available for sale to Hawaiian residents because the rest of the land is in government ownership and control. This is a hangover from the transfer to statehood. In Hawaiian politics, not only the price of land but its availability is a continuing issue. Again, on that aspect, I found another parallel with the Northern Territory.

Mr Deputy Speaker, some of the delegation met with officials of the Office of Hawaiian Affairs which has been set up specifically to address the economic and social problems which confront native Hawaiians. We were interested to hear about action that had been taken by the OHA to obtain reparation for land expropriations which occurred in the past. Again, there were parallels here with the situation we have in the Northern Territory.

I do not want to talk too much about the rest of the trip. As I say, it was very full. I hoped only to give members an idea of areas where I found parallels. I think that this program, which will be extended to other countries, will be very worth while in the future and that it will show Australian politicians how other systems operate. There were sufficient differences in the American system to cause members of our delegation to make a good deal of comment. I hope that our American visitors who are currently in Australia will find as much interest in our system as we did in theirs.

I am slightly disappointed that, although it had been arranged for members of this delegation to visit the Northern Territory last week, at the last minute plans were changed so that they will not have the opportunity to come here. I hope they find as much of interest in Australia as we did in the United States.

Mr VALE (Stuart): Mr Speaker, I am most grateful for the timely English lesson from the oh-so-very-modest and word-perfect member for Nightcliff this afternoon and her criticism of members of this side of the Assembly. However, the honourable member for Nightcliff is fortunate in that there is one member whom she only has to listen to whilst in the Assembly. I refer to the honourable member for MacDonnell who punctuates his sentences not with full-stops, commas and semicolons but with 'ers' and 'ahs'. Sometimes he even goes to extremes. Hansard staff are lucky in that they only have to put up with it while the Assembly is sitting. Consider the poor people of central Australia who have to put up with it all the time.

Mr BELL: A point of order, Mr Deputy Speaker!

Mr DEPUTY SPEAKER: What is the point of order?

Mr BELL: According to the ruling of Mr Speaker earlier this week, it is contrary to Standing Orders to read a speech. If the member for Stuart were talking sense, one would not mind.

Mr DEPUTY SPEAKER: There is no point of order.

Mr VALE: Mr Deputy Speaker, as I was saying, in addition to speeches in here, the unfortunate people in central Australia have to put up with a radio program from the honourable member which is broadcast for 5 minutes every Saturday. Two minutes are taken up by interviews with the secretary, about 1½ minutes with something that can be translated and listened to and the rest of the time consists entirely of 'ers', 'ahs' and 'ums'.

Mr Deputy Speaker, the honourable member for Nightcliff, that wellknown author, may be well qualified to criticise honourable members. In fact, her articles in the Advertiser are no doubt required reading in 9 out of 10 Territory homes. But some of us are not here for what we say but for what we say and actually do. Unfortunately, the honourable member for MacDonnell would appear to miss out on both counts because most of what he says is rubbish and all of it is punctuated with 'ers' and 'ahs'.

Mr Deputy Speaker, on another point, last week I spoke in the Assembly on the Territory Tidy Towns competition and one of the successful winners, Ti Tree, in the heart of the Stuart electorate. I think all members who spoke last week in the Assembly were complimentary to the Territory Tidy Towns competition. This afternoon the points that I must raise are of a more unfortunate nature. I refer to some of the remarks made by the former press secretary of the Leader of the Opposition, Duncan Graham, who is well known in central Australia for making unfounded inferences. It is not so much what he says; it is rather what he does not say. He made a program on Ti Tree after it was judged one of the Territory's tidiest towns. There are some comments that I would like to make about what he did not say. For example, during his speech he said: 'The present roadhouse is a convenient 2 hours thirst from Alice Springs and to relieve the boredom, you can count the remains of the cattle that have lost their encounters with road trains'. He went on to say: 'There is a fence around Ti Tree, an exclusive white suburb mainly occupied by teachers and people connected with the service industries. Outside the fence are the true Aboriginal communities and lots of cattle'. What he inferred is that the town is exclusively white, the Aboriginal communities are banned from going in and that the fence may have been constructed to keep them out there.

What I said last week about Ti Tree, when I paid tribute to all members of the community, black and white, for the tremendous combined effort they put it to win that major prize, still stands. All the Aboriginals worked extremely hard with the Europeans who function in the community in close racial harmony. It is unfortunate that the likes of Duncan Graham could not use a little of the influence of his radio program to assist racial harmony rather than take every chance he gets to blast off about the Europeans. If 2 news stories occurred simultaneously in central Australia, one involving Aboriginals and the other Europeans, Duncan Graham would head for the Aboriginal story because that is his bent.

Mr Deputy Speaker, let me say this: it is alleged he was fired by the Leader of the Opposition some months ago. Formerly, he was the Leader of the Opposition's press secretary. It is a known fact in central Australia that he

is a close friend, associate of and adviser to the present member for MacDonnell. Whilst he may not be on the payroll of the ALP, certainly he uses his position and influence to push ALP policies in central Australia.

Yesterday, the member for Sanderson was critical of some of the things that I had done earlier in the afternoon. I make the point that she was very smart, while debating the point of order, in pointing out a further comment pertaining to that point of order. She carried on as though she had read Standing Orders from cover to cover. To set the record straight, other members of the Assembly should know that I had pointed out that clause in the Standing Order to the Leader of the Opposition some 25 minutes earlier. He hastened into the Assembly and pointed it out to the member for Sanderson ...

Ms D'Rozario: That's completely untrue.

Mr VALE: ... who jumped up and made her know-all speech.

In conclusion, I thank all members of the Legislative Assembly staff for their assistance during the past 12 months and take this opportunity of wishing the compliments of the season to the Clerk, his staff and all other members.

Mr ROBERTSON (Education): Mr Deputy Speaker, at risk of cutting the honourable member for Alice Springs off from his third speech in the adjournment debate tonight, I must take the opportunity of closing it. I regret that the note on which I will be closing is not a very pleasant one. I would have preferred to have done it another way but I simply cannot allow the quite vicious attack by the Leader of the Opposition on the Chief Minister and the member for Tiwi to go unchallenged.

A reading of Hansard tomorrow will clearly indicate that the member was going as close as he could without using that unusable word 'lie' in relation to another member when he addressed himself to each of those people. His attack was based on the Plan of Management of the Jabiru area. He read selectively from that Plan of Management in an attempt to demonstrate that both the Chief Minister and the member for Tiwi were misleading the public when they said that the ANPWS was not providing for tourist accommodation or the possibility of tourist accommodation in the Jabiru region.

I will read from the same document that the man with such utter and - having regard to what he said - contemptible arrogance stormed across this Chamber with and slammed on the desk of the honourable member for Tiwi. This was done in a manner designed, for anyone watching, to amplify the allegation that she and the Chief Minister were not only misleading the public but misleading the Assembly. I read from that document: '31.2 The town plan will provide for a closed town catering for persons required in connection with the mining operation, government officers and their families. The population will not exceed 3500 and the town will not contain general tourist accommodation. Overnight accommodation will be provided for visitors to the mining operations and the guests of people living in the town'.

Mr Speaker, it is not, I submit, the honourable member for Tiwi nor the honourable Chief Minister who has deceived the Assembly this day; it is the honourable Leader of the Opposition who has done so quite consciously.

Mr Tuxworth: Again.

Mr ROBERTSON: Yes, again. Not only has he misled this Assembly tonight but he misled it earlier in this sittings.

Off the top of my head I will give another example. In a debate earlier this week, Sir, the same honourable member informed this Assembly that revenues from sales tax for a full year will exceed $1000m. The actual printed figure in the Treasury documents, available to anyone, is $595m. Because it did not suit his purpose he failed to mention that income tax concessions alone, offered by the Commonwealth government in the same budget, would total $2357m. There was no mention of that because it did not suit the distortion that that gentleman wanted to impose upon this Assembly.

If the honourable member thinks it proper and reasonable, in all the circumstances, to deceive blatantly this Assembly and the public, let us see with what contempt that same gentleman treats distinguished forums internationally.

Mr Deputy Speaker, I have the official record - and let us not have any of this nonsense that he did not have a chance to read it and therefore it cannot be quoted - the official record of the 26th Commonwealth Parliamentary Association Conference held in Zambia in 1980. I ask honourable members to bear that date in mind: 1980. The honourable Leader of the Opposition was a delegate to an international forum, representing this Assembly. What did he have to say following a speech by Mr Gordon Bryant on the topic of one-party and multi-party parliaments? He had this to say: 'I will not in fact use notes that I prepared this morning because I do not feel there is much point in going over the same ground that has already been covered by my colleague, Mr Bryant'. That makes sense because Mr Bryant knows far more about any subject than the honourable Leader of the Opposition would have a hope of knowing. He went on to say: 'I must say that it was a great privilege for me, being a relatively young politician with 5 years' experience and only being in the second term, to be able to be sitting next to Gordon while he delivered the last political speech of a very distinguished career of 25 years in the Australian parliament'. The second statement was true. In fact, there were 3 statements: that the Leader of the Opposition had been in politics in parliament for 5 years; that Gordon Bryant had been in for 25 years; and that Gordon Bryant had had a distinguished political career. The last 2 were true. That was 1980. The member was elected in 1977. Even for the member opposite, Mr Deputy Speaker, that cannot make 5 years. The Leader of the Opposition, for purposes of pure, unmitigated, unforgivable vanity, deceived the Commonwealth Parliamentary Association Conference in Zambia in 1980. If he is prepared to do that, Mr Speaker, how much further is he prepared to go here?

He accused 2 members of this Assembly with what amounts to dishonesty on his construction of a partially-read document. And there, in black and white, simple arithmetic and his own words to an international forum condemn him. The same member accused me this morning of being a fool. Only a gross fool would try to deceive all of the people by calling them fools.

Mr SPEAKER: Honourable members, I extend to you all, good wishes for the festive season and, on your behalf, I extend good wishes to the Assembly staff, Hansard staff and all of those who have been associated with the Assembly during 1982. Again, the Assembly has functioned efficiently and I thank all members and all staffs for the courtesy and cooperation that they have shown to each other and to the Chair.

The Assembly stands adjourned until 10 am Tuesday 15 March 1983 or until such time as notified to members by Mr Speaker.

Motion agreed to; the Assembly adjourned.