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NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Third Assembly
Second Session

Parliamentary Record

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NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Third Assembly
Second Session

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Sessional Committee — Parliament House

Mr Speaker
Mrs Lawrie
Mrs O'Neil
Mr Perron
Mr Steele

PART 1

DEBATES

DEBATES

Tuesday 23 August 1983

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGE FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I read message No 15 from His Honour the Administrator of the Northern Territory:

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill for an act to appropriate certain sums out of the Consolidated Fund for the service of the year ending on 30 June 1984.

Dated this 19th day of August 1983.

E.E. JOHNSTON
Administrator.

PETITION
Hermannsburg Road

Mr BELL (MacDonnell): Mr Speaker, I present a petition from 79 residents of Hermannsburg relating to the Hermannsburg Road. 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, we the undersigned citizens of Hermannsburg recognise: (a) that the condition of the Alice Springs to Hermannsburg road is currently quite unsatisfactory; (b) that, due to heavy use, grading is of little value; (c) that the large number of accidents have in the past been produced by the dangerous camber effected by grading; and (d) that the surface of this road is deteriorating because of sharply increased traffic from tourists to Palm Valley and elsewhere and from the workers on the Palm Valley gas field and pipeline and the Mereenie oil field. We therefore urge that this road be bituminised as soon as possible, and your petitioners, as in duty bound, will ever pray.

MOTION
Approval of Report of the Distribution Committee

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, on 26 November 1982, His Honour the Administrator appointed a Distribution Committee and directed it to conduct a redivision of the Territory into proposed electoral divisions. The Distribution Committee has completed its work and, in accordance with section 17 of the Electoral Act, I now table a copy of the report of the committee in this Assembly. Mr Speaker, I now move that this Assembly resolve in terms of section 18(1) of the Electoral Act that the distribution of the Territory into electoral divisions, as proposed in the report of the Distribution Committee, be approved.

Debate adjourned.

TABLED PAPER
Resolutions of Australian Constitutional Convention

Mr EVERINGHAM (Chief Minister): Mr Speaker, I table the resolutions adopted at the Australian Constitutional Convention at Parliament House Adelaide on 26 to 29 April 1983.

TABLED PAPER
Direction of Treasurer

Mr PERRON (Treasurer): Mr Speaker, on 9 June 1983, I approved, in accordance with powers provided to me under section 13 of the Financial Administration and Audit Act, a transfer of funds between subdivisions within the provisions of the Appropriation Act 1982-83. In accordance with the requirements of section 13(1)(b) of the Financial Administration and Audit Act, I table the direction made by me on 9 June 1983.

MINISTERIAL STATEMENT
Employment

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, tonight is that night of the year when most Australians hold their breath as the federal Treasurer brings down the budget. We all have an interest in the budget, or at least we should have, because it is principally a statement of how the federal government plans to spend our money. We usually analyse the budget in terms of winners and losers, what goodies it will throw our way and what it will cost us. Like everyone else in the Territory, I will be holding my breath waiting to see how the Territory will fare this year.

We have a number of vital projects which are dependent on federal funds. I hope they all feature prominently in the budget. I am not saying that just because I want to see more of the sort of growth we have experienced in the Territory over the past 5 years - although I certainly do; make no mistake about that - but there is an even more important reason. Tonight's federal budget must focus on 3 principal objectives: jobs, jobs and more jobs. It must establish the path by which the Australian economy is to recover and grow. If major job-creating projects are not the feature of this budget, then it will not be a budget which I would support because it will not do the job.

The federal Minister for Employment and Industrial Relations made it clear recently that high levels of unemployment will be with us for some time yet. He saw no decline in the level of unemployment for the next 12 months. That is probably true, regrettable though it may be. That just makes it all the more important for us to do everything we can to ensure that no one is unemployed even one day longer than necessary or, to put it another way, the Australian government must do everything it reasonably can to ensure new job opportunities come on stream at the earliest possible time. Mr Speaker, can I just say that I mean, of course, real jobs - jobs which result from renewed national economic growth and productive work which contributes to the building up of a vigorous and competitive Australian economy. The more we have to rely on artificial employment-creation schemes, the more it means that there has to be a total reassessment of the direction of our national economic policies. Current levels of unemployment in Australia are too high. There is absolutely no dispute about that. The federal government's major task has to be to get unemployed Australians back to work.

Commonwealth, state and the Territory governments are cooperating in a limited but very expensive program to provide new jobs in the community. I accept the obligation of the Territory government to participate in programs such as

these and I welcome the benefit and relief they bring to individuals and families but I do not like the circumstances which give rise to the need for such programs and I certainly do not believe that they make a meaningful contribution to national economic recovery. Job-creation programs tend to be artificial, of very limited duration, very expensive and with little ongoing benefit. At best, they are programs which do no more than offer short-term relief while fundamental policies are set in place to promote steady and stable growth in the economy. That is where tonight's budget comes in. If it is not a document dedicated to restoring growth and to ensuring that new jobs will be available when the short-term projects have expired, then a large number of Australians face a bleak future as they look for work.

I read recently that, in the last financial year, transfer payments in the Australian economy exceeded total receipts from income tax. In other words, your taxes did not contribute 1¢ to national defence or roads or hospitals or schools or railways. They all went on pensions, unemployment benefits and other social security payments. We all know that unemployment causes financial, social and physical hardship for individuals and families. It also imposes a severe economic burden on the nation as a whole, a burden which we simply cannot afford. That is part of the trouble with job-creation schemes. Since they do not usually result from or contribute to the process of economic growth, we just cannot afford to keep them going.

Rekindling economic growth and generating new jobs will require a great deal of discipline and imagination by the Australian government. The federal Labor Party presented itself to Australians in the last federal election as the party which could turn things around in Australia and get the economy moving again. It pledged to create half a million jobs. It takes more than words to create jobs. It takes policies which are well focused and clear. It takes a full-blooded commitment, a sense of purpose and the right priorities, and it will not be easy. The Australian economy has been severely hit by drought and global recession. It has been eroded by diminished international competitiveness. There are structural problems with our balance of payments which constrain economic policy making. It is because it will not be easy to rekindle national economic growth that tonight's budget must choose the right path. Without discipline and imagination, we could very easily see walls built across the path to economic recovery, walls which will block the efforts of Australians to find jobs and which will frustrate, in particular, our young people as they enter the workforce.

At the National Economic Summit Conference, there was complete acceptance of the need for growth in the Australian economy. Some of the areas where growth could come from were identified. The communique said: 'Job-creation schemes should maximise the number of real jobs and, to this end, should concentrate on developing economic infrastructure'. It went on to say: 'There is general acceptance that we must be concerned to ensure improved transport, infrastructure, export development, wage and price stabliity and innovative industry. All this will improve our international competitiveness'. That is why I will be looking for those important Territory projects in tonight's budget. They are in line with the agreed conclusions of the summit and they mean jobs.

I will also be looking for substantially higher priority for tourism. The tourist industry is perhaps the only major national industry with enormous present and future potential for growth. It is one of the few industries to show any growth of substance over the last few years even during the recession. Nationally, it is already a $12 000m industry. It accounts for nearly 6% of national GDP, which makes its contribution equivalent to that of agriculture or mining, and it employs something like 400 000 Australians. Even on the basis of the currently very subdued expectations for the future, the industry is forecasting $1000m in

growth between now and the mid-1990s and an extra 30 000 new jobs.

All of this has been achieved with very little coordinated effort and without any great commitment or support from governments, especially federal governments. With changed priorities of governments, the industry could become a major growth force in Australia. There are literally no limits to its growth potential. The industry is employment intensive and it provides job opportunities for women and Aboriginals and the prospect of bringing into the workforce unskilled and semi-unskilled young people. The federal Minister for Tourism said recently that, for every $1m spent in Australia by foreign tourists, $2.5m is created in gross domestic product. For every $44 000 they spend, 3 new jobs come into existence. Tourism is an industry with enormous spin-off benefits, including benefits to the construction industry. There are quite a few major hotel projects, for example, which would leap off the drawing boards onto building sites tomorrow if there were a few incentives in the tax act for tourist industry infrastructure.

The Territory government recently submitted a proposal to the federal government outlining a number of steps which could be taken to enhance the growth of the tourist industry. That submission was put forward so that it could be considered in the run up to the budget. I hope that some of the suggestions will have been taken up and that we will see a much stronger Commonwealth commitment to tourism because it will mean a much stronger commitment to jobs. I would also like to be looking for a commitment of the funds to commence construction of the Alice to Darwin railway but I know they will not be there. For as long as this project is left on the shelf, at least 2000 jobs will go begging.

Mr Speaker, words do not create jobs and spending will only create real jobs, long-term jobs, if it is well directed and imaginative. But boosting employment in Australia goes far beyond the budgetary situation. It requires an orientation virtually of all government policies towards that objective and it sometimes means accepting different priorities. Over recent years, I have learnt that, if something is important, then you have to go for it. If it is really important, then you really have to go for it. Getting unemployed Australians back to work is really important and I do not understand why the federal government does not really go for it. The fact is that the government is not doing all that it can.

At the economic summit, I referred to an industry in the Territory which would generate investment expenditure of close to $1000m in the immediate future and which would provide several thousand jobs in direct and indirect employment with spin-offs in the construction industry and in support industries and a substantial contribution to the nation's balance of payments. A couple of signatures stand in the way of several thousand jobs in the Territory's uranium industry. The federal government would like Australians to believe that the industry cannot be further expanded. Its view is rooted in ideology but it does not happen to be true. I said before that the federal government must do everything it reasonably can to ensure new job opportunities come on stream at the earliest possible time. It is high time those signatures were on the paper and the uranium industry given its chance to contribute to recovery and to provide jobs for the people who want them.

Getting more Australians into jobs means putting other things in perspective. It means setting aside, at least for the time being, proposals which might conflict with the basic objective such as the introduction of the prescribed payments system and the withholding of a tax on building contractors. I have been a bit of a crusader on the subject of taxation, Mr Speaker, but I cannot see the point of bludgeoning the building and transport industries with a very rough taxation measure when the major impact is likely to be business failure and loss of jobs. Even federal ministers have conceded that the tax will put more jobs on

the line. There is no point in spending hundreds of millions of dollars in short-term, make-work, job-creation schemes if, at the same time, we are frustrating opportunities for the development of long-term jobs through real growth in the economy.

I was as concerned as anyone at the apparent increase in Territory unemployment that was shown in recently-released figures. Over recent years, particularly since self-government, the Territory has done more than its share in getting Australians into jobs. Our rate of job creation has averaged something like 6% over the last 5 years. That is about 4 times the average for Australia as a whole. That is a good record and we should be proud of it. In fact, over the last 5 years, as Australia has moved deeply into recession, the Territory has continued to record steady progress. Our traditional industries have had their ups and downs. Since they depend on such unpredictable events as the weather and international commodity price fluctuations, they always will. But growth has been steady nonetheless. Not many areas in Australia with a population the size of the Territory's can boast a job-creation rate of 63 a week for the last 5 years. Perhaps more importantly, we have developed some significant new industries, particularly tourism.

Mr Speaker, I caught a comment made the other day by the honourable member for MacDonnell. It was critical of the Territory's tourist performance and strategies. It did not attract much attention but, for once, justice was done by the media because it did not deserve much. As Minister for Tourism, I believe we can do even better in the coming years than we have in the past. That is not an apology. I would always hope that we would aspire to do better. It is called growth. This growth will take hard work and innovation. Tourists do not grow on trees; they come on planes and trains and buses. They need hotel rooms and restaurants. They want tours and souvenirs. All the facilities and services have to be developed and packaged. The industry is not built on puerile and irrevelant press releases.

In the Territory over the last few years,we have managed to add 10% or more annually to the numbers visiting, despite the recession. With co-ordinated government support, and I mean in particular Commonwealth support, the industry is capable of growing more vigorously and more quickly and will provide those desperately-needed jobs that much sooner. There is no doubt that the Territory has the potential to grow and to make a significant contribution to providing the jobs which Australia needs. We have to be allowed to show what we can do and we need the right kind of support. That is the message that I keep trying to get across to the federal government.

There is scope for greater trade links with South-east Asia and the western Pacific. We cannot continue to overlook the potential which this region offers Australia through its spectacular growth. Our agricultural and fishing industries can be further developed and, in selective areas, we can expand and upgrade our manufacturing base. The development of a north-south land bridge is a concept which has won enthusiastic support from the business community. Sooner or later, we will have the railway and the Territory will be far more central to the nation's economy.

The key to continued progress is jobs. If job opportunities continue to be available in the Territory, we will continue to attract a rapid rate of population growth. More people in turn means better facilities and services for all Territorians to enjoy. If we can continue to achieve improvements in the quality of life for Territorians over the next 5 years at the same rate as the last 5, many of the difficulties and problems which are now imposed upon us by isolation and small size can be overcome. We will not do it though without

people; and, without jobs, the people will not be here. So as well as holding my breath tonight, I have my fingers crossed that tonight's budget will be about jobs and that the Territory will get its share.

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

Ms D'ROZARIO (Sanderson): I am pleased to have the opportunity to respond to the Chief Minister's statement on what might be in the federal budget for the Northern Territory tonight. The Chief Minister was quite right when he said that the Territory has an interest in the federal budget because it is the first budget in many years brought down by the federal Labor government and it represents the Territory's financial lifeline. I think it is well known by all members of the Assembly - certainly by those who have sat in it since self-government - that over 80% of the Territory's funds come from the Commonwealth. Public sector spending in the Territory remains the key generator of economic activity. This has been especially the case in recent times with the depressed state of the mining sector and a major depression in the private sector. My recollection is that the Chief Minister made reference to the fact that our economy is very largely dependent on international conditions and on movements of commodity prices.

The Chief Minister also referred to the federal budget as normally being analysed in terms of winners and losers. My approach to all federal budgets has always been one of measuring the overall level of funding and then looking at the key areas such as the level of capital funding and those vital subsidies that allow the Territory to continue to develop. Some of those have already been discussed at length in question time. In terms of the level of overall funding for the Territory, we can expect in tonight's budget overall growth in the order of 10%. This should come in the form of an increase in general revenue funds to about $465m, an expected increase in the level of general purpose funds - capital funds - to $130m and an expected increase in specific purpose payments to about $215m. That gives us a total increase to about $810m over those 3 categories of payments.

We also have some information about the size of Commonwealth funding. This information was announced at the Loan Council meeting in June. While the rest could be said to be ball-park estimates, I hope that the general picture given in June will prove accurate tonight. It must be remembered that, in the past, most June Loan Council meetings presented the states and the Territory with some fairly tough fights. I think that the Fraser government had a very poor track record with respect to fairness to the states when they were struggling for federal funding. Mr Speaker, you will recall the attempt by Mr John Howard, the previous federal Treasurer, to reduce the level of funding to the Territory by about $6m by fiddling the population growth statistics. Those figures were hotly disputed at the time by the Territory's Treasurer and I am pleased to say that a satisfactory outcome was eventually achieved. We might also record that the Fraser-Howard team did the states out of $75m and then bragged about it to the press. They thought this was worthy of extensive press coverage. Of course, that particular statement on the reduction of funding to the states by $75m did not deserve the type of press coverage that it ended up getting. Those days are now behind us, and I think that the Territory should be thankful for it. The last Loan Council meeting indicated better times with extra funding to the states.

The Chief Minister referred to the fact that, in the last financial year, transfer payments exceeded total receipts from income tax. He went on to say that these payments all went on pensions, unemployment benefits and other social security payments. This is a clear reflection of the importance of having an economy which stimulates employment. In fact, it has been calculated that it costs the Australian community about $10 000 per head for people who are

unemployed. I am talking about the Australian population not the Australian taxpayers.

I have just 2 points to make on the dilemma we find ourselves in with respect to unemployment levels. First, the Fraser government consciously wound down the Australian economy, which compounded the effects of the drought and the decline in world economic activity. We could have started to change this direction long before now but in those days, of course, Mr Fraser was an advocate of monetarism. Fortunately, that theory is fast falling into disrepute.

The second point I want to make is that, under the Fraser government, we saw a massive growth in the level of tax avoidance and evasion. As a consequence, the burden of taxation fell heavily upon the pay-as-you-earn taxpayer. Even since the election of the Hawke government, we have seen the conservatives within the parliament protect those who have not been honest in respect of their payment of taxation. I am sure that the people of the Northern Territory would have received considerable benefit from the federal Labor government's legislation to recoup $570m of tax evaded through bottom-of-the-harbour schemes. However, we had the situation where the Liberal Party, the National Party and Democrat senators voted to protect these taxpayers. The taxpayers of the Northern Territory might well ask Senator Kilgariff where he proposes the $570m should come from and which of those honest pay-as-you-earn taxpayers should make up the deficiencies.

The honourable Chief Minister also mentioned the withholding tax which is due to come into operation on 1 September. With respect to that tax which is about to be introduced, I agree with the comments made by the Chief Minister outside the Assembly and, indeed, this morning. There is a need to take the tax burden off the pay-as-you-earn wage and salary earner. While there is too much haste in the introduction of this tax, there still remains the problem of considerable tax simply not being collected. This disadvantages the community economically and, I think the Chief Minister would agree, is morally wrong. I might add that the Territory Labor Party is seeking to have the introduction of this tax deferred so that the mechanics of it can be better sorted out.

The Chief Minister also stated that the key aspect of tonight's budget will be the ability to create jobs. Certainly, this is very relevant to the Northern Territory, given that our unemployment levels have increased dramatically over the last year or so. Notwithstanding the job-creation figures given by the Chief Minister, we still appear to be suffering from a high and rising level of unemployment. Surveys undertaken by the Australian Bureau of Statistics are only guides as far as the Northern Territory is concerned but the dramatic rate of growth in unemployment over the last 12 months gives me grave cause for concern. According to the survey, in July last year, there were 2700 people looking for work in the Territory. In July this year, the survey showed that there were 5700 people looking for work in the Territory.

It is also worth noting that average weekly earnings in the Northern Territory increased by only about 4% over the year to the end of June this year. This represents a real decline of 6% in purchasing power. I think that gives the lie to the theory that is peddled around that somehow wage rates are an impediment to employment. The decline in the level of purchasing power in the Territory community has hit the small business sector especially hard and I suspect that there has been a large rate of job loss in that particular sector. I would also suggest that, given the relative stability of public sector employment, the level and rate of increase in unemployment in the private sector is reaching crisis proportions.

In terms of the effect of the federal budget on the level of employment in the Northern Territory, the key point will be what use the Territory government makes of the funds that will be made available to it. Last year, the funding that flowed from the federal government amounted to $746m. Of that, $550m was in the form of general purpose funding which means that the Territory government had the responsibility of deciding where these funds are to be spent. Receiving the funding from Canberra is one thing but using it to the best advantage of the Territory is another, and that will be the question that the Assembly will be asked to decide upon when our own budget is presented next Tuesday.

The Chief Minister continues to apply double standards with respect to public sector financial management. He tells us that it is important to balance accounts in the Territory and he also says that we cannot spend more than we have. But, when it comes to the federal government, he has quite a different approach. He has told us that the size of the federal deficit does not matter. He even suggested in this Assembly during the last sittings that the federal government can borrow the money and pay it back at its leisure. In my view, deficits do matter and they must be held to manageable levels. It is expected that the budget tonight will allow for an estimated deficit of $8500m. That is a considerable amount and will go a long way towards providing the growth that the Chief Minister seeks while still maintaining a reasonable level of financial responsibility within the Australian financial market and thereby avoiding undue pressure on interest rate levels. I am pleased to note that, over the last week or so, interest rate levels have been decreased and it is expected that those few financial houses which have not yet reduced their rates will do so in the next day or two.

With respect to tonight's budget the Territory Labor Party is confident that the Territory will be treated fairly and that the first Keating budget will be a growth budget for the Territory.

Mr TUXWORTH (Primary Production): Mr Speaker, in opening my remarks, I would like to read into Hansard a comment that was delivered at a conference that I attended recently. It tells a very interesting story:

> *During the year ended 1982, the 3 northern states earned 44.9% of Australia's export income in dollar terms. That was $6791m out of a national total of $15 586m. That money was earned from 3 states contributing only 3.7 million of Australia's 14.9 million people. In other words, a quarter of the people earned nearly half the nation's overseas income and that is not the end of the story. The bulk of these export earnings came from the resource-related industries in the sparsely-populated north of the 3 states above the 26th parallel and this area is populated by fewer than 905 000 people, or a mere 6% of the nation's population.*

That very interesting statistic tells a story that perhaps is overlooked from time to time: that the great opportunities for job-creation and the creation of wealth in this country will come from the northern states.

Mr Speaker, I would like to express my great concern at the lack of jobs for the unemployed today and at the need to create jobs for those people who will be unemployed tomorrow. Consider all the school leavers who will come on to the market at the end of this year. Given the level of unemployment in this country, I do not think that any of them can leave school with much prospect of finding employment. The thing that concerns me most of all is that I do not see any sign of long-term improvement. I have gone to a great deal of trouble in recent months to ask federal politicians on both sides where they see the improvements coming from, where jobs will be created, how many jobs will be created, in which states

they will be created, which industries will form the basis of job creation in this country - perhaps we are all going to work for the public service - and when this improvement is likely to occur. To my dismay, the question is generally regarded as an unfair question and one that people should not have to deal with in detail. I think that is the sort of detail that Australians need to address at this stage if we are to create jobs for tomorrow.

I find it very hard to accept the premise that, if we reduce the inflation rate to 4%, increase government spending in the private sector to a certain level, catch the tax cheats, and wait until after the wage pause or until after the government's job-creation schemes are in place, then all will be rosy in the garden. I have a great deal of difficulty with that philosophy. I think all of those things will play an important part in how we create jobs in the future but I would also put the proposition that the private sector will be the sector of this community that creates long-term employment for unemployed Australians of today and the school leavers of tomorrow. We need desperately to create in the wider community of Australia an environment where the private sector can busy itself with creating jobs that will last for a long time.

Earlier this year, I represented the Chief Minister at an Industrial Development Ministers Conference. The theme of the conference was very clearly job creation and making industry more profitable. One thing that emerged from the conference concerned me: the proposition that a job now has a definition. A job is now a 6-month period of employment wherein 40 hours per week employment is offered. Any group in the community, private or government, can create a 40-hour per week job for 6 months and that can be classified as a job. My perception has always been that a job is something that will hopefully last for as long as the productivity of that area enables it to. Certainly, it has never had a limitation on it. That was one of the most disconcerting things to come out of the conference.

That conference was attended by Labor and Liberal ministers, including 2 federal ministers. Everybody took a very constructive approach to the discussion. While in some quarters it was regarded as too political, I think everybody thought that the matter needed to be aired. The states said that they could do no more in creating jobs until the federal government addresses some of the issues that are cramping its style and preventing it from being creative. Without naming any of the states, I can say that the Commonwealth attitude on issues such as the rules of the FIRB, export controls and export pricing mechanisms, environmental legislation and considerations, trading policies, dumping regulations that affect southern states very badly, airline policies - particularly the policy relating to our flag-carrying airline and our 2 domestic airlines - foreign ownership rules, taxation, and the promotion of our country overseas is seriously impeding the ability of the states to get on with the job of creating employment.

I think that the Commonwealth was concerned that it was receiving the brunt of the criticism. If you look at it closely, Mr Speaker, it is really very true. Perhaps I could just take one or two of those issues. It was pointed out quite plainly at the conference that we spend about $3000m a year of taxpayers' money to protect jobs in Victoria and, at the same time, we give the Australian Tourist Commission the princely sum of $15m to sell Australia on the international market and attract tourists who might spend money here. Those 2 extremes are really crazy. The situation is an indication of the frustration that the states feel in having to deal with the problem themselves.

The issue of export controls and taxation on the mining industry was highlighted in the sense that it takes a mining company 10 to 15 years from when it begins exploring to when it begins shipping out its product. A mining company

might spend 10 years and $20m exploring for a mineral and then another 5 years and $500m developing the project. Then, when it is ready to export, it may find that the rules have changed so much that, if it sells a million tonnes of coal, it will lose $100 000 on the year's operation. It is obvious to everybody that, to invest that sort of effort and money over a period of 10 to 15 years, and then lose $100 000 or close the mine because it is not economic, is just nonsense. That is the sort of thing that we are doing and Australian taxpayers will foot the bill for it in the long term.

In the Territory, we have an opportunity to get around some of these problems and be productive and creative in the way that we address job creation. We have to live with the fact that, at the moment, the federal government will not allow us to sell uranium. We cannot have any new mines because the government believes that it is immoral to mine uranium. But we have been allowed 2. It is like being a little pregnant. We can have 2 mines, but if we have 4 mines, then we are really immoral because we are exporting so much uranium.

We have to accept the fact that we are not going to create any more jobs in that area and must turn our attention to other areas. There is one area which we strongly believe in and which we must pursue with great vigour not only here but at federal level because federal policies are going to have a great impact on our success: the area of tourism. Our commitment at Yulara is well known to all members. We have to create infrastructure in all our towns in the Territory so that we can accommodate people at the rate the transportation systems are bringing them to the Territory. We must have a wide range of other infrastructure and create many more destinations that people can visit. In the long term, all that will be in vain unless we can get the Commonwealth to address the issues that are important to us. We need to have more international flights in and out of Darwin and we need better immigration facilities and customs facilities in Darwin. We need to be able to land people directly at Alice Springs off international flights.

Let me touch on that for a minute because that suggestion is regarded as heresay by the federal government and federal bureaucrats. The people whom we are aiming at in South-east Asia are the ones who visit the Northern Territory for between 7 and 14 days. We have to package them out of Tokyo, Seoul or wherever and straight into Darwin or Alice Springs. There is no way that you can say to an international tourist who is coming here for a 10 or 14-day holiday that he has to spend 3 or 4 days in an aeroplane in Australia because we do not believe in landing in Darwin or Alice Springs. It is not our policy. If we wish to compete on the international tourist market, we have to fulfil the terms under which the tourist wants to travel.

Mr Speaker, all the things that we are doing in the tourist industry are to a plan. Our plan is to get infrastructure on the ground so that we can accommodate people when they get out of a plane - even 300 or 400 people at a time. We must be able to show them our sights in a controlled way so that places like Ayers Rock and Kakadu Park are not destroyed by visitation. We must also create more infrastructure so that people can visit other places. All that is a part of it. But other governments in this country need to change their attitudes on the way to handle international tourists.

I believe that the railway from Alice Springs to Darwin will be like every railway that was built in this country a 100 years ago. It will 'open up the west'. It will create opportunities that were never possible before because the ability to move, on a large scale, materials, equipment and supplies has never been available to us. That is an act of national faith. If we do not have the courage to put in infrastructure like the railway today, to enable the Northern Territory to open up and the rest of Australia to benefit, then as a country we

will all pay the price. If the Northern Territory refuses to put in the infrastructure for international tourists, we will never have any international tourists. It is as simple as that.

Mr Speaker, a resource tax is being proposed. At the moment, some companies are still a little uncertain as to how it will be administered. It needs to be clarified quickly so that companies do not lose complete confidence and take their exploration activities to other parts of the world. I think that it is significant that BHP, CRA and some of our leading Australian companies are now making exploration deals in other parts of the world: in Canada, South America and the Republic of China. They will spend money exploring in those places because they find the climate for investment is just as satisfactory there as it is in this country. I find it hard to accept that, when looking for a prospective developing area and a return on the exploration investment dollar, there would be many places better than Australia. I think it is sad that our major companies find it attractive to deal with the Republic of China for oil exploration when there are so many untouched areas in this country. There are reasons for it: regulation, control and a whole range of other things are making companies look that way. When they go, the employment opportunities go with them. Australians will not be operating the oil rigs in the South China Sea or wherever.

I believe we have before us interesting opportunities on the fishing scene. The introduction of the 200-mile limit around the world, which has come into place in recent years, has changed international trading patterns and attitudes on fishing opportunities. I believe that the Territory has a golden opportunity to rise to the occasion and see that we do not just have bilateral agreements with our northern neighbours, organised by Canberra for fishing in Northern Territory waters, but that we have joint venture arrangements between specific overseas companies and Northern Territory companies to fish our waters. That is a new challenge that we must address. It will take a fair amount of cooperation and understanding on the part of the Commonwealth if the Northern Territory is to get into it. Again, it is an area for prospective employment and wealth creation and we should be smart enough to see the opportunity and take it.

On a different tack, in recent years we have recognised opportunities in agriculture which we may not have perceived in the past. Possibilities for mango production have been developed in Katherine. There is also an onion and potato farm operating very successfully in the Katherine area. It hopes to send its products to Melbourne. Our great advantage in these things is not that we can farm better and more economically than people in other places but that our crops come at a better time, at a time when other markets cannot provide fresh produce to the southern markets. That is our strength. We must capitalise on our opportunities in agriculture and horticulture. My commitment to the Assembly is that we will try to avail ourselves of these opportunities as they present themselves. We will not be successful with all of them but we will have a go and occasionally we will win. If we lose, we can say: 'Well, we did not lose because we did not have a try'.

I wish now to speak about a matter that is important to me. I believe that, if we are to develop in the Northern Territory, the most important thing we need to do is to communicate. I have embarked on a crusade in recent months to see that communications are improved for all Territorians, not just for those people who live within so many miles of a microwave tower. It is not just an electorate matter and seeing that everybody in a member's constituency has a telephone in his house or office. I hold the view that, if we are to create jobs in the Northern Territory, the people in the far-flung areas will need to be able to communicate with their head offices, with their markets, with their employment agencies etc. There is no way that we can expect people to operate in remote

places and not have access to satisfactory communications. Again, that is an educational process. We must convince the Commonwealth, Telecom and a wide range of people that there is a need for these basic things to be in place before job creation can be stimulated in a worthwhile fashion.

Mr Speaker, I am happy to have been allowed to speak to the Chief Minister's statement. I think it is extremely important and I would impress upon all members that it is not an esoteric exercise to argue whether this year's budget or last year's budget is better or worse. It has a much wider dimension that we all need to address ourselves to and I am quite happy to support the proposition that the Chief Minister has put forward.

Ms LAWRIE (Nightcliff): Mr Speaker, so that we may rise in time for lunch, I will be mercifully brief. The honourable Chief Minister this morning stated: 'It takes more than words to create jobs. It takes policies which are well-focussed and clear. It takes a full-blooded commitment, a sense of purpose and the right priorities'. But nothing in this document clearly stated his government's priorities and policies in respect of what it intends to do in the area of job creation in the Territory. I believe that the document which was tabled, and to which the Chief Minister spoke with gratuitous advice to the federal government, was very short on what the Northern Territory's policies and initiatives are going to be.

I was pleased that the concluding remarks of the honourable Minister for Primary Production finally touched on a few local issues, such as the incentives to be given to the fledgling horticultural and agricultural industries in the Northern Territory. But they were the first words we heard on what is a very contentious matter locally: job creation within the Territory.

Mr Speaker, it was nearly a year ago, in the budget debate on 12 October 1982, that I first raised for the edification of all honourable members the suggestion that we give a local preference in tendering to firms who take on apprentices. This has been done in Western Australia, as I stated then. It happened in that state when there was a dramatic downturn in the building trade. A conservative government introduced this preferential tendering scheme where apprentices were employed and trained. At that particular time, the present Minister for Health dismissed the scheme as impractical and unworkable. Since then, we have had a press release from a government minister - from memory, the Chief Minister - who said that the government was actively considering such a scheme. I would suggest that it has had ample time to consider the ramifications and implications and to consult with industry. I would like to be advised as to whether it will start doing something about it or whether it will keep talking for another 12 months about the efficacy of that scheme.

Honourable members will know of my particular interest in trade training. I would be seeking from ministers an indication of the number of apprentices that the government is willing to take on and train, given the school leavers for next year. Private industry, given the impetus of the preferential treatment, will, I believe, again take as many apprentices as it can possibly absorb - and there has been a downturn - but it is up to government instrumentalities as well to take on and train these people. Members may or may not be aware that, when an instrumentality such as NTEC takes on the training of trade apprentices, it does not necessarily offer continuity of employment once the trade training is finished and a young person has his trade papers. I have no quarrel with that. If it were otherwise, we would not continually be training people. At least if someone has his training ticket, he has something to offer the world. He has skills which can only be of benefit to the wider community.

Mr Speaker, it is the school leavers who are the most vulnerable. Members will be well aware that there is a trend at the moment for people to stay in secondary schools longer so as to gain more skills. They undertake remedial work if they need it so that they will be best equipped to face the workforce when they leave secondary school. We are now talking about young adults studying at secondary school, not children. Again, I would ask the government in that context to sympathetically view the establishment of senior secondary colleges for the last 2 or 3 years of secondary school. They will cater so much better for those people who remain at school longer.

I presume that every government member opposite will mention the railway. The subject really has been done to death. The railway will have an immediate benefit on employment. However, at the last sittings, one minister spoke of the scheme which had been undertaken in north America whereby land is granted. He said that private industry might take a hand in financing the railway if it received land grants. I would refer honourable members to American history itself. When that area of the world was opened up, that scheme proved to be a costly bungle because people deliberately routed railways to obtain the greatest benefit from the land, which resulted in the least benefit to the actual railway. Subsequently, as anybody with any knowledge of American history will know, the railways largely went broke. Perhaps honourable members could read that excellent book 'Hear that Lonesome Whistle Blow' before they jump into madcap schemes such as that, or even suggest them.

Mr Speaker, I heard no mention this morning of any attempt by the Northern Territory government to establish a cannery. The subject was first raised by Tom Bell when he was the member for McMillan in the Legislative Council from 1971 to 1974. Various government representatives, who were appointed official members then, all agreed that it was an excellent scheme. It has been raised in the Assembly since then, by both the honourable member for Sanderson and the honourable member for Tiwi, as a means of encouraging secondary industry and utilising our primary produce which is sometimes sent to southern markets when prices are poor. For 12 years we have been talking about a cannery in the Northern Territory and we still do not have one. There was no mention from either of the 2 ministers who spoke this morning on any positive initiative that they are taking to get such an establishment operative.

If the honourable Treasurer speaks, I hope that he answers some of the queries that I have raised. Just what incentives is the Northern Territory government giving to private industry to attract employment growth industries to the Territory? I might add that, in talking of the preservation of jobs, the present government has a pretty bad track record. It did not do a lot for the meat workers in Tennant Creek. So let us hear something positive about local action being taken rather than offering this bland, gratuitous advice to people 2000 miles away.

Mr PERRON (Treasurer): Mr Speaker, in speaking to this motion by the Chief Minister, one turns one's attention to the federal government, particularly on the day before a budget. Of course, the federal government has the most powerful position in the country, as it should, and has the best access to policies and powers to implement schemes necessary to encourage the creation of jobs. It is important to remember that this federal government, at the recent election, ran partly on a platform of creating 500 000 jobs over 3 years. From my recollection of the election campaign, it was not a qualified statement in terms of 'if circumstances allow, we will do our best to do it' or 'if the international scene settles down, we think we can achieve it'. It was a plain statement that it would create 500 000 jobs in 3 years. I think that that particular undertaking probably gained it a great deal of support in the electorate. We do not want

excuses. We want performance and we are awaiting that performance. We are waiting for the plan to bring in the schemes which will create 500 000 jobs and perhaps we will hear something on that in tonight's budget speech by the federal Treasurer.

The Minister for Community Development went to Western Australia to attend a conference at which the federal government was represented. When the question was raised as to where the 500 000 jobs are to come from, there was nothing but confusion and bewilderment. No one had any answers. That was a fairly recent conference so we will see whether the federal government has come up with any answers in the meantime. Certainly we expect it to do something in that regard.

One cannot help but be attracted by the potential - as has been alluded to in this debate - for employment in the area of tourism. I think that tourism is one of those industries which have been neglected by governments for far too long. The reason is that it is not easily quantifiable as an industry which gives a particular return. It is not quantified by so many tonnes of ore mined or deposits in the ground or so many dollars earned in the form of exports or tonnes of harvest or whatever. Other industries are easily quantifiable in terms that everybody understands. Tourism, which involves transportation, accommodation, and feeding and entertaining people, is much more difficult to quantify in absolute terms. However, without a doubt, it is of enormous value in circulating money within the community. Tourism can enhance the transport, accommodation, food and entertainment industries. It is also an enormous employer. It is probably one of the biggest employers, particularly if one includes those employed peripherally.

The tourist industry is primarily served by small businesses which, as most people these days acknowledge, play the most important part in the business employment sector. Such businesses employ less than 100 people - in some cases, only 3 or 4 people. But taken together, that is where the real employment will occur. It will not occur from the opening of new mines or other activities, which make a significant contribution. Massive re-employment will come from the smaller businesses.

Tourism has the additional advantage that it is a very difficult industry to wear out. It is not mined out of the ground or harvested from a field. People from overseas come in with pockets full of money which they spend while looking around the country. They take photographs, experience the country and then leave. If proper control and management of national parks and so on is observed, tourism will not lead to what might be termed 'rape of the country'. In that regard, it is especially attractive.

It is a created industry, unlike mining which relies on mineral prices for its economic viability or agriculture which is dependent for its survival on the profits after harvesting. Tourism relies on the creation of an atmosphere which attracts people because they want to enjoy it and participate in it. That is mostly what the tourist industry is about. It is creating the desire in people to do things and see things in a place that attracts them more than other places do. We see before us an industry that, if managed properly, has enormous potential for growth, even in times of recession. It is a big employer, it is largely non-polluting and non-destructive to land and it can earn a great many dollars from national and international sources. It is probably the only industry that has really grown during times of recession. We hope that it continues to grow at the same rate as it has over the past few years. In the Northern Territory, the rate has been between 10% and 12%. I think that next year's prediction is about 8%. If tourism can grow during times of recession, then it holds enormous promise for the time when the economic ills that beset us now ameliorate and more attractive growth commences.

To stimulate properly the tourism industry in Australia requires a great deal of attention, much of which must come from the federal government. I refer to such things as tax incentives, depreciation allowances and so on which will encourage Australian investors to become involved. It requires a whole network of high-standard facilities to handle large numbers of people efficiently. I refer, of course, to international airports and, indeed, seaports - anywhere where passengers are handled. Those matters lie largely within the purview of the federal government. There can be negative aspects to government policy; for example, the airport departure tax, which I think is a terrible shame. The Chief Minister has proposed that international travellers be exempted from departure tax and that it be levied only on Australians departing from Australia. I think that concept could well be looked at. His view was that departure tax on Australians could be raised to counteract any revenue shortfall.

I think the federal government should also examine the question of Australia's involvement in international air travel and the cartels which exist there. I sometimes wonder, although certainly I am not familiar with the subject in any depth, whether the policies we have at the moment really are aimed at minimising the profits of Qantas and seriously encouraging international travellers to visit Australia in their hordes. That is where the economic benefit lies; it is not in trying to keep Qantas afloat.

Government control and regulation does not just affect that most attractive industry of tourism but it also affects other methods of encouraging private sector investment and expansion. I am not talking only about the federal government. Some state governments have fettered industry quite unreasonably with rules and regulations about everything from trading hours to unreasonable planning controls. There are also the Commonwealth FIRB exchange rates, statutory reserve deposits and so on. Obviously, it is a matter of the federal government using its powers to stimulate that activity whilst, at the same time, not creating undesirable effects. I would suggest that it could certainly be done better than it has been done in the past. Let us hope that the new federal government can strike a better balance there. Only time will tell.

One thing that we have to recognise is that the private sector is where the jobs will come from if they come from anywhere at all. They will not come from the small contribution governments make by expanding their own public services or by creating make-work schemes. We are obviously about to enter into a round of those very shortly. They have very limited value. Any long-term goals to create employment in this country can only be through the private sector. It will respond when governments respond by making life easier for them. These lessons were very clearly outlined at the federal summit when speaker after speaker from the private sector - men who control big business in Australia - gave reasons for the plight of the country at the present time and the answers that each saw that could apply to the present case.

Mr Speaker, the member for Sanderson, once again in a fashion typical of an apologist, told us why the federal government cannot afford to build the railway line. I do not apologise to the honourable member for Nightcliff who is getting a bit sick of hearing about railway lines. It is a shame she did not contribute a little more to the debate. She might have had just one tiny bit of effect. We were told that the $7500m deficit really meant that the country could not afford the railway line. Mr Speaker, the $7500m is on top of the rest of the budget that will be matched by revenue income from the federal government. A sum of $12m does not sound like a great deal when we are talking about commencing a project which we believe this country needs at the present time. However, we are becoming used to hearing apologies on that issue from the Labor Party MHR for the Northern Territory.

The honourable member for Nightcliff asked what we were doing to encourage new industry in the Territory. She said that we spoke a lot about the federal government and she asked about the local scene. There is not a great deal that this government does and that ministers do individually that is directed in any way other than encouraging new industry and growth in the Northern Territory. It seemed to me that just about all of our policies have been directed at growth and development; for example, policies on land, land administration and land title systems, policies on taxation in the Northern Territory, which are pretty well known to members of this Assembly, our contribution to housing in the Northern Territory and our contribution to the Northern Territory Development Corporation and the Conservation Commission. Most of those policies are directed at growth, development and creating jobs in the Northern Territory and at increasing the population and encouraging people to come here with some capital to help us get on with the job.

In looking through background papers for this short speech, I noticed that a new figure has been mentioned: dwellings under construction in the Northern Territory per head of population are 140% above the national average. As I said, our contribution to housing is fairly well known. That is just another way that it can be demonstrated.

Mr Speaker, between 1976 and 1981, the 5-year period in the Northern Territory, employment in the various business sectors increased by the following percentages: manufacturing - 36.7%; wholesaling and retailing - 31.8%; finance, insurance and real estate - 41.1%; and recreation and entertainment - 50.9%. Surely those figures indicate that things have been happening in the Northern Territory. They have not been happening simply by accident; they have been happening because we have been working to make them happen.

The member for Nightcliff also referred to the Tennant Creek abattoir and indicated that we were not even interested in helping these people in private enterprise. Can I say to her that, if it was not for the Northern Territory's interest and help, there would not be an abattoir at Tennant Creek at all. We have a very substantial mortgage over that property for funds that we have put in to get the abattoir going in the first place. I guess she is referring to the fact that some of the workers recently went on strike for an extended period over whether or not someone was employed or not employed by the person who writes out the cheques. I am aware that my ministerial colleague became involved at one stage to see if he could bring any rationality to the situation. She implied that we should have stomped in there with big boots, which would have helped the Tennant Creek abattoir. Mr Speaker, it might have sent it backwards. They might still be on strike if the government intervened to try to settle every dispute. It seems to me that some things have to be left to the parties involved to work out.

She wondered why we do not have a cannery in the Northern Territory. Years ago, someone said that we should have a cannery and it sounded such a marvellous idea that we felt we were falling down on our responsibilities because we did not have one. Like so many other projects, a cannery requires private entrepreneurs to run it. She did not say that she was talking about a state cannery. It is true that the government can assist marginally viable industries to establish in the Northern Territory. We have done that and we will do so again. We will tailor our assistance in order to conserve government resources as much as possible so that we can do it as often as possible. There must be a certain amount of throughput before an enterprise such as a cannery could be even marginally viable. Only then can a government step in to assist with payroll tax, holidays, soft loans or even grants of land or money. It has not happened to date because it is not a goer. It is as simple as that. Fortunately, there

are parties interested in talking about the establishment of a cannery in the Northern Territory and we hope that those talks come to fruition. They involve some overseas interests as well as Australian interests. Obviously, the attitude of the FIRB will be important in that regard. Quite clearly, we cannot raise enough interest within Australia for all the investment that we want to see in the Northern Territory and we need to seek some from overseas. Personally, I see nothing wrong with that.

The honourable member for Nightcliff also referred to the numbers of apprentices in training and this is a matter of some national concern at present. There has been a dramatic drop in the number of young people taking up apprenticeships in Australia in the last year or two in which unemployment reached unprecedented levels. It has been predicted that this shortfall in young people taking up apprenticeships will cause severe skilled manpower shortages when the Australian economy does pick up. I will quote figures from the states for the period May 1982 to May 1983: in NSW, there was a 37.7% drop in the number of persons doing apprenticeships; in Victoria, a 30.4% drop; in Queensland, a 37.5% drop; in South Australia, an 11.4% drop; in Western Australia, a 37.3% drop; in Tasmania, a 30.7% drop; and, in the ACT, a 16% drop. The Australian average as a whole was a 33.5% drop in the number of persons taking up apprenticeships. In the Northern Territory, the number of persons taking up apprenticeships over that period increased by 2.8%. From June 1982 to June 1983, the numbers of persons participating in apprenticeships in the Northern Territory rose by 7.7%. That is another example where we must be doing something right if we can go against the national trend to the tune of minus 30% to 2.8% and 7.7%.

The member for Nightcliff asked why we did not have a scheme to encourage the employment of apprentices such as Western Australia has whereby persons who are tendering for particular government work are required to have a particular number of apprentices on their payroll. We were interested in encouraging some of those persons who are picking up a lot of government work and who are not meeting their full responsibilities in regard to the employment of apprentices. We have had a look at this field around Australia. We have sent officers to Western Australia to look at its system and we are advised that there are a lot of warts and problems with the Western Australian system. It may not be achieving the intended results.

We have already rejected one submission proposing a particular scheme which we felt was quite unworkable. That scheme is being refined for resubmission to Cabinet and, hopefully, we will obtain a scheme which is workable and equitable. It has to be workable and equitable because, when one starts to interfere with the normal tendering processes, as we do by the Northern Territory government's tender preference scheme, it creates a great deal of work for the Ombudsman. We want a system whereby there is not continual dispute over procedures and interpretation. We are working on a further scheme.

At present, we have 2 group apprenticeship schemes in the Northern Territory: one with the Master Builders Association in Darwin and one in Alice Springs. The Alice Springs one is particularly interesting. If it is successful, we will seek to expand it elsewhere. The Master Builders Association has taken on 10 apprentices and the Housing Commission commissions those apprentices, together with supervisors, to build houses for the Housing Commission. As those houses are completed, they are handed over to the Housing Commission. The houses cost a little more than normal but it helps keep apprentices permanently employed in their trades until they are qualified. If this scheme is successful, it could well be expanded to other areas in the Northern Territory.

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

Mr SMITH (Millner): Mr Speaker, in one sense, this is a very strange debate to be holding at this time. We are spending 2 or 3 hours discussing something that may or may not take place tonight. If we were serious about the debate, and about attempting to influence the federal government in the decisions that it will announce tonight, we should have had this debate 2 or 3 months ago. However, I would like to seize the opportunity to make a few remarks on some of the comments made by members opposite.

First, the Treasurer made some good sense about tourism. There is no doubt in my mind that, in the Northern Territory, tourism is the industry of the future and that it is in everybody's interests to encourage tourism as much as possible. Certainly, I would agree with him that it is as much a Commonwealth responsibility, if not more a Commonwealth responsibility, to encourage and direct the efforts concerning tourism as it is a Northern Territory responsibility. It seems to me that this is a lesson that is easy to say but not so easy to practise. I have some criticism about the current approach of the Northern Territory Tourist Commission in that regard, particularly its overseas marketing. It seems to me that it has fallen into the trap of trying to package the Northern Territory overseas. Most people are not interested in the Northern Territory as such but are interested in one or two specific tourist venues within the Northern Territory, such as Ayers Rock or Kakadu.

As the member for MacDonnell indicated last week, it is time that we looked beyond our borders to, say, South Australia and attempted to come up with a joint proposal to encourage tourists to the area. Certainly, on the national level, it is about time we joined forces with all other tourist authorities, and particularly the Australian Tourist Commission, and presented uniform tourist promotion overseas. As someone pointed out to me, not too many people know what state of the USA the Grand Canyon is in but everybody knows that the Grand Canyon is in America. Many people who go to America want to visit it. The same principle applies in this case. Not too many people overseas know where Ayers Rock is but they certainly know it is in Australia. Most people want to go to Ayers Rock, the Great Barrier Reef and one or two other places in Australia. I think it is time that the Australian tourist authorities presented a coordinated image overseas. To do that, we need a much greater input and possibly direction from the Commonwealth authorities. I too am hopeful that the Commonwealth government will announce that there will be a much greater amount of money available in the next 12 months and the next 2 or 3 years for the encouragement and growth of international tourism in Australia.

Mr Speaker, because of some remarks made by the former Treasurer, John Howard, in Sydney last week, we now have the advantage of knowing what sort of budget the conservative government would have brought down if it had been re-elected or had gone its full term. I think it is worth while to outline the parameters within which the former Treasurer was suggesting that the budget should be brought down tonight. Mr Howard stated that, if the Liberals were still in power, he would have argued for a tough budget. According to the Melbourne Age, which reported his comments in full, John Howard's budget would have had a deficit of about $7000m which, of course, is some $1500m lower than the Hawke government's declared aim. Mr Howard said that he would achieve this objective partly by holding spending to less than Labor will provide tonight. However, he conceded that this would be insufficient to make up the gap and therefore he would rely on increasing indirect taxes to ensure that the deficit aim was achieved. Mr Howard said: 'I would be seeking to hold expenditure to as near as possible the same in real terms as last year except in defence, where we have a commitment, and in social security, because unemployment benefits are always high in a recession'.

I would like to take the opportunity of congratulating Mr Howard on his compassion. Obviously, he has more compassion for the unemployed than the people opposite who, if one were to take them literally, would be reducing the amount of money that goes into the unemployment vote. Mr Howard said that he expects significant rises in real spending in the Hawke budget, and I hope he is right. But, by eliminating these in the Howard budget, he could, he stressed, have saved hundreds of millions of dollars. He went on to say: 'It may have been necessary to reschedule some of the capital works commitments made in the election and in the leadup. I never believed that employment spin-offs from large capital works are as great as other people think'.

So much for the comfortable opposition thoughts at the moment that they would have proceeded with the railway line, Mr Speaker. Quite clearly, they see similar sorts of pressures to that which the Hawke government sees and they would not have been proceeding with the railway line according to their election promises either.

Mr Perron: Rescheduled, not rejected.

Mr Robertson: That is speculation.

Mr SMITH: That is true, and thank goodness for it. According to the article, Mr Howard's indirect tax rise would extend sales tax to goods not already covered, including clothing, and might have included a tax on services. We would have received from another Fraser-Howard budget a much tougher approach, a much more economically-restrictive approach, than we expect from the first Hawke-Keating budget.

Mr Speaker, I would make one other comment with respect to the performance of the Fraser government and it relates to the level of general purpose capital funds. Between the financial years 1979-80 and 1982-83, the increase in the level of general purpose capital funds was only 12.3%. If we allow for an inflation rate over that period of approximately 10% per annum, the real decline in the value of these capital funds coming from Canberra was in the order of 20%. I anticipate that, in tonight's budget, this important area of Commonwealth funding will increase by approximately 10% in one year thereby providing an important source of revenue for job-creating capital works programs.

Mr Speaker, I want to return to a matter first raised by the honourable member for Nightcliff. It concerns the government's attitude to apprenticeships and apprentice training. It is all very glib for the Treasurer to bring out statistics which state that the Northern Territory is doing a marvellous job. I have no doubt that those statistics are true. But he also knows, and his government knows because it raised the subject in its employment statement of November last year, that there is considerable concern within this community about apprenticeship opportunities for young people, particularly in the construction industry.

He also knows that, at that time, both the honourable Chief Minister and the then Minister for Transport and Works made specific commitments to this Assembly and to the public that they would investigate means of improving apprenticeship opportunities in the building and construction industry. That commitment was reiterated in a separate statement issued by the Chief Minister on 20 March when he said that, within 3 months - that was 4¼ months ago - the government hoped to announce preferential tendering systems for firms employing a maximum number of apprentices. At that stage, he said that 2 senior officers had been sent to Perth to examine the Western Australia scheme and he called on members of the Master Builders Association and other industry groups to pull

their weight and to get their own houses in order. Mr Speaker, I submit that the Master Builders Association and other industry groups are very concerned about the present lack of apprenticeship opportunities. They have put submissions to the Northern Territory government about improving the number of apprenticeship opportunities. This government, for reasons unbeknown to anybody else, has chosen to reject those submissions and, 10 months - almost 1 year - after the matter was first raised in this Assembly by the members for Nightcliff and Sanderson, we still have no action from the government aimed at improving apprenticeship opportunities for young people.

Mr Speaker, I submit to you that this government ought to get its own house in order on the question of job creation before it starts giving gratuitous advice to the federal government.

Mr ROBERTSON (Mines and Energy): Mr Speaker, it has been suggested that it is up to this government to do something about creating employment. I think that issue has been covered fairly well by the Treasurer. Nonetheless, I think that there are 3 observations which ought to be made which would allow this government to continue, as it has done under the previous Commonwealth government, to create unparalleled, and unprecedented in recent times, employment opportunities in the Northern Territory.

If we are talking about the dual subjects of the federal budget to come down tonight and employment, the first question that we must be satisfied on is that the present Commonwealth government will honour the spirit and word of the Memorandum of Understanding. Certainly, to date,we have received no indication that the present government has any intention of breaching either the spirit or word of that memorandum, and that is encouraging. Secondly, if we are to have in the Northern Territory growth in employment and prosperity, there must be an honouring of the Commonwealth government's election promises. We do not want to hear any excuses. Mr Speaker, those promises spanned a great range of initiatives which, of course, were picked up, by and large, from the Liberal and National Party election platform, but nonetheless put into place, to use a 'Hawkism', by the present government as firm, unequivocal and total electoral commitments to the people of the Northern Territory. Roads were not least among them. However, we have now been told that the $60m previously promised in respect of roads is at risk.

The second issue is part and parcel of the tourist industry. I totally agree with the honourable member for Millner that it is one of the all important issues for the economic growth of the Northern Territory and, indeed, as the Chief Minister put to the economic summit, for this country generally. What is the reality in respect of the airports? We have seen yet another plastic model presented in respect of Darwin. Notwithstanding that it was a firm and unequivocal promise of the new member for the Northern Territory, Mr John Reeves, that the Alice Springs airport would be upgraded, that has been described by the federal Minister for Aviation as being at the bottom of the list of priorities. The present government is following the same line as the previous government, and is suggesting local ownership. The airport in Alice Springs is a Commonwealth responsibility and a Commonwealth responsibility alone. I believe that both the present government and the former Liberal-National Party government ought to be condemned by the residents of Alice Springs, and probably of the Northern Territory, for their devious manoeuvring and the non-acceptance of their national responsibilities and clear electoral undertakings. It applies now only to the Labor Party because it is in government and it made the last promise in respect of the Alice Springs airport. In tourist terms,it is a disgrace. A lot has been said about it. It would seem that everything said from here on is a waste of my time and probably that of the Assembly.

The other area under threat is the BTB program. Mr Speaker, the pastoral industry, of which you have more knowledge than any other person here - and probably more knowledge than all of us put together - is a major employer in the Northern Territory. It has been so historically and, hopefully, it will continue to be a major employer. Nonetheless, this vital program of disease eradication must be accelerated if we are to maintain our overseas markets. It would seem that that too is under threat. We will know later this evening what is to happen.

Housing is another sphere in which the Commonwealth has assumed, through the Commonwealth-States Housing Agreement, a clear area of responsibility unto itself. We have been led to believe that significant capital will be injected through this budget into Aboriginal housing. I hope that that promise will be honoured. Having regard to the huge slice of its global budget that this government puts into housing, a further effort should be made by the Commonwealth.

Finally, under the heading of maintenance of promises, we come to the infamous railway. I do not believe that a great deal more has to be said about this other than to give yet another example of the impact upon the Northern Territory of the cancellation of that firm electoral promise. I cannot identify the site for obvious reasons but the Northern Territory has, within its borders and close to where the railway would pass, one of this nation's great deposits of gypsum. There is only one other place in Australia where gypsum is mined: through the mining operation of Brighton Cement in South Australia. That gypsum is taken all the way from South Australia, via the Adelaide port system, to Townsville in Queensland for treatment and export. The deposit which we have in the Northern Territory is totally dependent upon large-scale shipment, and the railway is an essential ingredient. It was on the promise of the previous government - which I believe in all honesty would have been maintained no matter what - and on the promise of the current federal government that significant expenditures and work went into proving up that resource. It is a rather small mining interest within the Northern Territory, with consultants from South Australia. It based its entire prognosis that the mine would be successful on that promise. That has now been dashed to naught because the promise has been broken.

Mr Speaker, if the federal government wants to do something to assist this government in promoting employment within the Northern Territory, in both the budgetary and policy sense, it ought to cease interfering with job-creation industries which we wish to see go ahead. The main one of course is uranium. I will get to that in a moment. But it goes beyond that. To the south west of Alice Springs we have the Mereenie oil basin. Its success as a job-creating venture, rather than just pumping some oil out of the ground, totally depends upon levies. If the levies are to be replaced, it will depend on the rent resources tax system. Notwithstanding the difficulties that the states have in entrusting any Commonwealth government to take over the royalty-raising provisions in respect to onshore resources, if the rent resources tax system were to come into being, it would indeed be in the interests of the Mereenie basin. The proposal put forward by the Commonwealth takes very much into account the cost of production and the cost of exploration. It really catches up the very high profit areas.

As I have said in the press, I doubt very much that the rent resources tax system will ever replace the existing levy system for the simple reason that the states will not go along with it because they cannot trust any Commonwealth government to return in an equitable manner the royalties or revenues so raised from state resources. The states have for so long gained royalties and raised revenues for their state operations from mineral and oil resources within their boundaries that I doubt they will ever surrender that right. As such, I doubt

that the rent resources tax system will ever come into being. Therefore, it looks to me as if we are stuck with the present levy system. That levy system was designed for one purpose: to capitalise on a significant new oil field in Bass Strait. Regrettably, once Mereenie is producing about 1.5 million barrels of oil per year, it also will be affected. Without a production rate in the first few years to get the necessary cash flow running, I am certain that we will never see a pipeline from the Mereenie field to Alice Springs. As a result, it would be most unlikely that we would ever see a refinery. Those 2 exercises would cost tens of millions of dollars each. Without that rapid cash flow and build up of equity, and without the attraction of share funds from the stock markets, which would result from the improved value of the existing shares, to generate the wealth necessary to spend that $40m or $50m, I doubt we will see the oil field come to pass in the manner that we would like.

Mr Speaker, lately we have heard a great deal from the Chamber of Mines and from people involved in mining about the inhibiting effects of the complexities of the Aboriginal Land Rights (Northern Territory) Act. One cannot lay the blame squarely at the feet of the present government for the difficulties which that act gives rise to in the area of exploration. After all, it was an enactment brought in by the previous government. But it was based on a bill designed by its predecessor back in about 1972. I would like to put on record that the cooperation and help that I have had in Aboriginal Affairs in so far as they relate to mining from the present minister, Mr Holding, has been quite refreshing compared with his predecessor of last year. Indeed, the man has made it clear that, where the issues are clear, he will be helpful and facilitate the development of resources. Having regard to the constraints under which he operates, given the act, I have no criticism of the way he has conducted his portfolio, at least as far as mining goes.

Gold is another area which I understand this budget is likely to address itself to. The budget is likely to impose a tax for the first time. If that happens, mines such as the Granites mine, the one owned by North Flinders Mining Company, would probably lose its viability. There is no certainty that such a tax will be imposed. But as we are speculating on what may or may not be in the budget, I hope that such a tax is not levied against gold because the Granites mine is not the only one which now has a very distinct possibility of getting off the ground. There are a number of others in the Adelaide River area and in the areas west of that, without defining even broadly where they are, which are of very significant value indeed. So that is an area which I hope the federal government keeps its claws away from.

Finally, I come to uranium. Mr Speaker, ignoring all the potential for uranium and multiple mineral finds in Arnhem Land, what would we perceive to be the result - through our economists and through the best advice I can obtain - of Jabiluka and Koongarra going ahead or not going ahead? We are talking about the creation of jobs; the creation of wealth. A lot of this information I have given before. Some of it I have not given before because it has indeed been updated, as late as yesterday.

Before I get onto that, if we are concerned about what the public opinion on uranium is, I dare say that most of us, particularly the Leader of the Opposition, being an avid reader of the Bulletin, would have read the issue of 9 August this year. The question was asked about developing and exporting uranium for peaceful purposes: 'Do you think Australia should or should not develop the export of uranium for those purposes?' As of July 1982, 66% said 'yes', 25% said 'no' and 9% said 'cannot say'. It is interesting to note that, in July 1983, those figures have altered hardly at all: 66% are still in favour of it, 26% are not and 8% still have no opinion. The further question asked was: 'Do you agree or disagree

with mining Australian uranium?' In July this year, the figure was 64% in favour, 26% against and 10% undecided. If a government ever went against the public wish of the Australian people, this government is clearly doing that. Although, in saying so, I must say that I commend the Prime Minister - I dare say he has the backing of Cabinet - in the attitude he seems to have displayed recently in that he is saying that it is Caucus, or the parliamentary wing, which will make the decision as to any new policy in uranium, not the national conference. It is the people who are elected who should be making the decision, not the faceless men, be they Labor, Liberal or otherwise. It should be the people who are elected to do the job. It seems to me that the Prime Minister is quite determined that that should be the case.

In terms of employment for Koongarra and Jabiluka alone, during the construction and commissioning stage, Jabiluka and Koongarra would employ upward of 4000 people. It would require an awful lot of fences to be painted to create long-term employment for 4000 people. During the life of the mines, there would be employment for an estimated 1500 full-time workers. The construction and commissioning phase at Ranger's Jabiru mine took 33 months. It would be anticipated that, at Jabiluka at least, the construction phase would be considerably longer, offering construction workers extended employment due to the depth of the deposit and the planned excavation method. Based on known reserves, the expected life of Jabiluka is 25 years, and Koongarra, 12 years. These figures are quite conservative.

These 2 projects might be expected to provide full-time employment for more than 4000 people for 3 years and for 1500 people for between 12 and 35 years. Compare that with the last experiment - other than the RED scheme - that I heard of: the so-called fence-painting exercises which were conducted by the state government in South Australia between the years 1976 and 1979. They cost the taxpayers of South Australia $51m and, on the government's own admission, they did not create one full-time job. Indeed, statistical analysis proved that the average length of employment under such schemes is 3 months. Compare that with the prospects, which has been stopped by federal government policy, in the uranium province right now. The figures I have just given relate only to those 2 mines, and do not have regard to the enormous potential of the general areas which are being prospected for uranium mining.

What is the value of these mines to the Northern Territory? Mr Speaker, we will look at it in terms of construction value; that is, money spent turning over either in Australia generally or in the Northern Territory. These figures were extracted last year. In other words, perhaps the previous government could have signed those documents and allowed it to go ahead. The figures demonstrate that, in 1984, capital sums totalling $275m would have been spent next year in the construction of those mines. In 1985, the figure again is $275m. In 1986, it is $260m. For the final year of construction, 1987, the figure is $50m. From memory, it comes to about $630m for Jabiluka and about $100m for Koongarra.

What is it in terms of the gross value of production? Those figures are just for the construction side. Starting in 1986, the gross revenue from those mines which would flow to this country - or to the Territory, depending on how you analyse who holds the royalty rights - would be: in 1986 - $155m; in 1987 - $385m; in 1988 - $540m; in 1989 - $580m; in 1990 - $810m; and constant at $810m till 1994. Then it starts to slide back, as a result of the reserves starting to run down, to $655m which it holds roughly till the turn of the century. If we were to convert that under Northern Territory mining law into what are projected profits to be returned to the Territory - on the assumption that we had control of the uranium industry, which we ought to have as it is within our geopolitical borders - at 18% of nett profit which is allowable under the Royalties Act, the

return to the Northern Territory in 1986 would be $11.67m, going up in 1987 to $28.5m, in 1988 to $40.5m and holding at figures similar to that through to the year 2000 when it would be $49.13m. That is at known prices. That is what we are forgoing.

Let us put that in another way. The moneys that are given to the Aboriginal people either by royalty under the Uranium Act, over which we have no control, or by way of displacement, disability or rental payments - whatever you like to call them - are all kept here in the Territory and are all spent here in the Territory. They all create wealth and spin-offs right through the community. In non-uranium areas, as long as it is not in the nature of a royalty, I am for it. I am all for it as long as it is reasonable and does not inhibit mining. Let me make that point quite clear. I have said it to every Chamber of Mines and I have said it to every mining forum I have come across. Royalties and like payments to Aborigines in 1986 would start off at $6.98m. The figure would escalate by about 1992 to $36.5m and would peak out at about that. It would still be returning $29.48m to Aboriginal people at the turn of the century. Mr Speaker, we talk about the right of and desire for self-determination. Aboriginal people, like anyone else, want to remove themselves from being a burden on anyone else. You, Sir, have said many times in the parliament that Aboriginal people want employment and want to be self-sufficient.

What then, as a result of Commonwealth policy in stopping these 2 mines, is the Northern Territory dipping out on? In gross terms, the total loss of production and construction expenditure in the Northern Territory during the life of those 2 mines is a mere $10 500m. We talk about employment, we talk about Commonwealth policies and we talk about Northern Territory policies. Given that we are willing to see all of these things happen, and the Commonwealth, either through stultifying our initiatives or breaking its own promises, is not allowing them to go forward, Mr Speaker, I ask you: who is doing the most about employment in the Northern Territory?

Mr BELL (MacDonnell): Mr Speaker, unlike the honourable Minister for Mines and Energy, who rarely soils his hands with matters of interest either to his electorate in particular or to the central Australian community, in my daily run as the member for MacDonnell and as a politician in central Australia, I receive many representations, as I am sure other people do, from people seeking employment. For that reason, I was very interested to hear what the Chief Minister had to say in relation to employment in his statement today. As well, I receive personal representations from people living in Alice Springs who are having a great deal of difficulty finding work in one area or another. Believe me, I frequently hear particularly heart-rending stories in that regard. I am sure other honourable members hear much the same.

The situation is even graver in the Aboriginal communities in my electorate. For that reason, it was of interest to me to hear the comments of the honourable minister in regard to mining royalties. I would suggest that perhaps he is painting himself in a rather more positive light than has always been the case. I have a fairly clear recollection of somewhat more negative comments he made in relation to negotiations between North Flinders Mining Company and the Central Land Council. However, I do appreciate his concerns in that regard. They were far less scant than were the Chief Minister's in that regard. I do not wish to dwell on the issue today. I have spoken on it before in the Assembly.

The levels of structural unemployment within the communities in my electorate, and I dare say in some of your own, Sir, vary between 50% and 90%. That causes 2 sorts of problems. I have made representations in that regard. The first problem is that there are people whose movements traditionally and in

more recent times have encompassed large areas of the Northern Territory. More recently, the movements of people in my electorate have occurred over a larger area. Those movements over large areas create big problems for the maintenance of support services and the ability that those people have to maintain a dignified way of life. I think that that is one issue that has to be considered although it may not be germane to this particular debate.

Certainly, consequent on that are the long-term effects of unemployment in the communities to which I refer. I know it is an issue of concern to the people in those communities. My personal feeling is that the Chief Minister's statement in this regard has been a little thin. He did make reference to it but I believe that that represents perhaps the greatest challenge to the Northern Territory government. It represents a very great challenge in terms of the life of the people in those communities, the future that may or may not be available to their children and so on. That is one particular issue that I wanted to mention in this context.

The other question I wanted to take up was the issue of the particular areas that have been given consideration. I would like to make some comments about tourism because tourism has been given the greatest emphasis by all the government speakers in this debate, with the possible exception of the honourable Minister for Mines and Energy. Before I pass on to the issue of tourism, I think I should make passing reference to the issue of housing, and the effects of the building industry in improving employment opportunities in the Territory. The Treasurer said, by way of patting the government on the back, that the government was doing an excellent job through the Home Loans Scheme and other initiatives that were being taken to provide houses for Territorians. Certainly, I am on record as saying that that makes a contribution. However, even though an admittedly high proportion of the Territory budget is allocated to housing and a relatively large amount of money is provided through the Northern Territory Home Loans Scheme, it is worth taking into consideration what percentage of that money is actually spent on building houses and what is spent on recycling old stock. I am sure that all the government speakers, particularly the honourable Treasurer, will agree with me when I say that the multiplier effect of building new housing stock is going to be a much greater generator of employment than the spending of that same money on old housing stock. I offer as a comment in the context of this debate that perhaps the government should look carefully at that figure because a large percentage of the funds available under the Home Loans Scheme - to my mind too great a percentage - is being used to recycle old stock.

To return to the theme of tourism which has recurred frequently in the context of this debate, I think that I can put the Chief Minister right in this regard. He rather querulously identified me correctly, which is a problem I have been having lately. At least, he identified me correctly. However, he quite incorrectly said that I had been critical of the Territory's tourist performance and strategies. That was a quote from his statement this morning. I am quite aware how ill the Chief Minister takes any criticism but, from his comments, he evidently was not paying attention to what I said. Perhaps I can take a little time in this afternoon's debate to satisfy him that that certainly was not the thrust of my comments last week. The context of those comments was a very fruitful inspection of the international airport in Adelaide which opened recently and communication with the Minister for Tourism in South Australia. I had a very interesting briefing with people in the relevant government departments there about joint strategies. The reason that I was interested in joint strategies was precisely because the honourable Chief Minister himself had circulated this resume of conclusions and recommendations arising from his tourist mission to Tokyo in June this year.

This is the point I am trying to make, Mr Speaker. I believe it is very important for the encouragement of international tourism to the Territory for the Territory not to be caught up by what I term NT chauvinism, of which the Chief Minister is a past master. I said this last week and I think it is what the Chief Minister was referring to. I said that the Chief Minister, as Minister for Tourism, runs the risk of pretending that the world stops at the Northern Territory border. Of course, it does not. What I found very interesting was the fact that this particular document gives a very clear example of how careful we must be in promoting tourism in the Territory. Certainly, do it with energy and with enthusiasm. That is the hallmark of the Tourist Commission at present, and I applaud it. However, I warn the Chief Minister and other people who are involved not to be caught up in the Chief Minister's rhetoric. This particular document said that the message for the members of the mission was 'clear from the major Japanese operators'. Part of the message was that the Northern Territory must be marketed in Japan as Australia's Northern Territory and that marketing by the Northern Territory Tourist Commission must complement Australia's total effort and not fragment it. I hasten to add that I am not being critical of this document. I am making what I believe to be constructive comment in this regard, as I attempted to do last week. I think it is a shame that the Chief Minister chose to misinterpret my comments on that occasion.

Unfortunately, relatively little was said about how the Northern Territory is to cooperate with the Australian Tourist Commission, although that is seen by the Japanese operators as important. It is disappointing to see statements such as 'the mission was successful in paving the way for a well-planned, properly-structured marketing assault by the Northern Territory Tourist Commission on the Japanese market'. Unfortunately, there is relatively scant comment about how co-ordination with the Australian Tourist Commission is to be encouraged. I must admit that I find that a little disappointing.

The Chief Minister was saying that I was being critical of the Territory's tourist performance and strategies, and suggested that that was a general blanket criticism I was making. That was not true. We are Her Majesty's loyal opposition and I believe it is part of our responsibility to make quite clear where we believe there are shortcomings. I believe that, in that particular case, there were shortcomings. That was the point of my taking an interest in the international airport in Adelaide. I believe that is a strategy that can only benefit the Northern Territory in tourist terms. We can only benefit by the marketing of some sort of centre strip proposal where people are travelling through Darwin and out through Adelaide or vice versa. We need a consistent marketing strategy. By that means, tourists and would-be tourists would know clearly what is available to them. On this side of the Assembly we are keenly aware of the benefits of tourism and of the labour-intensive market nature of the tourist industry.

I gave a wry grin when I heard the Premier of Queensland last night refer so determinedly to his government as 'the only mainland private enterprise government'. I was wondering what the Chief Minister had done to excite the ire of his eastern colleague. If he has not done anything to excite the ire of his eastern colleague, I can only assume that the Premier of Queensland recognises the Chief Minister for what he is - one of the most canny socialists this country has seen for a while. I have already congratulated the Tourist Commission but that commission has a decidedly socialist strategy. It is a very sensible, well-marketed operation to bring people to the Northern Territory. The amount of money that goes into it in the Northern Territory, I believe some $4.7m per year, is instructive in that context. I hope that the Treasurer is listening because he has given us his articles of faith about the private enterprise system. I hope that I can make him think a little harder today. In fact, the Northern

head in the Northern Territory than it does for the average Australian is defendable. When I argue that point, the example I often use is that those per capita, percentage comparisons with such a small population base are statistically misleading. Indeed, the Northern Territory government does it constantly. I will use one startling example that I saw. I read a glossy publication extolling the virtues of the Northern Territory. It talked about the wonderful prospects for the Northern Territory. Part of that article said: 'In just 12 months, the Northern Territory has doubled its acreage under sorghum. We had 200 acres a year before and this year we had 400 acres. It was tremendous'. That is how misleading statistical information based on such a small population base can be. Five times the national average indeed. As I have said, we also produce per head of population 18 times the national production of mineral wealth in Australia. It is a dangerous use of statistics but the Northern Territory government is guilty of doing it all the time.

Today, I looked through this sheaf of propaganda that has been pumped out by the Northern Territory government. It is quite tedious. There will be a gold tax introduced which will destroy Tennant Creek. There will be a dreadful oil levy. The changes in the oil levy will be to the great short-term benefit of Mereenie while it only produces 0.5 million barrels a year. However, I can assure the Attorney-General that there will be a rent resources tax introduced. We are going to lose our electricity subsidy; we had that run again this morning. Indeed, I think that any observer would have noted that, when the Treasurer produced that piece of paper signed by the Prime Minister guaranteeing that agreement, he obviously wanted to cut his tongue out instead. It really hurt him to have to say it because I know that that agreement lay on the desk of the Fraser government for 7 months waiting for a signature, right up until polling day. Indeed, in respect of Darwin's electricity subsidy, the Labor government has in fact signed a document which the previous government failed to sign.

Mr Speaker, we have had endless speculation about these matters. We are not going to get the Darwin airport terminal. It goes on and on. I can assure the Chief Minister - and I confess I have personal knowledge of only one example of it - that this endless propaganda from the Northern Territory government has caused one Sydney brokerage firm to have suspicions that the Northern Territory will not be a healthy place in which to invest because it is almost totally dependent on funding from Canberra. I hope that the information that I was able to give that gentleman will result in that office being established in Darwin. That is the sort of nonsense that is being pushed and that is what undermines confidence in the Northern Territory.

We heard comment again about plastic models of airports and what will happen to the Alice Springs airport. In relation to Mereenie, we heard that there would be no pipelines and no refineries. An assumption was created out of thin air and in 30 seconds accepted as fact and built on from there. That is exactly what the Attorney-General did in his contribution on Mereenie. He took a giant leap into space. I will have a great deal of pleasure in reading that back to him at some future date because he will end up with egg all over his face.

The speculation raised by the Minister for Community Development about AUSSAT was a nice old stir. The government had made no statement at all that it was considering scrapping AUSSAT but that did not stop the minister from raising that scare. Not only has the federal government disproved him already on that but has gone one step further and approved federal funding - of no advantage whatever to Sydney or Melbourne - for a second ABC network in the Northern Territory, which I am delighted to see. So much for its lack of concern for isolated Australians! As the Attorney-General conceded, we have had information that we will receive a substantial increase in the housing allocation

Territory spends about $4.7m per year on the promotion of tourism. This compares with about $4.3m in South Australia, for example, a state that has a comparable physical area but some 5 or 6 times the population. To my mind, that goes very close to convincing me and, I am sure, many others, that the Tourist Commission smacks of some sort of socialist strategy in that regard. But, because it is so highly successful, that is to be commended. It is to be commended because it gives us the possibility to increase employment in ways that the opposition has decided are highly desirable.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this morning in question time, we heard a classic piece of chief ministerial tripe about undermining confidence in the Northern Territory by talking about early elections. I must say that it is a fairly astounding comment from someone as astute as the Chief Minister to make when one considers that both major parties in the Northern Territory are currently engaged in pre-selection processes. The Chief Minister himself has already launched the television campaign for the Northern Territory CLP via the Road Safety Council. It is a perfectly reasonable suggestion for people to make because they are interested in elections. I do not think that that sort of trite, commonplace speculation undermines anything at all.

What does undermine confidence in the Northern Territory has been the campaign indulged in by the Northern Territory government, particularly the Chief Minister, over the last couple of months. That has seriously undermined the Northern Territory's credibility. I was astounded some months ago, when I first started paying attention to this, to have a visit from a partner of a very large stockbroking firm in Sydney. That firm was interested in setting up an office in the Northern Territory. I was very glad to see him and give him some of my time. It turned out to be an extremely interesting meeting because that person was extremely concerned about decreasing support for the Northern Territory from the federal government. He based his entire concern on press statements of the Northern Territory government. He said:

> *What about what Mr Everingham said the other day about withdrawal of this and what Mr Perron said the other day about electricity etc. The Northern Territory government is saying that they will be sold down the drain at the Premiers Conference by the federal government. The Northern Territory government has consistently run a line about the so-called 'golden triangle': they are spending all their money in Melbourne and Sydney. They are not spending any in the Northern Territory.*

I had a look at what this particular fellow was talking about and I said:

> *I think you can go ahead and open your office in the Northern Territory with complete confidence. Ignore the Northern Territory government. It is purely internal domestic politics; do not worry about them.*

Before the Premiers Conference, we had both the Treasurer and the Chief Minister of the Northern Territory publicly speculating on what a disastrous deal we would get from Canberra. In fact, 87.6% of our entire budget is Commonwealth funded. People talk about 80% but much closer to 90% than 80% of our entire budget comes from Canberra. We are largely dependent. If the Treasurer would like to read some of the things I write occasionally or have a look at some of the submissions I have made to the federal government, he will see it all contained there.

Mr Speaker, I think the fact that the federal government spends 5 times per

to the Northern Territory to the great relief of our currently beleaguered building sector. Of course, we heard talk that the road grants would be cut and so on.

Mr Speaker, probably because I have nothing to lose, I am perfectly happy to nail myself to the mast, as I did last night, on this matter. I am confident that, despite this scaremongering of the government, there will be no gold tax introduced to the detriment of Tennant Creek. I am confident that the electricity subsidy for Darwin will be maintained by this federal government. I am confident that this budget will contain a start for the Darwin airport.

There was also talk this morning from the other side of the Assembly as to whether this would be a Labor budget or a John Stone budget. It has already been demonstrated that it will not be a John Stone budget and I think we can say with some degree of certainty that it will not be a John Howard budget either. I know what the Treasury advice is, Mr Speaker. If the Treasury had its way, the deficit would not go over $4500m. John Howard said in a very recent interview that, if he were still Treasurer, it would be zero growth as far as he was concerned. I will not be tedious and reread into the Hansard those quotes from Mr Howard's statement. The former federal Treasurer said he would be after zero growth and would cut the deficit down by at least $1000m more than the current federal government is doing. There would be more retraction.

I remember having a television debate on the railway with the Chief Minister in which he said - and I have that debate recorded - that it was a lot of nonsense talking about deficits. He said that they could let it go beyond $10 000m and 'pay it back at their leisure'. That is the Chief Minister's economic strategy. I do not know this for a fact but I would say that the Chief Minister is obviously in the happy position of having paid for his house. He is not biting so I guess I must be right. I have not paid for mine by a long shot. The building society has a dreadful way of rubbing your nose in it. Down the left-hand side of your account, they list your monthly contribution and down the next column they list your monthly interest payments. You find that, after a payment of $780 a month, you are reducing the capital by $20 and the other $760 is interest. Clearly, the Chief Minister is not in that position. If he were, he would realise that the advice given by the Reserve Bank, the Treasury and responsible economists is that you cannot allow deficits to go unchecked otherwise you will put impossible pressure on interest rates and push them through the roof. I am pleased to say that this government has stabilised interest rates already, to the great relief of many Australians.

It is very encouraging to see that the skyrocketing rate of unemployment has been stabilised at least to some extent and there is some indication of some check to it. Six months ago, it was heading through the million mark and rising at a great rate. I utterly refute the strange economic policy of the Chief Minister that we do not have to worry about deficits. I have challenged the Northern Territory Treasurer to give his views on deficits but he has failed to respond. I know what he thinks about it. I have listened to his budget speeches over the last 5 years and I know that he is proud of bringing back a balanced budget. Of course you have to be responsible about deficits; you cannot leave them unchecked.

We do not have to stop at the federal Treasurer. Let us turn to the Leader of the Opposition, Mr Andrew Peacock, who was trotting around behind camels only yesterday, putting his foot in it and giving commitments for the railway. Andrew Peacock said last week that the forthcoming federal budget would 'place an impossible burden on Australians because it has not sufficiently restricted public spending'. We have the former federal Treasurer saying that he would cut

it back by an extra $1000m and the Leader of the Opposition saying that they are irresponsible because they are not cutting back public spending sufficiently. They want it each way. John Howard was absolutely right when he said that, when he was told the day before the election of the true state of Australia's economy, the previous government would also have had to do some rethinking about its capital works programs. It is particularly interesting to see him casting doubt on the employment-generating capacity of capital works programs. I might add that I disagree with the former Treasurer on that but that was his view.

This budget obviously will be a tough one. Because I am a politician, I understand as well as everyone else in this Assembly that all governments of whatever political persuasion serve up the bad medicine as early in their term as they can so they can allow for some reasonable budgets closer to the end of their term. It will be a hard budget in that respect. But I am confident that the overall spending on the Northern Territory will increase. These tales of gloom and doom that have been pumped out of the Chan Building over the last month will be proven to be false and I will be perfectly happy, indeed delighted, after the budget tonight to feed it all down the Chief Minister's throat on some future occasion, and down the throats of other ministers who have been peddling tales for the last 4 weeks. I am confident that support for the Northern Territory will be maintained by this government. I am confident that the submissions, both written and verbal that have been made by the Northern Territory Labor Party, as well as those of the Northern Territory government over the last few months, will be heeded. I am confident that we will get, as much as any other Australians, a fair go from this new government.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I think it is generally agreed in this Assembly that the sort of jobs that we are interested in are the wealth-creating jobs, not those which amount to taking in one another's washing or painting fences. Our aim in Australia must be to expand the economic cake so that there is more to divide up. On about 13 May I read a full page article in the Australian by the Prime Minister, Bob Hawke, which I would commend. The heading was: 'The next summit will have 15 million people invited'. That is worthy of very deep thought because I believe that, whether he intended it or not, the solution to Australia's problems lies with 15 million Australians. It has often been said that 2 heads are better than one. I believe that 15 million heads are better than 150 heads in Canberra.

This morning, I was very interested to hear the Minister for Primary Production say that he had questioned ministers of both Liberal and Labor governments about where jobs would come from and they did not seem to be too sure of the answer. I would put to you, Mr Speaker, that maybe they do not have to know. The job of government is to create a climate for growth. They do not have to know the absolute detail of where jobs might come from.

I would make 2 suggestions to the Prime Minister regarding the summit he mentioned in this advertisement. For a start, he does not have to invite 15 million people to Mount Carmel to write out their thoughts. However, I believe there are 2 things that he, the Australian government or any government could do to help the situation. One would be to untie the left hand of the people of Australia by reducing unnecessary red tape wherever possible. Red tape is the killer of motivation. It stultifies things. The time things take to get done is increased and these delays are costly and no doubt strangle many a good job before it can get started. The other suggestion I would make is that he untie the right hand by reducing taxation. Of course, this was an election promise.

I believe that, when Australians get the chance to reap the rewards of their own personal risks and personal efforts, then we will be a lot better off as a

nation. Governments tend to kill the goose that lays the golden egg. That applies to all governments. Anybody who makes a profit is taxed and his incentive is destroyed. A reduction in taxation will give initiative to people to get on with jobs that will gain this country wealth. When people start gaining that wealth, that will give them confidence to expand and create more jobs. It is a natural process. A person cannot make his millions on his own; he needs ideas and he needs people. That would put people into jobs and reduce unemployment.

We all talk about the high cost of unemployment benefits and the drag on those people who are in productive employment. That complaint comes basically from the private sector. If unemployment is reduced, the level of taxation can also be reduced. The system becomes self-supporting through creating jobs and strengthening the economy.

I would suggest also that it is possible that governments try to do too much. Abraham Lincoln said that you cannot help men permanently by doing for them what they could and should do for themselves. Maybe governments try to do too much. I think it tends to create a dangerous attitude when people think that the government should do everything. Political parties tend to encourage it. I am sure the ministers of this government hear it said daily that the government should do this and the government should do that. This tends to encourage laziness and kill incentive.

I put it to you, Mr Speaker, that, if in the 1920s the people of Australia had been told what the level of taxation would be in Australia by 1983, they would not have believed it. They would have said it was totally unacceptable. If a government had tried to introduce that level at that stage in one big jump, it would not have remained in power. It would not have been acceptable. But, little by little, taxation has been increased. We moan and groan about it but we accept it. It reminds me of a story I read recently about an experiment which I certainly have not tried and would not try. It said that, if you put a frog into boiling water, it will jump out and survive, whereas, if you put a frog into cold water and gradually raise the temperature, you will kill it. That is the situation with Australian taxation - the temperature has been increased little by little.

Mr Bell: That is a ridiculous scenario.

Mr D.W. COLLINS: If the honourable member for MacDonnell had listened to what I had said, then he would not need to make such a stupid interjection.

Mr Bell: I pay considerably more attention than you do.

Mr D.W. COLLINS: I believe that we have been lulled into complacency and depend heavily on government. As I see it, the government's role is that of umpire and enabler. It exists to support people, not to be a drag on them.

Rumour-mongering about new taxation and new uncertainties must worry businesses considerably. I have heard from businessmen that, as long as they know what the rules are, and those rules are stable, they are far happier than when the rules are chopped and changed. It makes their decisions very difficult. Reduced taxation would give positive motivation in terms of profit and 15 million Australians will get out and try new ideas. There would be failures but there would be a lot of successes too and the successful ventures would create wealth and jobs and reduce unemployment which would bring down social welfare bills and build a far stronger Australian economy. I say those 15 million Australians need a chance.

Regarding jobs in Alice Springs and the central Australian region, I attended a meeting of the Tourist Promotion Association in Alice Springs recently. The Chief Minister told the meeting why the Hilton company had decided not to be involved with a 3-storey hotel in the golfcourse area. It felt that there was not enough in Alice Springs to hold people long enough to make it worth while being involved in that development. We have great hopes that it will still go ahead.

Some of the ideas which I have heard bandied around may need red tape to be cut to help them. One is for a tour in the form of a train made up of motorised vehicles to take people to the top of the MacDonnell Ranges near the Gap. This would give people a scenic view of the town. I am one of a few people who occasionally climbs up on that range. The view is magnificent and I am sure it would prove to be a tourist attraction. I would strongly support the establishment of a single-storey restaurant in that particular area. It could be built in such a manner that it would hardly be noticed. Certainly, I have not heard anyone complain about the towers there. Such a restaurant would attract visitors and local people.

Another suggestion is for a water park. A suggestion has been made by one of my constituents to have heated water in the winter time for slides and boats, wading pools for the little kids, and a mini-golf course. It could resemble a place I saw in England last year where my family spent a day. We had heard about it but were not too keen about going there. However, when we got there, if time had permitted, we would certainly have stayed another couple of days. This old castle with its magnificent grounds offered a whole host of entertainments which kept me and my family going for a long time. A water park of the kind suggested could keep families visiting Alice Springs occupied for an extra day, which would add to the amount of money spent.

Need I say more about a lake in the central Australian region and how it would help to keep tourists there longer? I saw the lake at Tennant Creek about 3 months ago and was convinced even further that a lake would be a great advantage to all the people of central Australia and particularly to the tourist industry.

The road traffic from tourism will be very important. People from other states will come to spend their wealth in the Territory. More and more people in private industry are building caravan parks. There are several being built in the Gap area. There are more self-contained units going up on Undoolya Road. The major hotel, which we have been in the habit of calling the Hilton hotel, looks like it will get going provided we can get the right international operators. It will attract international tourists which adds wealth not only to the Northern Territory but to Australia in general. These things are to be applauded.

We have gas and we have oil. There is a possibility that an oil refinery will create local jobs. The amount of gas that we have may one day lead to a plastics industry. That certainly would make real jobs.

The Minister for Primary Production spoke about agriculture and how in the Territory we have certain seasonal advantages. That is a real benefit. I will just mention 2 that I have mentioned before. Grapes come in roughly 6 weeks ahead of anywhere else in Australia. Our market then has very high prices. I welcome government initiatives being taken to identify an area and to make available an area where this production can take place. The Singapore market is another market. We are closer to Singapore than anybody else in Australia. The Murray River area supplies about 5% of the market in Singapore for table grapes.

With our seasonal timing, we are just touching the tip of an iceberg. A magnificent industry which would bring export earnings into the Territory and Australia is a real possibility.

People in Alice Springs have started growing carnations again because it adds to the carnations that are grown in the Adelaide hills. The timing is different. But it is not just a matter of the Adelaide market. I was talking to them just recently and they were surprised to hear that there could be markets in Singapore and Europe. The Europeans love their flowers. That was very evident to me when I was in England. Apparently on the continent they are keen on flowers even more. They have long dreary winters. They love their flowers. According to ADMA, there is a chance of a very healthy market there for Australian flowers if we get off our backsides and get into it.

We need these incentives. New ideas will emerge when governments do the things which will help them emerge: reduce the red tape, enable the things to happen and reduce the amount of taxation.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I thought I should just make a few points in reply to try to set the record straight. At least it seems that this debate on the subject of employment and employment prospects in the context of the federal budget has been of interest to most honourable members since so many have seen fit to chew the bone in this Assembly today.

Firstly, the honourable member for MacDonnell unfortunately appears to labour under the impression that the Northern Territory Tourist Commission does not cooperate with the Australian Tourist Commission and with other tourist authorities in marketing not just the Nrothern Territory but various sectors of Australia. I acknowledge quite frankly, and everyone in the industry is fully aware, that the Northern Territory in itself is unlikely to become the one-stop destination that one might hope that overseas tourists are looking for. In fact, our tourist itinerary is already fairly well established with the American scene and with the European scene. At the present time, because of the lack of facilities in Kakadu and, for that matter, the lack of facilities in Darwin, it is very difficult for us to lure the overseas tourist to the Top End. We want to change that with a new international terminal and upgraded facilities for entry and exit. But also we have to have the accommodation at Kakadu. We have been trying to do the best we can with stop-gap measures such as funding the South Alligator Motor Inn to expand its operations. We have made many, many proposals to the Australian National Parks and Wildlife Service, none of which have yet come to fruition.

At the present time, the tourist trek is basically into Sydney, up to Ayers Rock and Alice Springs and then out through Townsville and the Barrier Reef or Cairns and the Barrier Reef. We market overseas in conjunction with Queensland and in conjunction with South Australia. I would commend to the honourable member for MacDonnell the study of a few booklets on packages that are available which will show him that the Northern Territory has been working in this regard with South Australia and with Queensland especially. Of course, the first person whom I paid a call on in Tokyo in regard to tourism was the Acting Manager of the Australian Tourist Commission there. We already promote the Territory overseas as Australia's Northern Territory. Our overseas consultant was stating no more than that we must do the same in Japan as we do in Europe and the USA.

Mr Speaker, I do rather think that perhaps the South Australian Minister for Tourism was trying to use the honourable member for MacDonnell to secure a greater contribution from the Northern Territory towards the cost of marketing the centre strip concept because we have been digging in our heels just lately about anteing

up with a greater amount of cash. We feel that we have the better attractions and that much of the benefit goes to South Australia. As I recall it - I had a discussion with the Tourist Commissioner about this a month or 2 ago - South Australia was trying to get us to pay for the majority of the joint promotion. We were resisting that. I suspect that the honourable member for MacDonnell is being used as a hammer against the Northern Territory government anvil.

I think the honourable member for Millner commented about what the present deputy leader of the federal opposition might do if he were Treasurer. The fact is that he is not the Treasurer. I base my case to this Assembly, to the Northern Territory people and to the Commonwealth government on the words of the summit communique. After all, we all expended a great deal of time at the summit. I know that, to most participants at the summit, the Treasurer's mini-budget in May was something of a disappointment. Most of the people who were at the summit are hoping that the terms of the summit communique will be more honoured by the budget that will be brought down tonight.

The honourable member for Millner also said that we disregarded the submissions of the Master Builders Association in relation to giving preference to firms which employ proportionately more apprentices. Of course, so we should because the Master Builders Association has told us to have absolutely nothing to do with any such scheme. The Master Builders Association does not want the government to introduce a scheme whereby preference is given to contractors who employ more apprentices. It is as simple as that. If the honourable member for Millner would like us to take the MBA submission on board, then he has only to say so. However, he is floundering around and, if he has this submission, which I think he probably has, he is misleading the Assembly.

The honourable Leader of the Opposition again tried to have the last word against my colleague, the Treasurer, in saying that this agreement in relation to electricity funding had been lying on the previous federal minister's desk - Senator Carrick's desk - for 7 months. I can say quite categorically that that is simply not so. In fact, although the agreement in principle was reached between myself and the Prime Minister in Darwin in June 1982, negotiations on matters of detail had gone on between the Northern Territory, the federal Treasury, the Department of Finance and the Department of National Development for many months after that. It was only early this year that a final documented agreement in detail was submitted to Senator Carrick for signature. Unfortunately, because the federal election was called, he was not prepared to sign it even though it was on his desk at the time. That may have been an honourable course from his point of view. It was an unfortunate course from the point of view of the Northern Territory. The simple facts are that, when we asked Senator Walsh to sign it, we were told that he was not going to sign it and that the new federal government would not necessarily be honouring agreements of the previous government. We have not tried to make a great issue of this matter in the public arena. In fact, we have been very quiet about the matter because we have tried the process of negotiation, even though we thought we had it in the bag. The new federal government has in fact taken from its election date in March to today to confirm this agreement with us. Perhaps the honourable Leader of the Opposition could explain why, if it is so willing, it took that long to get around to appending a signature to an agreement that was sitting on the desk.

We heard the honourable Leader of the Opposition dilate on the subject of deficits. I would like the honourable Leader of the Opposition to table the transcript of the ABC debate in this Assembly because I would be more than happy to see it. As I recall that debate against the Leader of the Opposition - he is once again trying to have the last word which he did not get on the TV - my statement was that the federal government deficit is quite different to a

Territory deficit. We have a requirement on us under the Memorandum of Understanding to attempt to balance our budget. We know that we have finite resources and we must attempt to balance it even if there is not a firm requirement on us in the Memorandum of Understanding. Of course, the federal government has much wider revenue-raising capacity and virtually unlimited borrowing authority.

Mr Speaker, I forget how much I owe various lending institutions on my house but it is certainly in the 5-figure area. If I did not have to make the monthly payments, I would be able to have a much gayer time. But the main bad effect of the federal deficit is the pressure that it might put on interest rates. I was informed earlier this year by a group which consisted of representatives of virtually all the major merchant banks in this country whom I had the opportunity to meet with in Sydney that they could see no reason why the federal government could not operate with a deficit of up to $10 000m. As they saw it, there were very few major private bids for funds coming on to the loan market and that the federal and state governments and state authorities would virtually have the field to themselves. There would not be the sort of pressure on the loan market that would force up interest rates, which is of course what we would be concerned about. It is great if you can balance your budget, but we know that in the current context the budget cannot be balanced. The only way to achieve some national recovery is by stimulating growth. Unfortunately, the private sector does not seem to have the confidence to get in there and boost growth so, to my mind, it seems to be a time when the public sector must be the stimulus leading towards recovery.

The honourable Leader of the Opposition carried on about this government, in his words, 'spreading gloom and doom'. I would refer him to previous years leading up to federal budgets. I would refer him to previous years when this government had disputes with the then Liberal-National Party federal government. When we have had disputes with it, when we have feared what may have been in a budget or when we have wanted something for the Northern Territory, we have never been hesitant in taking the matter directly to the highest quarters, including the Prime Minister. The Leader of the Opposition was almost choking in his own bile this afternoon as he condemned us for daring to take up the cudgels against the federal government on the basis of rumoured gold taxes and oil levies. There is only one reason why those rumours abound and that is because they are not put to bed. They were strong enough rumours to make journals such as the National Times. On seeing and hearing those stories on oil levies and gold taxes, we forthwith sent telexes to the Prime Minister and or the federal Treasurer. The easiest and simplest way of putting those rumours to bed - and I can say now that, to the best of my knowledge, not one of those telexes has yet been answered despite the fact that some of them were sent over a month ago - would have been to say that no such tax or levy is contemplated. If the rumours were running around, the federal Treasurer or the Prime Minister could have stopped them with a word.

In my submission, therefore, it is the federal government that must take the responsibility for this sort of thing because, very likely, it floated such rumours to see what the reaction was, to test the water, to see whether the financial community would take it and to see what impact it was likely to have. Unfortunately, this is not an uncommon practice.

In conclusion, all I can say is that now and again it would be nice to see the Leader of the Opposition take up a less one-eyed attitude in defending the activities of the federal government in Canberra. Simply because they are his political colleagues, he seems to feel he must spring to their defence on every occasion. As I said in the past, this government has acted impartially in the

in the interests of Territorians. We do not really care what party is in power in Canberra as far as the interests of Territorians are concerned. We are not going to stay silent when we see the interests of Territorians being threatened.

Motion agreed to.

FINANCIAL ADMINISTRATION AND AUDIT ADMENDMENT BILL
(Serial 302)

OMBUDSMAN (NORTHERN TERRITORY) AMENDMENT BILL
(Serial 303)

PUBLIC SERVICE AMENDMENT BILL
(Serial 304)

Continued from 26 May 1983.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition supports the introduction of these 3 cognate bills as we so often support the efforts of this government.

The bills are aimed at facilitating the making of acting appointments in respect of the positions of the Auditor-General, the Ombudsman and departmental heads. The current procedures can be administratively cumbersome, particularly where it merely involves the holder of the position being absent for a few weeks while on leave. In the case of the Ombudsman, the Administrator can only make an acting appointment on the recommendation of the Legislative Assembly. There would obviously be occasions where this might cause a delay. The amendment to the Ombudsman Act will permit the Administrator to make an appointment for up to 3 months without the matter having to go before the Assembly for endorsement. In the case of the other positions, more power is given to the appropriate minister with respect to acting appointments, thus dispensing with the need for the Administrator to be involved.

Mr Speaker, these amendments must result in the streamlining of procedures where these officers take leave or are absent from their positions for any of a number of reasons or where a position is vacated suddenly. These positions are senior ones. They should not be left vacant and there should be no delay in filling them. It is in the interests of good government that they should be filled quickly and efficiently. We believe that these amendments will contribute to this and for that reason we support the bills.

Motion agreed to; bills read a second time.

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

Motion agreed to; bills read a third time.

SURVEYORS BILL
(Serial 323)

Continued from 2 June 1983.

Mr SMITH (Millner): This bill completely replaces existing legislation covering surveyors. As the honourable minister said in introducing the bill, it is the first time that the legislation has been looked at for 50 years and is probably well overdue for a complete overhaul.

Basically, the bill provides for the setting up of the Surveyors Board to examine, register and control surveyors and regulate the practice of surveying. For the first time, the Territory experience of surveyors will be recognised. Surveyors seeking registration will be allowed to claim Territory experience. Certainly, as an ongoing process in the development of Territory law and in respect of people in professions who operate in the Territory, it is welcomed. It also provides for reciprocal rights with other surveyors boards and that too is supported.

The major weakness that the opposition finds in the bill is that registration is restricted to land surveyors only. It is our understanding that, in other states, legislation covering surveyors is much more extensive and covers surveyors in a great number of areas. As well as land, engineering, mining, geodetic, photogrammatic and hydrographic surveyors are all covered by relevant legislation in at least 2 or 3 of the states. I would be interested in hearing from the honourable minister in his reply as to why the government has not chosen to follow the lead of these states - seeing that it is upgrading the bill - and register those surveyors who operate in areas other than land.

However, we support the legislation and we would hope that, if the government is not prepared to take on our suggested change in that area at this stage, it will do so shortly. We do have a number of minor concerns which are picked up in the amendment schedule that I have circulated. I also notice that the government has circulated a number of amendments. I hope that the debate on those could be taken on another day.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, from talking to surveyors in Alice Springs, I understand that there is general acceptance of this bill. Some minor amendments were suggested but, in general, it was welcomed by the people concerned. I note in the bill that the surveyors board which would register surveyors is to be composed solely of surveyors. Two would be chosen by the minister from 3 nominees and another 3 would be selected by the minister.

When I first read this, it caused me some concern. The term 'closed shop' came to my mind. I believe that it would be a bad thing if the board came to limit registrations in such a manner that it tended to keep costs and charges artifically high. However, on further reading, I believe that there are desirable checks and balances to prevent that from happening. One of the key defences lies in the appeals tribunal. Subclauses 29(a) and (c) provide that, if a person is refused registration, then the reasons have to be recorded for the refusal and, if requested, must be supplied to the applicant. I believe that the board would have to be fairly careful to justify its reasons for refusing authorisation for a person to work as a surveyor.

However, the board may still control numbers. One way this could happen would be by raising the qualifications for registration. This could restrict the number of people who registered as surveyors and unnecessarily restrict the marketplace. Reciprocal arrangements with other states could be used as an excuse for doing this. I believe that the desired aim should be to register people who are capable of doing the job and give the consumer the benefit.

Another thing which concerns me when I see it in legislation is the term 'a fit and proper person'. I wonder how a board goes about determining who is a fit and proper person. It has to give its reasons and would no doubt be concerned about the possibility of a libel suit being brought against it. I tend to believe that the consumer should be the one who decides. If the consumer does not like the reputation of a particular person, he will not get work. If I were asked whether I preferred to receive a serious operation at the hands of a nice person

or a clever person, I would take the clever person every time. If he were clever and nice as well, so much the better.

Clause 23 deals with penalties which no doubt are there to encourage honesty in the operations of surveyors. They have a very responsible job. Arguments over land boundaries and so forth are certainly not desirable and the surveyor's job is most important. I note that the board would have power to cancel or suspend the licence of a surveyor.

A problem was pointed out to me by one of our local people. If a person were removed from the register of another state, that would be cause for his Territory licence to be cancelled. It was pointed out that interstate registration could be lost because the necessary reregistration fee had not been paid. It is a simple point. This will not occur if a request is made to cancel registration by the surveyor concerned. I suppose the problem can be covered by the person being alerted to that and writing an appropriate letter indicating that he does not wish to continue that registration as he has decided to stay in the Territory. He may see no point in paying fees for registration elsewhere.

I see a minor difficulty in clause 48. It talks about unauthorised surveys. Subclause 48(1) permits an unlicensed surveyor to do a job for a favour. However, subclause 49(1) says that the plans have to be submitted to the Surveyor-General by a licensed registered surveyor. An unlicensed surveyor may do a job for the boy scouts to save them some money on a job but, in view of that subclause, he cannot complete it. My personal view is that, if the plan is found to be correct, it does not matter who prepared it. The surveys are checked by the Lands Branch surveyors anyway. These love jobs are fairly infrequent and should not threaten the livelihood of licensed surveyors.

I am satisfied with the bill as a whole. The checks and balances provided seem adequate. So long as it does not result in a closed shop and the consumer is protected, I am quite happy about this regulation of the surveying industry. The surveyors that I have had dealings with seem content with the bill and, as a result, it has my support.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I am very pleased to see this new legislation governing the registration and regulation of surveyors in the Northern Territory. We have had similar legislation dealing with a number of other occupations over the past few years. Medical and paramedical professions, legal practitioners, real estate agents etc have all had new legislation, basically similar in intent, to ensure that the public is protected in its dealings with these people and that they are appropriately qualified to do the work that they set out to do. Surveyors do not seek publicity. They go quietly about their work, frequently in isolated places. In consequence, we easily forget the absolutely essential part they play in the Territory today, the contribution they are making to its future and, indeed, the contribution they have made to Territory development in the past hundred years or so.

It would be fair to say that, without surveyors, it is highly unlikely that we would be standing here today debating which way the Territory should develop in the future because the early European explorers in this vast and forbidding part of Australia were primarily surveyors. The various governments of Australia relied heavily upon surveyors to provide information as to when and where land should be further explored and developed. Names which come to mind are Gregory, Mills, Manton, Edmunds, Lindsay and Packard. Those people helped to pioneer our land and rivers in the Territory and they were all surveyors.

Surveyors, of course, were responsible for providing Australia with its

first communication link with the rest of the world - the overland telegraph line in 1872. Many of the men who were involved with that had been to the Territory with the Goyder expedition of 1869. Goyder was the South Australian Surveyor-General at the time and he led more than 100 men to the Port Darwin area to carry out an enormous task. The result was one of the most significant and successful survey projects ever accomplished in Australia. In just 6 months, he and his men surveyed 600 000 acres of rural land in the Top End and mapped out 4 townships: Daly, Elizabeth, Southport and Palmerston. I think it was fortunate that Goyder had the loyalty and foresight to pay tribute to those surveyors who helped him. Of course, we know their names from the names of many important streets in Darwin: Smith, Bennett, McLachlan, Knuckey, McMinn, Woods and Daly. They remind us of those men who helped to map the way for future generations of Territorians. They had mixed histories. Surveyor-draughtsman, Mr Bennett, was speared by Aborigines, but most survived. Some remained in the Territory and have families still living here.

I think it is important to remember the contribution surveyors have made to the Territory. I am convinced that they will continue to play an important part in our future. Land development, as I think the honourable minister said in his introduction, is one of the most fundamental resources of any country. That is undeniable in the Territory. This bill is a further step to ensure that its management is appropriately conducted for the benefit of future Territorians. I support the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I rise to support this bill. I know that it has the support of the surveying profession. If it has the support of the profession, then I feel it is not for us to withhold our approval.

Mr Speaker, because of my electorate, probably more than most members in the Assembly, I am still dealing with and know intimately the results of survey work that was done, as the member for Fannie Bay said, by Goyder in the last century. His survey work was so thorough that, to my knowledge, there has been no question about his work and the areas of land that he surveyed. One of the interesting things that she mentioned was that he surveyed 3 townships. If you look at these townships that he surveyed, you will find that each has a cemetery. They did not seem to take much interest in other areas of social congregation. No doubt, the cemetery was very important in those days. The surveyors in the early days were the true pioneers of the Territory. If they did not all give their lives to the development of the Territory by dying prematurely, they certainly gave their lives to the Territory in the work they did here.

As a whole, the surveying profession does not have a very large following compared to other professions. I think that surveyors, by the very nature of their calling, are rather solitary people. They are bush people; they are not town people. I have known several surveyors and they are the sort of people that one can get on with very easily. I find them very easy to get on with. They are the sort of people who have a wealth of knowledge of the history of the Territory over the years.

I have a few comments to make about the legislation. In reference to the meeting of the board in clause 17, it appears that the minister and the members of the board have a different status. I suppose that one would say that they should. If the chairman is a bit remiss in his duty, he 'shall' convene a meeting if the minister directs but he only 'may' convene a meeting if the members direct. If he chose not to call a meeting of the board even though he was asked by the members, they would have no other redress than to take their case to the minister and ask him to direct the chairman to call a meeting. Then the chairman would have to call a meeting of the board.

I find in clause 25, qualifications for registration, that the approach to the registration of surveyors is rather ambivalent compared to other professions. While recognising that a surveyor, by the very nature of his work, must have field training, provided he has the proper educational qualifications, approved training and field service with a licensed surveyor, or he has completed training and field service outside the Territory, he can be registered. He must also pass such examinations, if any, as are required by the board. Again, I think it fits in with the professional calling but it certainly is different from other professions.

In clause 25(1)(c), mention is made of a certificate of competency, which is not mentioned earlier. It is a certificate of competency issued by a reciprocating board. One assumes that this is issued in a place other than the Northern Territory. It does not appear from reading this legislation that a certificate of competency is necessary in the Northern Territory. It appears that, if the person has a certificate of competency in another state, then he can apply to be registered.

I assume from clause 28, payment of annual registration fee, that the same conditions will prevail as prevail with other professional organisations in that the government will provide the services of registration as well as a storage of records and other services as applied to other professional organisations.

I found it very interesting to read clause 51, a surveyor to correct survey at own expense. I feel that this can only encourage professional integrity. In some ways, it is a pity that it does not apply to other professions. In reading this, it appears that, if a surveyor makes a mistake, he has to correct it at his own expense or the government will take certain steps to correct it at his expense. I do not think other professions are subject to this provision. It has been said that doctors bury their mistakes. Other professions usually have ways of getting around or evading errors that they make. Surveyors seem to be the only ones who have to make good any errors they make.

Clause 60 deals with the power of entry upon land. Whilst I can see that it is necessary in certain cases for surveyors to go on land without the approval of the land owner, it is an invasion of property rights and of the privacy of the landholder. Compensation is mentioned in clause 64 in that the licensed surveyor shall pay compensation for any damage that legitimately occurs when he goes onto private property. I am assuming that this also applies to land held by Aboriginals and not only Europeans. It would make a nonsense of the legislation if only one landholder was considered by the legislation because a surveyor could not work from only one side of the fence.

This legislation has my support. The honourable member for Alice Springs said that, in one sense, it could be considered closed shop legislation. That does not worry me at all because the surveying profession is seeking a system of licensing and registration which I feel will protect community interests.

Ms D'ROZARIO (Sanderson): Mr Speaker, I am pleased to support this bill. In introducing the bill, the Chief Minister remarked that the original act governing the activities of land surveying was passed 50 years ago and in that time we had only amended it twice. This surprised me. In fact, I checked this out. It surprised me because the surveying profession has altered a great deal in the last 50 years. One of the most obvious trends in the surveying profession is that, in the old days, especially the days that my colleague, the honourable member for Fannie Bay, was speaking about, surveyors were in the van of any development. They were the people who got off the ship first. They were the people who were required not only to be good surveyors but indeed to be very good

navigators and soldiers. Indeed, we had a number of civilian surveyors who were attached to various military detachments during the settlement of Australia. They were required to put up with conditions as though they were members of the armed forces.

In my view, Australia in general and the Northern Territory in particular owe much to the surveying profession. In the early days of settlement, surveyors were not just expected to go out and mark out the land but indeed they were expected to make judgments about the productive capacity of the land. We have in the early records some extremely astute comments made about the quality of harbours and the quality of agricultural land. These comments determined Australian settlement to a very large degree. We also had the movement inland which again was led very largely by civilian surveyors working within military detachments.

Mr Speaker, since those times things have changed a bit because we have noticed that there is now a range of professions which deal with land and land development. We have people like geographers and geologists who now do a lot of things that in the early days surveyors did on their own. When one looks at the general pattern of settlement in Australia, we can say that the surveying profession has served Australia very well indeed.

I was very interested in the comments made by the honourable member for Alice Springs with respect to some of the intent of this bill. He referred to a closed shop. Despite my vigorous defence of consumer rights, I have to say I have very little sympathy with the point raised by the member for Alice Springs. I think the member for Alice Springs has misunderstood what a licence to a surveyor is all about. It is not something that increases the cost to the consumer. It is there to ensure that those people who put their property rights in the hands of a profession can have some confidence that members of the profession will be able to discharge the duties of their profession with the degree of skill that is required.

Whilst the member for Alice Springs was speaking, we had an interjection from the honourable member for Nightcliff who remarked that surveying is a very precise activity. Indeed it is. It is required to be precise. It is not an activity for which we just give licences to people for the purpose of raising revenue or to maintain registers of people who are able to discharge these duties. As I say, it is a very important activity when one considers that one's property rights can be affected by errors made by people who are not qualified or who are incompetent. We have the matter of licensing not to create a closed shop but because it is a very precise activity and because those who are undertaking it ought to know what they are doing.

I can remember, in the fine city of Adelaide - the product of one of Australia's most famous surveyors, Colonel Light, and still arguably one of the best laid out cities in Australia - exactly the type of error that can cost the community a lot of money. Mr Speaker, the honourable member for Alice Springs spoke at length about people doing things intuitively or not necessarily being registered to do the job. That is precisely what happened in this particular case. In the central business district, a building foreman asked his labourer to mark out the site. A 13-storey building went up 2.5 cm from where it should have been and therefore slightly over the adjoining owner's boundary. This is one of the most famous cases in the land valuation courts. It was a very expensive decision indeed.

Were it not for the precision of surveyors work, we could not maintain a Land Titles Office or a Land Registry. We are not talking about airy-fairy

boundaries where we would like things to go; we are talking about people's precise property rights. That is what a licensed surveyor is expected to be able to produce in his plan.

We have mentioned that the profession has altered considerably over the last 50 years. Although the means of doing things have changed, the general purpose for which they are done has not. The honourable member for Tiwi mentioned entry onto land. Well, a lot of this is being overcome by sophisticated, remote-sensing techniques which are being developed in the profession and also by the use of such things as the Landsat. So it is now possible to get a fair idea of the lie of the land, as it were, from quite a distance away from it. A large amount of the office work of the surveyor is considerably eased by such things as programmable calculators. Of course, survey calculations used to be an extremely time consuming and, for the customer, very expensive business. But I can assure the honourable member for Alice Springs, if he is concerned about cost to the consumer, that there are now several programmable calculators on the market. Indeed, one can even buy the prepackaged programs. The results are available almost instantly. When one considers that surveyors, like many other professions, charge by the hour, this has certainly contributed to reducing the cost to the customer.

In closing, I say that I for one support the licensing of surveyors. I think that it is extremely important to the maintenance of integrity of land titles and, indeed to the maintenance of a land registry. If there are any worries about costs, I can say that, because of advances in the profession, these have been reduced considerably.

Mr HARRIS (Port Darwin): Mr Speaker, I will not go through the preamble that I intended to deliver but I rise to support the bill. I have only 2 questions that I would like to raise. They have not been touched on so far. One deals with clause 49 which relates to submitting and approving plans. It was put to me that subclause (1) would mean that the licensed surveyor would have to present his survey plans to the Surveyor-General in person. I see that an amendment is being circulated at present which says that the surveyor shall cause the survey to be delivered to the Surveyor-General. That would resolve that particular problem. There was concern that, if a licensed surveyor was in Katherine, he would have to come to Darwin to present the survey plans. That would be a ridiculous situation.

There was also the question raised in relation to clause 61, destruction of survey marks. I would be the first to support this provision in the bill. There is no dispute about that particular provision being there. When I first looked at it, the penalty seemed rather low because anyone who wantonly destroys a survey mark should be penalised severely. I see that there is an amendment circulating which raises that penalty to $1000. One of the things that concerns me is the possible accidental removal of these pegs. I refer specifically to areas where long grass is growing and you have heavy earth-moving equipment such as graders and bulldozers clearing boundary lines. These pegs could be removed by accident. You also have a situation where people who are putting up fences around house blocks remove pegs. In both those instances, people would be acting without lawful authority. Apart from having to replace those particular markers, those persons would also be liable to a penalty of $1000. I think that is a bit rough.

I would like some clarification because I assume that the clause relates specifically to permanent marks and not simply the wooden pegs marking the limits of a property boundary. If I am correct in that presumption, I believe that there would have to be an amendment to the definition of 'survey mark'. I raise the

issue because I believe it is unfair that, if a peg is removed accidentally, the person not only must replace the peg - and there is no dispute about that - but he is liable to be fined $1000.

Mr Speaker, arriving at the stage that we have reached today has been a rather lengthy process and it has not been without its problems. I understand that 2 drafts have been ripped up over a 4-year period. I am very pleased to see that, at long last, we have come forward with legislation that is accepted by the profession itself as well as the government. I think the only area of dispute was in relation to the setting up of a disciplinary tribunal. When it was pointed out that there have been only 2 comments, over a 20-year period, the pressure to have this provision included was withdrawn. The surveyors also realise that, if there are problems associated with this area, they can always look forward to submitting an amendment to have the change made at some later date. Mr Speaker, I support the bill.

Mr BELL (MacDonnell): Mr Speaker, I would like to speak very briefly in this debate. Representing an electorate that covers a fairly large slab of the Northern Territory, I would like to echo some of the thoughts that have been expressed by previous speakers in support of the bill and perhaps to introduce some new thoughts.

The member for Sanderson made the point that the work of surveyors was crucial in determining property rights and determining where the rights of one person or group stop and the rights of another person or group start. Within my electorate, there are many of the activities that would come within the ambit of this bill. There are very large areas of my electorate which hitherto have never come under the surveyor's theodolite. It would be tempting perhaps to imagine that those areas were a trackless waste but that of course is not the case.

One of the great challenges in representing an electorate such as my own is that one has to balance various rights in various regards. I am not sure in fact whether the process of seismic surveying that is carried out - for example, by the Magellan Oil Company - in my electorate would come within this particular legislation. I imagine that may very well be the case. Certainly, some of the people employed in that sort of work would be involved. Seismic surveying entails taking a line through the bush. The honourable member for Stuart would be able to explain this far better than I but my understanding of the process is that charges are set off at points along a straight road and readings are taken from the impact of those charges. From those readings, the geological structures are able to be assessed. Quite clearly, a fairly sensitive process of negotiation is necessary between the companies involved in carrying out such seismic surveying and the interests of traditional Aboriginal owners who have mapped their own country in their own minds. I think it probably worth noting that there has been, to my knowledge, no conflict between the 2 demands for the carrying out of such seismic surveys and the interests that the traditional Aboriginal owners have in the area so surveyed.

Where there have been conflicts in such areas, one hears about them loud and long. It is of great interest that there has been relatively no publicity of conflicts in that regard. There certainly is give and take but no conflicts of great public proportions. It is worth drawing the distinction between the way 2 cultures survey bits of land. Clearly, this bill performs the role of regulating and determining a particular view of those parts of the Northern Territory that are going to come within the purview of surveyors.

Quite recently, I was very fortunate to be able to see at first hand the

fact that all the Territory, in one sense, has been surveyed. I had been approached by a constituent of mine to travel with him to where he was born some 200-odd miles south and a little west of Docker River. It was of great interest to me to travel with this man and his relations and to get from them their perspective of what would appear to many of us to be trackless wilderness and to learn at first hand that that in fact is not the case. I will not expatiate on the particular names of places. Suffice to say that we bush bashed some 20 or 30 miles over fairly rugged country. Each part of this rugged country that alternated between sand dunes, mulga scrub and spinifex bush was in fact named and, in another context, it is one of the challenges for the government in the Northern Territory to view the country from 2 different perspectives. I commend this bill for the way in which it represents one of those perspectives.

Debate adjourned.

LOTTERIES AND GAMING AMENDMENT BILL
(Serial 313)

RACING AND BETTING BILL
(Serial 312)

Continued from 26 May 1983.

Mr LEO (Nhulunbuy): Mr Speaker, these 2 cognate bills redraft the present Racing and Gaming Act and the 2 distinct gaming and betting operations into acts.

First, I would like to speak about the Racing and Betting Bill, although there are 2 clauses in both bills which cause me some concern. I would ask the Attorney-General to comment on them. The Racing and Betting Bill basically restates the sections from the repealed Lotteries and Gaming Act. I do not feel there is anything particularly offensive about the act. However, it is Labor Party policy to introduce TAB to the Northern Territory and it would seem also that the government is developing a similar policy. Perhaps we will be back with an amendment to this bill in the not too distant future should the Treasurer's working party come to the same conclusions that both Mr Neilson and the Labor Party have come to.

The 2 clauses I would ask the Attorney-General to examine are clauses 142 and 143 in the Racing and Betting Bill. They seriously transform the onus of proof whereby a person can be convicted of an offence upon suspicion of having received or placed an illegal bet. I will read through clause 143. It is a little shorter:

> *Where, on hearing of a complaint against a person in relation to unlawful betting, the evidence for the prosecution is such as to raise in the mind of the court a reasonable suspicion that the person is guilty of the offence charged against him in the complaint, that evidence shall be prima facie evidence that that person is guilty of that offence.*

Unfortunately, it has crept into legislation in the Northern Territory that people can be convicted upon suspicion of an offence. I would certainly like to hear the Attorney-General's comments on this matter. I would also point out to him that 2 similar provisions exist within the Lotteries and Gaming Bill: proposed sections 46J and 46H. The opposition does not have any amendments to these 2 bills. This was brought to my notice relatively recently. I am afraid I do not have any real knowledge of these legal matters but I am told that it is a real leap in legal logic. However, I would ask for some explanation for those

clauses in the 2 bills that I have queried.

The Lotteries and Gaming Bill increases the powers of the commission and the penalties for illegal activities. It is fairly inoffensive legislation, apart from the clauses I have queried. The opposition supports these bills. However, I emphasise again that we could be back here very shortly amending the Racing and Betting Bill if the government arrives at the same conclusions that we have.

Mr HARRIS (Port Darwin): Mr Deputy Speaker, I rise to speak in support of the bills that we have before us and I would like to direct my remarks specifically to the Racing and Betting Bill.

I believe that this bill is perhaps one of the most up-to-date pieces of legislation on racing and betting in Australia. It has come about as a result of an in-depth review on the part of the Northern Territory government and also a review of the Queensland laws relating to racing and betting over a long period of time. Many of the provisions in the Queensland act have been included in the bill we have before us. The bill was distributed widely. Again, I would ask the Treasurer to indicate in his reply just what response was received as a result of that distribution because I understand that very little response has been received. I believe that the bill acknowledges that the racing industry is in dire straits, not only in the Northern Territory but right throughout Australia. There are provisions in this particular bill whereby the commission and, indeed, the racing clubs themselves are able to have input and put forward recommendations to the government on ways and means which can be developed to improve and protect the racing industry and the public interest. It needs to be pointed out that these problems are not related solely to Northern Territory racing clubs. They are problems which have arisen because of the economic situation at the moment. They relate to many clubs right throughout Australia.

There are a number of ways of increasing attendances at race meetings and I think that is really what the name of the game is. The racing clubs themselves are trying to increase attendances. If there is some way to do that and still maintain the way of life that we have at present in the Northern Territory, I think that is something we should try to do. There are a number of options open. It has been the government's attitude to look at all available options before closing the door. If TAB were introduced at this stage, before those options were tested, it would be final. There would be no turning back if it became apparent that TAB would not solve the problem in the way anticipated. I think it is important that, before we reach that final stage, we look at the options available.

I would like to point out that the government has not closed its eyes to the introduction of TAB at some later stage but I believe that it has indicated that there are a number of options available and, at this time, those options should be looked at in more detail. There is always the alternative of falling back on TAB if those particular options fail. The name of the game is to get more people out to the racecourses and I will touch on a few suggestions to achieve this later in this debate.

Turning to the bill, I would like to speak in support of a few clauses. A provision for review is very important in any bill where decisions of not only the commission but the principal clubs are able to come under review. Clause 24 provides that, if the commission refuses to grant a licence or a permit to a particular club, the applicant is able to go to the minister and the issue can be reviewed. Under clause 45(5), if the principal clubs refuse to register a small club, it is able to call on the commissioner to review the situation. I think it is necessary to make sure that the smaller clubs are protected from the bigger clubs and therefore provison for review is important.

As far as lay-off bets are concerned, reference is made to both off-course and on-course lay-off bets. For many years now, the off-course bookmakers have laid off bets in other parts of Australia and, when this bill eventually becomes law, it will be illegal to do that. Provision is made whereby off-course bookmakers are only allowed to lay off bets with other licensed bookmakers in the Northern Territory. As far as the on-course bookmakers are concerned, they have been unable to lay off bets in the past outside the area where they were operating. The provisions of this particular bill would allow on-course bookmakers to lay off bets under certain conditions with other on-course bookmakers at other race meetings. I think this is important and a plus for them.

Another clause that I consider important is clause 85 which relates to impoverished persons. It is a worthy provision, particularly where compulsive gambling is concerned. Wherever the welfare of the family is endangered, there needs to be a provision such as this. I would like to suggest that perhaps this provision could be extended to be included in all matters relating to gambling. I know that, in the case of the casino, there are compulsive gamblers who, as a result of their gambling habits, are causing hardship to their families. Perhaps the government could consider including the casino under such a provision.

There was a mistake made in clause 93. I had trouble understanding this when I read it through. There did not appear to be any difference between subclauses (2) and (3). After checking the matter, it was pointed out that the 'shall' in subclause (2) should have read 'may'. That would mean that a court may order the licensed bookmaker to deliver his licence to the commissioner in certain cases. In subclause (3), if the offender persisted in the offence, then the court 'shall' order him to deliver his licence to the commissioner.

Clause 96 deals with powers to exclude or remove persons from licensed premises. There are occasions when trouble does erupt. I am very pleased to see this particular provision here, in particular subclause (3) which points out that the police shall remove a person who falls into one of the categories outlined in paragraphs 96(1)(a) or (b). I am pleased to see that because I can remember back to the days when I was in the motion picture industry. On occasion, we had problems from some of the patrons in the backstalls. Quite often we would be put in a position where we would have to phone the police to come around and help us overcome a situation that had arisen. We would ask the police to remove someone from the premises. They would say: 'No, we cannot remove them. The management or someone directed by the management has to do the work'. Once you picked someone up and he threw a punch at you, then the police could come in and take over. I think that it is important that the police actually do that type of work and that it should not be up to the management. I was very pleased to see this provision included.

Part V deals with totalisators. This is definitely an initiative which could draw people to the course. The only problem is that there needs to be reasonable-sized pools. Unless there is a fair-sized dividend, not many people will risk a wager. It is good to see that there is provision made for amalgamation of totalisator pools. I do not doubt that there will be increased use of this facility as the pools grow. There were examples when the tote was first introduced at the racecourse of punters betting, for example, $280 to win back $70. It is ridiculous to have that situation. Unless the pools are big, then there will not be the investment.

It is a pity that we could not link the totalisator with a direct telecast of the races. I think that would help solve the problem of attendances. People like to see the race they are betting on and they like to take part in the totalisator if the pools are a reasonable size. Unfortunately, the cost of the bearers etc to televise the fixture live to Darwin is prohibitive. I believe

that the government, if it perceives that it will cause a marked increase in attendances at the racecourses, could look very seriously at this proposition. I think that the commission and the clubs themselves could look further into trying to get live telecasts of the races.

Clauses relating to search and entry are always contentious ones. I understand that those clauses were drawn up after consultation with the Police Force. In fact, those clauses are in line with similar clauses in other acts. Paper evidence is so easy to dispose of. As long as there is a toilet handy, one can always get rid of things one does not want people to see. With that in mind, I query whether or not the provisions here will enable the commission to carry out its functions because, unless the police are present, the commission itself would be powerless as far as search and entry are concerned. Perhaps that is something that needs to be looked at in more detail.

Mr Deputy Speaker, there are a few ideas that I would like to suggest for the system. Most of them are not new. But I do believe they need further consideration given to them. If betting shops are to remain open, I think that the types of options that I am going to raise now have to be considered. The consideration must be the consultation, not only with the race clubs themselves but with the off-course bookmakers and the commission. If we do not look at these options, there is no doubt that the betting shops will eventually close.

One idea that has been bandied about before is that the off-course betting shops be closed at 12 o'clock on Saturdays. Provided this is coupled with very severe penalties for the bookmakers who continue to operate outside those hours, I believe that such a proposal will work. There have been estimates of the increase in attendance figures should betting shops be closed. I am told that my figures are conservative. The increase would be something like 400 people at the Fannie Bay course on a Saturday. I query those figures personally but that is the figure that is mentioned. I think that, if the shops were closed on Saturday afternoons, the attendances would increase.

The argument of course is that illegal shops would open. Under those circumstances, where off-course bookmaking is legal and the penalty would be severe, I do not think the bookmakers would risk being closed entirely. It would be a genuine attempt to come to grips with the very serious problem of falling attendances. It would also maintain a way of life that Territory people have been used to for many years.

I often wonder why betting shops are so dingy. One walks around and says: 'Gee whiskers, I wonder what is going on behind that coloured glass'. We always talk about the people who will not go into shops to place bets. I can assure members that, if TAB agencies were done up the same way as betting shops, I do not think anyone would go into them either. I think that the betting shops themselves need to be opened up. That way it would benefit all people: tourists and locals. It would not appear to be a dive like a love shop or something like that. I think that it is important to have these shops opened. When we talk about people not being willing to go in and place a bet, it is mainly because they do not know what is on the inside. TAB agencies are nice clean looking places. People walk in and out. If they were blocked off the same as our betting shops, I can assure members that the results would be the same.

Another suggestion is to examine the possibility of allowing phone accounts for betting on the tote. There are many people in the Territory who have phone accounts with TAB agencies in the states. If the local people had access to phone betting with the tote, and the pools were considerable, then I think that they would use the service. It would also be providing another service to

satisfy the needs of the community.

Mr Deputy Speaker, in conclusion I would just like to say that I am very pleased to see now that people will be able to bet on just about anything, provided it is with a licensed or registered bookmaker. Territorians have always been great gamblers. Indeed, all Australians have been great ones for betting on just about anything, particularly football matches. I guess they will be betting on the elections in the not too distant future. Now they can do that legally. One further point: there are many traditional gambling activities still going on in the Territory. I believe that they will continue to operate. The various first-outs involve considerable amounts of money, as does the laying of bets on who is going to win those first-outs. There are also other games. So I think that we have to look in the future to coming to grips with the traditional gambling games which have been played for years, and which will continue to be played, with a view to bringing them into line and making them legal.

I would like to emphasise once again that the government has not closed the doors on the possibility of introducing TAB at some stage. What it has said is that it will look at all the available options first. I think that is a sensible attitude to take, an attitude that is taken with a view to maintaining a way of life that is enjoyed by Territorians and, at the same time, to helping the racing clubs to improve their facilities and the services that they provide for their patrons. Apart from providing many initiatives to the racing and betting public, the bill allows all of these options to be looked at in detail. I look forward to continuing reform in this particular area.

Mr SMITH (Millner): Mr Deputy Speaker, rarely have I heard the honourable member for Port Darwin so defensive in speaking in support of his own government's proposed legislation. The reason why he is defensive is that he knows, as well as everyone else knows, that the government is really in deep trouble on the question of racing and gaming. The deep trouble was reflected in the minister's second-reading speech when he said: 'At the time of introducing the Lottery and Gaming Act, I informed honourable members that a review of the Racing and Betting Act would be carried out and new legislation introduced'. We have the new legislation before us. We had a thorough review of the Racing and Gaming Act. We have also had the Neilson report and the Davis report into racing and gaming in the Northern Territory and yet the honourable member for Port Darwin has the effrontery to tell us that the government still has not made up its mind, still has an open mind on this issue and will set up another working party to have a look at the matter. That is a desperate attempt by this government to stall for time on an issue that it is not game to come to grips with and not game to say no to. I am sure that the public can see through that cheap little trick and will treat it with the contempt it deserves.

The honourable member for Port Darwin tried to equate the racing situation in the Northern Territory with the racing situation elsewhere. He said the racing industry in the whole of Australia is going through a bad time. That is possibly true. I cannot recollect, from my reasonably wide reading on what is happening in the rest of Australia in the racing world, of any major club the size of Darwin's threatening to close its operation because of lack of government support or any major club the size of Alice Springs's threatening to do the same because of lack of government support. Yet that is the situation we have here. This year both those clubs have expressed grave concern at the lack of government support and the failure of the government to take any reasonable measures to make them more viable. However, there is nothing in this bill that will make them any more viable. There is nothing there for them because it does not address the real issues and the real problems in the industry.

Those problems can be expressed quite simply after studying the cash outlay through the betting shops in this community, which has decreased by one-third in the last 5 years. During the same period, the cash outlays through TABs in the states increased by one-third. We are in a situation where we are going against a national trend. Less money is being put through the official channels in the racing and gaming industry whereas, in the states, more money is being put through those channels. Some people might be tempted to think that perhaps we had come to our senses and decided not to waste so much money on racing, betting and gambling in general, but I do not think that is the case. What has happened, of course, is that we are the only area in Australia that does not have TAB. Ours is the only government in Australia that is not offering an attractive means to the average punter for gambling in the racing area. I think that is to our shame, and I think the people in the Northern Territory realise that and want the government of the day to do something about it. That is why, when the Labor Party gains the government, it will do something about it.

Mr Deputy Speaker, the honourable member for Port Darwin mentioned some of the disadvantages of betting shops and I concur wholeheartedly with him. They are unattractive places. They certainly do not encourage people to go into them. They were designed for a clientele which has largely disappeared: the male, big-spender clientele. That clientele is rapidly disappearing and the pattern that is developing in the southern states is that more and more small bettors, of both sexes, use the TAB. You can do whatever you like to betting shops. You can improve them in any way that you want but those small bettors who support the TAB in the south will not go to betting shops. They will go to the TAB. That is the means by which an increased amount of money will become available to the racing industry so that stakes can be improved and in turn improve attendance at meetings and so improve the racing industry in general.

Mr Deputy Speaker, as the honourable member for Nhulunbuy stated, the opposition supports the lotteries and gaming section of the bill. We think that the changes proposed are quite sensible and add to the sense and the strength of the bill that was introduced originally last year.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, unfortunately, I cannot really let the assertions of the honourable member for Millner go unchallenged because he has once again painted on a pretty grand canvas when he said that nowhere else in Australia is the racing industry in any financial difficulty. In fact, it applies to the racing industry in Tasmania, if he had read the Australian of about 3 Saturdays ago. Of course, Tasmania has the TAB. The racing industry in Tasmania in the last month or so has been the recipient of a financial prop-up of several hundred thousand dollars by the Tasmanian government to save it, in effect, from bankruptcy. Unfortunately, that is the situation pretty well around this country where declining attendances at racecourses are causing racing officials considerable concern. Everywhere else in this country, the racing industry has, in effect, what it regards as the means to coerce people, who wish to wager with a bookmaker rather than with the TAB, to the racecourses.

Let me say quite frankly that I have no personal opposition to TAB at all. I am not a gambling man but I believe people, if possible, should be allowed to gamble in whatever way they like provided they do no damage to themselves nor to their families. Quite frankly, what I cannot understand is the situation that prevails in some states, notably Victoria, New South Wales and perhaps even Queensland. They are large enough to have a system of TAB and a system of off-course bookmaking. It would certainly clean up the situation in those states. It is the situation that prevails in those states that causes me my sole concern about introducing TAB to the Northern Territory should TAB be financially viable.

I have explained this previously to members of the racing fraternity and I suppose I might as well explain it to this Assembly. The fact is that, on the Victorian TABs own figures several years ago, $600m a year was being wagered on the TAB and its estimate of money going through the hands of the legal off-course SP bookmakers was $400m. Why would I be concerned about the activities of the off-course SP bookies because down south betting SP is almost a way of life? So many people simply do not want to go to the racecourse yet they want to have a bet. They do not want to put their 50¢ or whatever other unit they choose through the TAB. At most local pubs, you can usually find an SP bookie who has a few slips of peper in a newspaper and he writes his little lines on these bits of paper which he slips into the newspaper if someone he does not know or does not like the look of comes along. Unfortunately, it got a bit worse than that, Mr Deputy Speaker, because it is such big business. I wonder if I could read into the record this document that I have received from the police:

The relative merits of licensed off-course bookmakers and TAB have been controversial for some time past. Arguments have related mainly to anticipated benefits to the racing industry, the betting public and revenue-raising. Gambling is socially acceptable. In itself, it is not a social problem but it can be under some circumstances unless controlled. The introduction of TAB would not satisfy those of the betting public who wish to bet with a bookmaker where odds are known beforehand, credit is often easily obtainable, and telephone betting presents no problems. Such persons will bet legally with a bookmaker if they can, but many care little if the bookmaker is operating illegally, provided they can bet in this manner at their leisure and without attending the races.

There will always be a demand for bookmakers' services off-course. The closure of licensed off-course betting shops will result in illegal SP operations. These illegal operations may be driven underground but the profits to those willing to take the risks will still be substantial. Increased penalties will not make people obey these laws. Because gambling is socially acceptable in our communities and without moral reprobation of those offending, there is little incentive to conform. Starting price bookmaking flourishes in spite of the introduction of TAB. SP bookmaking is already organised with interstate connections for prices and laying off purposes utilising the telephone service.

SP bookmaking is profitable because SP bookmakers pay no tax and keep the whole of the proceeds for themselves. It is attractive to punters because it offers better odds than the TAB. It will, therefore, remain an attractive target for organised crime syndicates. The licensing of off-course bookmakers in the Northern Territory has suppressed illegal SP operations as these off-course bookmakers are required to conform to the law and are subject to inspection and other controls.

There is no doubt that organised crime exists in Australia today. It has been described as a product of a self-perpetuating criminal conspiracy to wring exorbitant profits from society by any means, fair or foul, legal or illegal. It survives on fear and corruption. By one or another means, it obtains a high degree of immunity from the law. It is totalitarian in organisation. A way of life, it imposes rigid discipline on underlings to do the dirty work while the top men of organised crime are generally insulated from the criminal act and the consequent danger of prosecution.

Features of organised crime are:

1. The criminal activities are 'organised' as distinct from isolated.

2. The organisation is self-perpetuating and there is persistence in the criminal activities which continues for years.

3. The motive is financial profit.

4. It stifles outside competition in respect of particular business activities.

5. The top men are insulated from the criminal act and the consequent danger of prosecution.

6. It promotes fear and corruption.

However, particular features distinguish the business of organised crime from that of ordinary crime. These are:

1. There is a ready market for the 'service' offered, a heavy demand and a reluctance of the 'customers' to complain.

2. The immediate perpetrators rarely have a personal involvement in the crime they are committing, other than some financial reward.

3. Organised crime cannot rely on ordinary legal process to settle its disputes. It has its own enforcement arm. It must create a fear that detection of transgressions will be inevitable and punishment swift and unpleasant. It has been successful in creating this fear and thus there is an understandable reluctance to break the code of conduct imposed by the organisation.

Organised crime syndicates have not infiltrated the present system of licenced off-course bookmakers or gained any foothold whatever. But the closure of these licensed off-course bookmakers, coupled with the introduction of TAB, and the inevitable rise of illegal SP operations, may well influence organised crime syndicates to attempt to secure a monopoly over these illegal acticities.

Organised crime, having gained a solid foothold, would not remain confined to SP bookmaking and, because the stakes are likely to be high, the incentives to oppose the police or offer bribes are likely to be high.

Profits from SP bookmaking can be readily 'laundered' through legitimate institutions, and accounts with the TAB are known to have been used for this purpose as records are not held for any lengthy period.

Licensed off-course bookmakers operating from approved betting shops have provided the right legal balance, satisfying the needs of the betting public, and, with an acceptable degree of control enforceable in practice, remain preferable to TAB.

Mr Deputy Speaker, it is for those reasons that I have some caution about the introduction of TAB in the Northern Territory. We have established a working party. We hope that the working party can come up with acceptable solutions. In the states, both systems could operate compatibly because the amount of money being wagered - in Victoria several years ago a figure of $1000m was mentioned - would be sufficient to support both licensed off-course bookmaking and TAB. I cannot understnad why they do not introduce it and thus cut out illegal SP which

is helping bankroll organised crime. What I fear is that, in the Northern Territory - and our working party perhaps will show this - there would simply be insufficient money wagered to make both viable. It is for the reasons of the good of the community overall that I have this caution.

I certainly have no opposition to the racing industry being supported by a percentage of the take from betting activities. I think it is well to note that the Northern Territory government has been injecting millions of dollars over the past several years into racing in the Territory. Indeed, the sort of funding that the turf clubs have received has enabled them to have facilities the like of which have not been seen before in the Territory. With sponsorship and with the support they receive from the government, they have been able to mount quite well-recognised carnivals which attract a considerable measure of interest interstate. We hope that the racing industry can continue and we would like to see it try.

We also must have some regard for the good of the whole community. As minister responsible for police, I must have regard for the welfare of policemen. It is an acknowledged fact that police forces in other states, particularly in NSW and Victoria, are not free from corruption. In fact, it acknowledged that corruption - and this statement has been made by one of the Premier of NSW's former top advisers, Mr Bob Bottom - is widespread in the NSW Police Force. It is significant that an agenda item on the Australian Police Ministers Council is to increase to almost draconian proportions the penalties to be meted out to illegal SP operators. The illegal operators are just the tip of the iceberg and they are not just corrupting the police. They are corrupting Telecom officers because we have situations where as many as 20 lines are going into particular premises and that does not happen without a great deal of money changing hands.

Mr Deputy Speaker, I want the best for the racing industry, but I want the best for the Territory community as well and that is the objective of this government. That is why we are hastening slowly because we can see the unfortunate effects of the introduction of TAB and the outlawing of off-course bookmaking. That is the point: the outlawing of off-course bookmaking, not the introduction of TAB. If you could have both together, you would have no problems. That is why we are treading cautiously. We have nothing against TAB but we have a great deal against organised crime and police and Telecom corruption.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I intended to approach the question of TAB in much the same vein as the Chief Minister has successfully done. I do not think there is a great deal of point in travelling over the same path.

The honourable member for Nhulunbuy asked how I would see the interpretation of clauses 142 and 143 as to the onus of proof. I will try to explain it as best I can to honourable members. I understand that the committee stage is to be taken later. If my explanation is inadequate, the matter can be taken up by the Treasurer in reply upon formal legal advice.

The essential element in reading any legislation is to read it all. The best way I could explain this provision is not to read it all or, in other words, leave out unnecessary words. The provision we have in these 2 clauses are lifted from the Queensland legislation. Obviously, this has been deemed by that state as one of the more successful ways of dealing with the very difficult task of launching and bringing to a successful conclusion prosecutions in this area. It would be true to say that a provision such as this goes a little beyond relating to evidence. Clause 142 says: 'Where, on the hearing of a complaint relating to unlawful betting, the court is of the opinion that money or a valuable thing which

has to its satisfaction been proved'-that is 'proved' not 'suspected' - 'to have been given to, received or paid by the accused person ... in circumstances which, in the mind of the court, raise a reasonable suspicion that such money or thing was so given, received or paid in contravention of this act', then it becomes prima facie evidence of the matter complained of. One of the key expressions there is 'proved' and another is 'in circumstances'. Obviously, the circumstances envisaged in the legislation are circumstances which any court would have to have regard to having been proven already beyond any reasonable doubt that this money or thing had changed hands in such circumstances that would lead it to believe that the law had been contravened. Those circumstances would be where the police had seized cards, dice, a roulette wheel or whatever. Having proven that money has changed hands and established the circumstances, it becomes prima facie evidence of the charge.

We should realise that prima facie evidence is really a rebuttable presumption because the presumption itself is still evidence. The evidence itself must be proved beyond reasonable doubt. That still exists. It is a guide to the courts as to how the legislature sees it: the matters which the court should take into account having regard to proof that money changed hands and the circumstances under which it was obviously observed to change hands. It still requires that fundamental rule of law: proof beyond reasonable doubt having regard to the fact that all these matters collectively are merely prima facie evidence.

The same argument would apply very similarly in clause 143. The onus of establishing the reasonable suspicion beyond reasonable doubt still lies with the prosecution. There can be no doubt about that on a reading of that clause. That assumption is in itself a rebuttable presumption for it still remains with the prosecution to prove that evidence and the charge beyond reasonable doubt.

I do not think there is anything to fear in it. Indeed, I think we can cite other pieces of legislation which have passed through this Assembly that we all believe were necessary to protect the public and which were far more restrictive in the normal sense of the judicial process than these provisions. For instance, there are the certificates handed out by police in relation to a breathalyser machine. That is just not prima facie evidence but indeed is a presumption of the matters averred to - that the machine is accurate and it has been properly used by a properly trained person - unless proof to the contrary is provided. We all saw no problem with that. This legislation proposes to go nowhere near that far and I really believe that honourable members need to have no fear of it.

Debate adjourned.

ADJOURNMENT

Mr ROBERTSON (Attorney-General): I move that the Assembly do now adjourn.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, Dr Charles Gurd retired this year on 12 July after a long and distinguished career of public service. Charles Henry Gurd was born in Bristol in the United Kingdom in 1920. He received his basic education in Bristol and subsequently received his Bachelor of Medicine and Bachelor of Surgery with a distinction in pathology from Bristol University in 1943. He saw war service from 1944. After the war, he was accepted for colonial medical service and spent 3 years as medical officer at St Helena. He returned to Bristol in late 1949 and received his Certificate of Public Health. Dr Gurd was then posted to Nyasaland, as it was then called - it is Malawi now - for 4 years. During this period, he passed his Diploma of Tropical Medicine and Health, London, and became a member of the Royal College of Physicians, Edinburgh. He was also advanced in the service from medical officer to acting medical specialist.

In January 1954, he went to Fiji as a specialist physician. In 1956, he received his Doctorate of Medicine from Bristol. In 1960, he was awarded an OBE by the Crown. In 1962, he was made an officer of the Order of St John of Jerusalem. In June of that year, he was promoted to the positions of Director of Medical Services in Fiji and Inspector-General of the South Pacific Health Service. He was also elected as a Fellow of the Royal College of Physicians, Edinburgh in 1962. Dr Gurd remained as Director of Medical Services, Fiji, until 1971. During this period, he also worked for the World Health Organisation, becoming involved in a series of World Health Organisation studies and fellowships which took him to India, Mexico, Guatemala, Venezuela, Chile and the Philippines. In 1969, he was awarded the CBE. In 1971, he became a World Health Organisation consultant, working first in Ceylon and subsequently in the Philippines.

Dr Gurd came to the Territory in 1972 as Medical Superintendent of the Darwin Hospital. He took office at a time when the Northern Territory health services were ill-equipped to cope with the demands being made upon them. Dr Gurd proved to be an able administrator and his standing in the medical profession was such that the hospital began to attract and retain better-qualified medical and paramedical staff. When the position of Director of Health for the Northern Territory became vacant in 1974, Dr Gurd was appointed to fill it.

From January to October 1974, Dr Gurd was an official member of the Legislative Council which, of course, was dissolved in about October 1974 to make way for the first fully-elected Legislative Assembly. Members of the time recall him not only for his contributions to the council but also for his quick retorts and dry sense of humour. I am sure at least some honourable members would recall him for the same things now.

From the time that Dr Gurd was appointed Director of Health, Territory health services went from strength to strength. He tackled almost insurmountable problems with a zest that inspired the staff around him. Through his personal leadership and involvement, things began to happen and the result is clearly evident today. Hospitals have been built or expanded, many health centres commissioned and health services developed to the extent that they are comparable with those provided in many larger centres in the southern states and are second to none in northern Australia. Dr Gurd pioneered the training of Aborigines to undertake the provision of health care amongst their own people. He also recognised and advocated action on sanitation and housing problems in Aboriginal communities and ensured effective preventative medical care was provided in the interim.

The very nature and complexity of the programs administered by the department, together with the massive building effort, required the expenditure of large sums of money. Dr Gurd, who was dedicated to cost effectiveness and efficiency, insisted on getting the maximum possible for the health dollar. Many of his innovative ideas resulted in considerable savings, in some areas, without any diminution of existing services, and the deployment of funds to enable the introduction or expansion of much-needed services elsewhere. In June 1981, Dr Gurd was made a Companion of the Order of St Michael and St George. In July 1981, after his official retirement as Secretary of Health, Dr Gurd took on the role of Secretary of the Department of Primary Production, where his considerable administrative skills were of great value. Early this year, Dr Gurd was appointed to the position of Co-ordinator-General in the Chief Minister's Department where he performed a valuable role up to the time of final retirement.

I am pleased to say that, although Dr Gurd has retired from his government career, he remains active in public affairs. He is well known in Darwin Rotary.

He was the founding father of the Bougainvillea Festival and is President of the St John Council in the Northern Territory. He is a Knight of the Order of St John of Jerusalem. At the last Darwin City Council elections, Dr Gurd was elected as an alderman of the corporation and I understand that recently he has been elected as President of the Darwin Palm Society.

I wish to express my personal appreciation to Dr Gurd and wish him a long and active retirement, and I am sure that I speak for all honourable members when I do so.

Mr Deputy Speaker, once again, I must draw the attention of honourable members to the deaths of a number of prominent Territorians. Joseph Oscar Yates died in Darwin on 12 August this year, aged 63, having first come to the Northern Territory in 1935. He was born at Hill End in 1919. He was the fifth of 9 children and, when he came to the Territory, he first worked with his older brother, Ted, building the causeway on the Elizabeth River. At that time, the bitumen only extended to the 2½ mile at Parap. Later, Joe worked in Jessop's store in Smith Street and spent some time as a learner-mechanic with the Public Works Department. He joined the army in Darwin at the outbreak of war in 1939 and saw service in the Middle East, Greece and Crete, and finally Papua New Guinea, where he was still posted when peace was declared. In the postwar period, he was a prominent member of the Darwin RSL.

Joe returned to Darwin in 1946 and took up a soldier settlement block in Lagoon Road, Berrimah, where he commenced a poultry farm. While this was being established, he worked part-time for Delaneys. In 1973, this property was acquired by the Commonwealth government for marshalling yards for the proposed railway but the Yates family was still living there on a rental basis at the time of the cyclone. After the cyclone, the family moved to Howard Springs. The late Mr Yates was a member of the Show Society for over 26 years. He was made a life member for his work on its behalf in 1982 and, in 1983, was made a life councillor. I had the very great privilege and pleasure of conferring that award on him myself at this year's Darwin Show. For 25 years, he was chief steward of the poultry exhibition.

In addition to his work on poultry, Mr Yates was a very keen gardener and an acknowledged expert on orchids. In 1950, he married Kathleen Cavenagh, born Fitzgerald. He is survived by her, 3 step-sons and a daughter. The late Joe Yates was well respected by all who knew him and I am sure we all extend our sympathy to his family.

Mr Deputy Speaker, Sallay Mahomet from Alice Springs died in July. Mr Mahomet was the grandson of an Afghan cameleer who came to Australia in about 1872 and worked on the overland telegraph. He was born in 1911 in Coolgardie when his father was carrying supplies to the goldfields. Eventually, the family settled in Farina in South Australia in about 1924 after some time in Perth and Broken Hill. With camels and wheel carts, the Mahomet family travelled to Farina from Broken Hill, working on the way. The journey took some 5 years.

The late Sallay Mahomet learned how to handle camels from his father and grandfather and, throughout his life, was considered an expert. At the age of 14, he worked for a Ford agent, leaning something of the intricacies of modern mechanical beasts but, in 1934, the family took up a property called Mulgaria situated about 70 miles to the west of Farina. By 1939, this was a camel depot of some importance. However, as the importance of the camel declined, the family moved into cattle and sheep and sold the property in 1955.

After some years near Clare in South Australia, Mr Mahomet was asked by

Elder Smith's Pastoral Division to manage Beetaloo Station which he did from 1959 to 1972. A highlight of his life was the trip he made to Saudi Arabia to present 4 camels, which he had caught and broken in, to the King of Saudi Arabia as a goodwill gesture from the Australian government. In the course of this trip, he was to visit Mecca. The Mahomets have always retained their Moslem faith and his recent funeral was dignified by the attendance of several leading Moslem religious leaders from around Australia. On 1 February 1947, at the Adelaide Mosque, Sallay married Iris Foley and there are 3 children of their marriage. To the widow and children, Mr Deputy Speaker, I am sure that we all extend our sympathy.

Another prominent former Territorian who died on 11 July last was Clive William Graham who, on his appointment as Police Commissioner on 1 July 1964, was the only serving member of the Northern Territory Police Force to have been so appointed. He was born in New South Wales in 1908, the son of a policeman who retired with the rank of inspector. After an education in New South Wales, the late Mr Graham served an apprenticeship in electrical engineering with BHP at Newcastle. He applied to join the Northern Territory Police Force and was appointed as a mounted constable on 7 November 1932. He became a sergeant in 1942, senior sergeant in 1949, inspector in 1952, superintendent in July 1956, Deputy Commissioner in July 1960, and Commissioner, as already indicated, in July 1964.

One of the most famous cases with which he was involved was the investigation of the Caledon Bay murders in 1933, during which time Mounted Constable Graham and 3 other policemen set up a garrison on Groote Eylandt. Late in the 1930s, Mr Graham served alternately at Alice Springs and Tennant Creek which was then seeing boom years as a gold field. Escorting gold bullion was a major duty at that time. In July 1938, he married Jane Hayes of Undoolya Station, Alice Springs. She was a daughter of the pioneering Hayes of central Australia. As a newly married couple, they were stationed at such remote areas as Hatches Creek, Barrow Creek, Finke, Rankin River and Anthony Lagoon. From 1944 to 1950, Mr Graham was stationed in Darwin and Alice Springs until 1954, and then Darwin again until his retirement in 1966. The late Mr Graham is survived by a wife and 3 daughters to whom I extend my sympathy.

Lily Yaw was born in Pine Creek on 2 August 1924 and died in Darwin on 14 June this year. She was the second daughter and the second of 9 children of Lorna Lim, otherwise known as Low Lucy Gee, and George Lim, otherwise known as Fong Fuk Lim. Both parents were Australian born and descendants of some of the earliest Chinese to come to the Northern Territory. In the 1920s, George Lim had a tailoring shop at Emungalan and moved to the new town of Katherine after the bridge crossing the river was opened late in 1926.

The Lims eventually moved to Darwin and opened a store in what is now the Mall in Smith Street near the Star Theatre. This gave them the distinction of being the first Chinese storekeepers outside the traditional Chinatown area.

On 10 October 1960, Mrs Yaw married Robin, otherwise known as Wan San Yaw, who was Hong Kong born. There were no children in the marriage but Mrs Yaw is survived by her husband and 4 sisters and 3 brothers.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, listening to the debate this afternoon on the Surveyors Bill has reminded me of my very good friend, Bill Forscutt, who recently passed away. Bill was a long-time Territorian and was a surveyor for at least 20 years, employed first by Lands and Survey and later by Water Resources. The honourable member for Tiwi spoke of surveyors who died prematurely in the Territory. Bill Forscutt died at the early age of 46.

He finally tired of surveying and went prospecting around the Margaret and Mary Rivers. He found some very rich gold deposits and was awaiting finalisation of a deal with a major mining company but unfortunately he died before the sale went through. Mr Deputy Speaker, I know that the member for Elsey would know the family very well because it lived in Katherine for quite some time.

Bill was survived by his wife, Jan, 3 daughters and one son, as well as 2 brothers, Rex Forscutt and Jim Forscutt, and a younger sister, Sue, who lives in Katherine, and an elder sister, June, better known as June Tapp from Killarney Station.

Mr Deputy Speaker, I offer my personal condolences to his family. I know that honourable members who knew the Forscutt family will offer their condolences, as well as the Surveyor-General, Mr Peter Wells, who was sitting in the gallery for most of this afternoon. I know of no one who knew the Victoria River district, as well as many other districts, better than Bill Forscutt.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I was extremely interested to see in the Stop Press of the Northern Territory News this afternoon some rather welcome news. The headline was 'Interest rates pushed down'. The article says that a stronger Australian dollar and easing in expectations of higher USA interest rates helped push short-term interest rates down in pre-budget trading on local money markets. There has been much comment in the financial press recently about the question of interest rates. The speculation that has been raised about this matter - and the people who have commented on it have included spokesmen for the Reserve Bank - has been that is likely that interest rates would rise if there were uncertainty about the size of the federal budget deficit. As the federal government has now made it very clear that the budget deficit will be in the order of $8500m instead of what was being speculated - in the order of $10 000m - it is very pleasing to see that that has strengthened the Australian dollar. That is precisely the information that has caused that to come about. It has not only kept interest rates stable but has, in fact, pushed them down which is very welcome news indeed.

Mr Deputy Speaker, mention was made earlier today about items of Northern Territory interest that make the national press. Occasionally, we do make the national press. Unfortunately, it is not always on very pleasant issues. There has been a piece of national press concerning a prominent Territorian. It got a run on the ABC news and has intrigued many people. Because it is as entertaining as it is informing, it is worth while reading into the Hansard. It is something I do very rarely, as you know Mr Deputy Speaker, but on this occasion it is prose that I could not improve upon. The reason I want to read it into the Hansard is that there is a media event distracting the attention of Australians at the moment called the Hope Royal Commission. We had a certain prominent Territory politician telling all and sundry what he was not going to do when he went to Canberra. We had him beating his chest and saying that he would tell all when he got there, and I can say that it was intriguing. It titillated the interest of a great many Territorians, including myself.

It has been an extraordinary performance at the Hope Royal Commission. I was personally intrigued, sitting back one afternoon reading some transcripts in the Sydney Morning Herald, to see my own name leap off the pages at me. It was interesting to know that our honourable Chief Minister was going to reveal all in Canberra and really give the federal government a hiding with these dramatic secrets that he had clasped to his bosom. It is interesting indeed that, when he finally did get to Canberra, he contracted a desperate case of the 'I cannot remembers'. It turned out to be a bit of a fizzer, but nevertheless an entertaining one.

I have an article from the Canberra Times of 19 August 1983 explaining this. It is written by a journalist, Ian Warden, whose work I will endeavour to follow with more attention in future. His headline is: 'Mr Everingham's artlessness refreshing after artful weeks'. It reads as follows:

> *After several weeks of proceedings dominated by artful lawyers and artful witnesses with darting brains and agile tongues, there was a refreshing artlessness about the appearance of and the performance by Mr Paul Everingham at the Hope Royal Commission yesterday. Slow, some might even say sluggish, of speech, Mr Everingham took us out of the fast lane for the afternoon. Mr Everingham agreed before giving his evidence that, yes, he was Chief Minister of the Northern Territory but added 'at the moment', as though to suggest that he was well aware of the precariousness of his calling, and that he could not be at all sure that there had not been a coup in his primitive, volatile, distant polity while he had been in Canberra trying to persuade the federal government to throw a railway line across the trackless, dingo-infested waste between Darwin and Alice Springs.*
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> *Mr Everingham, who has a voice like a besotted vacuum cleaner crooning to its mate, was invited by Mr Ryan, counsel assisting the commission, to recall the events of the day when he, Mr Everingham, was first given an inkling of the Combe-Ivanoff imbroglio. Mr Everingham, whose government in the Northern Territory was employing Mr Combe to lobby for it, recalled that he had been having a lovely time at the constitutional convention in Sylvan, Adelaide in April when Senator Evans, the Attorney-General, had taken him to an office in the South Australian parliament where Mr Harvey Barnett, the bwana of ASIO, spoke to him of ASIO's suspicions about Ivanoff and Combe...*

There I was in Adelaide at the constitutional convention wondering where on earth the Chief Minister was. Now I know. It goes on:

> *Mr Everingham's recollections of the things said or indeed of anything at all to do with the matters concerning the commission were not at all voluminous. (I take the charitable view that he spent this period busily governing the Northern Territory rather than paying painstaking attention to the odd goings on in this sophisticated south). But he did remember that Mr Barnett had given as one of the grounds for being worried about Mr Combe that he, Mr Combe, 'had been for a free trip on a Soviet liner', said Mr Everingham. 'And I can remember that one pretty clearly', Mr Everingham told us in his droning drawl, 'because Mr Barnett said that free trips to Moscow are almost a sure thing that you are being recruited by Moscow'.*
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> *Mr Everingham gave as his explanation for the clear recollection of this item when he had to meet so many other challenges to his memory with a shake of the head or the mildly apologetic, 'I can't remember that', the fact that it struck him that 'I have had a free trip to London courtesy of the British government and it struck me that maybe I had been recruited by MI5'.*
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> *Mr Everingham reported all that he could recall of his briefing in the awed tone of a member of the public who is telling a tribunal inquiring into UFO sightings about something strange he saw in the night sky, and telling it in his own words. After Mr Everingham had told Mr Ryan what little he could remember, it was time to tell what little he could remember, to Mr Archibald, junior counsel for ASIO, and a tall, pale*

figure who continues to radiate a gloomy menace. The exchanges between Mr Archibald and Mr Everingham were the sort of exchanges one might expect between a cultured Australian auctioneer representing Sotherby's at an auction of fine art and an audience not especially disposed to bid for anything.

Mr Archibald, earnest and urgent of manner, and cultured of voice and demeanour, gushed that,'Harvey Barnett told you, did he not, something about what was known of Mr Ivanoff and his activities in Australia?' Mr Everingham responded to all this earnestness and urgency with a long, brain-cudgelling silence, and then with a less than helpful recollection that: 'I think it may have been mentioned that he was connected with the KGB and so on'. 'Didn't he tell you', urged Mr Archibald, 'that Mr Combe had been given an upgraded deluxe cabin on a free cruise?'. But no, cudgel as he would, Mr Everingham had to own up that he could not remember that, although it was obvious that he was trying to be helpful - bless him.

After Mr Archibald's exasperating experience, it was the turn of the almost unacceptably youthful and zealous Mr Young, the boyish junior supporting Mr McHugh QC, counsel for the government. Of the many questions that Mr Young bazookaed across the court to Mr Everingham, almost half ricocheted off the sturdy carapace that has grown around Mr Everingham's memory, being parried or deflected with: 'He may have said something like that' or some other expression that implied regret, as though he had been asked to make a clear recollection of some happy days of his childhood rather than of some unhappy days of Mr Combe's adulthood, but was forced to admit, sadly, that those recollections had escaped him forever.

Mr STEELE (Transport and Works): Mr Speaker, the honourable member for Victoria River mentioned the sad passing of Bill Forscutt and it is indeed unfortunate that another member of the Forscutt family has now passed away. Boko Forscutt drowned some 20 years ago when I was stationed at Katherine with the animal industry branch of the day. That was a very tragic death. Unfortunately, in 1983 Glad Forscutt passed away in June followed by Bill in July around about Katherine show time. I would like to express my condolences to that family.

In response to the petition presented by the member for MacDonnell this morning, I would like to place on record some remarks about the Hermannsburg road. The Leader of the Opposition, on After Eight, also tried to claim some credit for the ALP for the Australian Bi-centennial Roads Development Program by saying that the good news is that we are to receive in excess of double the amount of money under this program this year. This information has been around for a while. The program was designed by the previous federal government to build up to its annual funding level in the second year of operation and the fuel levy was imposed accordingly.

Because of the additional funding provided by the Bi-centennial Roads Development Program, the NT government, in line with the states, is in a position to accelerate its road building program. Members will no doubt be aware that funding through both the state road grants and the ABRD Program are heavily biased towards national highways and arterial road categories and the bulk of the Northern Territory government contribution is directed towards local roads. Even though this contribution continues to amount to several millions of dollars each year, we cannot upgrade all the roads at once and the government has to assess carefully the relative merits and priorities of each proposal bearing in mind the

continuing development of the Territory and the safety and convenience of Territorians.

Having said this, I am pleased to be able to advise the honourable member and the citizens of Hermannsburg that the second stage of the sealing of the road to that community from Alice Springs has achieved sufficient priority and is high on the list of projects for next year. The intention is to award a contract early in the 1984-85 financial year to enable the work to be finished during the dry season. The work, valued at well over $2m, will cover the section from the 73 km to 98 km pegs, thus continuing on from the section up to the 73 km peg, which has already been sealed. The final 15 km has not yet been programmed. It will be considered along with other priorities in due course.

Mr Speaker, the employment discussion this morning raised in my mind the need to place on record a few words about the impact that the Royal Australian Air Force has had on the economy of the Northern Territory and Darwin in particular. Apart from the valuable and very significant contribution made to our society by members of the RAAF and their families in terms of their active participation in the community, honourable members may not be aware of the large infusion of cash made into Darwin each year through the RAAF base. In the current year, the members of our community who are employed at the RAAF base will be páid over $7m in salaries and wages and, naturally, a large percentage of that sum will be spent in local stores and other businesses. In total, this year, the direct cash benefit of having the base in Darwin will be around $21m. I should add that this figure does not take into account the projected expenditure resulting from the relocation of the No 75 squadron.

I am advised that 75 squadron, which recently made its spectacular entrance on the scene in Darwin, will create additional expenditure estimated at around $8.5m during 1983-84. There will be over 800 more people living in Darwin as a result. I do not need to emphasise the importance of these facts and figures to the buoyancy of our local economy. It would be very tempting to apply some economic theories to the data to determine the real extent of the impact of a RAAF presence on the local economy and what that means in real terms to the business sector in the Top End. I will leave that aspect to honourable members to contemplate.

As honourable members will be aware, the Tindal air force base at Katherine is the designated home for 75 squadron. To date, there has been no indication from the Commonwealth government that the Tindal project will proceed. If a commitment is given in tonight's budget, Katherine's population and economy will receive a tremendous boost. Current estimates are that provision of all stage 1 facilities will cost some $163m. That is at 1983 prices and excluding costs of land. Construction was originally proposed under the previous federal government for the period mid-1984 to mid-1988, with expenditure of $19.4m in 1985, $68.6m in 1986, $57.6m in 1987 and $15.4m in 1988. An analysis of the construction program showed that the workforce required for the provision of all facilities would total 650 people by mid-1988. I hope that tonight's federal budget will contain the good news that the people of Katherine are waiting to hear.

The last matter I would like to place on record deals with the pedestrian crossing facility at Kurringal. The Northern Territory government is to resume control of Dick Ward Drive from the Darwin City Council under section 307 of the Local Governemnt Act. This arrangement will better reflect the responsibilities for the arterial nature of the road. In fact, this matter had been under consideration for some time. An immediate priority will be the installation of a suitable pedestrian crossing near the Kurringal flats to aid people there to cross the busy road. The actual siting detail is still to be determined and will

require the balancing of pedestiran safety against traffic flow and the requirement for a bus-stop near the flats. The Darwin City Council had been advised in April that the government would fund a crossing facility and also improvements at the intersection with Ross Smith Avenue. The government's decision to install a pedestrian facility has been taken only after careful consideration of the balance of benefits. Crossings are an emotional issue and well-intentioned concern for pedestrian safety can lead to strong pressure for crossings that may often increase, rather than decrease, the risk to pedestrians and other road users.

It has been well established by road safety experts that, unless motorists have a high expectation of actually seeing a pedestrian on a particular crossing, they may not be adequately alerted to react if there is one on a little-used crossing. At the same time, the very existence of a crossing often gives pedestrians a false sense of security. The combination can be lethal and decisions on whether to provide a crossing and, if so, in what form and where, can only be made after very careful consideration of all the facts. It is proposed to reinforce motorists' need for care on this and other crossings by a positive approach on a number of fronts: rationalisation of crossings in liaison with local government so only those assessed to provide a margin of safety are retained or provided in future; increased penalties for motorists failing to observe requirements; tightening up of legislation to overcome technical problems in obtaining convictions to allow evidence from electronic and other aids, for example, cameras at lights subject to suitable safeguards; additional publicity through the Road Safety Council, aimed at pedestrians initially to emphasise that they should not presume a crossing as a safe place; motorists, to emphasise the need to be alert at all crossings and their overriding duty of care; the general public, to help achieve a greater understanding of the real issues concerning crossings; and improved interaction between town planning and transport planning to reduce the incidence of future problem situations such as has occurred in the Kurringal situation.

Mr BELL (MacDonnell): Mr Deputy Speaker, I find it always of great interest to see the way the Northern Territory government makes such selective use of the user-pays principle. On one hand, when it comes to certain areas, the user-pays principle is invoked whereas, in other areas - and I think perhaps one of the most remarkable of them at the moment was alluded to by the Minister for Community Development earlier today when he was talking about AUSSAT - the government abandons the principle altogether and seeks to employ some other yardstick for deciding what is appropriate for public expenditure. Therefore, it came as quite a surprise to me to find that charges for Aboriginal communities living in town leases in my electorate were to be determined according to a user-pays principle. In terms of payments for certain services, this had not been the case for some 5 years. This had been drawn to my attention. In fact, the honourable minister's department wrote to the Tangentyere Association, which coordinates many services on town leases. In this particular letter, it was remarked first of all that the Department of Community Development was either subsidising or fully paying all costs relating to water and electricity consumed. In fact, as the minister himself in subsequent correspondence admitted, this is not the case. Many people paying rent for houses built in those town leases are individually metered for both power and water, a fact which was being ignored at that stage. The letter went on to say that the Northern Territory government had decided that the user-pays principle should now apply to these charges. There was no justification and absolutely no reasons given why the user-pays principle should be invoked.

I suppose I would bring down howls of protest on my head from some of the members opposite if I was to suggest that there was some ulterior motive by way of stirring up what may potentially be an election issue so I will not pursue

that line of reasoning. However, it certainly strikes me as particularly strange that, in the context of this correspondence between the Tangentyere Association and both the minister and his department, no particular reason why the user-pays principle is being invoked was given.

The Tangentyere Association responded to this request in a very sensible way by saying that, as many of the people living on those town leases are not financially in a position to pay in the manner of other members of the Northern Territory community, it should be regarded as an Aboriginal community in receipt of TMPU funding for such communal services, which is the case. That was after it pointed out that the power and water involved was only for communal use. The Tangentyere Association also pointed out that those town leases not only have to satisfy the residential needs of the permanent dwellers there but those people also have to play host as well to many relations who visit from particular bush communities with which they are associated.

Some 3 months after the letter from the Tangentyere Association to the minister registering its complaint about having been in a position to have the department demand that it pay for these services in that way, the minister replied to them, saying that it would just have to cop it sweet.

It is for that reason that I raised the matter today. My information is that the Department of Community Development took on the task of funding these services at self-government. I am really quite curious to find out why these town leases should have to celebrate the 5 years of self-government in this way, particularly when there is so little justification and so little evidence of a thorough program. It seems quite quixotic. It is clearly a government policy decision. I am rather curious to find out why it has been brought in in this haphazard fashion. I would stress, as the Tangentyere Association stressed to the honourable minister, that these Aboriginal communities are, to my mind, deserving of the same treatment as Aboriginal communities elsewhere in the Northern Territory. I find it a little strange that the honourable minister has chosen to treat them in this fashion.

Before I sit down, I would like to turn briefly to another topic and thank the honourable Minister for Transport and Works for his comments about the Hermannsburg road. I have received representations from a large number of people about the Hermannsburg road, amongst other roads in my electorate. Since the petition from the community was presented today, I think it is probably worth recording that this particular stretch of road is already well used, not only by the members of the Hermannsburg community but also by a fairly large volume of tourist traffic. The people travelling to Palm Valley are probably the heaviest users of the road. Of course, that road is particularly popular with four-wheel-drives around to Kings Canyon. In addition to that, in recent years it has been increasingly used in the area of resource development in the Territory. That particular stretch of road is used by the people developing the Mereenie oil field. It will be used very heavily during both the construction and future maintenance of the Palm Valley to Alice Springs gas pipeline.

The honourable member for Stuart mentioned that the Magellan people have their own road servicing the pipeline. I am well aware that some of the traffic is along the pipeline but I am advised by my constituents at Hermannsburg that there has been considerable impact on the road by vehicles associated with the construction of the pipeline. It is for that reason that I welcome the honourable Minister for Transport and Work's attention to this matter.

Mrs PADGHAM-PURICH (Tiwi); Mr Deputy Speaker, in rising in the adjournment debate this afternoon, I would like to add my remarks to those of the honourable

Chief Minister about the late Mr Joe Yates. He was a friend of mine since the time we came up here in the late 1950s. He was a friend of our family. I knew him very well. I knew him to be a very gentle man and a hard worker. He was also a very modest man. The thing that interested him most in his life was his membership as a Councillor of the Royal North Australian Show Society.

When I attended his funeral in St Mary's Cathedral, it was quite interesting to look around and see the people who were at that funeral. The cathedral was packed. To look around and see who was at the funeral was to look around and see a potted history of Darwin. I do not think in one place have I seen so many old timers as I did at Joe's funeral. There were grandparents, parents, teenage children and even younger children. I am sad that Joe has gone, especially as his death happened about a year after the secretary of the show society died from a similar illness. I think it has been said that anybody can die and his or her place will be filled by other people. But I think, considering the work that Joe has done for the show society over the years, his place will be very hard to fill.

The honourable Chief Minister said that he was granted life membership in 1982. The slight correction that I would like to make is that he was granted his life membership many years before. In 1982, he was given a presentation in honour of his 25 years' service with the show society.

I would also like this afternoon to comment on, and to add my congratulations to, the marvellous win of the Northern Territory schoolboys under-16 team that played Australian rules down south recently. I think those 26 boys covered themselves with glory in the way they played. I have a personal interest in this team because the coach of the team, Peter Atkinson, is my secretary. He was also the coach of the senior Saints team last year. It is very interesting to know that 2 of the boys who played in this team come from Garden Point: Damien Berto and Tony Vigona. Despite the fact that they are under 16, last season they played in the senior St Mary's team. One of the interesting things is that under-16 football has been played for 53 years and the Northern Territory has been competing for 10 years. However, this is the first time they have won. They were equal first with the Victorian team. The boys have come from all over the Territory. It augurs well for the future of Australian rules in the Northern Territory that they have done so well because these players will go on to play or continue to play in senior grades in future years.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, I welcome the statement from the Minister for Transport and Works regarding the Dick Ward Drive connector road. The section in my electorate has caused immense problems which I have spoken about frequently in this Assembly. I do not intend to go through that again. One thing that has been frequently raised is the desire of the residents, particularly the residents of the Kurringal complex, for a pedestrian crossing. Indeed, I presented a petition from those residents some years ago requesting that a pedestrian crossing be provided. I also understand the technical difficulties associated with implementing that decision because of the risk that a crossing can do more harm than good. This is exacerbated by what everyone now agrees is the particularly poor design of the whole intersection area where Dick Ward Drive enters into Fannie Bay. The need to provide for both pedestrians and motorists seems to be almost insurmountable. Now that the government has decided to resume responsibility for that road, I can only hope that all the issues associated with it will be looked at and whatever action necessary will be taken and whatever money that needs to be spent will be spent not only to ensure that pedestrians in future will be able to cross the road safely but also that all other problems in the area can be rectified.

Mr SMITH (Millner); Mr Deputy Speaker, I wish to raise 2 matters. The

first concerns a problem that one of my constituents has. He is in the fortunate position of owning an agricultural block within the urban area. He has one of the few agricultural blocks along Rapid Creek and he has been there for some time. His problem is that his next door neighbour has been actively filling in the land in his particular block. Because he is upstream from his neighbour, at times of flood he found the flooding on his particular land is much worse than it was before the filling process. Quite understandably, he was upset by this and wanted to take some action. Basically, he has found that he has no protection in the situation. There is a Control of Waters Act but it does not apply to that piece of land. There has been quite a bit of work by the Department of Transport and Works on flood zones but they have concentrated in Katherine and Alice Springs. There has been no work done in Rapid Creek. Basically, the response that he has had from the Department of Transport and Works when he has raised the matter with them is that he has no recourse other than the normal recourse through the courts. That is quite complicated and could be very expensive. Both he and I feel fairly frustrated by the current situation.

I ask the honourable Minister for Transport and Works to have a look at it. His officers will know about it and it would be appreciated if something could be done on that particular matter.

The other thing is the frustrations that I have been having in trying to get a piece of land in the Millner area declared as a park. Unfortunately, Millner is one of those badly-designed suburbs where the school is in the wrong place on the edge of the suburb instead of in the middle and where park space is at a premium. Behind the Millner school, there is a fairly large piece of land which was originally part of the education reserve. It has not been required by the Department of Education and has been lying in a dormant state. When I was elected, I took on this matter as a chance to provide a park in the Millner area. Within 2 or 3 months, I was able to get the Department of Education to state that it did not want the land and to hand it back to the Department of Lands whereby it became vacant Crown land. At that stage, I thought that it would not be too long before there would be a nice park there with trees and green grass.

Subsequently, there was a need to enter into a formal subdivision so that Telecom, who had been given permission to take in part of the land into its depot on the edge of the land, could take formal title. That process took 3 or 4 months. That has been done. At that stage, I thought I would be in a position to have a green, tree-lined park as well. The next stage that has to be undertaken is to formally create a reserve. Again, there is a legal complexity that has to be overcome for that to take place. I am advised that the residents of the area have to wait another 3 or 4 months so that all those formal processes can be gone through. Then Executive Council must declare it as a reserve. As far as I can see, that is the last of the formal legal processes that have to take place. But I expect that the real problem will start then. The real problem will be an argument between the council and the government over who should control the area and who should pay for it. I am quite looking forward to that argument.

The point that I want to make is that, in a situation like that when it is quite clear that the zoning is not going to be changed - although it is quite clear that the proposal has had the support of everybody in the vicinity and a rubbish piece of land could have been turned into a community asset - it is most unfortunate that the legal process has taken up to a year. Certainly, it has been a very frustrating time for the residents in the area and for myself and I hope that the government - if it is still the government by the time this legal process has been completed - will take a sympathetic view of the needs of the residents in the area and what they have been through and allocate some money to turn the reserve into something attractive and of benefit to the people of Millner.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

TABLED PAPERS
Review of Local Government Act

Mr TUXWORTH (Primary Production): Mr Speaker, I table papers Nos 3 and 4 relating to the government working party on discussion of a review of the Local Government Act.

MINISTERIAL STATEMENT
Criminal Code

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, when introducing the Criminal Code Bill (Serial 294) into the Legislative Assembly during its March sittings, I stressed that I would welcome and encourage further constructive comment on the document. Since that date, a good deal of comment has been received from various sources, not the least of which was given by the Leader of the Opposition in his reply to my second-reading speech on the code. All these comments were considered and a number of very important changes resulted. Further, as I indicated in the March sittings, I anticipated there would be a number of changes of a technical nature to the code. There have indeed been a number of such changes.

Part of my purpose in making this statement is to inform members of the Legislative Assembly and the community what is proposed in relation to the code. As I have just indicated, the code is being re-examined in the light of various comments received and a number of technical changes are merely changes for the sake of obtaining uniform style. The code will perhaps be scrutinised and interpreted more frequently than ony other piece of legislation in the Northern Territory. For that reason, it is important that there be uniformity to allow a uniform interpretation of the code. What might seem to be merely a pedantic amendment is indeed important when one comes to interpret the document.

There are over 150 amendments proposed in relation to the code. Many of those will be technical. To proceed with the bill in the normal way, it would mean that, during the committee stage, I would seek to introduce all of those proposed amendments. We would be here forever. With the leave of this Assembly, I propose to withdraw the Criminal Code Bill currently before this Assembly and introduce a new Criminal Code Bill tomorrow. The new bill will incorporate all of the amendments to the Criminal Code Bill (Serial 294) introduced during the March sittings. If such leave is granted, I propose to give all members of the Assembly a copy of what would have been the amendment schedule to the March bill currently before the Assembly. Such a course would enable members to readily identify amendments. Further, I propose that committee notes will also be given to members to help explain those amendments and further explain the meaning of certain provisions of the code. Mr Speaker, perhaps I should take some time to explain some of the proposed amendments and go over some of the more important parts of the code. I will deal also with some of the comments that have been received in relation to the code in an endeavour to alleviate some of the concern.

The Criminal Code is not intended to deal with all the criminal law in the Northern Territory. It deals with the more serious offences and codifies further some other relevant matters such as criminal responsibility and punishment. It does not deal with the law of criminal evidence, except in a few minor instances, although it is hoped that one day there will be a code of evidence introduced with uniformity Australia-wide. In a sense, codification of the criminal law has been going on for many years throughout the world. Indeed, each time a body

of criminal law is introduced, it is being codified. What this government has sought to do is examine this codified law as well as the common law and bring it all together in one document: the Territory Criminal Code. As has been indicated previously, a great deal of use has been made of the Queensland Criminal Code. There are obvious reasons. It has been tested not only in Queensland but also in Western Australia and Papua New Guinea where very similar codes have been enacted. Some amendments have been made to take account of the difficulties which have arisen in interpretation of the Queensland code and use has been made of legislation in other parts; for example, the English Theft Act.

The Leader of the Opposition called for the gradual introduction of the code over a number of years. I do not agree. In jurisdictions where this is the approach, it is unlikely that a code will ever be enacted. The community will be faced with a body of common law that it will know nothing about. The code places before the community what the law is with at least some degree of certainty. I consider that essential. I do not consider that this government has proceeded with too much haste. We are introducing a document which is based on a code tested for some 80 years. There have been changes granted but a great deal of use has been made of existing legislation in other parts. There are some new concepts as well, such as the laws relating to intoxication, but these have been introduced because of the tragic effects of intoxication, its relevance in crime and the fact that the community is no longer prepared to tolerate intoxication as an excuse for crime. I can assure members that these laws have been given a great deal of consideration. I will now proceed with the more important proposed amendments to the code as previously tabled.

It is proposed to introduce in section 1 a definition of 'abnormality of mind' which is a term that appears in sections 35, 36, 37, 126, 356 and 412 of the proposed new bill. The definition itself has been used for many years in places where the minister's responsibility was relevant to the charge of murder. The word 'illness' has been added to the definition as it was considered by psychiatrists to be deficient in that respect. The use of the term 'abnormality of mind' in the insanity provisions of the code, section 35, allows for a uniformity of definition which is not available under the Queensland Criminal Code and, in that respect, is an improvement.

Also in section 1, the definition of 'act' has been altered. It is considered that, if the definition remained the same as in the current bill, then there would be some confusion as to interpretation, particularly given that criminal responsibility which is referred to in the current definition of 'act' is exhaustively dealt with in part II of the code.

Consideration has also been given to the fact that a number of people, because of criminal acts, have suffered from permanent mental injury, quite apart from physical injury. Up to now the law has not properly acknowledged the concept of mental injury. Obviously, it is a difficult area because the degree and type of mental injury is often hard to identify. I consider, however, that permanent mental injury or mental injury of such a nature as to endanger or be likely to endanger life is something more apparent and capable of being identified by a qualified person. As such, it should be recognised and, accordingly, a new definition of 'grievous harm' is proposed in clause 1 to replace the old definition of 'grievous bodily harm'. Because of the difficulties in dealing with the lesser degrees of mental injury, that concept has not been included in the definition of 'bodily harm'.

Some criticism has been received regarding the definition of 'knowingly' in that it goes further than the equivalent definition in the Queensland code. All that has been intended by adding the words 'doing' and 'done' to the Queensland definition is to make that definition of 'knowingly' applicable in

parts of the code where a person is said to 'knowingly' do something, or words to that effect.

There has also been some criticism of the definition of 'provocation'. I do not know why that should be so because the defence of provocation now has a wider application than in the Queensland Criminal Code. Firstly, I understand that, in Queensland, there has been considerable debate as to whether provocation has the same meaning, when talking about a defence of provocation to an offence other than murder, as it does when talking about provocation such that a charge of murder is reduced to manslaughter. There can be no such debate in the Territory as it will have the same meaning as a result of this definition. Further, provocation can be in respect of property - which is not available in Queensland - and can be in respect of acts done to strangers which is something not available in Queensland by reason of its limiting definition.

There has also been criticism of the definition of the term 'loss'. The definition is based upon that in the English Theft Act and I do not consider an interpretation of this definition will cause too many problems. In relation to the definition of 'unlawful' in section 1, I cannot see the difficulty that some people have. The definition of 'unlawful' does not have uniform application throughout the code and instances of this may be seen in the use of a different definition, say in relation to the offences against morality. The definition in section 1, however, has been used for many years and, on the face of it, is clear and precise. Members of the Assembly will note that part II of the code deals with criminal responsibility and that part covers what is authorised, justified or excused.

The definition of 'unnecessary force' has also been the subject of much criticism. Perhaps the reason for such a definition is best explained by an example. If a person has particular knowledge that another person has an 'eggshell skull' or other such handicap that may not be apparent, and the evidence shows that, and he seriously assaults that other person, causing death or grievous harm, then I consider the test should be a subjective one. If the person had no knowledge of the handicap, then the objective test should apply. I do not think there will be much difficulty with this definition and I consider the approach sensible.

Members will note that definitions of the terms 'duress' and 'coercion' have been included in section 1. I shall deal with them more fully later but they herald a substantial alteration to the current bill and I am confident it will be welcomed by members of the Assembly and , indeed, the community.

Section 10 of the code, both the old and new, deals with the situation where there may be violent attacks on a person by a gang of 2 or more resulting in death or grievous harm. Previously, there has been a great difficulty in relation to identifying who performed the act that caused the death or grievous harm. This provision has been introduced to overcome this particular problem. The provisions contained in section 8 are not sufficient because section 8 relates to situations where there is no difficulty in ascertaining who committed the particular act. In section 10, such a difficulty is envisaged.

Section 15, application of criminal laws, has also caused concern in some quarters. If I give some history, the matter might be explained. We have now been made aware of the fact that there are differences of opinion throughout Australia as to the rules that ought to be applied when defining the territorial limits of criminal law. Queensland claims jurisdiction when the initial activity occurs within that state. New South Wales and Victoria claim jurisdiction is with the courts of the place where the offence was committed. It leads to a ridiculous situation which can be highlighted by one case where a person standing on one side of the River Murray shot and killed a person on the other side. Which has jurisdiction, New South Wales or Victoria? To avoid

some of these problems and to take account of the increased mobility of the offenders by way of fast modern transport, section 15 has been designed to have the widest reach. It is immaterial that the conduct proscribed by the law did not occur in the Territory if that conduct was designed to affect the peace, order and good government of the Territory. If someone in Queensland shoots someone in the Territory, we will grab him, Mr Speaker. Hopefully, one day some consensus may be achieved throughout Australia on this particular matter and I consider that it should be taken up by the Standing Committee of Attorneys-General. If officers of the department are listening at the moment, they may arrange to have that placed on the agenda for the next standing committee meeting.

Mr Speaker, in section 17 of the code, it is clearly indicated in division 5 of part I that a record of no conviction recorded, as provided for by section 392, is included within the definition of 'convicted'. I consider the fact that a person has been convicted but no conviction is recorded as a matter of vital importance under this division and as relevant also in regard to future sentence. Its benefit to the accused in this division is obvious. He might wish, for instance, to raise such a conviction in respect of a plea of 'autrefois convict'.

Mr Speaker, moving on to part II of the code, it is important to note that the code provides an exhaustive statement of the law in relation to criminal responsibility. The part sets out the circumstances under which an act or event may be authorised, justified or excused. Members of this Assembly will note that the provisions relating to criminal responsibility do not apply to regulatory offences, except in specific instances identified in that section. As has been pointed out to members on a number of occasions, criminal offences have been classified as crimes, simple offences and regulatory offences. Regulatory offences are what the term suggests: offences that regulate man's affairs, a sanction considered by the state to be necessary in order to regulate, in an orderly fashion, the affairs of its citizens. I wonder if we do not overdo it at times nonetheless. Generally, they relate to public welfare-type matters where the offender is strictly liable. Its imposition is not a punishment imposed on a person who is engaged in some proscribed conduct with a guilty mind.

It is intended to destigmatise the regulatory offence. The decision as to whether an offence shall be a regulatory offence will now rest with the legislature and not with the juduciary which previously decided the question as to whether or not an offence is a strict liability offence. Having set out the reasons for regulatory offences, it becomes more understandable that part II of the code relating to criminal responsibility does not apply to regulatory offences, except in a few specific areas. Generally, there can be no excuse, justification or authorisation for a regulatory offence. It does not mean, however, that every regulatory offence must become an offence of strict responsibility. Where an enactment fixes a duty of care - for example, in traffic regulations - it would not be inappropriate to impose strict responsibility on any person departing from it. However, there could be situations where there is a defence of absence of negligence or a 'third party' defence, by which a defendant may escape by showing a named or joined third party was responsible. These matters will be taken into consideration when the regulatory offence is to be identified.

Section 27, both in the current code and in the proposed new bill, deals with circumstances in which force, not being such force as is likely to cause death or grievous harm, is justified. Much controversy has raged that the act authorises 2 persons claiming ownership to property to fight over it. This is not the case. Section 27(k) gives justification to a person entitled by law to property to use force to recover possession of the property from a person who does not claim right to it. Section 27(n) gives justification to a person

in possession of property with a claim of right to defend that property. The crucial words are 'claim of right'. A person cannot recover property by force if another claims right to it. To use force would amount to assault. A person may defend property if he has a claim of right. If he has no claim of right, he commits an assault. All-in brawls are not justified.

Another area of apparent concern is with section 31(3). Under this clause, a person is excused from criminal responsibility for an act, omission or event unless it was intended or foreseen by him as a possible consequence of his conduct. This section however, does not apply in relation to sections 155 and 156 of the current bill - that is, sections 154 and 155 of the proposed code. Its exclusion from the operation of proposed section 154 must be obvious. If a person does a dangerous act that causes serious actual or potential danger in circumstances such that an ordinary person similarly circumstanced would have clearly foreseen the danger, then he must be held criminally liable for the act or omission, irrespective of whether he intended the act. In relation to proposed section 155 - that is, failure to rescue - intent is relevant. But, for a person to be convicted of an offence against this section, the degree of intent must be more than normal intent required in constituting an offence. The intent must be callous intent.

This government has spoken on many occasions regarding the ravages and abuse of alcohol and drugs in the community. Sadly, a good deal of our crime involves persons who are acting under the influence of alcohol or drugs. Stringent measures are needed and the code provides such measures. Involuntary intoxication has been given a strict definition in section 11. Until the contrary is proved, it is presumed that intoxication was voluntary and, unless it was involuntary, that the accused foresaw the natural and probable consequences of his conduct and intended them. This is contained in section 7. Voluntary intoxication is only relevant in relation to penalty when doing a dangerous act is charged and, in most cases, will increase the penalty in section 154. Finally, a person acquitted of a crime because of voluntary intoxication may be called upon to pay the cost of prosecution and pay compensation or make restitution to the injured party. This is contained in section 383.

The measures are deliberate. In relation to intoxication, some comment has been received regarding section 36 and the fact that a defence of involuntary intoxication is tied to insanity. That is the way the law has always been. To raise such a defence, a person must be in such a state of abnormality of mind that he is, in effect, insane albeit temporarily - that is, he had no capacity to understand what he was doing or was deprived of the capacity to control his actions or capacity to know that he ought not to do the act. The consequence of such a defence, if accepted, is an order for safe custody for such a person during the Administrator's pleasure.

Mr Speaker, next I would like to deal with what has been the most substantial change to the code. It concerns the concepts of duress and coercion. Both words have been defined in section 1. In the proposed new bill, section 40 introduces a defence of duress in all cases except murder, manslaughter or crimes of which grievous harm or intention to cause grievous harm is an element. Section 40 clearly sets out the circumstances under which a defence can be raised. The defence is not limited to threats against the actual person who commits the offence - that is, it is designed to cover threats against other persons, for example a spouse or child. The defence, however, is contained. An example of this can be seen by section 40(d) which requires the reporting of the making of the threat unless the nature of the threat was such that a reasonable person similarly circumstanced would not have reported it. It is considered such provisions are necessary as it is a defence which can easily be fabricated, indeed prepared, before the commission of the offence. 'Duress' is defined such that, for the defence to be raised, the threat made must have been a serious threat.

Section41 of the proposed new code relates to coercion. Its effect is to reduce murder to manslaughter thus creating a discretion in relation to penalty. By definition, 'coercion' means physical or mental pressure forcing the person said to be coerced to do what he would otherwise not do. The provision is meant to have wide application. It could relate to circumstances where a tribal killing has occurred. It could also relate to a situation where a person deliberately and upon reflection kills another, but in circumstances where he is brought to that act by pressure accumulated from a long series of provocations. There was the very famous South Australian case recently. With the benefit of such a provision and further provisions relating to provocation and diminished responsibility, I consider that much of the concern regarding the absence of a discretionary life sentence for murder should be alleviated. These new provisions, duress and coercion, are a considerable development in the law and indeed, in some respects, extend the common law. One very important restriction both in relation to duress and coercion is that the benefit of the provisions is not extended to gangsters.

With the introduction of these provisions, there follows some reshuffling of the provisions of the code. Consequently, provocation and diminished responsibility now appear in part II of the code as do duress and coercion. Another change has been in relation to sudden and extraordinary emergency which is in section 33 of the proposed new bill. The provision now relates to sudden and extraordinary emergency as opposed to sudden or extraordinary emergency. This change was considered necessary to distinguish this provision from the new provisions relating to duress and coercion.

Part III of the code deals with offences against the public order. This part has been discussed on a number of occasions and I do not propose to go over the provisions again, save dealing with some of the comments received. Again, concern has been expressed that the procedure for proscribing organisations under the terrorist provisions should be a decision of the judiciary. I repeat that, if the decision were to be given to the judiciary, there could be criticism of that body for becoming policitised. Further, the present procedure allows for the proscription of organisations with a degree of urgency which would not be available if the decision was open to argument before a court. Needless to say, it is open for argument here.

There has also been some criticism that there should be a greater penalty for the Legislative Assembly member receiving a bribe than for a person offering a bribe to such a member. The penalty as provided by sections 58 and 59 of the new bill, 57 and 58 of the old bill, is 7 years. I would expect that, when it comes time to impose such a sentence, the position of trust of a Legislative Assembly member would be taken into account and that member would in all likelihood receive a greater penalty from the court. Apart from that, I expect there would also be consequences in this Assembly itself following from such behaviour. While I have said that, I would not of course be held to that. If honourable members believe that there should be a distinction between the person offering a bribe to a Legislative Assembly member and that member being evil enough to accept it, I will take that view. I think you would find that the court would probably hand down close to 7 years in respect of one and probably 2 years in respect of the other.

Part IV of the code deals with offences against the administration of law and justice and against public authority. There has been some adverse comment that section 87 in the proposed new bill, that is section 86 in the old bill, relating to undue influence of elections, includes threats of spiritual injury. In this regard, the code follows both the law in Queensland and England and I do not think that there has been too much trouble caused by those words. Apart from that, I consider some people would most certainly be affected by threats of spiritual injury and would take such a threat seriously. I consider the provision is desirable and still relevant. Also in that part of the code

was the offence relating to the neglect of police officers to suppress a riot. That is in section 23 in the current bill. On consideration of the criticism from various quarters, I propose that the provision should be deleted. I am satisfied that there are adequate remedies in the Police Administration Act to deal with the matter.

Mr Speaker, I shall now move to part V of the code, acts injurious to the public in general. Division 2 of that part deals with offences against morality. The definition in section 126 in the proposed bill, 127 of the current bill, includes definitions of 'in private' and 'in public'. These definitions relate to homosexual acts. The proposed bill incorporates an amended definition. 'In private' now means 'with only one other person present and not within the view of persons not a party to the act'. This places somewhat of an onus on the person engaged in such activities to ensure privacy but I consider it to be a necessary onus. Thought has been given to the 'Peeping Tom' situation, but a satisfactory definition to take into account such persons would be nearly impossible. I suggest that the remedy for such situations can be found in the discretion to prosecute or in the laws relating to mistake of fact. They are found in section 32.

Some confusion has also arisen on the interpretation of section 129 in the current bill, section 128 in the proposed bill. To me, the provision is clear. Homosexual acts between adult males in private, as defined, will not offend the law. Homosexual acts between males in private are not lawful unless both males are adults. If one of the males involved is under 14 years and the offender is an adult, then there is a greater penalty. There is no express provision relating to immunity from prosecution for young offenders. However, that does not exclude such immunity as a decision in that regard can be made on the facts of the case.

The next major area of concern is the provision relating to dangerous drugs dealt with in division 3 of part IV. Members of the Assembly will be aware that the Poisons and Dangerous Drugs Act also deals with the issue of trafficking in and possession of drugs. There is obviously some overlap between the provisions of the Poisons and Dangerous Drugs Act and this code. Drugs are such a problem in the community that new and different approaches must be tried in an endeavour to stem the trade in drugs. The code provisions are aimed specifically at traders. The initial penalty for drug convictions under the code are high. Basically, the penalty may be reduced if the convicted person can satisfy the presiding judge that he was not a major dealer nor was he dealing with the harder drugs. The code deals only with what are considered to be more popular drugs as opposed to the Poisons and Dangerous Drugs Act which covers the whole field.

The code also does not contain an offence of possession of schedule 3 drugs - that is, the lesser drugs such as cannabis - whereas there is such an offence in the Poisons and Dangerous Drugs Act. The exclusion of such an offence in the code does not mean that the possession of these lesser drugs such as cannabis will not be an offence in the Territory. It is proposed that both the Poisons and Dangerous Drugs Act and this code will run together and, therefore, possession of these lesser drugs will be an offence against the Poisons and Dangerous Drugs Act. Where there is an overlap in relation to an offence - that is, an offence under both the code and the Poisons and Dangerous Drugs Act - there will be a discretion as to whether to proceed under the code or under the drugs act. Generally, that discretion, I expect, will be exercised in this way: the code will be used for major traffickers or where there is considered a likelihood that information may be obtained as to suppliers, otherwise the Poisons and Dangerous Drugs Act will be used. This decision, however, will depend upon the facts in each case.

Division 2 of part VI of the code deals with dangerous acts or omissions

and failure to rescue. In section 155 in the current bill, section 154 in the proposed bill, there is a provision that voluntary intoxication is a matter only relevant to penalty. Again, that is deliberate. Under this provision, voluntary intoxication may be seen as an aggravating feature. To my mind, it is quite apparent that, generally speaking, to do a dangerous act whilst intoxicated can be much more serious a matter than to do that act while not intoxicated. Some people might find that hard to believe. An example was given to me the other day of a person who constantly offends against the road traffic laws relating to intoxication. On the sixth time, he crosses a footpath and kills 3 people. I am quite sure that the community would be more outraged by that than if the person just happened to be someone exceeding the speed limit and doing the same act.

Section 163 of the current bill and 162 of the proposed bill deal with murder. There has been some concern that the provisions do not follow the Queensland code exactly and, thereby, the definition is too wide. The section provides that it is murder if the death is caused by means of an act done when committing an offence as set out in subclause (2) of the clause. These offences are: (1) any crime for which the offender may be sentenced to imprisonment for 14 years of longer; (2) any crime of which an assault or an intention to do or cause an injury or damage is an element and for which the offender may be sentenced to imprisonment for 7 years or longer; and (3) an escape by a prisoner. The Queensland definition does not have such a precise category of offences. It talks of 'an act done in prosecution of an unlawful purpose'. The meaning of 'unlawful purpose' has been the subject of great debate in the code states and it has been given a wide meaning. In the Territory code, the offences are categorised. They are clear and, in fact, the provision is restricted more in the Territory than in Queensland.

The year-and-a-day rule applicable under the common law and in Queensland has been deleted. The rule provides that it must be shown that the deceased has died within a year and a day after he has received the injury for, if he died after that time, the law presumed that his death proceeded from another cause. With the improvements that have taken place in medical science, a person may be kept alive for a much longer period than the year-and-a-day rule, and it is no longer entirely relevant. I do not expect that this will bring a rush of murder charges for I anticipate that there will be considerable difficulties in establishing that the act caused the death where the death occurred more than one year after the act. Of course, it will not be retrospective so it will not affect events that occurred before this code becomes law.

Despite criticism, the mandatory life sentence for murder has been retained. There can be no excuse for murder. As indicated before, I consider that, with the provision relating to provocation, diminished responsibility and coercion, a lot of this concern should be alleviated. As I also indicated earlier, those sections - that is, sections 165 and 166 - in this part relating to provocation and diminished responsibility now appear in part II dealing with criminal responsibility.

Section 189 in the current bill has been amended and the penalty increased. Under the existing law, many of these offences would be dealt with in the Magistrates Court. We want to ensure that that remains the case. A consequential amendment to the Justices Act will give the Magistrates Court jurisdiction in these cases - and also in relation to offences under clause 192, aggravated assaults - except that, if the magistrate considers it to be such a serious case, he can direct that the matter be tried on indictment before the Supreme Court. The increased penalty for both bodily harm and aggravated assault allows the imposition of a higher penalty in the Supreme Court of up to 5 years.

Mr Speaker, to again deal with aggravated assault - that is, section 192,

or clause 189 in the proposed new bill - a new category is proposed. It relates to assaults where a person is threatened with a firearm or other dangerous or offensive weapon. Another proposed change is regarding assault on members of this Assembly. It is proposed that the assault will only amount to aggravated assault if it occurs because of the member's membership of the Assembly. If we want to have our heads punched in in drunken fights, that is our affair.

Section 217 in the current bill - section 214 in the proposed bill - deals with uncertainty as to the offender's intent in cases where there has been an unlawful entry of a building. The provisions should be read together with the preceding provision relating to unlawful entry into a building. There has been criticism as to the meaning of section 217. The following is an example of its operation. A person may have been found to have unlawfully entered the building and there is no certainty as to his intention. He might be there to commit arson, to steal or to assault someone. If the police cannot identify his intention, then he may be charged with having unlawfully entered the building with intent to commit a simple offence or crime. If the evidence does not establish whether his intent was to commit even a simple offence or a crime, then he cannot be considered to have intended to commit a simple offence. On the other hand, the evidence may show that he intended to commit a crime but cannot establish which crime. He can then be convicted as if he had entered a building unlawfully with intent to commit a crime for which the maximum penalty does not exceed 3 years. Perhaps it is a bit hard to understand that but I can envisage, as an example, a male who is unlawfully on the premises of a female dormitory. He is discovered at the doorway and the policeman says: 'What are you doing here?' He says: 'I am not answering any questions'. Now what do you charge him with apart from being unlawfully on the premises. He could be after jewellery or he could be after drugs etc. Obviously, he is there for a far more serious purpose than just having a sleep for the night.

It is proposed also that section 221 in the current bill be amended. It deals with the unlawful use of motor vehicles. Paragraph 2(e) of the provision currently provides that, if a vehicle is not recovered within 24 hours, then the offender is liable to imprisonment for 7 years. It is proposed to amend that paragraph to provide that the liability for increased punishment will occur when the whereabouts of the vehicle remain unknown to the owner for longer than 48 hours. This takes into account the difficulties in locating and subsequently returning motor vehicles within a short space of time.

Mr Speaker, there has also been some misunderstanding as to the reasons behind section 222 in the current bill which relates to removal of things from public places. It is said that the provision follows the English Theft Act where it is known as the 'Goya Clause', having resulted from a specific case where a Goya painting was removed from an art gallery and not returned for some years. There are difficulties in ascertaining whether such appropriations do or should amount to theft. Further, it was considered that such items in any event should be afforded special protection. For those reasons, the section has been included in the code. One could probably cite the case of the disappearance of the Kookaburra engine as being an example of that. It was returned but what was the effect of that removal?

It is proposed to delete section 230 of the current bill. It relates to bringing stolen property into the Territory. Basically, it is a holding charge whereby interstate offenders can be held pending extradition. There are adequate provisions in the Police Administration Act to cover these situations and I consider that the provisions can be deleted. In fact, the provision is used in most of the states by police forces to detain people rather unlawfully while colleagues in another state work out the charges. We do not see it as being appropriate in the Northern Territory .

It is proposed that those divisions in the current bill relating to bail should be deleted. The Bail Act that recently passed through this Assembly is considered to be sufficient to cover most situations dealt with in the code. It is further proposed to delete the provisions relating to periodic imprisonment. It is considered that the costs of running such a system far outweigh the advantages it may have. I understand that there has been much criticism of the scheme interstate. I consider the courts already have sufficient flexibility in relation to sentence and the deletion of these provisions will not cause any undue concern.

Section 387 in the current bill, section 380 in the proposed bill, has attracted some criticism. The provision relates to the making of admissions that could not prejudice the defence. One of the greatest problems of the system of justice today is the great cost and length of trials. Something must be done and I consider it is not burdensome to expect that admissions, which do not prejudice the defendant, should be made. If no prejudice is caused, and the admissions are not made after request by the Crown, the court should be entitled to take that into consideration at the time of sentence.

It is also proposed to amend the final section of the code relating to burden of proof. A new subsection (2) is proposed to take into account the laws relating to whether or not evidence should be admitted or excluded. Finally, it is also proposed that the term 'cannabis' in schedule 3 should be amended to ensure that every part of the plant cannabis sativa is included. Obviously, I have not dealt with all the criticisms and proposed amendments today. Many of the proposed amendments will be self-explanatory and I trust that the committee notes, which were given to members, will also help explain some matters further.

Mr Speaker, I have taken the liberty of seeking the Assembly's tolerance to make this statement this morning so that it can be incorporated in Hansard overnight. Having given notice, I will be introducing tomorrow a range of complementary legislation and the new Criminal Code Bill itself. But, if I gave a second-reading speech at that time, it would be a further day before honourable members could marry that up with the new bill. Obviously, I intend that Criminal Code itself will pass through this Assembly, if it is acceptable, during the course of these sittings. There is a complete explanation of every section in the bill by way of committee notes for honourable members' guidance. They now have a cross-reference between the old bill and the proposed new bill so that should assist them. Finally, I would like to make it clear that this is not to be seen by any honourable member as an attempt by me to deny the right of debate on any section that honourable members may wish to debate in the committee stage.

LEGAL PRACTITIONERS AMENDMENT BILL
(Serial 348)

Bill presented and read a first time.

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

Mr Speaker, as members will be aware, the legal profession in the Northern Territory is regarded as being a fused profession; that is, upon admission, a legal practitioner has the right to practise as a barrister and solicitor. As occurs in other jurisdictions, a so-called independent bar is now in existence creating, in effect, a body of lawyers who specialise in the art of advocacy and practise solely as barristers. While it is relatively small, the independent bar in the Territory has developed into a body of considerable strength and it is to be congratulated in that regard. I believe it is doing a tremendous job.

Members will note that the existing Legal Practitioners Act recognises the independent bar by virtue of section 16(2) which provides that a legal practitioner may have noted on the roll of legal practitioners that he or she is a local counsel. With the development of an independent bar, there is also a need for training of new members of that bar to ensure that all persons at the bar are of a suitable standard, given the special nature of advocacy. In many other jurisdictions, a new system known as pupillage has developed. This enables a new barrister to train or read under a more experienced member of the bar and thus gain experience and confidence in this relatively specialised field. Obviously, it is considered of great benefit to the public that advocates receive adequate training, and pupillage will assist in this regard. I understand interest in undertaking pupillage in the Territory has been expressed by some persons. Indeed, there is a candidate presently in the Territory who has expressed a desire to undertake pupillage if legislation would allow for such a system to be introduced.

With the current state of the Legal Practitioners Act, there is no scope for the introduction of pupillage. At present, persons wishing to hold an unrestricted practising certificate, and that includes local counsel, generally must have 2 years' post admission experience to be eligible for such a certificate. An unrestricted practising certificate entitles a practitioner to practise on his own account or in partnership. However, where a practitioner is a local counsel, he must practise solely as a barrister and independently of another practitioner. A practitioner who is employed by a firm of solicitors may hold a restricted practising certificate. There is no requirement for post-admission experience regarding the issue of a restricted practising certificate. The holder of such a certificate, however, cannot practise on his own account. Such a certificate, in its present form, however, would not be applicable to pupils as, by the very nature of the practice at the bar, a person must practise on his own account. This bill therefore seeks to allow for the introduction of a system of pupillage. The bill introduces a new type of restricted practising certificate which will be relevant to pupils.

Clause 3 amends the definitions of the act; that is, section 5. In effect, it creates 2 new types of restricted practising certificates. The restricted practising certificate class 1 would relate to employee solicitors whereas the class 2 certificate would relate to pupils. By definition, the holder of a class 2 certificate would be entitled to practise on his own account, on the condition that he practises as a barrister only and under the pupillage of a local counsel holding an unrestricted certificate - that is, an experienced local counsel - for a period not less than 1 year but not more than 2 years. I do not think that is quite right, Mr Speaker. I will need to check that one.

Clause 4 effects an amendment to section 16 and is designed to ensure that persons who undertake pupillage and, indeed, their masters, are considered to be acting independently of any other practitioner as is a requirement of the act.

Clause 5 amends section 22 and again acknowledges that a pupil, in a sense, practises independently.

Clause 6 attends to a technical amendment to section 22 of the principal act given that the pupil would not be in the employ of any other practitioner and that, necessarily, the pupil's application should include his place in practice.

Clause 7 is a transitional provision required to protect the rights of the current holders of a restricted practising certificate. Those persons will be deemed to hold restricted practising certificates class 1.

There was no detail in the proposed amendments regarding how this scheme will operate. It is considered that it is a matter best left to regulation by the Law Society and the Bar Association. This will allow for some degree of flexibility in the operation of the system. I would expect that, basically, when a pupil commences practice, he or she will be undergoing training and supervision under an experienced counsel for a period of 12 months. For the first 3 months of that period, the pupil will not be entitled to accept briefs. For the remaining 9 months, the pupil may accept briefs but must act under supervision for that period. I welcome the system which is seen as being of considerable public benefit. I commend the bill to honourable members.

Debate adjourned.

EDUCATION AMENDMENT BILL
(Serial 330)

Bill presented and read a first time.

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

This amendment allows members of the Post-school Advisory Council and the Education Advisory Council to be appointed for consecutive terms without limitation. Both councils are established as statutory bodies in the Education Act 1979 but it is the Post-school Advisory Council that this piece of legislation is primarily intended to assist. The Education Act provides for the Post-school Advisory Council to have up to 7 members. Of the inaugural council, 5 members including the chairman are due to retire on 12 November 1983 having served 2 consecutive 2-year terms. The present legislation precludes any of these 5 persons being renominated until a further 2-year term has elapsed.

The work of the council endeavours to ensure a consistent and comprehensive Northern Territory government approach to the Commonwealth. The complex requirements of the Commonwealth Tertiary Education Commission, in respect of the submission for funding in the trienniums, require consideration by an expert body such as the Post-school Advisory Council. To have 5 members retire at one timefrom a 7-member body would indeed leave a great many gaps in that body so far as continuity is concerned. Two of the members of the council are very experienced senior officers from Queensland and South Australia whose states have an excellent record of maximising funding from the Commonwealth. This experience and knowledge can continue to be used by the Northern Territory if the Education Act is amended to enable members to be appointed for consecutive 2-year terms. It is important that the criteria for membership of the council be professional expertise and efficient use of available people. The present act, with its limit of 4 years, limits this development. If the Education Act is amended, membership of the Post-school Advisory Council can continue at 2-yearly periods beyond the present 4 years. Provision is also made in the bill to remove the present limit of 4-year terms of appointment to the Education Advisory Council so that, if required, that council, like the Post-school Advisory Council, can have members reappointed. Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

PLACE NAMES AMENDMENT BILL
(Serial 325)

Bill presented and read a first time.

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

All honourable members will have, from time to time, either actively participated in or been aware of private, public or government discussions concerning the naming of a public place within the Northern Territory. The act that enables either the alteration of a name given to a public place or the bestowal of a name to a previously unnamed public place is not a monumental piece of legislation. Indeed, it is only 4 pages in length but, like other statutes that have been systematically reviewed since self-government in order to improve the efficiency of Territory legislation generally, the act had been found wanting, albeit in a relatively minor way. the function of the Place Names Committee established by the legislation is unobtrusive in its operation and I have no doubt that the majority of Territorians would be unaware of its existence. Yet the products of its thoughtful deliberations, when finally agreed to by all participating bodies, is almost always immediately accepted and adopted, not only by Territory residents but also by the rest of Australia and by the world at large mainly through the medium of international tourism. I have mentioned that the principal act is a small unit of legislation and the amendments that I am introducing are therefore relatively few and straightforward but nonetheless designed to update and increase the act's efficiency.

Firstly, there is an important amendment to the definition of 'a public place'. Most Territorians accept the existence of suburbs within the major centres of Alice Springs and Darwin. What is not well known, however, is that these suburbs have not been named as a result of recommendations of the committee for there has never been a specific power in the act to consider names for any urban area other than a town. Hence the town names of Sanderson, Darwin and Nightcliff within the greater Darwin area are all officially designated but the smaller domestic units such as Jingili, Wulagi or Anula are merely adopted names. They are believed to have been selected and placed on the original subdivision plans by officers of the Lands and Survey Branch of the former Commonwealth-controlled Northern Territory Administration.

The proposed amendments to section 4 of the principal act will remove this anomaly and the committee will have the power to recommend names for all future suburbs of future towns. Similarly, it is proposed that the committee should have the power to recommend names for localities in areas other than counties, hundreds, towns or suburbs and for features which may or may not be covered by water. It is a takeover bid, Mr Speaker.

Minor amendments are proposed to the constitution of the Place Names Committee in section 5 of the principal act. It is considered desirable to reduce the number of appointed persons able to sit on the committee and to dispense with the obligation to convene separate meetings for each area for which an appointee is responsible. The act currently provides for a varying number of appointees, each to represent a municipality, a town where a town management board exists and the remaining area of the Territory. The proposal is to appoint only 1 person to represent the settled areas of the Territory. This person shall be selected from 3 names nominated by the Local Government Association. The concept of town management boards has been abandoned and, on this matter alone, amendments to the act were due to be made.

Section 7 of the principal act, pertaining to the tenure of members of the committee, has also been revised to bring the section into line with similar provisions of other acts. Instead of holding office for an indefinite period at the pleasure of the minister, it is proposed that a member, other than the Surveyor-General, may hold office for a maximum period of 3 years but be eligible for reappointment. Additionally, a new section 7A has been included. This provides for the nomination of deputies by certain members for a specified meeting should that member be unable to attend. This is an important provision. Previously, with such a small committee, meetings have sometimes not occurred for several months when more than 1 member has been absent for a significant

period. Similar provisions occur in the Museums and Art Galleries Act and have proved to be satisfactory.

At the request of the Local Government Association of the Northern Territory, section 9 is proposed to be amended so that a municipal council is consulted about the naming or renaming of public places within areas under the control of that council. It is quite likely that the government may have a specific interest in the naming of a public place. Accepting this interest, it is considered appropriate that section 11 be amended so that the minister may direct the committee to consider certain names when the naming or renaming of a public place is scheduled for discussion by the committee. One can take, for instance, Dick Ward Drive where the government proposed the name and the committee was good enough to oblige us in this regard. It may be that, for various reasons, the committee might not play ball so that is the reason for that provision.

Finally, as in other acts that have been amended recently in this Assembly, reference to the Administrator has been omitted from section 11. With self-government, it is considered unnecessary for the Administrator to be concerned with the functions of legislation such as exists in this act and what the government feels can be more properly carried out by the appropriate minister. Mr Speaker, I commend the bill to members.

Debate adjourned.

DARWIN PORT AUTHORITY BILL
(Serial 328)

Bill presented and read a first time.

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

The Ports Act, which this bill seeks to repeal, dates back to 1962 and, in many ways, is out of date. The act provided for the constitution of the Northern Territory Port Authority Board set up to administer the Port of Darwin and any other public port in the Northern Territory. Two private ports have been established at Gove and Groote Eylandt but the Port Authority has had no involvement with either of those ports.

Honourable members will recall debate on the Northern Territory Marine Act which came into force on 31 March 1982. The Marine Act is designed to take over certain shipping and navigational aids, pilotage provisions and safety aspects of pleasure craft. The bill before us today reflects those changes. From now on the Port Authority is to act as the pilotage authority for the Port of Darwin by virtue of the powers contained in the Marine Act. Small craft safety controls, now embodied in the Ports Act bylaws, are to be removed and set up as regulations under the Marine Act for Territory-wide application. The Darwin Port Authority Bill will limit the Port Authority's jurisdiction to the Port of Darwin. It is considered appropriate, therefore, that the Port Authority title be changed to that of the Darwin Port Authority as provided in clause 6 of the bill.

Mr Speaker, honourable members may recall that, in November 1980, the then Minister for Transport and Works introduced the Ports Amendment Bill, serial 58, to bring about changes in the constitution and membership of the Northern Territory Port Authority. At that time, the aim was to streamline the Port Authority by replacing the 6-member board with a 3-member board, made up of a

full-time executive chairman and 2 part-time members. It is not proposed to change the composition of the Port Authority Board in any way through this bill. Rather, the philosophy and purpose behind that earlier change remains true today.

I do not have to remind members of the importance that the government places on the Port of Darwin. As a government, we go on record for the positive actions we have taken to modernise the port and attract further trade to the area. Investment in major port facilities was one thrust. Streamlining Port Authority management was another, followed now with what I believe to be well-balanced, up-to-date legislation under which day-to-day port affairs can be administered effectively. With the backing of this legislation, the Port Authority can look to the future with confidence.

In essence, the bill provides for the establishment of the Darwin Port Authority for the control and management of the Port of Darwin and for related purposes. Jurisdiction of the Port Authority is generally confined to the port, the area of which is described in schedule 1 of the bill.

Apart from the change in the Port Authority's title, the bill seeks to repeal a number of old Ports Ordinances and regulations dating back to 1956 as well as recent amendments to the Ports Act. The bill represents a consolidation and reprint of some parts of the earlier Ports Acts retained in a slightly modified form. For example, clauses on constitution, membership of the Port Authority, meetings of the Port Authority and ministerial control have been retained. Some parts of earlier regulations have been retained in a redraft of the port bylaws. Additional Port Authority functions and powers contained in the bill are as follows.

The Port Authority may act as the agent for the Deputy Secretary (Transport) responsible for day-to-day administration of the Marine Act for the installation of navigation aids and for prevention of pollution of water by oil. It would be reasonable for the Port Authority to be called upon to carry out this type of work even outside the port as it has the necessary expertise and resources available. In the past, the Port Authority has experienced difficulty in exercising effective security over property. Additional powers in the bill are designed to overcome this problem. There are several functions contained in the bill which the Port Authority may carry out outside the port which are incidental to normal port operations. They include the control of land vested in the Port Authority outside the port, such as land on which the Port Authority main office is located in Harry Chan Avenue.

One of the more important new provisions of this bill is paragraph 17(2)(g) which enables the Port Authority to raise charges on ships passing through the port using private berthings and wharf facilities. This will allow port dues to be levied on the barge trade as a contribution towards the upkeep of port facilities generally. It will allow the Port Authority to impose charges on ships carrying prescribed substances through the port. It will provide a means by which all vessels carrying valuable cargoes may be required to contribute to the upkeep of port facilities more in line with the level of port charges raised against ships handling cargo across Port Authority wharves.

Clause 32 is one further important provision of the bill which empowers the Port Authority to deal effectively with sunken vessels, obstructions and hazards to navigation as well as prevent pollution of the port by undesirable substances. The definition of 'undesirable substances' is wide enough to include an article or thing capable of preventing or hindering the development or proper use of the port. This will greatly assist the Port Authority in overcoming the constant nuisance of abandoned boats, hulks, wrecks etc and the dumping of rubbish in the port.

Whereas the existing Ports Act contains a power of delegation for the Habour Master alone, the bill before us today, in the interests of flexibility and the management of port operations, includes a power of delegation for the Port Authority Board, the Chairman, the Port Superintendent and the Habour Master. The chairman under the existing Ports Act is also the Port Superintendent. The bill makes a change to this concept.

The role of Port Superintendent is now more appropriately placed with the Manager of Port Operations who has responsibility for day-to-day operations, generally involving shipping movements and cargo handling within the port. This then leaves the chairman free to carry out an executive management role covering the more important policy aspects of Port Authority affairs.

Clause 33 gives the minister the power to order the removal of a substandard ship from the port where such a ship, because of its condition, constitutes a threat or danger to the port or persons within the vicinity of the port. All states are proposing to include this type of provision in their respective ports legislation as a standard approach throughout Australia in dealing with a threat or danger from substandard ships arriving in port.

I now address aspects of the bill which are essential to the commercial operation of the port. Paragraph 17(2)(p) provides a much wider power for the Port Authority to issue licences for the carrying out of private commercial activities within the port. Licensing provides the means by which the Port Authority is able to exercise reasonable control over commercial businesses carried out within its jurisdiction. In particular, the Port Authority will now be placed in a sound position to deal with licensing of stevedores. This will include the right to exercise some control over the level of charges imposed by a private stevedoring company to ensure that those charges for the hire of plant, equipment and labour within the port are reasonable and do not run contrary to the spirit of trade promotion and marketing of the port being actively pursued by the Port Authority.

As an alternative measure, the Port Authority will now have the right to establish and conduct a business as a stevedore. In this way, the Port Authority is in a position to take positive action where necessary to overcome problems associated with one company having a monopoly control over the stevedoring work in the port. The Port Authority operating as a stevedore could arrange for the calling of contracts for stevedoring work in much the same way as the Fremantle Port Authority has done over the years with a considerable degree of success and to the apparent satisfaction of all parties concerned.

The existing Ports Act contains a provision whereby Crown land may be committed to the care, control and management of the Port Authority for leasing purposes. Over the years, a number of Crown land reserves have been handed over to the Port Authority in this way for leasing to port-related industry. However, this action under the existing Ports Act has not amounted to a vesting of the land in the Port Authority in the sense that right, title and interest are conferred. This situation has in turn caused some difficulties for lessees when attempting to secure loan borrowings as they do not hold sufficient recognised title and interest in the land. The bill now corrects that situation. All Crown land previously handed over to the Port Authority for the purpose of care, control and management may be now granted to the Port Authority by way of an estate in fee simple. I point out to honourable members that this approach to vesting of land is common to port authorities throughout Australia. It forms an important part of overall forward planning in conjunction with the development of port-related industry.

Mr Speaker, there is one final matter of importance that I wish to draw to honourable members' attention: a proposed change to port boundary limits as described in schedule 1 of the bill. An alteration has been made to the technical description of the port boundary limits in Frances Bay to set apart an area of foreshore land from the port down to low-water mark for the purpose of future subdivisional development.

Mr Speaker, I commend the bill.

Debate adjourned.

TAXATION (ADMINISTRATION) AMENDMENT BILL
(Serial 305)

Continued from 2 June 1983.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill. When the Taxation Administration Act was first passed, it was the intention of this Assembly to afford certain concessions to people depending upon what transactions were under consideration. At the time, members will recall that it was the intention to afford a stamp duty concession to persons buying their first house in the Northern Territory for owner-occupation. This bill addresses the circumstances where people must take out a bridging loan before the time when they decide to buy a property and time when their application for a loan can be processed by the lending authority. According to this bill, persons who do take out bridging finance will be entitled to offset the stamp duty paid on that instrument against their mortgage instrument when it is issued to them. This is in keeping with the intention. If we did not move to amend this act, the situation would arise where people were, in fact, paying the full level of stamp duty on the bridging loan and this was not the intention of the act.

It will be possible now for house buyers to offset the amount of duty that they have paid. This is also the only way of doing it because people have to satisfy the Commissioner of Taxes that they are first house buyers and that it is for their own occupation. If they were to claim it from the institutions giving them the bridging loans , those institutions are not interested in whether a person is entitled to a concession or not. They are principally there to afford a person some breathing space when he takes out his loan. This bill is perfectly in keeping with the intent of the legislation and we support it.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I too am delighted with this proposed amendment. It has been a common problem over the years that I have been in this Assembly to have constituents register this particular complaint. Occasionally, it has been their own fault and, at other times, it has been because of things beyond their control. In order to purchase a house, they have had to apply for a bridging loan. Sometimes the banks are at fault. After all, banks should check out their information before lending money. One can only applaud that. It is the same for applications through the Home Loans Scheme. Sometimes loans are held up. Often it has been their own fault because of the difficulties in complying with the details. Someone in business might not be keeping his books in proper order and might be required to employ an accountant to sort things out.

For whatever reason, people have often been forced to obtain a bridging loan. Bridging loan finance is an expensive form of finance. It carries a high interest rate. A double dose of stamp duty to cover the transactions of the bridging loan and the final mortgage is adding insult to injury. It is very

pleasing to see that the Treasurer has seen fit to amend this particular act so that the thousands of people who are buying a home to live in can apply to have deducted from their mortgage stamp duty the stamp duty paid on the first transaction. I am most happy indeed to support this bill.

Mr PERRON (Treasurer): Mr Speaker, I rise to indicate to honourable members the purpose of an amendment that has been circulated. That amendment will introduce a safeguard which will ensure that persons who extend their loan in the future over a house they have at present, using the same security, do not then have to pay duty in relation to the loan which is exempt from duty under this bill, and overcomes the effect of section 69B in those circumstances. There was a possibility that persons could be caught up at a later date with having to pay this duty because of other circumstances. The amendment is designed to prevent that from happening.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3 negatived.

Clause 4 agreed to.

Clause 5:

Mr PERRON: Mr Chairman, I move amendment 160.1.

This adds an additional subclause at the end of clause 5. It introduces a safeguard for persons who subsequently use the same property for security in a subsequent loan.

Amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

TENANCY AMENDMENT BILL
(Serial 307)

Continued from 2 June 1983.

Mr BELL (MacDonnell): Mr Speaker, the opposition notes that the purpose of the bill is to do 2 things. Firstly, it will allow unpaid rent to be taken into consideration by the Commissioner of Tenancies when bond money is in dispute. The current situation is that only the condition of the premises can be taken into consideration. We note also that there is a technical amendment which will allow interest on bond money to be paid to a building society as well as to a bank. The opposition accepts that amendment.

Ms LAWRIE (Nightcliff): Mr Speaker, I too accept that technical amendment but I take the opportunity in discussing the Tenancy Act and this amending bill to draw again to the attention of the Minister for Lands and Housing a practice which he must know exists where some unscrupulous landlords - and there are some

unscrupulous landlords as there are very bad tenants - attempt not to give a receipt for the bond money which they exact from prospective tenants and express strange reasons as to why a receipt should not be given. These prospective tenants usually end up in my office asking if this is the common practice. Of course, I advise them that it is not. If a bond is offered and paid for, a receipt must be issued for that bond. It will be no surprise to members that the same tenants usually end up back in my office upon vacating the tenancy stating that the landlord refuses to release the bond money. One then has to refer them to the Commissioner of Tenancies.

Unscrupulous landlords operate in 2 ways. They try to avoid acknowledging the bond and they keep the bond money for as long as possible until it is determined by an independent person that they should release all or some of that bond money. If the bond money was held by an entirely independent organisation, as has been suggested so many times, both of these problems would largely disappear. Not for one minute am I suggesting that all tenants are exemplary. Some of them deserve to have their entire bond money forfeited and probably owe further money to cover the cost of repairs. But I cannot understand why the honourable minister refuses to accept the concept that the Commissioner of Tenancies shall be the person to receive the bond money, to administer the trust account and, in those cases where there is no dispute, to issue the refund of the bond. After all, he is called in when a dispute arises.

It is my view that any interest on that money should accrue to the Northern Territory government and should be ploughed back into the provision of housing for the people of the Territory. In budgetary terms, the interest may be fairly minimal but this is money held in trust on behalf of 2 parties who are signatories to an agreement: the lessor and the lessee. I cannot see why it is unacceptable that any interest earned on that money should not accrue to the benefit of the housing industry overall. I again ask the Treasurer to look at this proposition afresh in the coming months and perhaps introduce a system where it shall be held at all times by a totally independent person who is, after all, the final arbiter in the matter of a dispute.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, clause 2 of the bill deals with security deposits which are available to cover damage by lessees to premises and goods within those premises. The amendment proposes to effect changes in two areas. If the premises are left in a very dirty condition when the lessees leave, the security deposit could be used to pay for cleaning. The second area covers the matter of unpaid rent. This is a problem which lessors have with their lessees occasionally, particularly if the lessee gives excuses for not paying rent, creates a backlog of unpaid rent and then disappears. I am sure that happens on occasion, as the honourable member for Nightcliff has said. On the other hand, sometimes the lessor does not play it fairly and does not issue receipts which are required by law for all transactions, including the payment of rent.

All things being equal. however, this is a fair proposition. It should be known by lessees that it is a duty of the lessor to provide a receipt for the rent money and the security deposit. They should have those so that they have a record in case of a dispute. If that is understood, there should be no problems on the rent side. If the tenants leave without paying rent, that is quite a loss to the lessor.

The matter of cleaning is a problem. I have had problems with Housing Commission tenants. I remember people in Tennant Creek who claimed that they had cleaned up the house when they left it. It was not checked by the Housing Commission for a week or so afterwards and the commission claimed that it was

left in a very dirty state. The problem was that they were seeking a house in Alice Springs and the commission would not provide them with a house there because of the state of the house in Tennant Creek. The Housing Commission should advise its tenants that, when they come to leave, they should arrange for an inspection by someone from the commission. Any points of dispute could be settled then and there.

If a flat or house is left in a filthy condition, it can often take a couple of days or more to have it cleaned. Effectively, this means that rent is lost. The proposition to use some of the security deposit to pay for the cleaning is as reasonable and fair as using it to cover rent which has not been paid. It has my full support.

Ms D'ROZARIO (Sanderson): Mr Speaker, this amendment deals clearly with what we might class generally as defaulting tenants. The amendment will allow a landlord to obtain an order from the commissioner to have certain moneys paid to him. This will represent unpaid rent by the tenant. Currently, that is not able to be done because of the way that the Tenancy Act is written. The only order that the commissioner can make is that the landlord may recover money for the purpose of effecting repairs or cleaning premises prior to reletting. We are talking about those tenants who default and not those tenants who secure the whole of their security deposit back from the landlord.

Whilst I sympathise with the intention of this bill, I feel that it is also necessary to say something about the general way in which bonds have impacted on the private rental market. Before I move to that, I might just say that, when the Tenancy Bill was first passing through this Assembly, all sides were keen to have a system of settling disputes quickly whilst avoiding unnecessary expense either to landlord or tenant. One area where disputes could arise is when rent is unpaid. Even if the landlord could track down the tenant, he would then need to have recourse to something like a small claims court in order to recover unpaid rent. That would be in addition to his action with the Commissioner of Tenancies to recover money to effect repairs. From that point of view, certainly I sympathise with the intent of the amending bill. Nevertheless, I think that a few words ought to be said for that vast majority of tenants who are not defaulting tenants and to whom a landlord should rightly pay back the full amount of the bond money. These people have been forgotten in discussions about bonds generally when we have been debating various amendments to the Tenancy Act.

Mr Speaker, it is quite true that the requirement to pay up to the equivalent of 6 weeks' rent before taking over the occupancy of premises has provided an extremely difficult impediment to a number of people who have had no option but to avail themselves of the private rental market. A landlord is entitled to ask for the equivalent of 4 weeks' rent for a security deposit in addition to the equivalent of 2 weeks' rent in advance, making a total of about 6 weeks' rent. With the high rent levels nowadays - in my electorate, rent levels commence at about $175 - it can amount to over $1000 before a person is entitled to sign a lease to take up occupancy of a premises.

The honourable member for Nightcliff put forward the suggestion that the bond money ought to be held by the Commissioner of Tenancies and that the interest accruing from this ought to be put back into housing. Whilst I have some sympathy with that particular view, I think it only meets my objection half way. In my view, the only person to whom the interest should accrue is the tenant. I will explain this further. When we first enacted the Tenancy Act, we were talking about several hundred dollars. At that time, bond money

was calculated at being about $600 for a tenant in Darwin. In those days, of course, some interest could be earned in a bank or a building society on $600. However, the financial market is now such that even $1000 will secure quite good returns. With one exception, all the cash management trusts will accept deposits of $1000.

What I am saying is that, when a person is required to put up in excess of $1000 in order to become a tenant, if he does not default, it is only fair that he should receive the interest. That would account for the large majority of tenants. This bill deals only with a small category of tenants: defaulting tenants. These people either leave the premises in a filthy condition or nick off without paying the last few weeks' rent. Good tenants to whom the bond money is returned in full always receive it net of the interest which has been earned by the landlord. Whilst I say that the interest should be paid to the tenants, if the landlord administers this money for them, the next best solution would be that the deposits should be held by the Commissioner of Tenancies and the interest paid into revenue.

I raise this matter because, like the member for Alice Springs, I have ofter been asked to be present at vacating inspections. In the vast majority of cases where I have been witness to an inspection, the matter has been resolved quite amicably between the landlord and tenant and I am quite convinced that the vast majority of tenants present no problems at all to their landlords. Things have changed since 1979 when we first enacted the Tenancy Act. Now large sums of money have to be paid over before a tenancy can be taken and the whole question of bonds ought to be looked at again in order to provide a more rational solution for both the landlords and tenants.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I would be very pleased to obtain a definitive statement from the Treasurer as to why the second option, as outlined by the honourable member for Sanderson, cannot be implemented. It would be equitable and just. If it is not possible for various reasons to have a rental bond board established in the Northern Territory, it should at least be a requirement that the landlord, who sometimes holds considerable amounts for considerable periods of time, pay bank interest when that money is returned to the tenant.

Mr ROBERTSON (Attorney-General): Mr Speaker, I intervene in the debate only because I was chairman of the select committee which originally inquired into the relationship between landlord and tenant. That committee's report was the basis of the legislation that we are now being asked to amend. At that time, the select committee devoted more time, attention and midnight oil to this particular question than most other questions. The Chief Minister and the Treasurer were also members of that committee. The question was examined in great depth.

Mr Speaker, the first question which was eliminated was that of establishing bureaucratic machinery for a board, trust or whatever under the public service system. It was decided then - and I think it is still valid - having regard to the then size and potential size of the rent rolls in the Northern Territory, that the cost to the taxpayer in terms of bureaucratic machinery would vastly exceed the benefits which were returned. As I recall it, even if these thoughts were not reflected in the report,the select committee in its deliberations came to the conclusion that, if such a body were established, the interest component of money held in trust, in normal circumstances because of the way these things are legislated on in the Assembly, would be offset against the costs of running it.

We made an examination of the costs to real estate agents, in particular, of running trust accounts. Any real estate agent with a substantial rent roll has a person - occasionally a director but usually an employee - who is responsible for the rent roll and the property management side. Inevitably, the maintenance of the trust account requires an additional staff member to run that trust account. There are annual, if not 6-monthly, audits of those trust accounts by chartered accountants or public accountants who charge professional fees for those services. That is required by the government, at least on a yearly basis, and normally would be conducted 6-monthly. The staff who administer a rent roll and the trust accounts must be quite competent. It is not like running a piggy bank; it is a very important matter. I consider it to be very important in relation to this legislation and even more important with regard to the Legal Practitioners Act. Nonetheless, it is an important document which must be properly supervised, maintained and audited. The costs of so doing are quite extreme. It was decided by the select committee at that time, and I do not see any great reason to vary that view now, that it was proper for the interest that accrued to such a trust account, when held by a private real estate agent, be used to offset the costs of the administration of the system which this Assembly imposed on the industry.

Mr PERRON (Treasurer): Mr Speaker, I will touch on points raised by members and expand on what has been said by the Attorney-General. I urge members who have a genuine interest in this subject to read the report to which my honourable colleague referred. I was also on that select committee. Certainly, we took our work very seriously and travelled throughout the Northern Territory receiving submissions. Honourable members may recall that that particular inquiry was prompted by the fact that the Northern Territory had full rent control just prior to that time. Over several years, virtually no rental accommodation was built in the Northern Territory despite a very severe shortage of accommodation. The inquiry found, as was suspected, that governmental controls on the system were such that any sane person who had money to invest would seek to put his money anywhere other than in rental accommodation because he certainly would not earn any money from it. I obtained a copy of the report a couple of days ago in connection with another matter. Certainly, it spells out the reasons for the committee's findings, including the imposition of bond money and who should benefit from the interest.

I suggest that honourable members reflect on the number of people who enter and leave rental accommodation each day in the Northern Territory. It would be very substantial. Even if we drew boundaries around Darwin, Alice Springs, Katherine and Tennant Creek and made those the only places where a system of the commissioner holding bonds would apply, each day there would still be a substantial number of people trying to pay or claim back bond money. Every day of the week people are leaving or entering accommodation. Quite often, it is on holidays and weekends because, if they are working people, that might be the only time that they can move. Therefore, in order to respond properly to the public, it would require a 7-day-a-week public service operation to receive and pay out bond money.

In addition to that, if the Commissioner of Tenancies is holding a bond, the person renting the premises will need to present signed clearance from the landlord before part or all of the bond could be paid back to that person. The Commissioner of Tenancies would then have to be satisfied that the person holding the release is indeed the person who rented the premises in the first place. It all sounds pretty messy. Rather than going to a landlord to obtain a clearance and travelling into Darwin to obtain the cheque, it would be far easier to obtain the cheque from the landlord in the first place. If there is a dispute, the parties will have recourse to the existing procedure of going before the Commissioner of Tenancies.

I am very pleased to hear that some honourable members have been asked to help settle some disputes. They have been settled without recourse to the public service. I think that is fine. I hope people resort to intermediaries to find satisfactory solutions. But I ask honourable members to think about the bureaucracy which the government would have to establish in order to meet all the accounting requirements, particularly in respect of writing cheques or paying cash on the spot. If people quit a tenancy to move immediately, be it to go to Katherine, south or wherever, they will want their money now and not in 24 hours. At present ...

Ms Lawrie: Why don't they get it?

Mr PERRON: No one gets it. No landlord pays it.

I understand that many landlords do not necessarily operate systems through local real estate agents. In fact, they could handle the matter themselves even if the money is in a trust account. The member for Nightcliff is trying to say that a landlord could not settle a bond without going to a trust account physically and getting the money out of that account. I do not think that would be so.

The member for Sanderson mentioned that a landlord could demand well over $1000 for some properties. I guess that is true. However, I do not think it is the norm that every landlord asks for the maximum amount of bond money. I will ask the Commissioner of Tenancies to inquire into and report to me on the subject. I would be interested to know whether the norm is that landlords are requiring $400 or $500 bond money or whether they require the entire legal amount and demand that it be paid in full forthwith. To some degree, the attitude a landlord adopts would depend on his experience with customers. I know of at least one landlord of a number of flats around town who runs a very fair system with his tenants because he has had a very good run with tenants for a long time. However, I will ask the Commissioner of Tenancies to give me some idea of the numbers of disputes that he is called upon to settle in relation to bond money. Honourable members are suggesting that he should run the whole system because that would eliminate disputes. First, let us see how many disputes there are in relation to the number of transactions that take place. I thank honourable members for their comments.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2:

Ms LAWRIE: Mr Chairman, I listened with interest to the remarks of the sponsor of the bill and to the Attorney-General who was the chairman of the committee responsible for inquiring into tenancy which provided the genesis for the legislation. The Attorney-General made a relevant point when he said that, because of the cost to land agents of administering a trust account, he felt it logical that any interest earned should be given to those land agents to offset the cost of the administration of the trust account. He mentioned the need for scrupulous administration of that account by the land agents and the auditors. I am suggesting that we remove from these overworked people - the real estate agents and land agents - the burden of administering these trust accounts. We would do that very simply by saying that the onus will no longer be put upon them, but will be given to the Commissioner of Tenancies. I am simply following the logic of the Attorney-General as he expressed it. It is a burden on these firms and therefore they deserve any amelioration of that burden by way of being allowed

to keep the interest earned. That is logical. Let us remove all the burden. I am sure they would be pleased to see it go. Secondly, this bond was to be a means of establishing a mutual commitment between lessor and lessee which should work to their mutual advantage and stop the small proportion of unscrupulous tenants unfairly leaving premises in a filthy condition or with rent unpaid. I have no time for such tenants. Why is it that in Darwin today, when people cannot raise the bond money to get into premises, some land agents agree to let them pay off bond money as part of the rent? That destroys the whole concept of a bond.

Mr PERRON: Mr Chairman, I would not see it as destroying the whole concept of a bond. I see that as being the practical operation of a system. It could not operate under the public service. A public service commissioner could not condone an arrangement whereby, because someone could not quite make the bill, the public service could be generous with another person's property. A public service system could not accommodate such a system. It would be out of the question.

The fact that a landlord is prepared to let a prospective tenant build up the deposit required for him to maintain that rental accommodation is obviously commendable. It does not destroy the principle at all. If the lessee does damage or disappears without paying rent before an adequate bond has been obtained, the landlord or agent will lose. Surely we do not condemn the system for that. Such agents and landlords are obviously working on the basis that the bond will eventually be paid and, thereafter, they can relax. A humane approach early in the piece hardly destroys a system. It just means that humanity has been brought in to help it work better. It will not work that way under the public service.

Clauses 1 and 2 agreed to.

Bill passed remaining stages without debate.

ELECTORAL AMENDMENT BILL
(Serial 308)

Continued from 2 June 1983.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the main purpose of these amendments is to ensure that there is no appeal on matters of dispute at elections. At present, there is some doubt whether the current arrangement for dealing with these disputes is subject to appeal. Such a situation is not desirable and should be rectified. Provision to prevent appeals in these matters is essential. By their very nature, the questions examined by the tribunal are matters which must be determined expeditiously. It is in the interests of good government that the declaration of a poll should not be prolonged by a lengthy appeal process. This would be both politically and administratively unacceptable.

The amended bill replaces the whole of part XIII dealing with disputes at elections. A separate tribunal is established to be constituted by a Supreme Court judge. The new provisions are basically the same as, or expanded versions of, the existing provisions. In addition, the Supreme Court judges will be empowered to make rules regulating the operations of the tribunal.

Mr Speaker, the opposition supports this legislation.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General): Mr Speaker, I seek leave of the Assembly to assume carriage of this bill through the committee.

Leave granted.

In committee:

Clauses 1 and 3 agreed to.

Clause 4:

Mr ROBERTSON: I move amendment 159.1.

This amendment proposes to delete from the existing bill 'date of the completion of the roll' and substitute 'time of the issue of the writ'. It is a far more appropriate time.

Amendment agreed to.

Clause 4, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

POLICE ADMINISTRATION AMENDMENT BILL
(Serial 322)

Continued from 2 June 1983.

Mr LEO (Nhulunbuy): Mr Speaker, the Chief Minister outlined in his second-reading speech the 2 things that this bill will achieve. Firstly, it will allow the Administrator to grant commissions. This follows the trend in NSW, Victoria and Queensland where respective governors are allowed to grant commissions within the commissioned ranks. Secondly, it will allow for the awarding of a medal for meritorious service. That medal is to be called the Police Service Medal.

I think that, by the time the Administrator has assented to this legislation, there will probably be a number of police officers who will be well and truly eligible for the Police Service Medal. There are a number of police in the Northern Territory Police Force who have given long and hard service to the Territory, to the people in this Assembly who make the laws and to the public generally. I think that they should be commended. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, as the honourable member for Nhulunbuy said, the bill before us consists of 2 parts. The first part deals with the Administrator granting commissions to the relevant officers. Previously, commissioned officers received their commissions very informally by a letter from the commissioner. This legislation seeks to formalise the granting of a commission because of its importance to the commissioned person and to the whole of the Police Force.

The second part of the bill deals with the awarding of the Police Service Medal for 10 years' continuous meritorious service. Until 1975, there was available to both policemen and commissioned officers a medal which was called the Queen's Long Service Medal. This was awarded for long and meritorious service. It was available only after 22 years of pensionable service. It really was a long

service medal. It was considered in the same vein as an imperial award. In 1975 it was discontinued and replaced by the National Medal. This was available to personnel in the army, navy, air force, the ambulance services and the police force or to particular people who served in more than one of those forces provided their transfer from one service to another was within one year. There is another medal available to the police: the Queen's Police Medal. It is awarded in exceptional circumstances, usually on the recommendation of somebody like the Chief Minister. It is awarded for quality of service and for bravery.

I think the Police Service Medal might be the first medal of this type in Australia. It will not stop the granting of the National Medal to a policeman should his service merit it. I understand that the push to establish this Police Service Medal came from the Police Association. I understand there is a 10-year award available to prison officers. It may be a first in Australia. I was not able to ascertain that. It certainly brings the police in line with the prison service so far as long-service awards are concerned.

Mr ROBERTSON (Attorney-General): Mr Speaker, I would like to make an observation on the question of awards to police officers. The question of awards to police officers has been discussed in 2 of the Police Ministers' Conferences which I have attended. I understand that, at the last meeting of commissioners, it was also discussed.

Prior to the election of the present Labor government, we had the odd situation in this country where the only medal within the system that a police officer was able to receive was a Queen's Police Medal. That being the only medal, it was awarded for everything from long service to acts of valour. The police rightly consider that the Queen's Police Medal will always be outranked by just about every award this country can give people. We have seen OAMs and AMs given to people who have contributed many years' service to gossip columns in newspapers. I am not detracting from the effort that they have put into their particular calling. However, an AM indeed has been awarded - and I am not detracting from its value - to a gossip columnist who worked in this city. Inspector Wyatt was shot in the course of his duty. He exchanged fire with a rather nasty villain and was awarded a Queen's Police Medal for valour. His award is outranked by 2 full steps by someone who has run a gossip column in the newspapers for a few years.

Mr Speaker, the OAM now outranks all of the normal military orders short of the VC: the Military Medal for ranks less than sergeant, the Distinguished Conduct Medal for sergeants and warrant officers and the MC for officers of all ranks. Those medals are given only under circumstances of extreme gallantry under fire in the service of their country. However, a person who gets an OAM or an AM outranks them in the pecking order. If we are going to recognise valour, we ought to recognise it as being distinct from normal community service. I think it is something more deserving than normal community service. I believe that we ought to have a system which recognises the difference between a person who has simply done what he likes doing during his life and in most cases was paid for it and a person who risked his life in the process of earning the award.

Mr Speaker, I must apologise to the Chief Minister, who is responsible for matters relating to the police, for what I am saying but it so happens that I have attended the last 2 meetings of police ministers on his behalf and therefore I am a little more current with this one than he is. It is our intention jointly, and this includes the federal police, to put a submission to the Commonwealth government in respect of this matter in order that this injustice will be rectified.

Ms LAWRIE (Nightcliff): Mr Speaker, it is not often that I agree with the Attorney-General but he has touched on a subject very dear to my heart. I am not in favour of imperial honours unless the person has saved the sovereign's life or the heir to the throne's life and would deserve immediate recognition as in days of yore. I support his questioning of why people who have made a lot of money in some instances or have spent their lives doing what is rewarding to them should then be granted a further honour for having done that. It is very difficult to bring up children today and say, 'If you find something belonging to someone else, take it back to them and do not expect a reward'. My philosophy is that one should not be rewarded for being honest. What society should expect is that it is the norm for all people to be honest. Dishonesty attracts its own retributions. If members of my family had found objects and returned those objects to the rightful owner, I would have been most upset if they had accepted a reward simply for being honest.

To carry that logic further, I cannot see why society should say, 'Because you have been a reasonable citizen, we will give you something extra'. Surely society should be saying that it expects all people to be reasonable citizens. That is why we have laws and penalties for unreasonable behaviour. I do not agree with the handing out of a variety of awards to people who have done very well in business or in public life. After having made a lot of money, they expect either a knighthood or some kind of medal for, say, having represented people for 15 or 20 years. After all, they chose that profession.

I agree completely with the Attorney-General, I am trying to think of a parliamentary word which I can use which expresses my disquiet at the way society is now making a pretence of rewarding people simply for having done the right thing. That should not attract an award. Our children will see us as cynical. It is entirely the wrong emphasis. A reasonable approach to life and honesty in business, administration and in politics should be reward enough.

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.

PUBLIC HOLIDAYS AMENDMENT BILL
(Serial 295)

Continued from 25 May 1983.

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.

Mr LEO (Nhulunbuy): Mr Speaker, as the opposition indicated in the second reading, we were still casting about for some degree of community consensus on this question. I wonder if the Chief Minister has sought the opinions of various bodies affected by this particular piece of legislation and whether he has any indication from the other states as to whether or not they intend to celebrate Australia Day on 26 January. Will the Territory be going it alone?

Mr EVERINGHAM (Chief Minister): Mr Speaker, we discussed the matter in the Industrial Relations Consultative Council a couple of times. The first time, the employee representatives were not there for some reason. Last time, they

were present and they indicated that they were not really very happy with the idea and would prefer us not to proceed. However, we pointed out to them that there had been a survey taken that indicated a majority of Australians believed that Australia Day should be celebrated on 26 January. At that stage, they indicated that they would reconsider the matter and that they would consult with the Australia Day Council itself.

As to the situation prevailing in other states, this morning I received a letter from the Prime Minister who must have been signing a lot of mail in the last couple of days. He has written to all Premiers indicating the Commonwealth support for the celebration of Australia Day on the day itself. He told me that the Premier of NSW supports the concept. The Northern Territory supports the concept and I believe that we have to pass this legislation if we are dinkum about the whole thing.

I certainly do not want to impose this on unwilling people but I was hoping that the employee representatives would take an Australian view of the issue. I do not really think that we can defer passage of the legislation any longer without really making a mockery of the process that we are about. It has been well known to the public since at least January that it was the government's intention to do this. We will certainly consult further. We have tried to attempt to persuade people to consent to changes of awards and all sorts of things so it is by no means a fait accompli but I think that we have to pass the legislation at this sittings to show that we are in earnest.

Motion agreed to; bill read a third time.

CRIMINAL CODE BILL
(Serial 294)

Continued from 25 May 1983.

Mr ROBERTSON (Attorney-General): Mr Speaker, I seek leave of the Assembly to withdraw the bill for reasons which I gave this morning.

Leave granted; bill withdrawn.

ADJOURNMENT

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

Mr SMITH (Millner): Mr Speaker, on a couple of occasions yesterday, the Chief Minister engaged in what I would call the big fib approach to a couple of matters. Certainly, I want to put the record straight. The first occasion in which he engaged in this approach was in the debate concerning what might or might not be in the federal government's budget. He was referring to the approach of the Master Builders Association to the question of apprenticeships and its failure to support the introduction of a scheme which would encourage firms to take on apprentices in the Northern Territory. He said that the Master Builders Association does not want the government to introduce a scheme whereby preference is given to contractors who employ apprentices. That statement is simply not true. In fact, in his statement of 29 March 1983, he recognised that the Master Builders Association supported that scheme in the Housing Commission area. At that stage, he chastised the Master Builders Association for limiting its support for such a scheme to that area, and I agree with him. I agree that the Master Builders Association, at that time, was a little selfish and a little unwise in not arguing for a scheme across the board

for government building contracts, which would benefit those firms that took on apprentices.

Subsequently, the Master Builders Assoiciation has widened its scope. In a letter to the Minister for Transport and Works on 20 June 1983, it proposed a scheme to the government which includes recognition in terms of awarding government contracts to firms which take on apprentices. I would like to read out relevant parts of the Master Builders Association submission. It is called: 'A Submission on Government Tendering by the Master Builders Association of the Northern Territory'. I will read the first 2 paragraphs:

> *It is recommended that Cabinet approve a review of its local preference policy and that it arrange for officers of the government to carry out this review in conjunction with representatives of the Master Builders Association of the Northern Territory and other appropriate organisations, where applicable, to bring forward to Cabinet specific recommendations for letting of all government tenders on the basis of the economic benefit to the Northern Territory.*
>
> *The Northern Territory government has a local preference policy which currently applies. However, such a policy takes into account only whether or not the tenderer is local. There is a lack of definition as to who is local and the policy is not effective having been used on only a handful of occasions in the last few years.*

It is not news to anyone, Mr Speaker, that the policy is not effective. I think even the government has recognised that. In its alternative, the Master Builders Association put up a number of specific points which I will read out:

> *The government's tender letting procedures must be changed to take into account the tenderer's ability to perform the job relative to his: (a) management capacity; (b) physical resources; and (c) financial resources. In addition, such things as: (a) the number of local residents employed directly; (b) the number of Northern Territory apprentices or junior trainees employed...*

And that is the nub of my argument against the honourable Chief Minister.

> *...(c) what major, local subcontractors and local suppliers are expected to be used; (d) what locally-manufactured products are to be used; (e) what local establishment does the tenderer have; and (f) what assets does the tenderer have invested in the Northern Territory.*

Mr Speaker, it is clear from that that the Master Builders Association has presented a policy to the government for its consideration which contains an encouragement for firms to take on Northern Territory apprentices. I said yesterday that this government said that it had been looking since last October at a system to encourage apprentices. By this letter of 20 June 1983, it has had support from the Master Builders Association for the development of such a policy. Yet, it has come up with nothing despite assurances given in October last year, in November last year and in March this year, that it would come up with such a policy. I question the government's commitment to a policy of supporting apprentices in the Northern Territory and I have no doubt that, as the time for school leavers comes around, the government will again be making noises about the need to do something but will have done nothing about it.

Mr Everingham: How many school leavers are looking for jobs now?

Mr SMITH: I do not know. Probably he knows but he is not going to tell us.

Mr Speaker, the other big fib that the Chief Minister engaged in yesterday was his statement that it is a requirement under the Memorandum of Understanding to attempt to balance the budget. That statement was very clearly made by the Chief Minister. He qualified it immediately by saying that we must attempt to balance our budget even if a firm requirement for us to do so is not contained in the Memorandum of Understanding. Of course there is not and I have been able to check that out today.

He went on to say that the federal government has a much wider revenue-raising capacity and has virtually unlimited borrowing capacity. No one denies that. No one suggests that the Northern Territory government has to enter into a deficit as large as that of the federal government. No one has said that the Northern Territory government has to enter into a deficit situation. But it is not fair, true or correct to say that the federal government can enter into an unlimited deficit for the good of the country and then say that the Northern Territory government has restrictions on it which do not allow it any sort of deficit at all. That is just nonsense. If the Northern Territory government has a conscious policy not to enter into deficit budgeting, it should make it known that it has such a policy when it makes comments about the ability of the federal government to take such a step. Mr Speaker, those 2 faux pas by the Chief Minister make me wonder whether the Chief Minister is on top of his job or whether he is so busy picking up the mistakes of his ministers that he is not doing his own job properly.

There is one other matter which I raised this morning. What is happening with the coastal management policy? Fifteen months ago, the Treasurer, who was then Minister for Lands, announced that within 3 months there would be a coastal management policy to complement the foreshore policy released by the government last year. We still have not seen anything on that policy. Obviously, the Chief Minister did not know much about it this morning and had to ask the Treasurer. Perhaps it is time the Chief Minister started concentrating on his own portfolios instead of trying to rescue his ministers.

Mr Speaker, I would like to conclude by making a few comments about the Bagot Park area in my electorate. You will be aware that people there have been concerned about what is to happen now that the speedway has been relocated. Because of representations from people in the area, a proposal to put a rodeo in there, on a temporary basis, was defeated and subsequently the land has basically lain idle. I am pleased that the Darwin City Council finally took an initiative and employed a landscape consultant to produce a plan for development of the area, and that that consultant has submitted a report to the Parks and Gardens Committee of the council. As I understand it, the Parks and Gardens Committee has accepted the report. The landscape consultant showed her plan to residents in the area and gained their positive support for it. I have not seen it myself but I understand it incorporates a good mixture of low-key recreational areas plus more passive recreational areas and, once fully developed, it will be a positive asset to the area.

However, I am concerned that the council make an allocation for the area in its forthcoming budget for this financial year. It has been quite a long time since any money has been spent there. It has lain idle for at least 18 months and I think it would be most unfortunate if the council does not make some financial commitment of money, even if it is only a reasonably small amount, so that a start can be made to improving this area and turning it into an asset for the residents there and the wider Darwin public. I think it should be

remembered that now the decision has been taken to move the air terminal to the northern side of the airport one of the first things that most visitors who come in by air will see is the Bagot Park area. It is very important that it be upgraded so that it will create a pleasing impression to visitors to the town. If it is to be upgraded to an extent that it will create such a pleasing impression, a start will have to be made now because it is a big project which will take considerable council money.

Mr DONDAS (Health): Mr Deputy Speaker, I would like to pick up a point made by the member for Millner in relation to government initiatives as far as providing employment for school leavers. This time last year, we were talking about the number of school leavers who would enter the workforce. If I remember correctly, the member for Nightcliff said that something like 1200 school leavers would enter the workforce at the end of that school year. I may have contradicted that statement at the time and said that it would probably be closer to 800.

The member for Millner made a statement which belittles the government thrust in providing employment for school leavers. His whole argument in this afternoon's debate related to the Master Builders Association. The Master Builders Association was approached last year to provide some kind of scheme whereby Northern Territory youth could be employed as apprentices and, in fact, only the MBA of Alice Springs undertook that role. On 18 September, I will open a house that has been constructed by apprentices in Alice Springs. The Master Builders Association, in association with the Housing Commission and the Community College of Alice Springs, took on 10 apprentices to provide infrastructure in that area for the training of youth. It was felt that there were not enough young people being trained in building skills. I am very happy to announce that the scheme has worked quite successfully in Alice Springs.

The reason why the Master Builders Association in Darwin has not taken it up is that it could foresee problems not only in its own area but in other areas in the assignment of apprentices. I can remember the Chief Minister indicating quite clearly to the Master Builders Association that it should be trying to get hold of a pool of apprentices who could be associated with the Department of Transport and Works. I will not sit in this Assembly and hear the prophet of doom over there say that this government has made no attempt to provide school leavers with jobs.

The Master Builders Association in Darwin had the opportunity to hold discussions with the Department of Transport and Works to try to get a pool of apprentices. If my memory serves me correctly, the Department of Transport and Works offered to train those apprentices for 12 months at government expense and then assign them to a particular industry of their choice. I will find out tomorrow what happened. However, the Master Builders Association clearly had the opportunity of becoming involved in providing that particular infrastructure for the training of youth but did not pick it up.

There is another question I would like to raise this afternoon. It relates to the Pandanus Caravan Park. This park is within the electorate of Casuarina and is situated on Tambling Terrace and Lee Point Road. At the time, we were all happy that the council had made a decision to provide tourists with accommodation. The site at Tambling Terrace and Lee Point Road made it an ideal location for tourists to be able to use the Casuarina Centre, Casuarina Beach, Lee Point and also Buffalo Creek.

Unfortunately, the plan has gone astray because it has now become an inconvenience to the community. I noted in the last few days that it has

erected shade cloth around the perimeter fences of the park. I am not sure whether that will really resolve the problem. I understand that the council's original intention was that people would be unable to stay there longer than 6 weeks.

It has come to my attention that people are staying there longer than 6 weeks. In fact, the manager of the park presumably is not playing the game because he is allowing people to stay there for more than 6 weeks. He has to pay rent to the council for the lease of the area. The council has spent a lot of money so it wants its pound of flesh. The problem is that, if the fellow can foresee that he will only have a few tenants in the wet season, he will try to get as much money as he possibly can now. In some respects, one cannot really blame him. I think it is up to the council to reassess its rental structure with the manager of the park. That might take some pressure off him and enable him to have people there only for a 4 to 6-week period.

There will be a public meeting this evening of an organisation formed by a gentleman living in the area. I understand he is calling it the Wanguri Ratepayers Association. I live 100 m from the park myself. My house is in Wanguri Terrace. I have not really had any trouble with the campers but there are people in Tambling Terrace and the upper end of Wanguri Terrace who find milk cartons, fish and chip wrappers and God knows what else in their yards. I intend going to the meeting this evening as an observer to find out what that particular organisation wants to do. I know that alderman Don Dale has been involved with it.

I have taken the minister responsible for local government out to view the park and I am still waiting for some kind of report from the local government on its views of the caravan park. Hopefully, we might get some response soon. Hopefully, within the next few weeks, the council will be able to resolve the problem. I believe there has to be a camping area provided for these people within the metropolitan area of Darwin.

Mr Deputy Speaker, the honourable member for Tiwi spoke yesterday about the success of our under-16 schoolboys football team. I would like to place on record my sincere congratulations to the organisers, the coach and the team which played extremely well in the interstate carnival. The team was a credit to the Northern Territory and to everybody involved. I hope that the nucleus of that under-16 team will be the nucleus of the team that will be eventually selected for the Teal Cup. We have not really done well in the Teal Cup over the years but we have been gradually getting better. Once these youngsters come on stream, I am quite sure that the Northern Territory Football League will be in a far better situation to provide better players to participate at that level.

While I am on my feet, I would also like to mention the under-21 hockey team. The Australian hockey team championships were held in Darwin recently. I compliment the President of the Northern Territory Hockey Association, Mr Kemp, and his committee for providing what I considered to be an absolutely fantastic hockey carnival. The Northern Territory acquitted itself very well at the carnival. I might add that I consider the under-21 year hockey side of the Australian states to be the cream...

Ms Lawrie: Where is our astro turf, Nick?

Mr DONDAS: If she had been at the club championship presentations last Sunday, she would have heard me say that I have approved recently a $10 000 grant to the Northern Territory Hockey Association to carry out a feasibility study to determine which particular type of synthetic turf the association may want to put down. There are new synthetic turfs coming on the market and a

couple of organisations have come forward. The association wants to make sure that it selects the best synthetic turf, one that will suit our climatic conditions and at the same time improve the standard of our already very good hockey players in the Northern Territory. Hopefully, the association will pick up that $10 000 and carry out the feasibility study. When the study is completed, a proposal can be put to the government, in assiciation with the council - and I am not really holding my breath as far as the council is concerned - so that hopefully in the near future we will be able to provide some financial assistance to the association for the installation of the synthetic turf.

Prior to our committing ourselves wholeheartedly, I would advise the member for Nightcliff that I propose to write to the federal minister responsible for youth, sport and recreation, John Brown, to see whether the Northern Territory government, in association with the Commonwealth government, might be able to do a deal on a dollar-for-dollar basis for the construction of that particular facility.

Ms LAWRIE (Nightcliff): Mr Deputy Speaker, I am pleased to hear the assurances given by the Minister for Youth, Sport and Recreation as to his interest in hockey. He will be aware, of course, that I have an immediate interest. I have raised 3 young hockey players who have represented the Territory interstate on 12 occasions. Perhaps that is a bit of reflected glory. I do not need strangers to give me advice as to the state of hockey in the Northern Territory. Personally, I am well aware of it. I appreciate the assurance given by the minister that he will seek extra funding so that the largest participatory sport in Darwin can continue to grow and flourish. I think we may have a debate on sport coming up, Mr Deputy Speaker. I am always interested both to listen to the honourable Minister for Youth, Sport and Recreation and indeed to read his remarks in the official record of this Assembly, the bound Hansard.

I am extremely happy that the honourable member for Millner, the shadow Minister for Transport and Works and a variety of other things - he must have been speaking on behalf of the opposition - is supporting the remarks I made on Tuesday 12 October regarding a preferential tendering system which one would hope would give an impetus to private industry to take on apprentices. That debate was quite interesting at the time. It has been canvassed by myself twice since and twice by the honourable member for Millner. On Wednesday 13 October, the honourable Minister for Health, who I think at the time was Minister for Transport and Works, made a few disparaging remarks about my contention that we could well look closely at the Western Australian system of preferential tendering for firms which take on apprentices. I must quote this because I think it is a delightful example of rare honesty - not rare for him but for those who hold high political office. He said: 'If we start to impose preferential clauses on the type 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'. What an admission from a Cabinet minister! Apparently, the government of the Northern Territory is incapable of administering a fair and reasonable tendering system. Apparently, it was in a mess. Yet, each time honourable members from this side of the Assembly have raised questions about tenders awarded and contracts which may have come into dispute, we have been told that the tendering system is fair and impartial and we are presumptuous for calling it into question.

Nevertheless, we have the minister himself, for whom I have a high regard, saying we will be in a bigger mess than we are already in. We know, Mr Deputy Speaker, that the honourable minister chooses his words with extreme care and I find it refreshing for him to admit the government is already in a mess.

Despite the comments of the Chief Minister, if the Western Australians can utilise a system which works to the benefit of training young people, then I think that the government should drag itself out of its inertia and realise that many young people in the community are extremely concerned about youth training and, indeed, adult training which we have here to our credit, and would support any incentive given by government for the training of young people.

There is another problem with apprentices which I have mentioned twice before and on which I have never had a reply. It concerns the problem of young people who have signed indentures, who are working ably within private industry and who then face the very bleak prospect, sometimes in their third year, of losing their indentures because their employer withdraws from the market. Sometimes, this occurs because of poor office management on the part of the firm concerned, which of course is regrettable because the tradesmen employed by the firm, who are doing the right thing, suffer if the management is less than capable and the firm goes into receivership or liquidation. These young people then, with perhaps 3 years of indentures behind them, who have worked for low wages because they were receiving trade training - and they acknowledge the worth of that - are left without a master.

The Vocational Training Commission does what it can to find them another master to allow them to complete their indentures. But, as I said last year, there are people within the Commonwealth Employment Service who do nothing but search around for a master when young people are in this truly tragic and desperate position. Such private firms usually only have 1 or 2 apprentices . I have asked whether, in the event of a private firm folding and the apprentices having successfully completed the first and second years of their trade training, they could be taken on as an emergency measure by government instrumentalities which have facilities for training in that area. Quite clearly, this could not be definitively budgeted for in any one year because the Treasurer would have no way of knowing how many firms will go broke or in what areas. But government is sufficiently flexible to ensure that, when this catastrophe - and it is a catastrophe to young people - happens, a government or semi-government instrumentality, if no private employer can be found, should take them on and at least allow them to complete their trade training.

Mr Deputy Speaker, this may become necessary not only if a firm goes into voluntary liquidation or is forced out of business by competition. Quite often, firms established locally are bought by larger concerns interstate which then decide to close down one area of the firm's operations or to shift an area of trade practice against the wishes and the advice of the local people working in that area. Once again, people halfway or two-thirds the way through their indentures are left high and dry. To my knowledge, this has happened twice in the last month. A local firm has been bought by a southern concern which then, in the interests of the larger company, decided to close down a particular aspect of the local industry.

As I said to the honourable Treasurer, I have raised this problem twice before. I know the desperation of the apprentices involved. I know the goodwill and the distress caused to officers of the Vocational Training Commission and the Commonwealth Employment Service who go to extraordinary lengths to try to place these young people elsewhere in private industry. Sometimes, it just cannot be arranged, and it is then that the government should take action in the interests of concluding the trade training and play a positive role in ensuring these people are not left high and dry halfway through their indentures through no fault of their own.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I have here an idea for a number plate to promote the Northern Territory. As you can see, the Northern Territory flag is in the background. It has 'NT Outback Australia' on it etc. Of course, it was designed in Katherine. It is a pretty good idea to promote the Territory. Honourable members might care to examine it later on and possibly adopt the idea.

I wish to talk about an urgent, combined Parent Teachers' Association and concerned parents meeting held on 18 August 1983. Thirty persons attended. I have a copy of the minutes and I think one paragraph explains what is happening. A grade 11 student spoke to the meeting about the foul language being used by students when speaking to the teachers which resulted in teachers being brought to tears and leaving the class, and students who want to learn being disrupted by those who do not want to learn or who do not care. This happened at the Katherine High School.

Various things happened. It was moved that the Chief Minister be contacted the next morning to be made aware of the parents' grave concern about student discipline and teacher morale and turnover. It was further requested that teachers be able to provide first-hand evidence in camera of what is going on without prejudice to their positions. I do not know what has happened. I know that there will be a meeting again tomorrow night and the secretary of the department will be there.

However, it does seem to me that many of the students at Katherine High School would be better employed elsewhere. This is where practical education comes in. I know that from my own experience as a big lump of a lout. I was not interested in academic education and my exam results proved that. But there was no other type of education for me until, in my last term, my parents - who were paying through the nose for my education - devised a scheme for myself and a few other students whereby we surveyed the school oval using a prismatic compass, graph paper and a tape measure. I found that so intriguing and interesting that I remember it now 50 years later.

Mr Bell: You should have taken on the Surveyors Bill too.

Mr McFARLANE: I find my talents are wasted in the Chair, as honourable members are aware.

There is an old saying: there is no such thing as a bad child. However, they must be kept occupied. It would appear that the education being offered to these children at Katherine High School does not cater for 100% of them. A logical development would be for those children who are causing the trouble to be transferred to the under-utilised Katherine Rural Education Centre and educated there in a different field. If the classes are being disrupted by students who do not want to learn or do not care, those students should not be in the class, but they should be occupied somewhere else. An education is only an occupation to prepare you for work in later years.

Years ago, I remember talking to Bert Rugers from Borroloola. He was the principal down there. He had arranged with Mt Isa Mines at McArthur River to take classes from Borroloola to McArthur River to more or less apprentice these kids in the use of earth-moving machinery. Mt Isa Mines were quite happy but Mr Rugers was not supported and it fell through. He was years ahead of his time. If only 1 out of 50 or 100 kids is interested in that, he would be a leader and others would follow. They would see that he can do it. Instead of there being 100 who cannot do it, there might be 1 who can. That is what it is about.

Bamyili is only 17 miles from the bitumen. If the Aborigines there were motivated and educated to look after tourists, they would have employment. It is a very pretty place. It has a good water supply and good lawns. It is ideal for coaches which are looking for somewhere to go off the bitumen. It is not really off the bitumen. It is on a bitumen road but it is off the Stuart Highway. It could provide employment for the Aborigines there. There are about 600 people at Bamyili but there is no meaningful employment.

I spoke with the Secretary of the Department of Education on Monday. He told me that young Aborigines at Hodgson River, Cox River and places like that, after all these years, have expressed a willingness to learn about horses and cattle. They have assured him that they would not go there for just a few minutes and then clear out but that they are interested in doing something for themselves. That takes me back to the old days in Beswick which was set up to educate Aboriginal stockmen. I remember a pretty cruel jibe in this place before my time. To the tune of 'Tie me kangaroo down sport', they used to sing, 'Educated from Bes Des'. I believe that Beswick did not educate any Aboriginal stockmen.

We must do something to provide education for these people. Down at Roper River there are prospects for employment in tourism. Instead of just sending them to school, when they are not interested, we could teach some of these 600 people about the intricacies of tourism. They have the Ruined City. They have 70 miles of the Roper River. They have everything that they need to set up a tourist venture and create employment - everything but the motivation. We must provide the motivation and seize any opportunity to help.

Katherine is a multi-cultural school. I urge this government to bring the school under control again. This is an annual event. We seem to lurch from one crisis to another. We have 2 strains of student - or 3 or 5 - fitting into their own groups and following their own desires. Education must be tailored to the shape of the pupil not the pupil being forced into an ill-fitting coat.

Mr VALE (Stuart): Mr Deputy Speaker, I would like to speak this afternoon on 2 recent Australian Rules performances affecting the Northern Territory. Before I speak on those, I would like to take the opportunity to congratulate the member for Elsey on presenting this rather unique and rather well-designed Northern Territory number plate. I think it is a fine idea to incorporate the Northern Territory flag in the background. The only suggestion I could make is that it incorporate the outline of a clean-skin bullock from central Australia. I think it has a lot of potential and I would urge the Minister for Transport and Works and his department to examine it closely.

Mr Deputy Speaker, I wish to comment this afternoon on 2 recent performances by Northern Territory Australian Rules football teams. The first was the Teal Cup competition which Darwin hosted in June this year. The Minister for Youth, Sport and Recreation was away for the Territory and I represented him at the opening ceremony and later games. I would like to pay tribute to the Northern Territory Teal Cup squad that performed so well against high-class interstate competition. I would like to contratulate all players but, in particular, Andrew Moo, the son of the late Dr Moo from the Darwin Hospital, and Tony Lake, a member of the Pioneer Football Club in central Australia. Both of these players, as members of the Northern Territory Teal Cup squad, were selected in the all-Australian side and presented with all-Australian guernseys. Even though the all-Australian side does not get to play anyone, to be selected is the highest honour that can be bestowed on members of the Teal Cup squads from the various states.

I would also like to congratulate the organisers of the Teal Cup game in Darwin in June and the Northern Territory Football League and the Darwin clubs that assisted in catering for the visiting clubs. It was a performance of extremely high standard. As the Minister for Youth, Sport and Recreation said earlier on this afternoon, the Territory has a long way to go before it can beat all other Teal Cup sides. However, because it won a number of those games and has improved considerably on its performance over the past years, with a bit more dedication and perhaps a bit more government funding, it will not be too long before we can shake up all of the interstate competitors.

Like the member for Tiwi and the Minister for Youth, Sport and Recreation, I would also like to congratulate the recently returned Northern Territory under-16 schoolboys championship team which performed so very well in Victoria. In fact, it tied with Victoria in the championship title. I would like also to take this opportunity to congratulate all of the players who competed in the competition. In particular, there are 5 players who have received the highest accolade of being given all-Australia guernseys in the under-16 competition. The first one is Damien Berto who is the captain of the under-16 side. He was also vice-captain of the Teal Cup squad which played here in June this year. The other players who were selected for all-Australian guernseys for the Northern Territory were the vice-captain, David Ross, of Waratahs, Tony Vigona from St Mary's, Stephen Briston from Darwin and Mark Harwood from Alice Springs. It does not say which club Mark is from in Alice Springs but I have a feeling it is the Rover Football Club. I wonder why there are not some more Centralian players in the side. It was incredibly good for the Territory, the smallest area in terms of population, to perform so well against other clubs. In fact, the only side that beat the Northern Territory side was Western Australia, and that was only by 4 points.

In conclusion, I would also like to congratulate the honourable member for Tiwi's acting electorate secretary, Peter Atkinson, who did so well in coaching that squad interstate.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, for some time now, the question of whether or not American B52s should be allowed to land in Darwin has been a most contentious one. My own belief is that they should not land here. When I say they should not land in Darwin, I will no doubt be classified as one of the lunatic fringe which the honourable member for Elsey referred to in his recent letter to the NT News. That was in reference to the use of the Darwin base for these dangerous and outdated aeroplanes.

I am not saying this for reason of either pollution of the atmosphere or because of noise pollution even though both of those reasons would be valid objections. My principal objection is that, in the event of a nuclear war - and I pray to God that that will never eventuate - Darwin will become a prime target for nuclear war missiles whereas, without their presence here, no hostile country would bother to spend a thought on a city the size of Darwin. Likewise, Alice Springs would be given little if any thought as a target if it were not for the presence of Pine Gap nearby.

We have been given many assurances that B52s do not carry nuclear weapons but it is my belief that that is only a half-truth. They may not have a fully assembled atomic or neutron bomb aboard but it is a pretty open secret that they have all the components to make up one in a matter of minutes if they thought they needed it. If this contention is correct, and I certainly believe it is, Darwin must automatically become a target for a nuclear attack in the event of a war starting. We now have 3 of those targets in the north of Australia: North West Cape, Alice Springs and Darwin. Why not make Tindal the base for these

planes. This may sound unfair to the good citizens of Katherine but, because Tindal is well out of town, damage caused during the landing and take-off would probably be minimal whereas, if such a mishap occurred in Darwin, it would be disastrous because the airport is situated almost in the middle of town. The possibility of a B52 crashing is by no means remote. They are outdated and almost obsolete aircraft, and quite a number of them have already been involved in fatal accidents around the world.

There is another alternative to Darwin or Tindal as a possible base for these B52s. I refer to Fenton Airstrip which is located near the 110-mile peg. Those honourable members who have not seen Fenton would certainly be amazed at its size. The strip seems to be still in an excellent state of repair. No doubt, it would have to be tested and that would be a costly exercise. It accommodated Flying Fortresses and Liberators with ease during the 1939-45 war. It could be that it is of sufficient length to cater for the landing and take-off of a B52. I am no expert, Mr Speaker, but I measured it the other day and it is 3.7km.

In the event of a war, we undoubtedly will need the assistance of the USA as we certainly did during the last war. However, I for one would certainly like to see tracking stations and planes carrying nuclear missiles much further away than our own doorstep. It would be interesting to see the reaction of the citizens of the United States if the position were reversed and we were using their country as a base for future atomic war. When the news that Darwin was to be used by American B52s as a base for surveillance of Russian activities in the Indian Ocean was first announced on 16 March 1981, I wrote a letter to the NT News. It elicited quite a lot of comment. There were many phone calls for and against, some quite nasty and one almost threatening. I would like to read that letter out:

Sir, Over the past few months your paper has given extensive coverage to the subject of whether Darwin should be used as a base for American B52 bombers. The one comment which I would make on this subject is that I am totally against it. However, what I would like to comment on is the attitude of some people, including the Chief Minister, who in defending the use of Darwin as a base for American nuclear weapon carriers seem to imply that Australia owes a tremendous debt of gratitude to the USA for defending our country against the Japanese.

While it is almost certain that Australia would have fallen without American help, any serious student of the history of the 1939-45 war would know that the American declaration of war against Japan and its allies, the Axis countries, did not take place until December 1941 following the Japanese bombing of Pearl Habour. That was 2 years and 3 months after Australia had entered the war and its servicemen had been fighting on all fronts for most of the time. When the Americans were defeated in the Philippines, Australia became the only country which they could possibly use as a base, not only to try to win back their enormous interests in the Philippines but to carry on the war against an enemy which undoubtedly would have attacked the American mainland if the South Pacific had not become the main theatre of war.

This is hardly a case of the Americans galloping to the defence of Australia. Certainly, Australia owes its survival to the US armed forces but, to the Americans, saving Australia was incidental to saving their own islands. It is highly unlikely that, if the Japanese had attacked Australia first instead of bombing Pearl Harbour, America would ever have declared war at all.

Maybe we do owe the USA a debt but we do not have to grovel. It should not be forgotten that the first lot of Japanese who suffered defeat in their victorious march south was at the hands of Australian troops in New Guinea.

It is not my intention to denigrate American war efforts in the 1939-45 conflict but please let us get our facts straight. The USA entered the 1914-18 war in 1917 and the 1939-45 war in December 1941. Even their most ardent admirers must admit that they have been consistently late in hearing the bugle blow.

My feelings in the matter have not changed in any degree. Send them to Tindal or Fenton or wherever but please let us wake up to ourselves and realise the obvious threat which they present whilst they continue to use Darwin as a base.

Mr Deputy Speaker, having had a shot at the honourable member for Elsey, I would now like to back him up in regard to Aboriginals interested in stock work. Young men often express regret to me that they cannot learn stock work and older ones express their view that they would be only too happy to teach the young men. Many Aboriginals excel at stock work and I have always thought that perhaps one reason for their liking for it is that mustering and yarding cattle is associated in some way with the thrill of a hunt. Traditionally, they lived by hunting.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, I asked the Minister for Primary Production and Conservation some questions on the subject of pet meating, the wasteful slaughter of buffalo and some other points. In answer to my question regarding possible hardship to pet meaters as a result of the new regulations, he said that, if there is hardship, he would be happy to hear about it. I do not know if members have read the regulations associated with the pet meat legislation but to say I was amazed by them is to put it mildly. About 18 forms have to be filled in for a small operator to be allowed to operate.

I do not think the members of any other organisation have to pay a price to operate like the pet meaters do. At a random guess, it would cost something like $30 - $60 for a professional person to register his qualifications in the Northern Territory and be allowed to practice. I refer to engineers, doctors, lawyers and veterinary surgeons. In order for a pet meater to operate, he is literally up for hundreds of dollars. First of all, he has to wade his way through about 18 forms. He has to obtain a permit to shoot in a particular area which has to be delineated on a form. This costs him $20. If he has finished working in that area and he wants to go to another area, he has to make another application which will cost another $20. Often I ask a friend who is a pet meater to come in and dispose of our unwanted stock. It suits him and it suits me. However, to do this in future, he will have to make an application to shoot at our place. This will cost him $20 despite the fact that I have asked him in. He has a particular area to shoot in and I know that he operates safely. After he has obtained a permit to operate, he must obtain a permit or licence to slaughter, which will cost $100. He must then apply for a licence or permit to process the carcasses, which will cost yet another $100. A licence to store the meat costs $100. He may wish to shoot in several areas or employ a couple of shooters. Before he does anything, he needs to lay out between $400 to $500 for permits to carry on his normal business.

We are not talking about wealthy businessmen or big companies; we are talking about owner-operators who are trying to make an honest living in the Northern Territory. I would say that most of the pet meaters either work or live

and work in my electorate. I know quite a bit about them now. Mr Deputy Speaker, please keep in mind that the doctor, the engineer or the vet only pays about $30 to $60 to operate in the Northern Territory. However, as well as paying so much for his permits, the pet meat operator has also to put in a daily and monthly record of all meat stored, and he has to put in daily and monthly records of all meat slaughtered. If that is not enough to grind him into the ground, I do not know what is.

If he wants to vary his licences in any way - that is, his licences to slaughter, process, store or shoot - he has to fill in another form. If he wants to transfer any of these licences, he has to fill in another form. If he wants to transport his meat anywhere in the Northern Territory or interstate, he has to fill in another 2 forms. We know that this pet meat legislation and the regulations that go with it follow from the Royal Commission of inquiry into the meat industry and from the hearings that took place in the Northern Territory. However, whilst there were a few shonky operators in the Northern Territory, I think the greater number were in the southern states. It seems to me that the small pet meater is paying the price of others' dishonesty. If the system is not reconsidered, especially the money that must be paid out for permits, I can see a lot of these blokes going to the wall or they will try operating illegally, which is not to be desired.

I asked the minister a question regarding the wasteful slaughter of buffalo in Kakadu. It was brought to my attention that about 600 head were slaughtered recently. They were shot from helicopters and just left to rot. I have spoken on the senseless slaughter of feral animals before. The story that is always given is that they were in inaccessible places and it was not to the advantage of pet meaters to go in and get them. I heard a different side of the story this time. The pet meaters know the areas intimately where the feral cattle and buffalos are. If they say it is an economical proposition, I would believe them. Their vehicles might cause damage to certain parts of the country but I do not really think that argument is tenable. I am wondering how long this wasteful slaughter of buffaloes will continue.

Mr Deputy Speaker, this reminds me of the old times when the Commonwealth controlled the Northern Territory. It looks as though the Commonwealth is controlling the Territory in Kakadu National Park the way it thinks it ought to be controlled - in the old, paternalistic way. We hear a lot about past treatment of Aboriginals by white people. In that context, 'paternalism' became a very dirty word. I say to you, Mr Deputy Speaker, that the way the Commonwealth government, through its various departments, is treating the Northern Territory is nothing short of paternalism. It is doing what it thinks is good for us. We are not consulted as to what we think on the subject - we just have to wear it.

I asked some questions regarding school buses. Whilst I know that most operators of school bus runs are reputable people and their buses are safe to carry children, nevertheless I have spoken to a particular bus driver who cited to me particular instances that not all the buses that carry the children are completely safe. That is why I asked those questions of the Minister for Transport and Works. I do not know whether the driver who came to see me is still in the employ of the particular bus company. However, he told me some hair-raising stories of his experiences with these buses. As everybody knows, schoolchildren are not the quietest passengers carried on buses. He was going down the hill from the high school and the brakes were not working very well. In fact, he did not think that they were working at all. While he tried to put on the brakes, the children suddenly realised that there was something wrong and there was dead silence in the bus. Finally, he managed to activate the brakes and continued on

his way. Another time it was practically impossible to change gears in a particular bus. He said it was a bit like stirring the pudding when he tried to engage the right gear. Whilst I do not believe that school buses should have luxury appointments, and I am well aware of what damage a load of schoolchildren can do in a bus, I really think that our school buses must be thoroughly road-worthy before they are used to transport children.

Finally, I would like to offer a word of praise, if praise is appropriate, for the standard of the Stuart Highway that I travelled over when I drove down to Katherine for the agricultural show. Constituents in my electorate have a lot of trouble with roads. It is a very important area of concern in my electorate but I think that the main highways in the Northern Territory are second to none in Australia. I can only compare them to highways in Western Australia and part of Queensland where I have driven recently. The trip down to Katherine was one of the best I have made by road. Admittedly, I was not speeding. I was observing the countryside because I had not driven down for some time. The roads are aligned very well. They are safe to drive on and they are wide, unlike a road I was driven on in Queensland where the bitumen seemed to be about 6 feet wide. If a car was coming towards you, it was necessary to take to the scrub either side. I would like to offer my congratulations to the Department of Transport and Works people who build these roads for us. I especially appreciate driving into town from where we live at the 13½-mile on the Stuart Highway. The excellent road makes driving safer than it was some years ago, and certainly much more pleasant.

Mr BELL (MacDonnell): Mr Deputy Speaker, I welcome the comments from the honourable member for Victoria River. Since the joint defence space research facility at Pine Gap is in my electorate, I think it is worth making just 1 or two comments in that regard. Many of the USA citizens who live in Alice Springs and work at JDSRF are personally known to me, but in many respects I have concern about the facility. Not the least of them is that there are 30 voters in my electorate to whom I am unable to make direct representations at this stage because of the administrative and legal arrangements associated with the facility. What makes it a matter of particular concern to me was highlighted by a comment from my 14-year-old son who said, almost wonderingly, to me the other day: 'Dad, I was watching television and I just found out that we live near 1 of 2 prime nuclear targets in Australia'. We discussed that. It is a fact which causes me great concern. I feel it was ably highlighted by the honourable member for Victoria River. Whilst it is well out of the ambit of the Legislative Assembly of the Northern Territory - it is certainly a federal issue - I do not think that there is any harm in giving consideration to it at some stage. I think that is particularly the case given the penchant that government ministers have for fulminating on the benefits of the uranium industry in the Northern Territory. It would do no harm if they were to give a little thought to the connection between that uranium industry and the very real dangers that are posed to the human race by nuclear power. I will say no more about it today except in relation to one further issue.

Since I am talking about the JDSRF, it is quite reasonable to point out that, as well as the problems and the dangers of potential nuclear war, a key issue is that of sovereignty. I mentioned that, because of legal and administrative arrangments that at present pertain, I am unable to make direct representations to 30 electors in MacDonnell who live at Pine Gap. That does not bother me quite so much as the fact that one has only to read a small amount of the literature available on this topic to experience some doubt as to whether or not the Australian government has any meaningful degree of sovereignty over that particular operation. One is forced to wonder just how joint the Joint

Defence Space Research Facility is. By way of evidence, if any honourable members of this Assembly have any doubts about that, I earnestly recommend that they pick up a little volume entitled 'The Falcon and the Snow Man' about the Boyce and Lee trials in California. The threats to Australian sovereignty that were not allowed to be made public in that particular court case are detailed fairly clearly.

I welcomed the comments that came from the honourable member for Elsey in regard to schools. I want to say 2 things about that because it is a subject dear to my heart, as the Minister for Education will be aware. In past sittings, I have expressed serious concern over the problem of staff turnover at Yirara College in my own electorate. I do not wish to dwell on that today. What I would like to mention is that, from experience with my own children, I believe that one of the key problems - as the honourable member for Elsey said - particularly with secondary education, is the high rate of turnover. Recently I read a paper. I am not sure off the top of my head from whence it came, but it said that the turnover rate amongst primary schoolteachers was higher than that amongst secondary schoolteachers. That may very well be the case but I doubt whether the implications of its being so much higher have such a great effect as the turnover rate in secondary schools. Admittedly, there are problems everywhere with secondary education but they are certainly coming home to me. Unlike our town primary schools which, by and large, do an excellent job in providing a meaningful primary education for our kids, there are real problems in the secondary schools that I have knowledge of. In that regard, the member for Elsey's comments were particularly pertinent. I will say no more about that now but I believe that the turnover of staff in secondary schools generally needs to be given consideration. There is no time in tonight's adjournment debate to discuss the problems in the other area that certainly impinges on me: the problems in Aboriginal education.

I turn now to a number of issues raised by the Minister for Primary Production and Conservation and for Community Development. It is particularly in relation to the latter 2 portfolio areas that I wanted to comment this evening. The first matter is in a somewhat jocular vein. A most peculiar memo was passed on to me by somebody in Alice Springs who took great exception to the minister issuing a memorandum that, in the perception of this person, instructed that public servants should perform their tasks in a political way. For the delectation of members, I will read the particular memo and I will pass a copy to the honourable minister. The memo reads:

> *As a result of the Chief Minister's attendance at the recent economic summit conference, he has written to me indicating that, when framing letters to the new federal government on what might be called 'new topics', reference should be made to ALP policy as well as to the national economic summit communique to look for support for the proposals being put forward. If support can be found in the summit communique or in ALP policy, it would be best to highlight this from the outset which may well have the effect of reducing the volume of unnecessary correspondence. Will you bear this in mind when preparing correspondence to the Commonwealth government.*
>
> *Signed: I. Tuxworth*

That was a memorandum to the secretaries of the departments for which the honourable member is responsible. The person who made representations to me took particular exception to 'reference should be made to ALP policy' and that 'it would be best to highlight this from the outset'. I am quite prepared to accept that reference to the summit communique or ALP policy, because it generally

is so able, would reduce the volume of unnecessary correspondence for the minister and his departments. I must admit that I had a thought in mind. I wondered whether this was an administrative tactic that the honourable minister customarily used. I would be very interested to hear whether he instituted a similar administrative process under the Liberal National Party federal government.

Mr Leo: That would have been difficult.

Mr BELL: As my colleague, the member for Nhulunbuy interjects, that would have been difficult because the Liberal National Party federal government would have had no stated policies as such, lurching as it did from crisis to crisis.

Be that as it may, turning to a far more serious topic, I asked some questions of the honourable minister this morning and I must say that I was rather disappointed with his answers. I asked him whether he felt that special purpose leases in the vicinity of Alice Springs Aboriginal communities should be eligible for the same sort of TMPU funding as was available for Aboriginal communities elsewhere in the Northern Territory. The minister rather unconvincingly suggested that those Aboriginal communities were not remote and therefore the user-pays principle should pertain.

I attempted to elicit from him, by way of a supplementary question, that these particular communities not only share a particular cultural identity - and I doubt that the minister would challenge that - but partly because of that identity and partly for reasons that transcend that, associated with the whole process of culture contact in northern Australia, those communities are characterised by extremely severe structural unemployment and therefore I suggest that it is singularly unjust for the minister to refer blithely to the application of the user-pays principle in communities of that sort. I really find it difficult to imagine what sort of justification he can find for dealing with people whose capacity for dealing with life in 1983 is such that they deserve from him and his department a little more consideration than, on the basis of the correspondence that I read to this Assembly yesterday, he indicated they were worth. I sincerely hope that, when he reflects on the comments I have made, he will be quite prepared to see that a slightly greater consideration should be given to the provision of services on those communities than some simple reference to a user-pays principle which his government applies quite quixotically.

Mr TUXWORTH (Community Development): Mr Deputy Speaker, I wish to confirm for the honourable member that I will address in detail - as soon as I have the relevant information to hand - the issue of the town leases in Alice Springs, the funding of those leases and the charges that are raised upon the leases. I am aware that the honourable member has had a briefing from the department on the issue. The department advised him that it is carrying out the government's policy. I will get more information for him. He will receive from me a statement of policy and intention and the reasons for that. I can assure him that, while he may not agree with them, they will be good reasons.

If I could refer for a moment to the memo the honourable member mentioned about including in correspondence between ministers and federal ministers information relating to the policy of the ALP or reference to the summit communique. I do not know how the honourable member deals with things but I often find it is helpful when people who write to me refer to a policy or a program that the government is committed to. Often, it helps put the correspondence into a perspective. It is not an arm-twisting exercise and it was never meant to be. I understand that prime ministers and ministers do not know all things that go on in the Northern Territory and neither can they be expected to. Where their

party has policies, commitments or understandings in relation to the Northern Territory that is pertinent to the correspondence, it is helpful to them to have that matter raised in the letter. If people find that offensive, I am sorry but it is just a basic aspect of communication with other governments.

There are a number of aspects about last night's federal budget that concern me. Whilst some of these have been discussed in this place, one certainly has not been. I would like to touch upon it because I think it has great pertinence to this Assembly and to the people of the Territory. I would like to refer to the issue of our defence reserves. All members would know that there are many Territorians who give up their spare time to serve in the defence forces reserves in many centres in the Northern Territory. All members would be aware of the fine work that is carried out by Norforce right across the length and breadth of the Territory. It might interest honourable members to know that there are about 500 Territorians serving in the reserves, including about 360 in Norforce. About 60 people are stationed at army headquarters in Darwin. I understand the Navy has some reservists amongst its numbers and the air force is contemplating the recruitment of reservists.

Regrettably, while it has been successful up to date, I feel the recruitment is likely to be unsuccessful in the future after last night's budget. The Commonwealth has decided now to make our weekend warriors pay tax on the token wages that they receive in return for giving up their leisure time to help defend our nation and to be prepared for any event. This is a disgraceful state of affairs. It would be bad enough if the taxation was struck at a nominal rate, but the supreme lunacy of the Treasurer's attempts last night to grab every dollar that he can from anybody that he can has led to a situation now where some reservists will pay as much as 64¢ in tax for every dollar that they are paid as reservists.

A person earning about $20 000 a year will have his wages as a reservist added to that figure and then taxed. I think the proposition of taxing the small amount of money that they get at that level is totally unreasonable. There are a great many senior public servants in this town who are members of the defence reserves. They are highly paid for their talents and the impact of last night's budget will be even greater for them. I would like also to highlight the fact that there are a fair number of young people, and I refer particularly to many apprentices in my own home town, who are involved in Norforce activities. They find that the additional money that they get from Norforce is a very keen supplement to their salaries and it makes life just that little bit easier. Not only are these people giving up their weekends for the defence of this country, but the Treasurer has now demanded that they pay him 2 days wages out of every 3 that they receive for the pleasure of helping to protect those of us who for one reason or another are not involved in the reserve forces.

Last night's budget papers state: 'The present exemption from income tax of the pay and allowances of a part-time member of the reserve defence forces is to be phased out and this will take effect from 1 December next'. The Treasurer said that he expects to save $5m in 1983-84 and $20m in a full year. I believe that this is a scandalous approach to have taken in this particular area. I am also informed that the armed forces personnel believe that last night's announcement will have a significant effect on recruitment within their forces. I am told that the average tax level will be around 45¢ in the dollar for these people.

The defence reserves include a large number of former regular services personnel who join on retirement. The taxation impost will not encourage these

people to give up their time and pay the government for the pleasure of doing it. That is what it amounts to. At the same time, it was announced last night that the government is to review the defence forces retirement and death benefits fund. Housing rents for armed forces personnel will rise and there will be another rise in April next year. This is at a time when the armed forces pay has been frozen for about 18 months. Not only will measures like this damage the reserves but the belief within the forces is that they will hit recruitment right across the whole spectrum.

I am concerned that, while the activities of the Treasurer have been aimed primarily at trying to raise a few dollars, a great deal of harm will be done to the many young people who are in the reserves and Norforce. These people enjoy being in the reserves and appreciate getting a few dollars from it tax free. They will probably find it is worth while to give it away after 1 December.

Mr PERRON (Treasurer): Mr Deputy Speaker, the member for Millner expressed some anger that the Northern Territory government did not have in operation a successful scheme whereby persons would not receive government contracts unless they had certain numbers of apprentices on their staff. I can assure all members that this government, like any government of any political persuasion whatsoever, would like to see many more apprentices and many more people employed than there are at present. We do not tackle these things with a dog-in-the-manger attitude and grudgingly concede that the government might be involved in assisting or even coercing people to accept responsibility for training young people for the workforce of tomorrow. I mentioned earlier during these sittings that there is a very genuine concern that, when Australia does pull out of the recession, this country will be facing a severe shortage of skilled manpower because of the 30% downturn in numbers of persons participating in apprenticeships around Australia. I pointed out that the Northern Territory was an exception in the whole of this country for its participation in apprenticeships. Apprenticeships here have increased by 3% while, in the rest of the country, they have fallen by 30%. Thus, we must be doing something right.

He mentioned that, because the MBA had indicated to the government that it thought it had the bones of a scheme, that scheme could therefore be implemented, It is not as simple as that. The government receives submissions from all manner of groups and the MBA is one that we deal with very often. We do not always agree with it on schemes. Over the period that the government's tender preference scheme has been in operation, we have had a lot of correspondence with the Master Builders Association on the subject and we do not always see eye to eye. Because the government is responsible for letting of government contracts and the administration of taxpayers' funds, it must adopt schemes that are administratively sensible, irrespective of what other people say.

We will continue to deal with the MBA and talk about problems it has with the local preference scheme which has been operating for some time with some success. I might point out that, where tenders from interstate and local people are within 5% or 10%, depending on the category of the tender, the preference scheme is invoked at the taxpayers' expense. If no local tenders fall within that range, the scheme could not be used.

I mentioned yesterday that the government is still considering another version of the scheme whereby persons who receive some government contracts will be required to have apprentices on their staff. That proposed scheme, hopefully, will go to Cabinet in the near future. If, and only if, Cabinet is completely satisfied that the scheme can be equitably administered, it may well decide to administer it. I can assure honourable members it is not as

simple as saying that the day you let a tender to someone he must have apprentices on his payroll. If it was as simple as that, we could do it tomorrow but it would be likely to achieve very little.

The member for Nightcliff would like us to take on virtually every apprentice who might have his indentures terminated or threatened because the company is going into liquidation or being purchased by interstate firms. I can assure her that, whenever the Vocational Training Commission indicates to us that there are apprentices in difficulties, we have the full co-operation of government departments to do what they can to assist within reason. It is not simply a matter of saying that the apprentices have 1 or 2 years to go so we will put them with the Department of Transport and Works, the Conservation Commission or NTEC. Obviously, the type of work being conducted has to be suitable to the apprenticeship. There have to be suitable tradesmen available who can devote the time to passing on the skills.

The government does not have an enormous workforce at present. We have a policy that we have implemented for some years now of not doing as much work within government but rather encouraging private enterprise to do more. We believe that private enterprise does it more efficiently than government. That is the philosophy we are prepared to stand by. Because of that, we do not have large numbers of carpenters and boilermakers to whom we can attach apprentices. It is no good sitting them in a room all day and teaching them theory. They have to do on-the-job training to be able to complete their apprenticeship properly. However, where it can be accommodated, it is accommodated. We have bent a fair few rules of late to try to ensure, if it can reasonably be done, the continuation of the apprenticeships of persons whose indentures are threatened.

The member for Elsey mentioned some problems at the Katherine High School of which I am keeping abreast. When I first heard of the difficulties at Katherine last week, I requested that the Teaching Service Commissioner, Dr Stewart, go down there forthwith. He went there last Friday and he has reported back to me. Subsequently, the Secretary of the Department of Education went there on Monday this week and he has reported back to me as well. Tomorrow night, the Parents and Friends Association and the school council will meet together to discuss various issues relating to the school with a view to trying to find some resolution. Until such a time as that meeting has had an opportunity to examine the problems as it perceives them and either takes steps or makes recommendations on steps to be taken, it would be inappropriate for us to act precipitately. I hope we can sort those problems out without a great deal of fuss because I cannot see that benefiting anyone at all.

The member for Victoria River went on, as so many people do, about the landing of B52s in Darwin making us a prospective nuclear target in the event of a nuclear war. One thing I have never been able to fathom about that line of thinking - and the honourable member may care to respond at a later time during the sittings - is that, even if B52s were not coming through Darwin, quite obviously because of the facilities here, they could come at any time. At any moment, they could be given permission to land in Darwin in the event of nuclear conflict whether or not they were already coming through Darwin. It would be just as potentially usable as a staging base for B52s.

If there were B52s sitting on the ground here day and night, I would say that we would be a target because they would want to knock out the B52s. Obviously, they are only here for short periods of time. They would not throw an atom bomb at us on the off-chance of catching a B52 on the ground. They have

to knock out the base whether it has planes on it or not. It does not ring true to me that Darwin is a nuclear target because they are calling through. If we are a nuclear target, it is because we have a facility here on which B52s can land and replenish. Secondly, why would any party in a nuclear conflict waste a bomb on Darwin? I am no strategist and I would be interested in other lay people's views on the subject. If we reach the very serious stage of nuclear warheads being launched around the world, they will be aimed at doing absolute maximum damage. You do not threaten people with nuclear warheads; you use them. You might rattle the sabre with all forms of other weaponry but, if you are going to throw nuclear warheads around, you would throw one on Sydney or Melbourne.

When the Americans dropped the atomic bombs on Japan, they did not pick a small, outlying population centre or a military air base in Japan to show what they could do and terrify the Japanese. They picked an area in which, weather permitting, the bombs would create the greatest destruction possible. The strategy worked brilliantly. It brought the war to an end. Why on earth would an enemy of Australia waste a nuclear warhead on Darwin. I just could not conceive of such a thing. B52s or not, it would be dropped on Sydney or Melbourne in order to pick up a couple of million people at one time. Never mind 60 000 in Darwin - that is absolute peanuts, Mr Deputy Chairman. It would take a great deal of talking to convince me that we are sufficiently important to warrant a bomb. I appreciate that there are plenty of bombs to go around but there are plenty of big cities with several million people in them too. That is where the bombs will go.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, after that rather educational analysis of Australia's, and particularly Darwin's, strategic importance, I will talk about something more mundane but still dealing with airports.

Last month, 2 representatives of the Department of Transport and Works came over to Nhulunbuy and called a public meeting which was not as well attended as it might have been. I am led to believe they carried out a bit of a survey around the town. I wish to make very clear my perception of the meeting although I would not doubt the accuracy of the reports that the minister will have received. The meeting overwhelmingly concluded that, with the completion of the control tower at the Nhulunbuy airport, there should be no restrictions and absolutely nothing should be done by the Northern Territory government or, indeed, any government to restrict the flights into or out of Nhulunbuy. That same message was put to the previous Minister for Transport and Works some 12 to 18 months ago when he went over to Nhulunbuy to inquire into the town's attitude about an internal airline system which would restrict the flights from the 2 major airlines, Ansett and TAA. He was told quite unceremoniously that competition was the only thing that can be relied on to contain air fares into and out of that extremely remote community. If we cannot rely on that, then I am afraid that air fares, and costs generally, would inevitably rise.

I will grant the honourable minister that people become fairly cynical about the desire or ability of the 2 major airline companies to participate but one would hope that they would engage in some form of competition. Really, it is the only thing that can effectively or even partially maintain a lower level of air fares. As I said before, that meeting was not attended by a large number of people but there was broad representation. They were not all aligned with my particular political organisation. Indeed, there were some very senior members of the minister's own political organisation there. They had precisely the same things to say as I had to say. I would ask the minister that, if this tower is built - and I note that the federal government will continue to fund the development of that tower - and if the minister has any regard for air transport

into and out of Nhulunbuy, then he should not restrict the number of operators coming into and out of that port.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, this month has seen in Alice Springs the celebration of its golden jubilee. On 31 August 1933, the name of the township of Stuart was changed officially to Alice Springs. This month a number of celebrations to mark the 50th anniversary of that occasion are going on. On Friday 12 August, I had the pleasure of visiting the Senior Citizens Association to participate in an afternoon of reminiscences. Some dozen or so people who were in Alice Springs or the central Australian region at that time sat around and told their stories. A tape was made up of the stories that they told. Her worship the Mayor, Leslie Oldfield, gave a message for that tape which is to be put away and opened in 2033, in 50 years time, which will be 100 years from the time of this changeover. Many fascinating facts were mentioned by these people. Two things in particular stick in my mind. One was that, at that time, there were only about 10 white families living in Alice Springs. It was said that these families all had herds of goats from about 150 to 200 which served as their major food supply. That was before refrigeration and it was hard to keep big quantities of meat. It was an insight for me to hear that goats were the staple meat diet of the people of Alice Springs, as no doubt they were, when one thinks about it, in many parts of Australia. I was interested to hear about the problem that one of my constituents had in getting permission to run some Angora goats out in the farm area. Those problems have been solved at last but he went through hell and high water to get permission to keep those goats. I am sure that would be of interest to the honourable member for Tiwi.

The other thing that stuck in my mind particularly was the fact that, although the township of Alice Springs was officially known as Stuart up until that time, effectively it was in name only. The local people virtually never used it. It was Alice Springs right from the very start of settlement in the area.

Other celebrations have been arranged. A Mardi Gras Queen Ball was held at the Gap. There was a Back-To-Hartley-Street-School fancy dress show the other Saturday, which was very well attended and enjoyed by all. There will be official celebrations next Wednesday which, of course, is the actual 50th anniversary. It is my regret that this Assembly will be sitting and I will be required here. However, I wish all those involved with the celebrations the very best. There will be one final event, a Mardi Gras in the Alice Springs Mall on Saturday 3 September, which I am sure will be a very successful occasion and will bring the town together to celebrate. I pass my congratulations to all those involved in the Golden Jubilee Committee that set up this program.

Last week, I had the pleasure to go to Adelaide as a representative of the Alice Springs Lions Club, to which I belong. It was to attend the Festival Theatre for the final presentation of the Miss Personality Quest. I am very pleased to report that the lass that MacDonnell's Lions Club in Alice Springs promoted did very well indeed. She won the Miss Charity Queen with the magnificent sum of $25 305.74 which was a clear $6000 better than the nearest rival. The raising of that money is a credit to the township of Alice Springs. The club set itself a goal of $25 000, which was certainly a large target. Many ideas were put forward. Some of them turned out to be rank failures. The perseverance of the many people involved - not just the club members and M'lis Hislop and her family's efforts but the other Lions Clubs and people from as far away as Ayers Rock and Tennant Creek - showed me what can be achieved. It is a credit to the generosity of the people of the central Australian region.

While down in Adelaide, I was delayed an extra day so I took the opportunity to visit the South Australian parliament. I had a few insights which I would like to share with the Assembly. One of the first things that really struck me was the Speaker. Mr Speaker McRae has a very strong voice and sounded like an old-fashioned schoolteacher when he brought the House to order. I must confess that, the first time he used it, I jumped a little. He certainly seemed to rule the House with a rod of iron. Another thing I noted was that the so-called daily Hansard, as referred to by our Speaker, was actually being delivered around the House by attendants. The headline on that daily Hansard was '4 dead at Ayers Rock' which was a very sad headline to see. It was quite an insight to see the daily Hansard delivered to each member's table.

Ms Lawrie: Our daily Hansard is delivered to our desks.

Mr D.W. COLLINS: 'Daily Hansard' in quotes for the good lady.

Mr Bell: More explanation please, Denis.

Mr D.W. COLLINS: If the member had heard the honourable Speaker refer to the daily Hansard, and how it should be kept beneath the desk or taken out of the Assembly to be read, she would appreciate it. If the member does not understand, I will explain to her afterwards in words of one syllable.

Ms Lawrie: What a lot of rot!

Mr D.W. COLLINS: The third thing that struck me was a speech that was being read by one of the honourable members. It was a very long speech on an interesting topic. It was very obvious that it was not the member's own speech because of his mispronunciations. In fact, it reminded me of Mr Ronnie Barker of the Two Ronnies during one of his sessions of mispronunciation. I felt that maybe the standard of members of this Assembly is not as bad as one might expect.

It reminds me of an occasion 2 or 3 years ago when the Clerk of the Assembly at the time, Mr Keith Thompson, myself and the Deputy Clerk of the federal House of Representatives, Mr Doug Blake, were together in Alice Springs. Mr Blake suggested that it would be useful for a new member to go down to Canberra and see how things were done down there. Clerk Thompson replied: ' I would not recommend it. He might learn bad habits'. It may be that he was right.

A couple of interesting questions were raised in the South Australian parliament concerning the country racing clubs seeking a bigger share of the money from the Adelaide Jockey Club. It suggested to me that South Australian country racing was in strife.

Another very interesting point is that certain questions were asked by the opposition of a back-bench member of the government, Peter Duncan, the member for Elizabeth. They were disallowed which raised the question of whether parliamentary privilege has precedence over Royal Commission matters. Mr Speaker McRae is seeking legal advice. I believe other state parliaments are doing exactly the same. I am sure we will all watch with interest for the outcome of any legal decision upon that question.

The honourable member for MacDonnell mentioned the JDSRF. I would remind him and all members that former Prime Minister Whitlam was going to do great things at Pine Gap. He visited that place and nothing happened. Then, a year or so ago, the then Leader of the Opposition, Bill Hayden, was fully briefed on

the operations at the base. He was given the right to visit Pine Gap whenever he wanted to. He visited the base and I believe Mr Lionel Bowen was also there. After some 3 hours of probing and questioning, Mr Hayden came out and had the good grace to say at a press conference that he believed that what was happening at the base was in Australia's best interests. It was very interesting to have reported to me that our present federal representative, who was at that conference, was overheard to say: 'He has been brainwashed'. That remark showed great faith in the mental capacity of a potential Prime Minister of this country if he could be brainwashed in such a short time.

Mr STEELE (Transport and Works): Mr Deputy Speaker, yesterday the Chief Minister referred to one of the old timers around the place, Joe Yates, and I had neglected to offer my condolences to his family. Certainly, my father was a good friend of Joe Yates for many years and they were together back in the old days of the Maranga and Rural District's Progress Association and the formation of the first show society in Darwin. In addition, I had the pleasure of going to school with the Cavenagh family in the old semi-circular trailer arc mesh cage which substituted for a school bus. I extend my condolences to the Cavenagh family and Joe Yates' wife.

Mr Deputy Speaker, the honourable member for Millner raised some matters yesterday, particularly flooding from Rapid Creek. I sought some information from the department which I will read into the record for him:

The Department previously investigated the problem that he refers to and agrees that the filling operation could well be the cause of more flooding than that which would occur normally during prolonged periods of heavy rainfall. The Control of Waters Act provides for the control, management and allocation of natural waters. These powers, with respect to surface waters, relate to the use of the water itself and works carried out within the beds and banks. The definition of 'beds' and 'banks' in the act specifically excludes land from time to time temporarily covered by flood waters of the watercourse. The Northern Territory flood plain management policy provides for land development controls to be enforced in areas where official flood maps are available and for conditions to be imposed on structures in flood-prone land through the Building Act. In this case, the subdivision occurred before this policy was adopted and, in any case, Rapid Creek flooding is unmapped.

Under these circumstances, there does not appear to be any Northern Territory law which addresses problems of this nature. The shortcomings in the current legislation have been recognised and the matter has been discussed with a leading legal authority, Professor Sandford Clark of Melbourne University, who is conducting a review of the Control of Waters Act. He agrees that the Control of Waters Act does not provide for the situation in question but will be addressed in the new legislation. His view is that, at this stage, the best approach would be for the aggrieved party to pursue his common law rights.

I regret that this will not satisfy the honourable member.

The Commonwealth budget last night provided an amount of $46m for financial assistance to the states and territories for water resources projects. This represented an increase of 19% over the level of subsidy in 1982-83. Despite this, and despite this government's recent submission to the Commonwealth seeking increased subsidy, the level of funding allocated to the Northern Territory is

$1.457m compared with $2.04m in 1982-83. Our bid this current year was for $2.89m.

The Commonwealth 'Water 2000' study identifies issues to be addressed in developing and managing water resources nationally to the year 2000 and recommends increased levels of Commonwealth funding for many of these issues. As most of the major issues apply directly to the NT situation, the decision to cut funding to the Northern Territory is not consistent with the 'Water 2000' report. The level of Commonwealth subsidy for the Northern Territory remained essentially the same over the last 4 financial years but has now been reduced by a factor of nearly 30%.

Mr Deputy Speaker, there are a few other matters that I wish to address. I received a telegram 2 days ago about the taxi services that service the arrival of the Ghan in Alice Springs from Barry Bucholtz, the Chairman of the Alice Springs Regional Tourist Association. It reads:

> *Eric Poole spoke to you at my request this morning in reference to the railway station, the problem being the lack of taxi service at the Alice Springs station. I advise details of Friday's incidents. This association had to book each individual taxi, quoting the name of each passenger. Alice Springs taxis refused to send taxis without individual bookings. The driver of taxi 61, a white Holden Kingswood, now identified as Joe, returned to the station 5 times to collect bookings and, on each occasion, simply yelled out who is next. On 3 occasions, we pointed out to him that we had booked the taxis in individual names. He refused to acknowledge this. Further to this, he was shabbily dressed and most discourteous to the arriving visitor. A driver identified as 'Irish' had a similar attitude. Many more instances of the above can be given and this highlights the virulency of the Southern Taxi Advisory Council and the inability or unwillingness of the Motor Vehicle Registry to investigate these complaints. As advised to Mr Eric Poole, this association is not prepared to see visitors receive an unfriendly and arrogant welcome to Alice Springs.*

Mr Speaker, I am not too sure what the exact situation is with taxi drivers in Alice Springs. From time to time, representation is made to government about the regulation or otherwise of standards of dress and other matters relating to the orderly conduct of taxis and drivers throughout the Northern Territory. It is a matter that rears its head from time to time.

The honourable member for Sanderson raised a question with me this morning which, unfortunately, I misheard but I now have some information for her which she has requested. Improvements to be carried out to the intersection of McMillan's Road and Vanderlin Drive will include the construction of the first stage of the new Knuckey arterial road. A roundabout will be constructed at the intersection and the road approaches improved. The Knuckey arterial is proposed for development in stages over the next 5 years. The road will run from the new roundabout, join Secrett Road and connect with the Stuart Highway at Stevens Road. The first stage of the arterial road will be completed in December 1983 and will provide access to the new police headquarters building. The successful tenderer for the contract is Henry and Walker at a cost of $480 000.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MINISTERIAL STATEMENT
Chronically Mentally-ill Persons

Mr DONDAS (Health)(by leave): Mr Speaker, members will recall that I made a statement in the March sittings regarding various complex issues concerning the chronically mentally-ill in the Northern Territory. Today I would like to advise of the positive steps this government has taken in relation to persons found to be unfit to plead. Section 382A of the Criminal Law Consolidation Act provides that, where a person charged with an offence, from want of comprehension of the nature of the circumstance alleged or of the proceedings, is found by the court to be unfit to plead, the Supreme Court may order that the person be discharged absolutely or released on condition that he be detained in safe custody at such place over such period and on such conditions as the court thinks fit.

In the Northern Territory, there were 2 people in Darwin Prison who had been found by the Supreme Court to be unfit to plead. One was indicted for murder and the other had a long record of violent but lesser offences. Psychiatric evidence indicates that neither is fit to plead nor is it likely that either of them will ever be fit to plead. If either person were released from custody, he would not be capable of living by himself in the community and, in fact, would be a positive danger to others. At the bail application for one of these men, an expert witness spoke of the need for continuing supervision of his routine of daily living such as feeding, showering and sleeping. Without care, he would be unable to look after himself. Both might commit further acts of violence, particularly if influenced by alcohol.

The proper care of these persons has always been a major concern of this government. Repeated efforts have been made, even at the Premier-Chief Minister level, to transfer these men to interstate institutions specially built and staffed for persons such as these. The transfer of prisoners is not currently possible because of legal difficulties and therefore the government proposed to use a secure section of the Darwin Prison as a security hospital, using the South Australian model of Northfield Security Hospital at Yatala Prison, where such people can be secured, housed and given specially-developed rehabilitation programs. Unfortunately, this proposal was opposed by the Prison Officers Association.

The Federal Court, in its decision on a recent appeal, questioned the legal basis of holding both men in the criminal justice system as it has been clearly demonstrated that neither man will ever be fit to plead. Consequently, all criminal proceedings against both men were discharged yesterday. Orders were made under the Mental Health Act whereby both men will be kept in custody to receive care, treatment and control for a period of 6 months. The Chief Medical Officer is required, under the terms of the order, to advise the magistrate in 3 months of the care being given to each man.

I wish to advise members that both these men have been admitted to Ward 5A of the Darwin Hospital as a temporary measure while permanent accommodation is being prepared, even though this will be at an enormous cost. A building in the hospital grounds will be converted to provide a security unit for the chronically mentally-ill thus separating these men and chronic patients from those persons who are actually ill. I am advised that these arrangements will be completed within one month. A month is necessary because psychiatric staff need to be recruited and general extensions to the building at the hospital need to be done.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
Housing Costs in NT

Mr SPEAKER: Honourable members, I have received from the honourable member for MacDonnell, pursuant to Standing Order 81, a proposal that a definite matter of public importance be discussed, namely that the housing costs in the Northern Territory have been escalating at such a rate as to consitute a serious threat to the standard of living of its citizens.

Is the honourable member supported? The honourable member is supported.

Mr BELL (MacDonnell): Mr Speaker, in contributing to the debate on housing costs and the relative disadvantage which faces Territorians, I would briefly like to discuss some of the recommendations made in the 1981 report on Northern Territory housing needs, particularly as they relate to costs.

The first recommendation to which I would like to refer reads: 'Government should continue to promote land turn-off by private development. Private development has been successful in significantly improving land availability. It allows governments' own resources to be used in other areas'. There are 2 points I would like to make in relation to that recommendation. First, whilst land availability may have improved in Darwin, it is the price of land which is the real barrier to home ownership. It can reasonably be argued, in terms of demand and supply, that the supply is only adequate to meet the demand because of the price. What I am saying is that, if the price of the land was lower, there may well be greater demand. The price of land is determined by what the market will bear. In this situation, it is difficult to envisage any impact being made on the rate of home ownership. I am certain that more people who come to the Territory would settle permanently if they could afford to. It is evident that the price of land is an area of disadvantage to Territorians.

In this context, it is interesting to note another recommendation from the needs report, a recommendation which has been implemented. That recommendation is that the Housing Commission or another public agency should be given the necessary powers to be able to enter the land development field on a fully competitive basis if required to ensure that targets will be achieved and that prices do not reflect excessive profit levels. It may well be necessary for the Northern Territory Housing Commission to exercise this particular option.

The second point I wish to make in relation to land availability is that, in Alice Springs at present, there is virtually no land available. Let us look at some of the places where land is in fairly scant supply in Alice Springs. As I said, it is virtually not available. In the exclusive Larapinta subdivision, there are very few available blocks. At Sadadeen, there is perhaps one solitary block and the up-market Desert Springs Country Club estate is not yet available. In the near future, only very expensive blocks will be available.

The current system, and this is the point of this argument, has failed to provide continuity of supply. That is particularly relevant in Alice Springs. The current system has not provided, in terms of the quote from the needs report, 'real choices' for the consumer in allotment sizes, location and price range. Consumers have no real choice because, quite simply, they have been priced out of the market. I would emphasise that, even when estates at the lower end of the market are available, the purchase of a block of land represents a commitment, financial or otherwise, which is beyond the capacity of many people.

In relation to housing, the needs report noted that it is essential to open up the lower end of the housing market through the building of genuinely cheaper

housing which can assist in satisfying home ownership objectives. That statement acknowledges the problem that houses cost more than people are willing or able to pay. Certainly, it is more than would be paid elsewhere in Australia. The area of housing costs is one that needs to be constantly addressed, and I would stress the importance of this inquiry in relation to the housing industry.

Mr Speaker, I commenced by saying it remains of great concern to the opposition that Territorians are greatly disadvantaged compared to other Australians in terms of housing and I signified that, in particular, that applies to the cost of land, a particularly important factor in Alice Springs. The high cost of housing and government policies in this area no doubt contributes to the relatively low incidence of home ownership in the Territory and the relatively high incidence of caravan park dwellings. As honourable members would be aware, home ownership in the Northern Territory is 40% below the national average and caravan park dwellings are 24 times the national average.

I would like to make some comments on the failure of the Northern Territory government to proceed with a low-cost housing village in central Australia. During a similar debate in this Assembly last year, I referred to the low-cost housing display village at Karama and, having previously called for similar initiatives in central Australia, I asked the minister for updated information in relation to the possibility of a low-cost housing display village in Alice Springs. Eventually, a response was forthcoming and interested builders were invited to submit plans and specifications for dwellings which could be built subject to a price rise. I must say that I am a little disappointed by the response and more disappointed by the results themselves. Eleven tenders were received from 5 companies. The result was that all entries except one failed on the ground that they were not low cost. The successful tenderer, whom I congratulate on his successful tender, has been offered one house.

Mr Speaker, this situation is in marked contrast to the Darwin experiment where 11 dwellings were able to be built. It may well be that central Australians suffer greater cost disadvantages than Darwin residents because of the virtual absence of low-cost options. Regrettably, it is for that reason that the low-cost housing village idea was not able to be implemented in central Australia.

I would like to turn now to consider housing prices in the Northern Territory and housing prices nationally. Having expressed my disappointment in relation to the low-cost housing situation, I would like to take into consideration a comparison of prices of established dwellings, not only in the Northern Territory but in capital cities as well, to demonstrate the sort of cost disadvantages suffered in this area by Territorians. As of June 1983, the mean prices of reported sales of established homes in capital cities were as follows: Sydney - $80 000, the highest figure of all; Brisbane - $61 900; Melbourne - $52 600; Perth - $49 800; and Adelaide - $48 000.

Frankly, having recently purchased an established house in need of repair in Alice Springs, I find these figures somewhat depressing. On the basis of the prices I just quoted, the same amount of money that I spent in Alice Springs would have gone a lot further in Canberra, Brisbane, Melbourne , Perth or Adelaide. The only place where the housing dollar does not stretch as far as it does in the Territory is Sydney where housing prices are astronomical. That is the very real dilemma facing people who come to the Territory from these capital cities. The initial reaction of someone from Adelaide, Perth, Melbourne or Darwin who wants to buy a house in Alice Springs is disbelief.

I will offer some examples from Perth, Melbourne and Adelaide. While

comparative figures for the 2 main Northern Territory centres of Darwin and Alice Springs are not available from the same source, I would ask honourable members to consider these examples. Firstly, turning to Perth, in the West Australian of 17 August 1983, there were many established houses advertised in many suburbs with prices starting from $29 000. There were many established houses in the $30 000 to $40 000 range and in the $40 000 to $50 000 range. The real estate section in South Australian newspapers are full of listings with prices for established dwellings in the $30 000 to $40 000 bracket and upwards. In essence, a similar situation applies in Melbourne. In both capitals, there is a range of established dwellings available in a variety of locations at a range of prices. I do not believe that it is necessary to provide examples ad nauseam. I am certain honourable members are well aware of this situation. It is significant that elsewhere the purchaser has a choice of dwellings at the lower end of the scale. In the Territory,he has a limited choice and at much higher prices.

Having done some research into Northern Territory prices, it is my finding that there is virtually nothing on the market in Alice Springs for under $57 000. It is rare indeed for an established dwelling to be available for $50 000. In recent real estate advertisements, the vast majority of established dwellings have been for sale in the region of $65 000 to $70 000. The cost of established dwellings in Darwin would seem to start at $65 000 and proceed upwards. For $65 000, one could buy a good house in Adelaide, Melbourne, Perth or Brisbane.

In conclusion, having quoted those costs for established dwellings, and given that analysis of the prohibitive costs of land and its scant supply in central Australia, I believe that it has been well and truly established that the standard of living of Territorians is seriously threatened by the extremely high housing costs that pertain in the Northern Territory.

Mr DONDAS (Housing): Mr Speaker, I agree with the honourable spokesman for housing on the opposition benches. I could cite another example where houses are much cheaper. For example, you can buy a beautiful house with about 9 bedrooms in Tasmania overlooking the Derwent for about $35 000. But we are not living in Tasmania; we are living in the Northern Territory. Of course, the high cost of building is a major factor.

The honourable member spoke about land availability and the cost of developed land. What he should remember is that, with the advent of self-government in 1978, we inherited a deficiency of serviced land, not only in the Darwin area but in other Territory centres as well. Over the last 5 years, we have tried to catch up and provide at least a reasonable stock of rental houses. We have sought to provide a reasonable rate of land turn-off to enable people to build houses. In 1973, I bought my first block of land at Wanguri. When I wanted to buy land, I could only do so by the means offered by the government of the time. The Northern Territory administration said that I had to buy it at a government auction, and the only land made available was at Wanguri. Ten years later, in 1983, people who wish to buy a block of land and build can do so in at least 6 areas in Darwin alone - Karama, Leanyer, Malak, Palmerston, Woodleigh Gardens and Brinkin. Those choices were not available 10 years ago. From the situation of non-availability of land inherited in 1978, the government has made giant strides in the provision of land to the community.

Low-cost housing is a very important feature of the Northern Territory government's policy. When opening the new Housing Commission headquarters on 9 October 1981, the Chief Minister indicated that experiments and initiatives in cheaper housing must play an important role with the commission over the next few years. He stated that the commission would underwrite the development for

interested private developers and that, if private developers were not willing to participate, the commission would continue to build and sell cheaper homes in open competition. He also indicated that the commission would follow through the recent design competition for cheaper housing in Darwin and build prototypes to demonstrate design feasibility so that, once private developers saw the potential, they would take over the construction of low-priced homes. I am happy to say that we proceeded with that development and a low-cost housing village was developed in Karama where 11 houses were constructed. They have been sold. The last house was sold after a couple of minor modifications and design faults were rectified.

In Alice Springs, we have sought to encourage builders and private entrepreneurs to become involved with the housing market by advertising for expressions of interest from people to design and construct houses that could be sold to the Housing Commission or to the private sector. Whilst this policy has not been successful at Alice Springs for several reasons, the Housing Commission is still pursuing the development of that proposal. Discussions are taking place now and I will receive a brief regarding progress later this month.

Recently, the Housing Commission has had discussions with a number of builder-entrepreneurs in the Darwin area, and I have given approval for the Housing Commission to enter into an arrangement with one of those developers to build houses in Darwin and at Palmerston. This arrangement is to be on the basis that the government negotiates a contract price. If the contractor is unable to sell the house on the open market within 3 or 4 months, the Housing Commission will purchase it for inclusion in its rental or sales stock.

In relation to costs, I have obtained this morning a building price index for Darwin. In 1977, the Territory had an index of 129. Over the last few years, there have been increases but, in the 1982-83 financial year, building prices have stabilised in Darwin and the rest of the Northern Territory. In 1977, Melbourne had an index of 100. If you look at the figures for 1983, Melbourne had an index of 179, an increase of 79, and the Northern Territory had an index of 214. That represents an increase of some 80% in Victoria to July 1983 and an increase of only 73% in the Northern Territory. Most members of the Assembly would be aware that construction prices are at rock bottom at the moment. People in the building business are finding it hard to make ends meet because of the high interest rates over the last couple of years, although they are now decreasing. However, they had an impact and people were not building houses. As a consequence, the large building organisations have been cutting their prices in order to maintain their workforces.

I have some Australian figures which will show that, in the last couple of years, building costs in the Northern Territory have been contained within the CPI rise. In 1981-82, construction of a 3-bedroom, detached, masonry house cost $38 830. In 1982-83, the same dwelling was constructed for $43 400. The 11.8% increase there coincides almost exactly to the increase in the CPI.

I am able to tell members today that the Housing Commission has just let contracts for $41 500 each. The Housing Commission is maintaining a level of housing construction costs within the Northern Territory because that figure is the average construction cost for Darwin. It is the same with other Territory centres although, in some cases, construction costs are a little cheaper. The figure of $41 500 quoted for the 1983-84 program includes an adjustment for rise and fall.

It is very interesting to make comparisons with other parts of Australia. My source is Building Activity in Australia, December quarter 1982, No 8705. I

refer the honourable member to that source so that he may study it. I also have Building Activity Australia, March quarter 1982, No 8704, and Building Activity Northern Territory, last quarter 1983, No 8707. In 1981 in the Northern Territory, the average cost of a home was $45 572. In the September quarter, it was $45 217. In the December quarter, it was $42 708. In the March quarter, it was $47 348. We are talking about average costs. The Australian average for 1981-82 was $41 994. In the September quarter, it was $43 883. In the December quarter, it was $46 442. In the March quarter, it was $45 799. Therefore, it is down for the first quarter by 5.1%.

Certainly, examples can be given of cheaper housing in other parts of Australia. The honourable member mentioned a house being sold in Perth for $25 000. Well, I am from Perth. I have not been there for a number of years. However, I could imagine the type of dwelling that would be sold for $25 000. It would probably be a weatherboard house, constructed in 1946 or 1947. The honourable member opposite must realise that all our houses in Darwin are new houses - 6 or 7 years old. Many houses in Alice Springs are new, although there are some old houses. But when one considers the building program and the Home Loans Scheme, one realises there has been a lot of activity in the construction program.

The honourable member mentioned the shortage of land in the Alice Springs area. I understand that Sadadeen stage 2 and stage 3 turn-offs are to proceed and that the first blocks are supposed to be turned off in late September 1983. The honourable member said that there was only one block of land available that he knew of. The information that I have is that there are 'For Sale' signs on some of the land in that area. It is available. It is much the same as the Borroloola exercise where land was made available at $500 to $2000 a block. One cannot buy a block of land at Borroloola now because it is selling for $8000. The government has been asked to turn off more land there so that people can buy it cheap and hold on to it without doing anything with it. As a result, the Chief Minister just recently has changed the procedure for selling government land that has been turned off in places like Borroloola.

The Chief Minister is as concerned as anyone else in this Assembly and in the Territory about the escalation in building costs. On 23 August, he announced the building trade program. He is establishing a working party to evaluate once and for all what the Territory factor or the Darwin factor is. We know what the average cost of a 3-bedroom masonry home in the Northern Territory has been over the last couple of years. We know what it is likely to be at this stage because of the earlier contracts that have been let. The honourable member maintains that housing costs in the Northern Territory have been escalating at such a rate as to constitute a serious threat to the standard of living of its citizens. The information that I have from graphs from the Valuer-General - which the Chief Minister has circulated - is that, from September to June of this year, there has been a clear decline in the sale price. Therefore, I find it very difficult to accept the premise that costs will escalate to a stage where we will really suffer. We have to take into consideration the Northern Territory government's policy on its Home Loans Scheme.

I have been advised that the Northern Territory Housing Commission has land sufficient for its current construction program. Hopefully, we will build over 1000 units in that period. I understand that the Chief Minister has just recently allocated further land development subdivisions to people not only in the Darwin area but in other areas. But we are never going to get away from the high cost of land because, in 1973 and 1974, we were purchasing land from the Commonwealth. That land was heavily subsidised by the taxpayer. In fact, the block of land that I bought in Wanguri was only $3700. It now has an unimproved

capital value of some $20 000. That is because the cost of putting in underground services have all gone up over the last 10 years, and particularly since the cyclone. The average construction cost is being maintained.

I know that the honourable member is concerned. If there are people whose standard of living is affected by problems with repaying their mortgages or paying rent, they should avail themselves of the Commonwealth government scheme which has provided $300 000 for such people. Until 2 months ago, only half a dozen people had done so. We varied the scheme to allow more people to come in because that $300 000 had to be used in a specific area. We changed the scheme, with approval, to allow more people to take part. I do not believe that our standard of living is falling.

We must also talk about our own loan scheme. We have been varying our loan scheme to encourage more people to become home owners. In 1982, there were 490 loans approved for a total of $20.8m. In 1982-83, 966 loans were approved for a total of $41.1m. I believe that the people have been given the opportunity to become home owners in this Territory. The rebate schemes and home loans that we offer are certainly allowing them to do that more so than anywhere else that I know of. Certainly, the honourable member opposite knows the initiatives that are being taken by the government. Hopefully, in the forthcoming Territory budget, there will be other initiatives which will enable people in the Northern Territory to own their own homes.

We have had a look at the different averages throughout Australia. We have comparison figures for the Northern Territory, mostly in relation to Darwin - but I understand the position is the same in other Territory centres. I believe that the Northern Territory government, through its Housing Commission, is maintaining a reasonable level of construction costs, and hopefully that will continue.

But I have a fear now that the fuel tax contained in the federal budget and the withholding tax for contractors - and I am not saying that the withholding tax for contractors is not a good thing because there has been some mention of the blackmarket dollar not getting back to the taxpayer - will force the price of homes up in the Northern Territory. I know that the Attorney-General will make reference to it.

This could have been debated in the adjournment debate rather than as a matter of public importance. The Leader of the Opposition is not in the Assembly. However, as far as I am concerned, the Norhern Territory government is doing all it can to maintain reasonable costs to help people who wish to purchase or rent houses.

CRIMINAL CODE BILL
(Serial 332)

Bill presented and read a first time.

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

The bill before the Assembly is the flow-on from the statement I made yesterday. There is no need for me to canvass the issues again and certainly the Assembly would not wish me to do so. As I indicated, the bill before the Assembly is accompanied by the complete committee notes and also the schedule of amendments which cross-references the existing bill to the bill now before the Assembly. Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

STOCK DISEASES AMENDMENT BILL
(Serial 309)

Bill presented and read a first time.

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

In the course of the national eradication program for tuberculosis and brucellosis, it has been found that the most efficient method of establishing disease status is to grade holdings according to the level of infection and permit inter-property movement only on the basis of this grading. The grade or status of a holding in terms of its state of infection with TB or brucellosis or both is determined by following nationally-established guidelines. Currently, the status of a holding is announced to the owner by the Department of Primary Production and changed when disease information indicates a need. It is considered improper that decisions of such prime importance to the operation and the economy of holdings should be so casually based. Indeed, it might invite challenge from an owner who considers he is severely disadvantaged by a decision concerning his status.

In the interests of all parties, it is considered desirable to vest the power of issuance of disease status formally in the Chief Inspector of Stock under the act. The bill seeks to amend those provisions contained in the act dealing with the powers of the Chief Inspector for the control of diseased stock in the Northern Territory, including all stock movements. This will enable the Chief Inspector of Stock to formally declare a disease status for a holding and allow disease control and stock movements in later years to be handled in a similar manner by establishing variable status between holdings. I commend the bill to honourable members.

Debate adjourned.

CRIMINAL LAW (REGULATORY OFFENCES) BILL
(Serial 335)

Bill presented and read a first time.

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

This bill is part of the legislation consequential to the introduction of the Criminal Code Bill. Clause 3 of the code establishes the concept of offences being classified as crimes, simple offences and regulatory offences. It is necessary to classify regulatory offences specially as certain defences available under the code are not available to them.

Mr Speaker, the task of determining what are regulatory offences could be left up to the courts. However, I believe that this is properly a role for the legislature. It is a function which we should assume. A regulatory offence is a strict liability offence where the intention, or lack of it, on the part of the defendant is irrelevent in deciding whether or not it occurred. Thus, no offences requiring intent, such as theft, could be classified as regulatory. In fact, the person who made a mistake could still commit a regulatory offence.

Mr Speaker, because of this, there must be a public policy reason for making

offences regulatory such as the need to secure public health or safety in the mining industry. Also, an offence may be regulatory because a particular action, such as not lodging documents with a relevant authority within a certain period, could be detrimental to the operation of any act. In addition, where penalties exceed $2000 or 12 months in prison, offences are not classified as regulatory. I will give 2 examples of possible regulatory offences as categorised by this bill: firstly, section 98 of the Food and Drugs Act requires food served to one person not to be reserved and, under regulation 32 of the Mines Safety Control Regulations, rescue equipment must be kept at a mine. I would foreshadow that amendments identifying regulatory offences in other legislation will be introduced.

Mr Speaker, as an aside I would draw honourable members' attention to this very wide range of regulatory offences put before them. Some of them are very antiquated. No new regulatory offences are introduced by this bill but many of them, of course, go back many years as offences under existing legislation.

In conjunction with all departments which have a role in the wide range of regulatory offences, and acts under which these regulatory offences are made, I shall review each of them as to their relevance. This exercise will take some considerable time, probably years. Within our present regulatory offences fall such things as the distance between a pigeon coop and the wall of a house. In 1983, one tends to wonder as to relevance of such provisions. There are also provisions in relation to the type of water and hygiene to be maintained in a barber shop when a shave is effected with a cut-throat razor. I do not think that practice is followed much these days.

Therefore, I ask honourable members not to regard some of these offences as a source of humour. They are laws that have been in existence in the Northern Territory since the turn of the century or before and they will be addressed in due course.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 10 bills relating to the establishment of a code of criminal law being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages, and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

BAIL (CRIMINAL CODE) AMENDMENT BILL
(Serial 334)

ELECTORAL (CRIMINAL CODE) AMENDMENT BILL
(Serial 336)

EVIDENCE (CRIMINAL CODE) AMENDMENT BILL
(Serial 337)

INTERPRETATION (CRIMINAL CODE) AMENDMENT BILL
(Serial 338)

JURIES (CRIMINAL CODE) AMENDMENT BILL
(Serial 339)

PRISONS (CORRECTIONAL SERVICES) (CRIMINAL CODE) AMENDMENT BILL
(Serial 340)

SUMMARY OFFENCES (CRIMINAL CODE) AMENDMENT BILL
(Serial 341)

SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) BILL
(Serial 343)

JUSTICES (CRIMINAL CODE) AMENDMENT BILL
(Serial 344)

POISONS AND DANGEROUS DRUGS (CRIMINAL CODE) AMENDMENT BILL
(Serial 346)

Bills presented and read a first time.

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

Members will no doubt recall that I have, on a number of occasions, informed them of the need for consequential amendments to give effect to the proposed passage of the Criminal Code Bill. I propose now to deal with those consequential amendments.

The first consequential amendment is the Bail (Criminal Code) Amendment Bill. I indicated in the ministerial statement made earlier in this sittings that it is proposed to delete the bail provisions from the Criminal Code as matters are adequately covered in the recently-commenced Bail Act. A few minor amendments are, however, required to sections 6 and 15 of the Bail Act to ensure proper cross-referencing to the code in those sections.

Mr Speaker, I shall next deal with the Electoral (Criminal Code) Amendment Bill. Members will note that part IV of division 3 of the proposed Criminal Code deals with corrupt and improper practices at elections. That division sets out a number of serious electoral offences. The provisions of the Electoral Act repealed by clauses 4, 5 and 6 of this bill are adequately covered by part IV of division 3 of the proposed Criminal Code. Section 117 of the Electoral Act relating to defamation of candidates is repealed by clause 6. This provision is adequately covered by part VI division 7 of the proposed Criminal Code dealing with criminal defamation.

It has been the intention of this government that there should be no distinction between married and unmarried persons with regard to competence and compellability in giving evidence. Accordingly, clause 4 of the Evidence (Criminal Code) Amendment Bill amends section 9 of the Evidence Act which deals with competency and compellability to give evidence. By this amendment, spouses will be both competent and compellable to give evidence in all criminal cases.

Clause 5 of the bill relates to the section 11 of the Evidence Act dealing with the right of reply. Schedule 4 of the Criminal Code sets out circumstances in which speeches may be made and their order. Clause 6 repeals section 26 of the Evidence Act relating to admissions by accused persons. That provision is

covered by section 379 of the new Criminal Code. The second schedule of the Evidence Act is repealed by clause 7 of this bill as it is no longer necessary, given that spouses will be competent and compellable to give evidence.

I shall next deal with the Interpretation (Criminal Code) Amendment Bill. Clause 4 of the bill allows for definition of 'Criminal Code' and 'regulatory offences' to be included in the Interpretation Act. The definition 'Criminal Code' allows for easy reference to the code. The definition of 'regulatory offences' takes into account the fact that the code creates this new type of offence. Clause 5 of the bill introduces a new part dealing with penalties. These provisions were previously contained in the Criminal Law and Procedure Act which is to be repealed by the Criminal Code Bill.

The Juries (Criminal Code) Amendment Bill proposes amendments to the Juries Act. The Criminal Code deals in part with juries; that is, the parts most relevent at trials. Given that, sections 45, 48 and 57, dealing with time for challenge in criminal cases, disagreement in criminal cases and corruptly influencing a juror, respectively, are repealed. These matters are dealt with in sections 355, 368 and 95 of the Criminal Code. Section 61 of the Juries Act, pertaining to views is also amended by clause 5 of the bill as it is dealt with in section 367 of the Criminal Code. Section 62 of the Juries Act, relating to the reduction of jury, is amended so that it now relates only to civil trials. The provisions relating to the discharge of the jury by the court contained in section 371 of the proposed Criminal Code covers criminal trials. Section 64 of the Juries Act relating to the separation of jurors in criminal cases is repealed as it is covered by section 365 of the proposed Criminal Code. The sixth schedule to the Juries Act is amended as a consequence of the amendment to section 61 of the Juries Act.

The Prisons (Correctional Services) Act is amended by the Prisons (Correctional Services) (Criminal Code) Amendment Bill. Clause 4 of that bill repeals section 12 of the Prisons (Correctional Services) Act. This provision is covered by section 405(4) of the proposed Criminal Code. Clause 5 amends section 94 of the Juries Act. This amendment takes into account the fact that sections 111, 112 and 113 of the proposed Criminal Code deal with escape by prisoners and aiding and permitting escapes.

The next bill I wish to deal with is the Summary Offences (Criminal Code) Amendment Bill. Included in this act are a number of provisions which appeared in earlier drafts of the Criminal Code. These relate to less serious offences which are not considered to warrant inclusion in the code which basically is a code of serious offences. Clause 4 allows for the introduction of a number of new provisions to the Summary Offences Act. Proposed section 46 makes it an offence to disturb the Legislative Assembly while the Assembly is not sitting. The code covers disturbances during the sittings and, further, at the office or residence of the Administrator. Proposed section 46A creates an offence where a person, in a manner likely to cause a breach of the peace, enters land which is in actual, peaceable possession of another person whether or not he is entitled to enter such land. Conversely, proposed section 46B creates an offence where a person, who is in actual possession of land without being entitled by law to the possession, holds possession in a manner which is likely to cause a breach of the peace against a person entitled by law to the land. Proposed section 46C makes it an offence to disturb persons assembled for religious worship or to assault a person officiating at such an assembly.

Clause 5 of the Summary Offences (Criminal Code) Amendment Bill introduces further new provisions to the Summary Offences Act. Proposed new section 47AA makes it an offence, known as affray, for a person to take part in a fight in a

public place of such a nature as to alarm other persons present. Proposed section 47AB creates an offence where a person, with intent to intimidate another person, threatens to damage a house or, with intent to alarm a person in a house, discharges a firearm or causes a breach of the peace. Clause 6 amends section 49A of the Summary Offences Act which relates to illegal interference with vehicles.

Members may recall that the Criminal Code has a provision relating to the unlawful use of a vehicle - that is section 218. This amendment to the Summary Offences Act takes account of the fact that the code covers the use of vehicles. Sections 63 and 64 of the Summary Offences Act are repealed by clause 7 of this bill. These provisions are now covered by part VII and divisions 1 and 6 of the Criminal Code. Clause 8 creates a further new provision. It relates to situations where a person publicly offers a reward for the return of stolen property and that offer purports that no questions will be asked or that the person producing the property will not be prosecuted.

Mr Speaker, clause 9 effects a technical amendment, the word 'misdemeanour' being no longer applicable given the proposed code. Clause 10 introduces a new provision to the Summary Offences Act. Basically, the proposed new section 69A provides that, where a person does an act that he is forbidden to do, or omits to do an act he is required by law in the Territory to do, and there is no other penalty expressly provided, the penalty shall be 12 months imprisonment. Proposed section 69B is taken from the Criminal Law and Procedure Act which is to be repealed by the Criminal Code Bill. A person who incites the commission of an offence is guilty of an offence. Clause 11 repeals section 70 of the Summary Offences Act relating to compounding information. The offence is covered by clause 103 of the proposed code. Clause 12 again introduces a new provision. It relates to trespassing on prohibited land in the Territory. The provision is currently enacted in the Criminal Law and Procedure Act which will be repealed on enactment of the Criminal Code Bill.

Mr Speaker, perhaps the most important of the consequential amendments to the code is the Sexual Offences (Evidence and Procedure) Bill. I am sure that the honourable member for Nightcliff will be delighted. The former Attorney-General and I have indicated on a number of occasions the intention of this government to afford evidentiary protection to victims of sexual assault. Members may note that the proposed bill follows closely the provisions relating to these matters that were contained in a much earlier draft of the Criminal Code, serial 167, which was debated in this Assembly.

Clause 3 of the Sexual Offences (Evidence and Procedure) Bill sets out the definitions relevant to the proposed bill. Given the definition of 'sexual offence', the benefit of this bill is extended to offences of indecent assault and sexual assault and is dealt with under proposed sections 189R and 192 of the proposed Criminal Code.

Clause 4 sets out the rules of evidence in relation to sexual offences. Evidence relating to the complainant's general reputation as to chastity or sexual activity with a person other than the defendant shall not be elicited or led without leave of the court. That leave shall not be granted unless the court is satisfied that the evidence sought ought to be elicited or led because it has substantial relevance to the facts at issue. The fact that the complainant was accustomed to having sexual activities with persons other than the defendant shall not be regarded as having substantial relevance to the facts in issue by reason only that it may raise an inference as to general disposition nor shall it be regarded as being a proper matter for cross-examination as to credit.

Clause 5 of the Sexual Offences (Evidence and Procedure) Bill provides that, when a complainant is giving evidence, the persons entitled to be present shall be restricted to those listed in clause 5. Obviously, this provision is designed to cause the least embarrassment possible to the complainant. As a further measure, clause 6 prevents the publication of the complainant's name, address, school or place of employment, as that may be likely to lead to identification of the complainant, unless the court otherwise directs. Similarly, the defendant's name, address, school or place of employment shall not be published unless the court makes an order to the contrary. Where a court authorises publication, it may impose conditions as to the particulars that may be revealed.

Clause 9 exempts certain reports from the operation of clauses 6 and 7 which prevent publication. These relate to reports made to the committal trial, recognised law reports or reports made to the Department of Law, police or the Department of Community Development. Reports that reveal a particular of a defendant who, as a result of committal proceedings, is committed for trial, may be made after the committal order is made and provided that the report does not reveal particulars of a defendant who is not committed.

Mr Speaker, the protections afforded by this bill do not derogate from any other law directed towards the protection from identification of a witness or other person. Clause 10 so provides. Clause 11 sets out the offences relating to publication of reports. Clause 12 exempts certain authorised reports from the operation of the offences provisions. Clause 13 provides that, where a body corporate commits an offence against this bill, a person who was at the time the director or member of the governing body of the body corporate, or officer concerned in management of the business, shall be deemed to have committed the offence.

Mr Speaker, it is anticipated that this bill will allow for some reduction in the considerable embarrassment caused to victims of sexual assault in relation to the giving of evidence and will afford them some protection from scurrilous attack. I might also say that it will also, of course, have the effect that people who are the subjects of sexual assault will be more willing to come forward and thus assist to bring to justice people who might otherwise not be brought to justice. This bill is one of the more important consequences of the Criminal Code and certainly is most warranted in my view.

Mr Speaker, the next consequential bill is the Justices (Criminal Code) Amendment Bill. Sections 120 and 121 of the Juries Act are repealed by clause 4 of this bill. A new section 120 is proposed. This new provision sets out those minor offences for which the Magistrates Court has inherent jurisdiction; that is, matters shall be heard before a magistrate or a JP and there will be no right of trial by jury. Basically, the provision restates the current provision but takes into account the fact that the offences are now dealt with in the code.

Clause 5, which amends section 103A of the Justices Act, deletes reference to the Criminal Law and Consolidation Act and makes reference to the provisions of the code. The Criminal Law and Consolidation Act is repealed by the Criminal Code. Similarly, the amendment to section 130B, effected by clause 6 of this bill, takes into account the repeal of the Criminal Law and Consolidation Act. Clause 7 repeals sections 131A to 131E of the Justices Act and allows for the introduction of proposed new section 131A. As indicated in my ministerial statement earlier in the sittings, this provision is directed to give the Magistrates Court jurisdiction to hear offences of bodily harm and aggravated assault except that, if a magistrate considers the offence to be of a serious nature warranting more than 2 years' imprisonment, the matter is to be dealt with on indictment.

Mr Speaker, the final bill is the Poisons and Dangerous Drugs (Criminal Code) Amendment Bill which amends the Poisons and Dangerous Drugs Act. The evidentiary benefits provided by sections 84 and 85 of the Poisons and Dangerous Drugs Act, relating to certificates of analysis as to drugs, have been extended to the drug provisions in the Criminal Code. No other amendments to the Poisons and Dangerous Drugs Act are proposed at this stage. As indicated in my ministerial statement to the code yesterday, it was proposed that both the Poisons and Dangerous Act and the Criminal Code will run together.

Mr Speaker, I commend the bills to honourable members.

Debate adjourned.

SURVEYORS BILL
(Serial 323)

Continued from Wednesday 24 August 1983.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, the member for Millner stated that the major weakness in the bill was that registration was restricted to land surveyors only. He contended that at least 2 states, South Australia and Queensland, provide registration for other surveyors such as geodetic and hydrographic surveyors. However, in those states, registration is not compulsory but use of the name 'surveyor' is restricted to those who are registered.

As it has been explained to me, the position for the Northern Territory is that that type of surveyor has not been included in this bill because of the comparatively small numbers of such persons who would practise in the Northern Territory, the difficulties in policing the registration and the desire to keep government controls to a minimum. An additional reason that occurs to me is that, whilst land surveyors obviously are not uncommonly used by ordinary persons, geodetic and hydrographic surveyors would be used by corporations. These corporations would well be able to ensure that the sort of surveyor that they needed was in fact duly qualified to carry out those tasks. I do not see it as a major problem at this stage. That is something for the future as far as the Northern Territory is concerned.

The major reason for registering land surveyors is that the government guarantees titles of land and therefore must have some control over the people who are engaged in defining that land. The member for Alice Springs feared that the board could control the numbers. To attain reciprocity with other states, the Northern Territory Surveyors Board must adopt the same standards as those states. That will be the only limitation on registration. It is a matter of standards rather than numbers.

The member for Port Darwin queried the penalties for accidental destruction of survey marks. The penalties can only be applied when such destruction is wilful and deliberate. The replacing of a peg with a fence post can be considered as the replacement of one form of mark by another.

The member for MacDonnell mentioned the ability of surveyors engaged in seismic surveys to go on Aboriginal land after giving notice. This bill, of course, deals only with surveys of land and, as such, would not cover surveyors engaged in any other form of surveying. Seismic surveying is a geological type of survey and that is provided for under the Mining Act. Obviously, people who have exploration licences wanting to carry out work would send their teams of seismic surveyors to areas held by them under exploration licences pursuant to the Mining

Act. No doubt that would be all covered by the provisions of that act and the terms of their exploration licence.

Mr Deputy Speaker, I hope that information is satisfactory to honourable members who had cause for concern with aspects of this legislation.

Motion agreed to; bill read a second time.

In committee:

Long title:

Mr EVERINGHAM: I move amendment 161.1.

The inclusion of the word 'boundary' is important as the purpose of the legislation is to limit control only over cadastral surveying. Other types of survey, such as hydrographic, geodetic or general engineering are not intended to be covered by the legislation. It is important that the distinction be made.

Ms LAWRIE: Mr Deputy Chairman, I appreciate the reason for this amendment. During his reply in the second-reading debate, the Chief Minister said that, hopefully, most people would not need the services of a licensed surveyor. I would remind him that, after the cyclone, when people wished to take advantage of the Cyclone Tracy loan to rebuild, part of the conditions of that loan were having their boundaries resurveyed and submitting that plan to the appropriate authority before they could get the loan. Given the possibility of a similar catastrophe, it must be brought home to members that, in cyclone and natural disaster prone areas, surveyors are not an esoteric group removed from the community but in fact are a very vital part of that community.

Mr EVERINGHAM: I hope that I did not indicate to the member for Nightcliff that I did not regard surveyors as a very necessary group in the community. Obviously, they are. Indeed, for many years it was the practice in Northern Territory conveyancing circles, amongst which I moved, to have an identification survey, which is what the member for Nightcliff was referring to, carried out in respect of every property that was transferred. When the fee for that service was only $9, that was a very admirable process for the protection of one's client's interest. However, fees increased and the practice has died out to some extent, except in the commercial area probably and perhaps the pastoral and agricultural area. I do not think that the member for Nightcliff is arguing over the amendment. She is admonishing me that surveyors are a most necessary element of the community. I do not think that any reasonable construction of anything I have said could indicate otherwise.

Amendment agreed to.

Long title, as amended, agreed to.

Clause 1:

Mr EVERINGHAM: I move amendment 161.2.

Mr Deputy Chairman, the current act in force in the Northern Territory is the Licensed Surveyors Act. There are many references to this title in Territory legislation and it is therefore felt that it would be best to retain the full title rather than search for and amend all the references. The word 'licensed' is also considered important because the act is concerned with the licensing of surveyors. That is defined in clause 4.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2 and 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 161.3.

This amendment is in line with an amendment to proposed section 12(2). It is believed that the entire board should be involved in choosing a deputy chairman and it is more correct to use the term 'appointed'.

Amendment agreed to.

Mr EVERINGHAM: Mr Deputy Chairman, I seek leave of the committee to deal with the other amendments to clause 4 one after the other. I do not think they are contentious.

Leave granted.

Mr EVERINGHAM: I move amendment 161.4.

This amendment is prompted by a reciprocating surveyors board of another state. The old articled pupils system of cadet surveyors is finished and those who seek registration are graduates of universities or technical colleges. This has caused us to propose an amendment to clause 64(c) also.

I move amendment 161.5.

I refer honourable members to the definition which includes surveys of 'Crown land'. 'Crown land' includes the bed of the sea to territorial limits as well as other inundated land. It is considered that 'land' should be defined.

I move amendment 161.6.

The inclusion of boundaries was explained by me earlier in support of amendment 161.1.

I move amendment 161.7.

The Crown is quite distinct from other proprietors, lessees or mortgagees so the word 'or' should be inserted to record the distinction. These surveys may be required for identification and assurances that improvements are erected on the correct piece of land.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 161.8.

The Surveyor-General is required to do certain things under other acts,

such as part IV of the Control of Roads Act, and this is being inserted to cover that omission.

Mr SMITH: Mr Deputy Chairman, I support in principle the intention of this clause but I have problems with the powers that it gives the Surveyor-General under the Electoral Act in terms of the Distribution Committee. I believe it is most unfortunate, considering that the Distribution Committee at present is seen to be a most impartial and correct committee, that the Surveyor-General will be able to delegate his role on that committee if he wishes. I think that would diminish the respect with which the Distribution Committee is held at present and I would ask that an amendment be considered on that basis.

The second point on which I would seek an opinion is whether a similar amendment should be made to clause 6(2).

Mr EVERINGHAM: In answer to the second question, I do not think so. In view of the fact that I agree entirely in relation to the Surveyor-General's functions under the Electoral Act, I suggest that further consideration of clause 6 be postponed.

Further consideration of clause 6 postponed.

Clauses 7 to 10 agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 161.9.

Mr Deputy Chairman, we acknowledge an error. The period in subclause (1) should be the same as stated in subclause (2).

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 161.10.

It is proper that the entire board appoint a member to be deputy chairman, not just the members.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 161.11.

It is possible that the position of Acting Surveyor-General may be filled by a member of the board. The amendment is inserted to allow for this possibility which was originally overlooked. Amendment 161.13 is to correct a drafting error. Only a licensed surveyor may be a member.

Amendments agreed to.

Clause 15, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18:

Mr EVERINGHAM: I move amendment 161.14.

This again was a drafting omission. It is intended that the board delegate powers to the chairman as well as a member.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mr EVERINGHAM: I move amendment 161.15.

This again was a drafting error. The chairman was omitted and 'a person' is to be omitted because it is undefined.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20:

Mr EVERINGHAM: I move amendment 161.16.

This is a drafting error. Reference to section 26 was omitted inadvertently. This section includes the setting of examination fees which may be approved by the board.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clauses 21 to 23 agreed to.

Clause 24:

Mr EVERINGHAM: I move amendment 161.17.

Two omissions have been corrected here. Firstly, reference to a prescribed application fee has been included and reference to clause 39 has been included. This clause anticipates the registration of bodies corporate or companies which practise as surveyors. These, of course, will be provided for in the regulations. It is already the situation with legal firms and I think it is already the situation with medical practices. At least, it is being contemplated.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 161.18.

The reference to the payment of a fee for a certificate of registration has been omitted so as to remove any sense of a surveyor owning a certificate. This would solve some problems should the board ever have to call for the certificate

to be surrendered.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25:

Mr EVERINGHAM: I move amendment 161.19.

'Certificate of competency' is inappropriate. It is believed that 'letter of accreditation' is more correct and gives the standing of an applicant with his own board.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clauses 26 and 27 agreed to.

Clause 28:

Mr EVERINGHAM: I move amendment 161.20.

This apparently is in response to a request of the Institution of Surveyors which felt that the exact period of registration needed to be spelt out.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 161.21 and 161.22.

The explanation for amendment 161.21 is that it is felt that 12 months is perhaps too long a period for a fee to be outstanding. The removal of a name for non-payment of a fee should be at the discretion of the board. The explanation for amendment 161.22 is that they were 2 drafting errors. Firstly, the fee should be prescribed not approved and, secondly, no reference was made to the payment of outstanding fees.

Amendments agreed to.

Clause 28, as amended, agreed to.

Clause 29 agreed to.

Clause 30:

Mr EVERINGHAM: I move amendment 161.23.

This again is a drafting omission. It was intended that the 'Deputy Chairman' be included.

Ms LAWRIE: I am not going to oppose this amendment but I am curious as to why legislation is drafted where a deputy chairman who is presiding in the absence of the chairman has to be included in this manner. Surely he becomes the chairman. That would have simplified the drafting. I am proposing a philosophy for future legislation.

Mr EVERINGHAM: Mr Deputy Chairman, the honourable member for Nightcliff is

right. Perhaps it could have all been provided for by way of definition. Apparently that is not so. I do not think that the world is going to be turned upside down if we do it this way.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clauses 31 and 32 agreed to.

Clause 33:

Mr EVERINGHAM: I move amendments 161.24 to 161.26.

The institute feels there may be some crimes, as it were, of a surveying type warranting 12 months or more imprisonment which would not be harmful to the character of a surveyor working in his profession. The type and nature of an offence and its penalty should be left to the judgment of the board.

The word 'licence' needs to be inserted for the previously-advised reasons.

Paragraph (e) has been recast to include an amendment suggested by a practising licensed surveyor. It had originally omitted reference to deregistration for non-payment of fees. This should not be considered by a reciprocating board as a crime warranting the removal of a name from a register.

Ms LAWRIE: Mr Deputy Chairman, I would query the briefing notes of the Chief Minister. They render me speechless. I think that the amendment is fair enough but, if his briefing notes really show the intent of the amendment, perhaps we could have a closer look at it. He said: 'a surveying offence'. Looking at the original paragraph 33(1)(b), I find it surprising that he is proposing this amendment, given the type of offence. What I thought was intended was to remove this provision and insert one which said that an offence, perhaps for drunken driving, should not prohibit a person from being licensed as a surveyor. I would agree with that. But, the words used in addressing the committee were 'a survey offence', punishable by 12 months. That is not what was meant.

Mr EVERINGHAM: I put in the word 'surveying'. You are quite right.

Amendments agreed to.

Mr SMITH: Mr Deputy Chairman, I move amendment 162.1.

The purpose is to take away from the board any power to suspend or cancel a person's registration on what we see as basically moral or medical grounds. I refer to paragraph 33(1)(f) and subparagraph 33(1)(g)(i) which say that suspension or deregistration can result if a person is of unsound mind or, in the opinion of the board, is guilty of habitual drunkenness or addiction to a narcotic drug.

We believe that the key element in the cancellation or suspension of registration should be a person's competence as a licensed surveyor. I would accept that, if a person is genuinely of unsound mind or is a habitual drunk or addicted to a narcotic, it is most unlikely that he would be able to perform his duties competently. In that case he or she would be picked up under other parts of clause 33. What concerns us is that the board, which will not have expert medical people on it, will become involved in those sorts of judgments. The test

should be the competency of the person, not whether he or she is of unsound mind or a habitual drunk etc. I know licensed surveying is not an extremely creative area but many architects could be said to be very close to being of unsound mind. It helps in their profession. I think it would be much safer and much better for the profession if those subclauses were taken out and the test was a person's competence.

Mr EVERINGHAM: Mr Deputy Chairman, apparently the honourable member for Millner has categorised all architects as being of unsound mind. He founds his suggestion for these amendments on a proposition that surveyors of unsound mind and surveyors who, in the opinion of the board, are guilty of habitual drunkenness or addiction to a narcotic drug are caught up elsewhere in clause 33. On a scan of that, it is difficult for me to see where they are caught up. Could I suggest that this professional board will not act lightly. Obviously, it will act on medical evidence or findings of other tribunals in areas such as this. If it does not have this power, then how are we to exclude from a profession, the very essence of which is precision, these people who may be quite mad or persons having an unfortunate disease of a drug or alcohol nature? Subject to checks, of course, they are guaranteeing the land titles of people.

Ms LAWRIE: Mr Deputy Chairman, I would draw the Chief Minister's attention to paragraphs (j) and (k) which state: 'who wilfully or by culpable negligence or through incompetence makes, or causes to be made under his supervision, a survey that is so inaccurate or defective as to be unreliable; or who contravenes, or fails to comply with, a direction given by the board'. Paragraph (f) 'who becomes of unsound mind', will be brought into effect when a person has been shown medically to be of unsound mind but subparagraph (g) does not make that same distinction. Subparagraph (g), which the member for Millner seeks to have deleted, simply says: 'who in the opinion of the board is guilty of habitual drunkenness or addiction to a narcotic drug'. I would ask the Chief Minister to accept perhaps part of the proposed amendment: the deletion of subparagraph (g)(i) because incompetence is covered under paragraph (j). I fear giving a group of lay people in other than their chosen profession the right to decide per se on ability simply through habitual drunkenness. I suppose that members will burst into laughter but we all know people who engage in professions who are habitual drunks in the eyes of the law but who still manage to perform their duties adequately within those parameters. Habitual drunkenness can be ascribed to persons who get drunk from 5 o'clock onwards every night and are called to the court at 10 o'clock the next morning but, having sobered up, from 11 till 5 they may be quite able to conduct their business. That is the fear I have with subparagraph (g)(i). The habitual drunkenness may not necessarily affect their professional competence which is covered under paragraph (j). How can the Chief Minister give to a group of people, who are licensed in a particular profession, the right to make a decision on who and who is not an habitual drinker?

Mr EVERINGHAM: Mr Deputy Chairman, the member for Millner has written off all architects as maniacs and the honourable member for Nightcliff has now said that all lawyers are drunks. The member for Nightcliff indicated that many people who start drinking at 5 o'clock at night perform quite satisfactorily when they attend at the courthouse at 10 o'clock in the morning and go until 5 in the afternoon. I must say that I am deeply offended by this slur on my professional character.

Turning to these proposals for a moment, I think that the honourable member for Nightcliff has conceded, even if the honourable member for Millner has not, that paragraph (f) must remain. I regret to say that I think that, if the honourable member for Nightcliff looks at other Territory legislation, she would find that subparagraph (g)(i) is not so uncommon in relation to registration of

professional people.

In any event, in my view and certainly the view of the people who have assisted me in the drafting of this legislation, the practice of surveying is such that it cannot be left to people whose habits may have become affected. Perhaps advocacy or eloquence is assisted by the indulgence of intoxicating liquor but, obviously, the application of one's eye to a theodolite and the use of log tables would not be so assisted. I am afraid I will have to persist with the proposals as they are.

Ms LAWRIE: Mr Deputy Chairman, I can reply to that. The Chief Minister is both whimsical and mischievous. He is well aware that I was not referring to members of the legal profession when I spoke of those attending court at 10 am. Of course, I was referring to those defendants pulled in by guardians of the law for public drunkenness and who probably will be found in every strata of society. The Chief Minister said that it is not uncommon in other law in the Territory for a registration board to deregister persons who, in its opinion, are habitual drunks. I would ask the Chief Minister to tell us where that occurs because I am not aware of it occurring in other places. As he has suggested, 'of unsound mind' is presumably a medical judgment and I will agree with that being left in. But, habitual drunkenness can be defined in the courts as behaviour quite outside one's professional sphere and it should not be allowed to intrude.

Mr SMITH: I would like to congratulate the honourable Chief Minister for supporting our case publicly even though he probably will not admit to it. I think the Chief Minister made the point that, in most cases and probably all cases, the board is not going to be aware of a person being of unsound mind or aware that a person is a habitual drunk or addicted to a narcotic drug until some question of his professional competence arises. If that is accepted, the question of professional competence is contained in paragraph (j). Our point is that it should be a matter of professional competence and, if a person is perfectly competent in the situations described in paragraph (f) and subparagraph (g)(i), it has nothing to do with the board.

Mr EVERINGHAM: The honourable member for Millner wishes to clean up the milk after it is spilt. I would say that, in the case of the Surveyors Act, it is not desirable.

I am sorry that I cannot refer the honourable member for Nightcliff immediately to similar clauses in other pieces of Territory legislation. Nonetheless, in the particular circumstances of this legislation, this clause is necessary. I do not think it is expecting too much of someone who practises as a licensed surveyor that he lose his certificate were his professional body to judge him. I would not imagine that he would be so judged lightly. In fact, I understand that there have only been 2 cases in the entire history of the Northern Territory where surveyors have been brought forward for disciplinary matters. This may well reflect the very high standard of probity which exists in the surveying profession. These are standards that the surveyors wish to impose on themselves. If they engage in that profession, and they want to maintain the highest of standards, then we should not stand in their way. I have to say that I oppose the proposed amendment.

Amendment negatived.

Mr EVERINGHAM: I move amendment 161.27.

Again, this is a drafting omission. The word 'licensing' is to be inserted once again.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 161.28.

Again, this is a drafting omission. Section 47 should be referred to as it is the section which empowers the board to issue directions.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clause 34:

Mr EVERINGHAM: I move amendment 161.29.

Again, this is a drafting error. The reference is obviously to 33(1)(a).

Amendment agreed to.

Mr EVERINGHAM: I move amendment 161.30.

The appointment of a legal practitioner to assist the board has now been incorporated into proposed clause 51A. The board will require assistance on 2 counts, to assist on inquiries held by the board and to assist in any matters before the Licensed Surveyors Appeal Tribunal.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clauses 35 to 39 agreed to.

Clause 40:

Mr EVERINGHAM: I move amendments 161.31 and 161.32.

The explanation for the first amendment is that the institution requested that it be given the opportunity to nominate a member of the tribunal. The explanation for the second is that, by allowing the institution to nominate a member of the tribunal, it creates the need to insert conditions similar to those applying to the institution.

Mr SMITH: I support both these proposed amendments. I am concerned with the wording of amendment 161.32. The wording of that is very clumsy. I would have thought it much better to completely restate in that clause the conditions under which the agreement to allow the institution representation on the board was spelt out. I would just like to voice my objection to the wording and state once again that it is a very clumsy way of going about it.

Mr EVERINGHAM: I note the honourable member for Millner's repugnance to the drafting.

Amendments agreed to.

Clause 40, as amended, agreed to.

Clauses 41 and 42 agreed to.

Clause 43:

Mr SMITH: I move amendment 162.4.

The clause as it currently reads prevents a person who has been deregistered from appealing to the board. If the decision has been taken by the proper authority and the person has been given the right to present his case, we agree that judgment should be final for at least 2 years. However, we are concerned that, after a period of 2 years, the person should have what in effect would be the right to appeal to the appeals board. We would seek to insert that the right of appeal be available to a person in that situation after 2 years of suspension.

Mr EVERINGHAM: Mr Deputy Chairman, perhaps the member for Millner can explain it to me again. I thought that the clause said that, where the board refuses an application for the registration of a person, other than application under section 38, the person or licensed surveyor may, within 21 days after the notice of the decision has been served on him, appeal to the tribunal against the decision of the board. I am not quite sure what his aim is by moving this amendment.

Mr SMITH: Mr Deputy Chairman, as I read it, the tribunal cannot consider a decision taken by the board under clause 38. Clause 38 says that a person whose name has been removed from the register in pursuance of clause 33 may again apply for registration as a licensed surveyor. What we are saying is that, in the situation where, after 2 years of suspension, a person makes application under clause 38 to the board and the board rejects that application for reregistration, there should be the right of appeal to the tribunal. That right of appeal does not exist because of the wording of clause 43 at present.

Ms LAWRIE: Mr Deputy Chairman, this legislation is full of references and cross-references to other clauses. When we have passed these myriad amendments, perhaps the Chief Minister will send it back to his draftsmen and ask them to redo the whole thing. I have never seen a piece of legislation so full of cross-references. It really is a most difficult piece of legislation to read and, after all, surveyors are surveyors, not lawyers. This seems to be written by lawyers for lawyers.

The reason for the confusion over the proposed amendment is the series of cross-references to which I have just referred. Under clause 43, we are talking about the rights of appeal with a reference back to an application other than an application under clause 38. Clause 38 refers to a person removed from the register in pursuance of clause 33. And so it goes on. The member for Millner expressed it quite succinctly. A person who has been removed under that clause 33, for reason of habitual drunkenness or addiction to a narcotic drug, does not have the right of appeal against the refusal of the board to reregister him, notwithstanding the fact that he may have rehabilitated himself but has been unable to convince his peers at the time. I think that, if it is to be given to one group of people, the right of appeal should be given to all.

Mr EVERINGHAM: Mr Deputy Chairman, could I say that this legislation has been written by lawyers for surveyors. I assure honourable members of that because it has taken 2 separate pieces of legislation over a couple of years to satisfy the surveyors that this is what they want. They have rejected 2 previous pieces of legislation and this is the product, the distillation,of some years of work.

The eloquent plea of the members for Nightcliff and Millner has moved me. I suggest that an even more reasonable and liberal amendment would be to delete

the words 'other than an application under section 38'.

Mr SMITH: Mr Deputy Speaker, I seek leave to withdraw my amendment.

Leave granted.

Mr EVERINGHAM: Mr Deputy Chairman, I move that the words 'other than an application under section 38' be deleted from clause 43(1)(a).

Amendment agreed to.

Clause 43, as amended, agreed to.

Clause 44 agreed to.

Clause 45:

Mr EVERINGHAM: I move amendment 161.33.

This again is a drafting omission. Clause 43(8) creates the power where the tribunal may vary a decision of the board and this amendment gives the tribunal power to direct the board to carry out the decisions or orders of the tribunal.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clause 46 agreed to.

Heading to part VI:

Mr EVERINGHAM: I move amendment 161.34.

This again is a drafting error. As explained earlier, it is important that the act is seen to restrict its control of the surveys of land boundaries.

Amendment agreed to.

Heading to part VI, as amended, agreed to.

Clause 47:

Mr EVERINGHAM: I move amendment 161.35.

This is a drafting error.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clause 48:

Mr EVERINGHAM: I move amendment 161.36.

Amendment agreed to.

Clause 48, as amended, agreed to.

Clause 49:

Mr EVERINGHAM: I move amendments 163.1 and 163.2.

The new amendment differs from the circulated amendment only by the inclusion of the words 'in the prescribed manner' in the second line. A new subclause (1A) has also been included. There may be different requirements for plans of boundary surveys relating to the different types of land tenure, such as Crown land, Crown grants or freehold subdivision. The institute was concerned that the earlier wording could mean that a licensed surveyor had to personally submit the plans. Whilst examining this problem, it was decided to put a more precise meaning to what type of plan should be submitted and include field notes currently required under the regulations. Plans of survey required under the Real Property (Unit Titles) Act are submitted direct to the Registrar-General.

Ms LAWRIE: I think it is a great improvement on the original clause. However, 163.1 says: 'A licensed surveyor shall cause to be submitted to the Surveyor-General in the prescribed manner'. That is all perfectly straightforward, unlike the rest of the bill. Then we have 'a plan submitted under subsection (1) to the Surveyor-General shall be in the prescribed form'. Why the difference in words? I presume he is not referring to a form but a prescribed form - in other words, a prescribed manner. Why was not the same terminology used in the 2 subclauses? Am I quite wrong? Do they mean different things?

Mr EVERINGHAM: In answer to the member for Nightcliff, I am not a draftsman. I am just a bush lawyer. If it had been me, with great respect to the draftsman, I would have said: 'A licensed surveyor shall cause to be submitted to the Surveyor-General in the prescribed form and manner'. But then that might give a lot of other lawyers a lot of work working out what it means before judges, and at quite substantial fees.

Ms Lawrie: It might not. We do not know.

Mr EVERINGHAM: It might not but it is not going to do any harm this way and it may do some good. The prescribed form of plan is a form that will be laid down in the regulations. I understand it will be sent up to the Executive Council by the Surveyor-General. The prescribed manner and so on will be determined in consultation with the Registrar-General because we in the Northern Territory are presently fortunate to have a system whereby the Surveyor-General has kept up with all land subdivisions in other states. Of course, the Surveyor-General by and large only worries about Crown land and leasehold land. Freehold land is left to the Registrar-General. Here, we want both the Registrar-General and Surveyor-General to have their plans abreast of all developments in terms of subdivision and surveying to the efficacy of our map system. It is really to do with that.

Mr ROBERTSON: Mr Deputy Chairman, if I may attempt to confuse things further, I must say that I agree with the Chief Minister. Subclause (1A) could have been deleted by saying 'manner and form'. Of course, manner relates to the number of documents, whether duplicate, triplicate, quadruplicate or whatever.

Amendments agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51:

Mr EVERINGHAM: I move amendment 161.38.

This is to correct an error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 161.39.

This is to read better.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 161.40 and 161.41.

The first amendment is a drafting error. The word 'omission' was omitted in error. The reason for amendment 161.41 is that it was realised that it may not be possible for the surveyor who made the error or omission to correct it when required. For example, he might be out of the Territory or on another survey. If the Surveyor-General wishes to have the error corrected quickly, then he may direct another surveyor to do the correction at the Territory's expense.

Amendments agreed to.

Clause 51, as amended, agreed to.

New clause 51A:

Mr EVERINGHAM: I move amendment 161.42.

This is to insert a new clause which will provide for legal assistance to be given to the board.

New clause 51A agreed to.

Clauses 52 to 54 agreed to.

Clause 55:

Mr EVERINGHAM: I move amendment 161.43.

The explanation here is that it was a typing error. Firstly, 'summary' should read 'summons' and, secondly, the boards of surveyors of the states commented that $100 was too small a penalty, hence it was raised to $500.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clause 56:

Mr EVERINGHAM: I move amendment 161.44.

Again, this is a drafting error. The words 'or the tribunal' were inadvertently omitted. Also, reciprocating boards of surveyors suggest that the penalty is too low.

Amendment agreed to.

Clause 56, as amended, agreed to.

Clauses 57 to 60 agreed to.

Clause 61:

Mr EVERINGHAM: I move amendment 161.45.

Again, the interstate survey board suggests the penalty be increased to $1000 because this is regarded as a very serious offence. Indeed it is and I should think in some cases could cause much more than $1000 damage.

Amendment agreed to.

Clause 61, as amended, agreed to.

New clause 61A:

Mr EVERINGHAM: I move amendment 161.46.

This new clause was inadvertently omitted. It is most important.

New clause 61A agreed to.

Clause 62 agreed to.

Clause 63:

Mr EVERINGHAM: I move amendment 161.47.

Again, the words 'or the tribunal' were inadvertently omitted.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clause 64:

Mr EVERINGHAM: I move amendments 161.48, 161.49 and 163.3.

The reason for amendment 161.48 is that it is a necessary paragraph which was inadvertently overlooked. It is necessary because clause 39 states the regulations may prescribe for the registration of bodies corporate.

Amendment 161.49 is necessary due to explanations given in amendment 161.4 regarding the definition of 'graduate surveyor'.

Ms LAWRIE: We are dealing with the regulation-making power given under this act. I am voicing my objections to the convoluted way in which these amendments are drafted. I do so both as an elected member and also as a member of the subordinate legislation committee which deals with regulations. When we considered the previous amendments to clause 49, 163.1 and 163.2, I drew the committee's attention to the fact that we were submitting to the Surveyor-General in the prescribed manner all kinds of things. The plans submitted under subclause (1) are to be in a prescribed form. Now clause 64, dealing with the regulation-making powers, is outlining plans. Surely, in the interests of lucid legislation and consistency, the same terminology for all these things should have been used. Amendment 163.3 for all these things should have been used. Amendment 163.3 seems

to be the better example of the 3 that we have had to pass.

Mr EVERINGHAM: I do not know about that. I think that the references earlier to the prescribed manner and so on simply hark back to this particular clause where, in fact, power is given for regulations to be made to prescribe the form and manner.

Amendments agreed to.

Clause 64, as amended, agreed to.

Remaining clauses taken together and agreed to.

Postponed clause 6:

Mr EVERINGHAM: I do not have written amendments to circulate. I move that, in subclause (1), the words 'Act, other than this power of delegation' be omitted and be substituted by 'or any other Act, other than the Electoral Act, except this power of delegation'.

Amendment agreed to.

Mr EVERINGHAM: I move that, in subclause (2), the words 'under this section' be omitted and be substituted by 'in pursuance of this section', and that the words 'for the purposes of this act' be omitted.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

CONTRACTS AMENDMENT BILL
(Serial 311)

Continued from 1 June 1983.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, the opposition does not oppose this bill. The amendments within it permit the execution of contracts under seal by a minister on behalf of the government. Currently, these must be executed under the public seal by the Administrator. This change is supported by the opposition. Within this bill, the definition of 'contract' is widened. We support the government in this move because it is in the interests of administrative efficiency and expediency.

There is one provision of the bill, however, about which we have reservations. That is the validation clause. We fail to see why there is a need to validate contracts not executed in accordance with existing legislation. This seems to be a serious proposition. We believe that the Attorney-General should explain to the Assembly why this provision is necessary. Apart from that reservation, the opposition supports the bill.

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, the sole reason for the validation clause is that there are a number of people with contracts with the government at the moment which were signed by ministers in the genuine belief that that would be binding in all circumstances. One of the reasons for bringing

forward the legislation is to clear that matter up beyond doubt. It would seem that some people who currently hold contracts could be disadvantaged if the government were mean enough to try to renege on them.

It is to confirm the rights of the people who hold contracts with the government, not otherwise.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General) (by leave): I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

MOTOR VEHICLES AMENDMENT BILL
(Serial 319)

Continued from 1 June 1983.

Mr SMITH (Millner): Mr Deputy Speaker, this bill proposes to permit 16-year-olds to apply for learner-driver permits and licences. It also requires that all new licence holders must have 12 months 'A' class licence experience before obtaining a 'C' class licence.

It is interesting to note what the situation is in some other places. South Australia already has drivers' licences for 16-year-olds, as do New Zealand and California. California has a widespread reputation of being in the forefront of most innovations so perhaps we are not too far from the forefront. It is also interesting to note that, in some rural areas of California, a person can acquire a driver's licence when he is 14 years old. I do not think anyone has reached the stage of advocating that here.

The minister put forward 2 basic reasons why the government wanted to allow 16-year-olds to have drivers' licences. One is to alleviate possible hardship for 16-year-olds needing to drive to work and the other was to remove the inconsistency that exists at present where some 16-year-olds at school can receive a licence through the Student Driver Education program, and 16-year-olds who are working have no prospect, though possibly a greater need, for a licence.

We have some sympathy for the government's proposals. However, we are concerned by the piecemeal approach the government has adopted in putting the bill together. The minister, in his second-reading speech, stated that there is a growing awareness at the national level of the importance of minimising the extent to which the learner and provisional drivers are in high-risk situations. He also stated that the government was looking at a package of controls which he would hope to introduce before 16-year-olds were allowed to take up drivers' licences. We still have not seen those controls. In fact, the only control put forward in his speech was that of restriction to an 'A' class licence for 12 months. It would have been much more satisfactory in our view if the minister had stated the range of controls that the government intends to apply to holders of those driving licences. We hope that he will take the opportunity later in this debate to spell out the controls that the government intends.

There are controls that may be used, particularly in relation to alcohol consumption. I think in South Australia it is already a requirement that 16-year-olds not consume any alcohol if they are going to drive. It is an offence for them to have more than 0.02 blood-alcohol level. That is not to

indicate to a 16-year-old that he can have one drink. It is just a peculiarity of the breath-testing system down there. We have a lot of sympathy for that and specifically ask the government if it has any intention of bringing in a similar sort of control for 16-year-old drivers in the Northern Territory. Considering the fact that they are not allowed into hotels until they are 18 anyway, I guess you could extend the argument and say that 16-year-olds should not be drinking. We also suggest that it is better to establish these controls before the 16-year-olds get out on to the road rather than wait until an horrific accident occurs and have to act in retrospect.

We would also suggest that there is a need to ensure that high-quality driver training is available to these young people who are about to obtain licences. We accept that the situation in the major towns is pretty well catered for, particularly if the Student Driver Education Program or established driving schools are used. However, there is no requirement on anybody going for a licence to go through either of those processes. We hope that a stringent test will be applied at the time a person seeks a licence to ensure that he meets all the requirements. This is particularly needed in remote communities where sometimes the driving test is less than adequate. It is rather horrifying to contemplate a 16-year-old in a remote community being able to get a driving licence by driving around the block and answering one or two basic questions, perhaps without having ever overtaken a car, and yet being able to drive in a major centre with crowded roads. I hope the government will make a real effort to toughen up the conditions governing issue of licences in remote areas so that people who get licences in those areas will be capable of handling the much greater volume of traffic in the major centres.

The honourable member for Nightcliff asked the minister this morning whether it was the government's intention to make motorcycle training compulsory. I think this needs to be looked at. Everybody would agree that motorcycle riding can be more dangerous than driving a car because of the greater instability in a motorcycle as compared to a car and also because of the current disregard that many car drivers have towards motorcyclists. Certainly, many car drivers themselves need more education about the needs and requirements of motorcycle riders. Until that comes about, I think everybody would accept that motorcycle riders are at greater risk than car drivers.

I have been privileged to witness what the Northern Territory Motorcycle Association does in its voluntary courses at St John's College. It provides an excellent course. However, it is voluntary. If the government is moving towards the direction of compulsory motorcycle training before a person receives a licence, I would urge it to consult with the NTMA and perhaps even work through the NTMA rather than set up an alternative system. In my view, the NTMA has developed the expertise and certainly has a valuable role to play. It is also true to say that the driving schools that operate in the Northern Territory at present do not really offer much expertise in relation to motorcycle riding.

If this proposal is accepted, there will of course have to be substantial changes to the present Student Driver Education courses. It should be placed on record that the Student Driver Education courses, as they have operated in the last few years, have played a very valuable role in preparing students at school for drivers' licences. I know quite a number of students who have passed through the course and I think that they have all benefited from it. The SDE course has 2 basic aims; to provide a theoretical component and a practical component. Only the very good students are able to receive their licences any earlier. However, every student who goes through the course benefits from it. Because that course is primarily aimed at 16-year-olds, then a substantial rethink of the Student Driver Education courses needs to be undertaken. The minister spent a

little time in his second-reading speech discussing that rethink and discussing the role that SDE should play in the future. I know there has been a document or 2 circulating around the Department of Education. There is some concern amongst teachers who have been involved in the SDE courses about what is proposed.

As I understand it, the proposal that is most popular at present is to establish a theory course at Year 10 level. The objections that teachers had with that is that a theory course with no practical content will be seen by most students to be basically irrelevant. If you are looking at Year 10, you are looking at 14-year-olds and 15-year-olds. It is felt that it would almost be a waste of time to run theory without practice. I would urge that the Student Driver Education program, if it goes down to Year 10 level, incorporate a practical component.

The other problem is that the core and recommended curricula in Year 10 have made it difficult to provide a sufficiently wide range of programs to ensure an appropriate Student Driver Education course. I think the Minister for Education would have some sympathy with that view. There is constant pressure on schools to take up new courses - a first-aid course was mentioned this morning. It is the view of teachers at the Year 10 level that, if the Student Driver Education course is to be introduced there, in school time, it would have to be in the place of something else. Obviously, that decision would require careful thought.

Mr Deputy Speaker, in conclusion, the opposition supports the extension of drivers' licences to 16-year-olds. We urge the minister to spell out the full range of controls that the government proposes when allowing 16-year-olds access to licences. We would particularly urge the government to ensure that licensing standards throughout the Territory are uniform and strict.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, as the honourable minister said in his second-reading speech, this amendment to the Motor Vehicles Act is in 2 parts. One part proposes that a person must hold an 'A' class licence for 12 months before being granted a 'C' class licence. I thoroughly agree with that. The other part proposes that a person who is 16 years and 9 months can obtain a licence to drive even though he has not attended an SDE course.

I have waited a long time for this legislation. On 24 May 1979, I wrote my first letter to the Minister for Transport and Works. I had received several representations from constituents to the effect that they had 16-year-old sons who were apprentices. Because they were apprentices, they could not get a driver's licence through the SDE school and therefore they were at a gross disadvantage by living in the rural area.

I had representation made to me by a gentleman from one of the stations near Darwin. He wrote on behalf of a 16-year-old lad on the station. He said that he could drive competently but was not able to drive on the road. No doubt, he drove around the station on private roads. Since 1979, I have received representations from constituents in McMinns Lagoon, Humpty Doo, Noonamah, Mt Bundy and Howard Springs, all wanting legislation to allow 16-year-olds to drive without having to go through an SDE course, provided these 16-year-olds knew how to drive a car competently.

Our children were luckier than most. Like many other country children, they learnt to drive much earlier than at 16. All our kids could drive when they were 11 or thereabouts - when their feet could reach the pedals. They usually learnt in the farm ute on a 100-acre paddock. Their father used to go with them sometimes but most of the time they learnt how to drive on their own. They were all good drivers after a very short time. Of course, they did not drive on the roads.

We felt that, if ever there were an emergency at our place, and a licensed driver was not available - for example, if it was necessary to take someone to hospital - the children at that age, or perhaps a little bit older, would have been able to drive quite safely on the roads. If they passed their father's test for technical ability to drive and my test for being able to drive reasonably smoothly with regard to braking and cornering, they could pass any driving inspector's test. Luckily, Mr Deputy Speaker, their skills were not put to the test in that way. However, they were capable drivers. This is probably one of the advantages that country children have over city children.

This legislation gives the Registrar of Motor Vehicles the power to grant a permit, without the requirement of attendance at a student driving school, to a person who is 16 years and 9 months of age. At that age, young people can apply for a permit to drive and will be issued with a permit which they hold for 2 weeks, presumably so they can either learn to drive or brush up on their driving if they need practice. On application for the permit, they will undergo an oral test and then, if everything is satisfactory, they will receive their 'L' plates after 16 years 9 months and 2 weeks. At the age of 17, they can obtain 'P' plates for one year if they pass a driving test. Certain restrictions apply to drivers with 'P' plates. I believe one is that they cannot drive in excess of 80 km/h. It is interesting to note that a 'P' plate driver can accompany an 'L' plate driver as a licensed passenger. When our youngest daughter had her 'L' plates, we would not let her sister, who had 'P' plates, drive with her. We felt it was better for a fully-qualified adult to drive with her. Those were our family rules.

If not at first successful, a young person can apply up to 3 times to obtain a 'P' plate. A period of 3 months must lapse between each application, however.

I welcome this legislation. I do not see that many problems will result from it. I remember when I was in the country in Western Australia many years ago. In the country, young people from farms could drive. I think the restrictions were that they could not drive at night more than 30 or 40 miles from their farms. They received their licences to drive a couple of years before the normal age. In those days, traffic moved much more slowly and there were not many vehicles on the roads. Provided that young people are taught to drive properly, and do not drink alcohol before or whilst driving, their reflexes are a lot faster than those of an older person. I have driven with all my children. Whilst they might take a few risks on the road that I would not take, nevertheless I am aware that their reflexes are faster than mine.

I think this legislation will sit very easily with drivers. If it will do anything to help apprentices and people like that in the course of their studies, I am very much in favour of it.

Ms LAWRIE (Nightcliff): Mr Deputy Speaker, there is one fascinating ability in common between my friend, the honourable member for Tiwi, and my enemy, the honourable member for Alice Springs: they have this innate knack of reducing legislation to a fascinating family history. However, many of the points that the honourable member for Tiwi raised in describing the competence or otherwise of her children were relevant to the legislation because we are discussing the lowering of the driving age to 16 years without the necessity to go through the Student Driver Education program. However, I think that every speaker so far has completely missed the point.

The Student Driver Education program is not only, as the honourable member for Tiwi said, one of practical training and eye tests. It does not relate only to coordination. There is a very important part to the course which is not

covered, to my knowledge, by any private driving school: defensive driving. The beauty of the Student Driver Education course is not only its broad range and intensity; it is a status symbol to all 16-year-olds at high school. Only the very best are recommended for their licences. It is not automatic at all. Besides their motor ability, using the term in its bodily sense, they must have and express to other people the right mental attitude on the road. Evasive driving techniques are taught with great accuracy and skill.

The honourable member for Millner raised the point about motorbikes. The definition of 'motor vehicle' covers motorcycles which are infinitely more vulnerable and dangerous to the new user on the road - that is, unless they have gone through more than the simple mechanical driving course and learnt more than just the basic road rules, which I could probably teach my parrot. They should also learn the very necessary defensive and evasive actions which are needed before riding a motorcycle. They are of prime importance. Drivers of small vehicles and motorcycles are taught never to put themselves in a position where they are likely to be hit. It is a lot different to the normal driving teaching technique. It is an integral part of student driver education. My fear is that this particular skill will not be taught to young people and will be lost.

The only way to save it is to take the other step and introduce special licences for student drivers at 15 or 15½. That is not as illogical as it sounds because, again, they would need to demonstrate their maturity in coping with other people using the road and their maturity of attitude. Mechanical aptitude and physical fitness alone would not be enough.

I am not happy with the legislation for that reason. I have agreed with the honourable member for Tiwi when she has several times in this chamber raised the subject of apprentices who have left school before they were able to participate in the Student Driver Education program. But surely a very logical step would have been to extend that program through the Vocational Training Commission so that they could participate. Honourable members might then ask about young people in isolated areas. If they are only driving around the farm, they do not need a licence anyway. You only need a licence to go on a road. In any piece of legislation which sets an arbitrary limit, some persons will be disadvantaged. I acknowledge that. I think that 2 groups of people in the 16-year-old age bracket need to be able to get a licence: high school students who could participate through Student Driver Education and apprentices. By arbitrarily lowering the age to 16, we are virtually stopping the Student Driver Education program which has been one of the most successful initiatives ever to be undertaken by the Department of Education. It has saved lives. It has taught to young and impressionable people that a licence is a privilege and not a right. It has taught them excellent driving habits and, most particularly, defensive driving techniques.

I am not as enthusiastic about this legislation as other members appear to be because I fear that the skills which 16-year-olds were acquiring will now largely be ignored.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I support this legislation because, like the honourable member for Tiwi who has raised the matter in this Assembly on a number of occasions, I am aware of the injustice that has existed between those fortunate high school students who have been able to get a licence at 16 thanks to the excellent Student Driver Education course and the less fortunate 16-year-olds in the workforce who have no access to a driving course. I would point out that the latter group may frequently have much more need for a licence in order to get to a place of employment early in the morning or at odd hours when public transport is not available. Indeed, young unemployed people might

find having a licence will enable them to seek employment more readily.

I think that we are all aware of the risk involved in licensing people who are inadequately trained. However, this applies to any age group. If a person is not adequately trained for a licence at 16, he is probably no greater risk than somebody at 20 who gets a licence without adequate training. Like the honourable member for Millner, I would be very interested to hear from the responsible minister what conditions and controls he is proposing to implement in conjunction with this provision so that the people can be reassured that 16-year-olds who get licences as a result of it will not unnecessarily be at risk or, likewise, that others on the road will not unnecessarily be at risk. Nevertheless, in the interests of simple equity, I think that, if one group of 16-year-olds can get licences, then the others, whose needs are frequently greater, should be able to as well. I support the bill.

Mr STEELE (Transport and Works): Mr Deputy Speaker, firstly, could I thank the Road Safety Council very much for its efforts and deliberations in matters of of road safety, particularly in the matter of licences for 16-year-olds. I also thank the officers involved with transport matters and regulations. They put in in long hours in developing proposals for the government.

It is interesting to consider the conditions and circumstances existing in other states and, indeed, in other parts of the world. For example, in the Sun Herald of Sunday 21 August, there was a headline: 'Move to Lift Driving Age'. In some places, the view is that people are being licensed too young. I guess if you are in a state where the average age is about 50 instead of in a place where the average age is about 30, you would be entitled to hold that point of view.

I thank members for their contributions to the debate. It is a difficult matter to come to grips with and to make sure that all considerations are taken into account. We have sent out a short briefing note to the schools telling parents and students about how 16-year-olds can apply for a licence.

On the question of the Student Driver Education program, in connection with the remarks made by the member for Millner with respect to curriculum for Year 10 proposals, I do not believe that it has been finalised. There are still some months before that aspect needs to be finalised, although it should be dealt with early. He spoke about the package of controls that may need to be considered. He did say that we were approaching this legislation in a piecemeal fashion. I can assure him that, if we were able to introduce everything in the ideal way, we would. But there are many considerations. Some of the possible controls that the government will need to address - and certainly they are being addressed at officer level at this present time - are the following: limiting the size of the vehicles, no peer group passengers without adults, no night-time driving, no alcohol to be present on the breath, parental consent to obtain licence - and this will be implemented administratively because I would expect parents of 16-year-olds to accompany them to the Motor Vehicle Registry - and increasing penalties for driving without licence or 'L' and 'P' plates when required.

Remarks were made about the country drivers versus the city drivers and the need for defensive driving. Certainly, I would say that country drivers are far out in front - whether they obtained their licences on main roads or not - even before they get to a city situation. There should be no fears about that. The honourable member for Millner mentioned 14-year-olds being licensed in California. That is for the express purpose of young working people, mostly on rural properties. Most kids whom I know who work on stations or around farms are well equipped to drive vehicles even before they get to the cities. I take the

member for Nightcliff's point on board about the defensive driving aspect. I believe that this should be given more consideration in Student Driver Education programs or at the private level in driving schools. We will take that matter on board. Mr Deputy Speaker, I commend the bill.

Motion agreed to; bill read a second time.

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

Mr SMITH (Millner): Mr Deputy Speaker, I was most interested in the comments of the honourable minister and would like to make a couple in return. First of all, I would have to disagree most strongly with him about competence in driving on the farm. I think it is of only limited use in determining competence in driving on main roads in built-up urban areas. The skills are quite different. There is the ability to judge where you are in relation to other cars moving along the same stretch of road, particularly where there are 2 or 3-lane highways, the ability to judge the speed of oncoming traffic to determine if you can overtake safely and a whole range of other skills which cannot be developed on the farm. I would again urge the minister to put his confidence in farm-taught drivers to the test by making sure that the tests they undertake to get their licences are as stringent as the tests urban people presently undertake. That is all that I am asking. Although the formal requirements are no different now, I think it is common knowledge that it is easier in some places to get licences than in others. There are good reasons for it but we have to tackle those reasons and overcome them and make sure that we develop stringent tests.

The second point I want to make is that I would urge the minister to be very careful before accepting any recommendation to ban night-time driving for 16-year year-olds because quite a few 16-year-olds have jobs that require them either to go to work or come home from work at night. For example, I know one who is a baker. He starts work at 2 o'clock in the morning. It is only a suggestion but I hope that he will look very seriously at it before accepting it.

The third point I want to make is to state once again that it is much more desirable to have these controls in place before we issue drivers' licences to 16-year-olds than to develop the controls after the licences have been issued. Certainly, I think that is most important and, if the minister wants help in putting that message across to the bureaucracy, he can call on me at any time.

Motion agreed to; bill read a third time.

LOCAL COURTS AMENDMENT BILL
(Serial 318)

RECORDS OF DEPOSITIONS AMENDMENT BILL
(Serial 316)

INSTRUMENTS AMENDMENT BILL
(Serial 317)

Continued from 1 June 1983.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, these bills are aimed at permitting the prescription of fees through regulations and rules. Currently, the fees are specified in the principal acts so that they must be reviewed by way of legislative amendment. We agree that it is inappropriate that they be dealt with in that way. The accepted approach in respect to the prescription of

standard fees of this nature is to set them out in regulations or rules where they can be more conveniently reviewed from time to time. The opposition agrees with this approach. As a member of the Subordinate Legislation and Tabled Papers Committee, I can only endorse what the member for Nightcliff has said from time to time. As you well know, Sir, that committee has an increasing workload. We take these onerous responsibilities most seriously although they take up a lot of our time. Nevertheless, the opposition supports this practical way of dealing with the question of setting fees under these acts and we also welcome the Attorney-General's assurance that these amendments do not foreshadow an imminent increase in the fees under the acts. We support the passage of the bills.

Motion agreed to; bills read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Deputy Speaker, I move that the bills be now read a third time.

Motion agreed to; bills read a third time.

ADJOURNMENT

Mr ROBERTSON (Attorney-General): Mr Deputy Speaker, I move that the Assembly do now adjourn.

Ms LAWRIE (Nightcliff): Mr Deputy Speaker, the honourable member for Nhulunbuy drew my attention to a letter to the editor in the paper tonight regarding the recent case of incest which was heard in Darwin. The writer of the letter complained bitterly that not only was the name of the guilty party suppressed but also those of witnesses. I have some sympathy for the writer of the letter, and with good cause.

I appreciate that the name of the guilty party should be suppressed to protect his daughters, with whom he was found guilty of having committed incest. However, I agree with the contention that it was unfair to suppress the names of witnesses and yet give their occupations, one of which happened to be 'politician'. Mr Deputy Speaker, I received 2 very abusive phone calls the day after the first report of this case, and I had to say straight out that it was not me. Politicians form a pretty small community in the Territory. In completing such things as census forms, it is difficult to preserve any degree of anonymity. I have put the proposition that one's name need not necessarily appear on a census form to give relevant details to assist the Bureau of Statistics. It was pointed out to me when I first made the objection that, when I filled in the rest of the particulars, I was the only female politician in the Territory at the time and therefore had no anonymity. That is logical.

I make these remarks tonight because I cannot understand why the learned judge ordered the suppression of the names of all the witnesses. I think that it has been unfair to quite a number of us who did not wish to be considered as having acted as a character witness in this matter. I have been a character witness in courts on 2 occasions, and my name was published. I appeared in court with the full expectation that, if the court reporter wanted to publish my name, he could. Certainly, I would never seek an order for suppression unless I was a victim of a sexual assault or one of my children was. That would be in line with the legislation introduced by the Attorney-General today. Innocent victims of crime, particularly sexual crime, may want protection from publication because they feel ashamed and degraded. In the same way, I felt rather ashamed and degraded that anybody would see fit to decide that I had acted as a character witness for such a person. I had not.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, today I would like to relate a saga of one of my constituents who happens to be on the dole. We hear a lot about people on the dole and we usually hear only one side of the story. It was brought home to me very forcefully that there is another side to the story. This particular young person is on the dole. To get on the dole, he had to fill in 4 forms. This person was so irate with the treatment he was getting that I took everything down verbatim. First of all, this person had to fill in 4 forms. Two forms had to be filled in for the CES or he would not receive any benefits. Two forms had to be filled in for social security, one being for tax purposes. One week went by and no cheque came so my constituent rang up the CES and was told that it had been lost so he had to go into town again and fill in more forms. Going into town might sound simple but this particular person lives in the rural area and to go into town and return costs about $4 in petrol. That is, if he drives a car. If not, he would have to cadge a lift with somebody or catch a bus. There are not many buses going out to the rural area. Another alternative is to get a lift in with his parents if that is possible. Immediately he was at a disadvantage compared to people who live in the city. He went into town again and filled in another 2 forms. So that is 6 forms.

Over the next few weeks,he received his cheques on time, which is 4 working days after filling in the forms. About 2 weeks later, he handed in his form completed and received a letter back saying he had filled it in too early. He did not know why that was important. He filled in a new form and posted it the very next day from the Howard Springs Post Office but still did not receive a cheque so he rang up again. The CES said that it had not received a cheque from Adelaide and that it had not lost it. By this time,he was querying the veracity of the people in the CES.

The story continues. He had to go into town again to fill in another form, which meant more money for petrol. It is on the same day that he was meant to have handed in another form so he filled in 2 more forms. The next week he received cheques on Thursday and Friday. It would have been too bad if he needed the money urgently. To bring it up to date, this week he handed his forms in and, to make sure he had everything right, he asked one of the ladies there and she said everything was right. Yesterday, he received a telegram from Adelaide telling him to go to the Darwin office about his lost application form.

I do not know what to make of it but it certainly begs several questions. The first one is: do the employees in the CES know what day of the week it is? I mean that in more ways than one. The second question is: do the employees of the CES in Adelaide share the same lack of calendar knowledge? The third question is: is this treatment of my constituent an act of harassment to get him to more actively seek a job and so be rid of this welfare handout and make life easier for the people in the CES? The fourth question is: is this sort of treatment suffered by all recipients of unemployment benefits? The fifth question is: is it a sign of apparent cynicism by the employees of the CES in that they could not care less about the people who are their clients nor about their work?

The second point on which I would like to touch this afternoon relates to questions that I asked the honourable Minister for Education this morning regarding the secrecy surrounding testing in schools of Years 5 and 7. The information about this program appeared in the Northern Territory Education Bulletin called 'Program on the Assessment of Student Performance in Northern Territory Schools': 'During the latter part of 1983, the Northern Territory assessment program for Years 5 and 7 will begin to be introduced into urban primary schools in the Territory'.

Mr Deputy Speaker, being an old-fashioned person, I suppose the reference is to exams and testing, but it is not called that. Paragraph 6 is headed: 'Administration Analysis and Reporting of Student Performance'. I heard what the honourable Minister for Education said to me this morning but, despite that, there is unnecessary secrecy surrounding this testing. It does not consider parents' responsibilities for these children. Not until right at the end do the parents obtain any information about how their children are doing at school in certain subjects. First of all, the child sits for what I call an exam. But the word 'exam' is not used. It talks about data analysis results. These data analysis results go to an evaluation and assessment unit, whatever that might be. A report is made. This report goes to the working party which sends it to the secretary who sends it to the Regional Council of Principals. By that time, that report would be pretty dog-eared and tattered. However, it must still go to the Northern Territory COGSO and also the Teachers Federation. Then it goes to the principals and then to the school councils. Then a summary - not the report itself - goes to the media and, finally, it goes to the child's parents.

It appears that the parents do not even know what is happening. I do not really know the reason for this usurping of parents' rights because everybody says these days that parents are sloughing off their responsibilities. With the responsibilities of parents to their children come a few rights. One of their rights is knowing how their children are doing at school. If I were the parent of a child going to a government urban primary school in Darwin, I think I would be a little upset. I think that, well before this report or summary of report was handed to me right at the bottom of the line, I would be in there demanding my rights as a parent. The honourable minister said that parents can go to the schools; that there are parent-teacher discussion nights when the parents can find out there how their children are doing. But I still cannot see why the summary of this official report must go through all those official channels before it finally gets to the parents.

I would object most strongly to this obfuscation of the examinations by the teachers. I am wondering if it is not a deep, dark, secret plot on behalf of the teachers to make the parents not very much aware of their standard of teaching. If they do not have to answer readily to parents in an official report, then I wonder whether they will work very hard as teachers. It seems that teachers these days are forgetting that they are there to be teaching children and not for their own benefit - thinking primarily about working conditions. They are there to teach children. They are there to lead children. They are there to prepare children for their future life in the workforce. I think that it is time teachers came back to earth again and really thought of what their job in life is.

Mr Deputy Speaker, I know a little of what I am talking about. It was some years ago but, together with a few other honourable members, I too used to be a teacher. I deplore most severely the fact that parents these days seem to be placed at the bottom of the list of those who are notified about how the children are doing at school.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, last Tuesday morning during question time, I asked the Chief Minister if it would be possible to provide at least temporary accommodation for some 7000 unemployed in the Territory. I am sure some of them are needy and homeless. The Chief Minister replied that, as far as he knew, all the old wards, other than the sisters quarters, had been demolished. I would like to inform members that the Chief Minister does not know much at all about old Darwin Hospital. Perhaps you could inform him, Mr Deputy Speaker, since it is in your electorate. During our lunch break today, I took a run down to the old Darwin Hospital to see for myself. Naturally, I did not have the time to carry out anything like a thorough inspection but my

brief visit proved very rewarding. It could save the government a great deal of money if it had someone look around there. I spoke with a gentleman down there who advised me he was a member of the Police Force and the police are occupying flats formerly used by staff. He told me that another block was occupied by servicemen. One building had a sign on it which said,'Myilly Top Lounge', whatever that means.

My electorate secretary and I took a stroll around most of the area and met another gentleman whom we asked about a group of people sitting under a tree eating lunch. He told us that these people were from Ward 2 which is occupied as a rehabilitation centre. We went a bit further around the abandoned hospital and found the side door of Ward 6 open. At the risk of being arrested, I entered the building and took a stroll inside. Believe it or not, all the lights in Ward 6 were on. To test the plumbing, I flushed a few toilets and turned a few showers on and found the water flowing very freely. In fact, it was flowing far too freely because there was a broken fire hydrant alongside Ward 6.

I decided to have a look at Wards 7 and 8 above Ward 6. The lights were on also in these wards and the water was again flowing freely. On returning to Ward 6 to leave by the open door, I saw that the door to the operating theatre was open. I thought I would take a look inside there also. Still intact and hanging from the ceiling are the usual lights which are used to focus on the operating table. They are made of chrome and must be immensely valuable. This place is supposed to be inspected by a certain security firm around town. I guarantee it is not. In Wards 6, 7 and 8, there must surely be thousands of dollars worth of chrome plumbing materials and fittings, to say nothing about the operating lights, the value of which I would not even try to estimate.

We moved on a bit further and found Wards 5, 4 and 9 intact and unoccupied. The doors were locked but, as they are glass doors, one would not have to be Bill Sykes to get inside. Fire extinguishers are in abundance so there would be no risk of fire if they let some poor old fellows make a home in there. Both inside and outside, there were more air-conditioning units than I had time to count. It would be a bonanza for anyone who wants to knock it off. As it was time to return to the Assembly, my inspection had to cease but I would have liked to have looked a little further.

Let me assure the Chief Minister that nothing at all has been demolished in the area. The only buildings that seemed to be missing were 3 demountables that were put there after the cyclone and used as temporary wards. I should have mentioned earlier that most of the doors have the cards of the security firm stuck in them. However, most seem to have been there for quite a long time. I brought one back as a souvenir. It was not on the floor; it was in the door. It is water stained and mildewed. God knows how long it has been there; it is a long time since we had any rain.

To recap, our inspection was necessarily brief, but we found Ward 2 occupied, Wards 4, 5, 6, 7, 8 and 9 unoccupied and intact. The lights were on in most wards, water was running freely and an enormous amount of chrome plumbing and fittings were there. The doors of some wards were open and the operating theatre lights were there for the taking. The materials that could be quite easily removed must surely be worth many thousands of dollars. In fact, I would estimate that it would be worth hundreds of thousands of dollars. If somebody thought to raid the place, it would pay off.

The question that I asked of the Chief Minister was whether or not the buildings could be used on a temporary basis for homeless people. The Chief Minister replied that the old wards had been demolished and removed and that

they would require very extensive and expensive renovation. I bet they would have if they had been demolished. They have not been demolished. He said that it would require a mint of money to bring the services back into operation. In fact, all that it would require would be a few buckets and mops. Prospective tenants could be required to provide their own bedding. Necessary services such as power, showers and toilets are already operational. If the Chief Minister disputes what I am saying, I would be only too happy to take him down and give him a Cook's tour of the place at any time. If he does not wish to do so, I suggest that he confer with his Minister for Health as a matter of urgency regarding the security of the buildings.

This morning, we heard a loud complaint regarding the enormous cost of distillate and I thoroughly agree with the Attorney-General. Surely if these lights were turned off, at least during daylight hours - and I can assure you that there are hundreds of lights on - it would constitute at least some contributions towards saving fuel. The same might be said about water. We have been asked to try to conserve water. There is a leaking hydrant alongside Ward 6. We did not have time to have a look but I am sure that we would have found others.

Mr VALE (Stuart): Mr Deputy Speaker, I would like to thank the honourable Dr Doolan for his guided tour or travelogue. It was most interesting.

This morning I asked the Minister for Transport and Works a question concerning Heavitree Gap causeway in Alice Springs. This area has been of interest to me for quite some time. It is the southern approach to Alice Springs and I believe that first impressions are lasting. Because of the formerly very untidy state of that approach to Alice Springs, earlier this year I approached the Minister for Transport and Works. One matter for concern was the access road to the Blatherskite Park area which is utilised by the show society people, by the Apex people who run the rodeo, by the Lions Club which organises the Camel Cup and by the Red Centre people who organise the BMX club. In fact, it is more used now than people anticipated when it was first opened. I suggested to the Minister for Transport and Works that the access road should be sealed. The Minister and Cabinet agreed and that road was completed in June this year immediately prior to the show.

I have also had a number of meetings with the Department of Transport and Works and the Conservation Commission concerning beautification of both sides of the Stuart Highway between the old South Road turn-off right through into Heavitree Gap. The Conservation Commission people advised that, at the completion of the laying of the Palm Valley gas pipeline - which is still under way; a section of that pipeline was still being dug up as late as last week - it will undertake a tree and grass planting program on the riverbank side of the road. On the other side it will start to cut back all the grass from the Stuart Highway edge right across to the fencing edge and from the South Road turn-off to Heavitree Gap and to clean up some of the undergrowth and old logs.

I am sure all honourable members will appreciate that this will make the approaches to Alice Springs much more attractive for locals and visitors alike. I would like to take this opportunity of paying particular tribute to the Department of Transport and Works for the work it has done and the Conservation Commission for the work it has done and the work it proposes to do. I believe that, with the completion of that work, only one major problem will be left in the area: the smell of the sewerage farm. When the winds swing around to the north-west in summer, a fairly offensive smell wafts across the Stuart Highway. This is offensive not only to motorists and visitors to town but also to the old timers and some of the residents of the farm area. I believe that urgent

action should be taken to pump those sewerage ponds out - in fact, some pumping is already occurring - and to move those ponds back up the valley and as far west as possible.

I would also like to take this opportunity of paying tribute to the Alice Springs residents, including the council and the Territory Tidy Towns organisers, because, in the last 12 to 18 months, Alice Springs has undergone a massive facelift in terms of the removal of rubbish and cans in the area. I believe that possibly the 2 km law has had a marked effect on that. The Territory Tidy Towns competition has also contributed to it.

Several years ago I raised the possibility of container-deposit legislation. I know that many manufacturers have supplied more than generous prizes to organisations in the buy-back competition in addition to the amount of money paid for the aluminium cans per weight. The club or organisation that collects the most cans over an extended period also stands to win a fairly handsome cash prize. I believe that all of those factors, plus the fact that at long last community pride has come to the fore, have contributed to the tidying up of Alice Springs and other Northern Territory towns.

Mr Deputy Speaker, those people who watch Australian rules football, even from a more remote distance, know that, in Melbourne, Collingwood have not won a grand final since 1958 - Collingwood being the Magpies. Of course, jokes have proliferated. South Melbourne, which was known in Melbourne as the Swans, went to Sydney and is now known as the Sydney Swans. The story is that Footscray, which is known as the Bulldogs, is going to Brisbane next year and will be known as the Brisbane Bulldogs. Following that, Collingwood, which has not won a flag since 1958, is going to the Philippines. Mr Deputy Speaker, it will be known as the Manila Folders.

That point aside, for the last 10 years - in fact for longer than that - I have been going to the Yuendumu sports weekend and watching all the competitions, particularly on the last day. I just wondered what the headline 'Magpie Flag', which appeared in the Melbourne Herald several weeks back following the Yuendumu sports weekend, would have done to people in Melbourne. It probably would have pulled a lot of Melbourne people up wondering what that headline was doing in the Melbourne Herald several weeks before the grand finals. It is an excellent write-up following a visit to Yuendumu by Melbourne journalists and photographers. The Yuendumu team, which is known as the Magpies, won against the honourable member for Victoria River's team, Lajamanu, a much smaller community which was picked for the grand final only in the last minutes.

Both teams turned on an exceptionally-high standard of Australian rules football. Lajamanu, even though a much smaller community, was a little stiff not to have won the grand final. It was only in the last few minutes that Yuendumu got on top. As they say, it was a Magpie flag.

Mr Deputy Speaker, I have been attending those sports weekends for over 10 years now and I think they are getting better and better. Certainly, they are getting bigger. There are more and more teams competing. This year Wave Hill for the first time came down. Mt Allen came across. Napperby and Ti Tree also competed. The extra competition raised the standard that much higher.

I would like to pay tribute to the Aboriginal Sports Foundation and the Northern Territory government's Department of Youth, Sport and Recreation for the financial assistance they have given over the last 2 or 3 years for these sports weekends. I am certain that all organisers and competitors appreciate the fact that this money is made available by these 2 organisations.

In conclusion, I would like to congratulate this year's organisers of the sports weekend, the competitors and, in particular, I would like to pay tribute to Lindsay Turner, the Yuendumu resident who, for 2 or 3 years now, has, with the cooperation of the YMCA, put time and effort into turning on what is becoming a most important Aboriginal sports function in Australia. It is certainly a tremendous success.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, there are 2 matters which I would like to raise in the adjournment debate tonight. Firstly, I would like to address myself to a couple of comments which were made by the honourable Chief Minister on commercial television last night. Those comments related to the federal budget. The Chief Minister said that the federal government had failed to provide adequate capital funding for the Northern Territory. He also said that we only had to look back to last year's level of funding to see how badly we have done.

Well, I have done that. I have looked to last year's funding and I think I can say that the Chief Minister and I are certainly not looking at the same figures. The federal budget papers are extremely detailed documents. It is the government's major economic statement for the year. Although they are very detailed - and I believe there are 9 different papers this year - I have gone to the trouble of looking up the paper relating to capital funding. That is budget paper No 6. Budget paper No 6 spells out the Commonwealth government's civil works program. Investigation of that document for the financial year 1982-83 showed that the value of Commonwealth capital works in progress was $1.889m. That is to say that there was $1.889m which still had to be spent on projects which had been previously committed.

This funding was provided to complete the following programs. I am sure that all members will applaud those programs, certainly the honourable member for Nhulunbuy. Firstly, under the administrative services vote, there was funding made available to complete the construction of 16 houses in Darwin, 5 houses in Alice Springs, 5 houses in Katherine and 8 houses in Nhulunbuy. Next, under the aviation vote, there was funding for fire equipment for the Darwin airport. Under the transport and works vote, there were funds for works on the Bishop Street depot of that department, for a maintenance depot on the RAAF base and for a light tower on New Year Island.

New works that were announced by the Fraser government in the budget paper for 1982-83 - that is, the last financial year - were valued at $1.753m. These funds were for a workshop and a control tower at Nhulunbuy airport as well as 3 houses there. Funding was also provided for a meteorological observation station at Nhulunbuy. There were funds also in that paper for site and road developments in Darwin for CSIRO and the provision of equipment for CSIRO in Alice Springs. To sum up for the financial year 1982-83, we had $1.889m for ongoing works - that is, works in progress - plus an additional $1.753m for new works, bringing it to a total of $3.642m.

Mr Deputy Speaker, let us relate those figures to the final figures relating to this year's budget paper No 6. Having looked at that paper for 1983-84, the amount of funding provided for works in progress was set at $1.37m. This funding was related to work on the Darwin airport and work on aviation facilities at Nhulunbuy airport. Comparing new works figures to the previous year's paper, as exhorted to do by the Chief Minister in last night's news, the new works provided were as follows. Firstly, under the administrative services vote, there is funding provided for housing in Darwin. Secondly, under the aviation vote, there is provision for an extension to the fire station at Darwin airport, the relocation of the civil terminal at Darwin airport and, in Alice Springs, an

extension of fire services at that airport. Further , there is provision for the construction of 8 houses in Darwin, giving a total value of $95.98m.

Naturally, the significant component of this sum is for the relocation of the civil terminal in Darwin, although only $1m of that money will be expended this financial year. There is also some Commonwealth expenditure that will be undertaken to commence development of the Tindal facilities. That is expected to be in the order of $1.7m in this financial year. I think that matter was raised in question time this morning.

Mr Deputy Speaker, if we take the new works vote and adjust it to accommodate both these features - that is, the commitment for Tindal and the commitment to relocate the civil terminal in Darwin - then we have a level of expenditure that we can realistically expect to be undertaken in the 1983-84 financial year of $3.681m. Whilst these figures may not seem very large, I am doing what the Chief Minister asked us all to do and that is to go back to last year's budget figures. In answer to the sigh given by the Treasurer opposite, I consider that these figures have always been small. If we are to have any basis of comparison, we must compare like figures.

It appears to me that this represents an increase over the level of Commonwealth capital works expenditure in the Northern Territory last year. I would appreciate details of the calculations that the Chief Minister used when he made his statement to commercial television news. A point that I would also like to make now is that, while expenditure on both Tindal and the civil terminal in Darwin is not substantial, both projects are expected to have a substantial commitment and injection of funds in the 1984-85 financial year. In order to get an overall picture of the level of funding from the Commonwealth for capital works projects in the Northern Territory, we need to place Commonwealth expenditure in this area alongside the capital funds provided by the Commonwealth government to the Northern Territory.

Mr Deputy Speaker, within the overall level of Commonwealth funding to the Territory, announced by the Treasurer last Tuesday, general purpose capital funds have increased to nearly $130m, which represents an increase of $8.5m over last year's figure. There has been an increase in specific purpose payments of a capital nature of 30%. This source of capital funds is to increase by $20m this financial year. I have done what the Chief Minister suggested be done and, having looked at these budget papers, I can only come to the conclusion that the Chief Minister was incorrect in saying what he said and that, in fact, the Territory has been treated well by the Labor government in its first federal budget.

I would now like to turn to another matter which I raised in question time this morning. It concerns the lack of maintenance of urban parklands which is particularly obvious in my electorate and I have noticed it also in some other areas in Darwin. I raised this because, in my electorate, as the Minister for Conservation would well know, the Conservation Commission has been very active indeed. I am extremely grateful for the work that has been done in establishing a large number of parks in these developing suburbs and also the extensive tree-planting program that has been undertaken. It is extremely disappointing to see that, when these parks are handed over to the city council, the maintenance is neglected. I have come to the conclusion that perhaps the Conservation Commission should continue with its good work and take over the maintenance of these parks.

I am quite fortunate in my electorate to have one or two features which are not obvious in other parts of Darwin. In Sanderson, we have something that

closely resembles a parkland system. That is to say that we have strip parks which connect to the large parkland areas, which are the suburban ovals, and which connect also by a system of landscaped footways to smaller parks within other parts of the neighbourhood.

We also happen to have one of the first buffer zones. It was planted along the eastern boundary of Lee Point Road in the days before the subdivision was completely developed with houses. These were seen as very farsighted proposals at the time, and indeed they were. It is a pity, indeed, to see that full use is not being made of them and they have been allowed to degenerate to a point where a large sum of money will have to be spent in order to bring them to a condition in which they can serve the purpose for which they were originally developed. In respect of the concept of a buffer zone, I am sure that other members would like to see that throughout the Darwin area and, in fact, in all the major urban centres in the Territory. But the major reason for those buffer zones was to provide some ameliorating effects on traffic noise. It is necessary not only to provide the space for the buffer zone but also to plant it extensively with mature trees. Although these trees were extensively planted in 1976, I cannot say that their growth has been spectacular because they have not been maintained in the way they should have been.

Mr Deputy Speaker, in my electorate, the Conservation Commission has conducted a very active tree-planting program along Vanderlin Drive. On the northern side of Vanderlin Drive, the developers have provided a buffer zone which has not been planted and landscaped yet. It is hard to explain to people that the land provision has been made and it now only requires some effort on the part of the city council. I make these remarks in the context that, a few weeks ago, the Local Government Association had another of its conferences at Tennant Creek. Again, we had a motion from the floor that more powers ought to be given to local government. I am afraid that my sympathy for this view is declining rapidly when local governments will not even exercise those powers which they currently possess.

We have heard also some remarks made by the honourable member for Stuart in respect to landscaping and general tidiness of towns. He referred to the Territory Tidy Towns competition. Once again, the Sanderson electorate has entered this competition and it is very disheartening to see that local government authorities are not doing as much as individual community organisations and citizens to keep the urban areas looking green, neat and tidy. While this may seem like a fairly minor complaint, it is not. When one considers that a large amount of taxpayers' money is poured into programs to boost tourism, and the general impression given is one of brown grass and dead trees, this does not assist at all. If there is one thing that tourists take away, it is a mental image of towns that they have visited. I am sorry to say that many of the Territory towns do not present a good image solely because their local councils are neglecting their duty to their ratepayers.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I will not take up too much of the Assembly's time. I asked a question of the Minister for Education yesterday relating to the primary school in Nhulunbuy. I would like to point out to the minister and the Assembly that the Nhulunbuy Primary School is the largest primary school in the Northern Territory. It has well in excess of 700 students. I am not qualified to speak in any way about the administration of schools but I am told that in excess of 600 students becomes quite unmanageable and it is not an ideal situation for the education of students. Nhulunbuy Primary School has in excess of 700 students and any demographer would tell you, Mr Deputy Speaker, that the primary school population at Nhulunbuy will quite certainly grow.

At the moment, there are 3 high schools in the Northern Territory which have

Year 7 students: Nhulunbuy, Katherine and Tennant Creek. When this scheme was originally introduced, I was led to believe it was done for very good educational reasons, and I am still prepared to believe that. Unfortunately, it has only been done in towns where there is somewhat of a crisis for school students. I am a member of both school councils in Nhulunbuy and both have developed a fairly jaundiced view as to why the department made the decision to transfer Year 7 students to high school. They feel that perhaps it was made not for good academic reasons or good educational reasons but for strictly financial reasons. While that may satisfy the minister's other portfolio, the Treasury, it certainly does not assist me when I am explaining to a parent that the decision was made for very good educational reasons.

If there is to be an across-the-board policy to introduce Year 7 into the high schools, perhaps some guidelines should be drawn for the methods of teaching. Is it to be considered a transitional year? If it is to be done as a policy matter, then perhaps it should be done across-the-board in all high schools in the Northern Territory and not just at Nhulunbuy, Tennant Creek and Katherine.

Undoubtedly, the minister will obtain advice from his officers as to what should be done at Nhulunbuy in relation to the primary school and the high school. I would ask him not to take the cheapest option. I appreciate that that is not always easy and that the Northern Territory has certain budgetary restrictions. Perhaps moving demountable buildings around the countryside is an easy way of accommodating schoolchildren but, quite frankly, it is not the most suitable way. The population of the Nhulunbuy Primary School is quite outside that recommended for any primary school.

I would like to concur with the honourable member for Sanderson. I move around the Territory a fair bit. She said that tourists visiting the Territory probably go away with a mental image of burrs and bulldust. It seems to me that I have encountered quite a lot myself. Without pre-empting the Territory Tidy Towns people and their decision-making process, I am quite sure that visitors to Nhulunbuy would be very proud of what the Nhulunbuy corporation does in and around Nhulunbuy. It does a remarkable job. I see that the Minister for Youth, Sport and Recreation, who has visited our community a number of times, is agreeing with me. It has done a very good job there. Unfortunately, the corporation does not receive the official recognition that perhaps it should. It is not constituted under any local government act. Perhaps I will speak about that at another time.

Mr PERRON (Treasurer): Mr Deputy Speaker, I wish to respond briefly to the honourable member for Nhulunbuy about the question of Year 7 students and quote partly from advice from the department on this matter:

> *Policy in smaller areas is that Year 7 students are included in the high school rather than the primary school primarily to make schools in small regions viable...*

That means that, where a high school has very few students, and the primary school is overcrowded, it seems logical to move the students from the top grades of the primary school to the lower grades of the high school to turn both into communities. It does not seem an unreasonable proposition to me. It continues:

> *In the normal course of events, in Nhulunbuy, Year 7 students would move from the primary school into the high school at the beginning of the 1984 school year. However, concern has been expressed in the town that the high school would be far too overcrowded for the Year 7s to move over. To accommodate the projected increase in student*

numbers if Year 7 does move over, the department is proposing to move 3 demountables from the Nhulunbuy Primary School to the high school for the start of the 1984 school year. There appears to be resistance in Nhulunbuy to, firstly, moving the demountables at all, secondly, putting Year 7 students into the high school and, thirdly, retaining Year 7 students in the primary school.

It appears that the advice the department has is that the town is somewhat split on which way to tackle the problem. It continues:

Due to the conflicting reports and representations, the Deputy Secretary of the Department of Education is to go to Nhulunbuy next week and investigate the whole situation at first hand and will be in a position to put forward firm proposals after that visit.

That is the situation as it is today, Mr Deputy Speaker. I can assure the member for Nhulunbuy that the decisions on this particular subject will not be based simply on financial considerations or on what is the cheapest possible option for government. It is nonsense to suggest that. I am told that it would cost $90 000 to move the demountables. In an education budget of well over $100m a year, that is petty cash. To think that we would bother about leaving the demountables where they are because of a $90 000 bill is nonsense. Obviously, wherever the students are, in the primary school or the high school, teachers must stand before them to teach them and they must have whatever other facilities are needed to do Year 7 work. I do not see where financial considerations enter into the question at all. We are seeking the solution that is most suitable in terms of education.

Obviously, the wishes of the people of Nhulunbuy will be taken into consideration. When their wishes have been ascertained, it may be necessary to make an arbitrary decision because some want the demountables to stay where they are and others want them at the high school. We will wait until next week to see what the Deputy Secretary of the Department of Education recommends after investigating the matter personally. He will advise what he considers to be the most viable option. One thing we can be sure of is that, whatever the decision, someone will be unhappy. I guess that is the way of things.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, there are a couple of anniversaries of relevance to my electorate and I feel it would be appropriate to mention them in the adjournment debate. Next year will be the 50th anniversary the MacRobertson Air Race between England and Australia. It was sponsored by Sir MacPherson Robertson as part of the Melbourne centennial celebrations. The starting point was in England and the finish was at Flemington Racecourse. Entry into Australia was via Darwin and contestants landed at the old Fannie Bay aerodrome. Our family has a collection of photographs of that occasion as the planes landed in Darwin. It is obvious from those photographs that it was something that captured the imagination of the community here. Everybody who lived in Darwin went along to see those planes land. I think it is very commendable that the Aviation Historical Society of the Northern Territory recently convened a meeting to gauge opinion as to whether celebratory events to commemorate this anniversary should take place in Darwin. Certainly, it was the view of all of us who attended that that should happen. I am sure the government, which was represented at the meeting, will support that decision.

There are some other events already planned for the anniversary. It was a great achievement at the time. It is easy for us to think that flying from England to Australia is no great feat but, for those 20 or so planes which undertook the journey, it was quite a remarkable achievement. The winner, a British

plane, a Comet, the forerunner in design to the Mosquito, covered the distance in something like 2 days, which was quite a dramatic feat for 1934. That plane is still in existence and is being renovated in England. We also understand that the winner of the handicap event was a DC2 owned by the Dutch airline, KLM. It is also still in existence. It is planned that KLM personnel will fly that plane next year to commemorate that historical journey 50 years ago. This is being sponsored by Shell and the Dutch National Television Service which intends to make a documentary of the event.

Honourable members can see that this commemoration, which is such a significant thing for Darwin itself, could well become an international event once again. I am certainly hopeful that all honourable members of the Assembly will offer such support as is necessary to ensure that Darwin and the Northern Territory appropriately remembers this grand occasion of 50 years ago.

Another anniversary of great significance to my electorate this year is the 25th anniversary of the Parap Primary School. For people from southern cities or from overseas, 25 years is not long in the life of a school. In Darwin, 25 years is quite some time. I can remember the Chief Minister speaking in this Assembly on the 10th anniversary of a school in his electorate. So we in the Parap community are very proud that our school, which is the premier primary school in the Northern Territory, is celebrating its 25th anniversary.

A number of appropriate methods of commemorating this event have been planned. I think some are very worthwhile projects of long-term benefit. They will leave something for the future. It is hoped that, as a result of the history grants, a book of the history of the area, and particularly of the school, might be written.

On the lighter side, a rather exciting musical concept is planned for September to which I am more than happy to invite honourable members. There was, as you would know, Mr Deputy Speaker, a school in Parap before the war. But it closed during the war. This anniversary commemorates the opening of the new Parap school in 1958. I am very happy to advise honourable members that the community is celebrating this occasion with some degree of flair.

Finally, in relation to the Parap area, which is a central part of my electorate, I am happy that, in conjunction with the proposed construction of the water-slide near the Parap pool, the city council has commenced plans to upgrade the whole of that pool complex. It has been in a poor state compared to similar complexes elsewhere in Darwin. As a result of representations by myself and others, and certainly by the residents, the water-slide will not now be situated so close to residents' homes, as previously feared. I spoke of this matter in the Assembly last sittings. I am very pleased for once to be able to congratulate the city council on its plans to upgrade that complex, to improve the building there and to provide an appropriate parking area. I am also hopeful that it will consider the needs of the Darwin Amateur Swimming Club and water polo players and provide a club area for swimmers while the building is taking place.

Also in that complex, the Darwin Netball Association, which is a most active, vigorous organisation, is proposing shortly to commence the building of its clubhouse which will then be available for the use of visitors during the Australian Netball Championships which are planned to be held in Darwin in 1986.

I think yesterday the honourable member for Nightcliff said that hockey is the largest participatory sport in Darwin or the Northern Territory. I have not compared figures with her but I would certainly think that netball might beat it.

Certainly, there are many hundreds of players in the adult competition. Of course, there are also many hundreds of juniors.

Being aware, as we are today, of the need for fitness, Life-Be-In-It projects are very desirable. I welcome the establishment of that clubhouse in the electorate in conjunction with the upgrading of the courts and the granting of the sublease to the association. The Darwin Netball Association has received a grant from the government to assist with this construction. These are things happening in the Parap area of my electorate which I very much welcome.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

APPROPRIATION BILL
(Serial 342)

Bill presented and read a first time.

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

I present the Northern Territory's budget for 1983-84. In presenting this $1160m public sector budget, it is fitting to reflect briefly on the results of the 5 budgets since self-government. Our past strategy has been to establish and encourage a climate of growth and economic expansion for one purpose: to better serve the people of the Northern Territory. To achieve this end, our approach has been, firstly, to provide the services, improve the transport links, establish the community facilities and institutions on which to build a committed, enterprising and modern Territory. Secondly, we have sought to dismantle the factors inhibiting to investment and expansion and, wherever possible, give the private sector the lead in a growing Territory. I do not believe that there would be any in this Assembly who would deny the success and achievement of the Territory in those 5 years.

This record of achievement has allowed steady improvements in the quality of life for Territorians. As the Territory has grown, so Territorians have prospered. This is evident in improved housing. The number of new dwellings commenced in the Territory over the past 5 years is in itself impressive but its real importance lies in the fact that more than 20 000 Territorians now have homes where there were none before.

Similarly, the rate of growth of new businesses and industry in the private sector is important because of what it means in terms of new jobs and opportunities for our people. New investment and business expansion has been the basis for the creation of some 16 500 permanent jobs since 1 July 1978. The new jobs for people here, the new homes for Territory families, the new educational, recreational, entertainment and other facilities of the Territory today are available because of our sustained economic growth over the past 5 years. Our intention, past and present, is to use all the means available to government to ensure continued improvement in the quality of life for present and future Territorians. Whilst few would deny the advantages of our Territory way of life, we must recognise that Territorians suffer some disadvantages by comparison with other Australians. The most glaring example is, of course, the Territory's continuing lack of its own university.

It is therefore the duty and determination of this government to reduce those disadvantages wherever they occur and build on the good things that we have going for us. But, in doing so, we must strike the right balance. Territorians aspire to better government services and improved facilities, and this budget seeks to meet those aspirations. But we recognise that people want to decide how they will spend their hard-earned income, not have the government take more and more from them each year. We cannot improve the quality of life for Territorians through punitive taxes and charges and we recognise that we must not impose upon people the financial burden that outweighs the advantages of new services and facilities.

The cost of living in the Territory is already higher than in most other areas of Australia. Territorians are hit harder than other Australians by the federal imposts on fuel and other goods. Last week's federal budget introduced an excise on fuel oil at the rate of about 9¢ a litre. Its effect on the Northern Territory Electricity Commission would have been to increase costs for fuel purchase by some $15m with a consequential increase in tariffs of some 28%. Subsequent approaches to the Commonwealth by a number of organisations, including the Northern Territory government, resulted in the application of the excise being reviewed. The federal Treasurer has since announced that the excise would be set at 1.872¢ per litre. This will result in an increase in fuel costs to NTEC during 1983-84 of $3.3m and the Northern Territory government will be making further approaches to the Commonwealth to seek full exemption for the Territory from these charges.

Our responsibility is to maintain a careful balance between revenue-raising efforts and expenditure. I am confident that the 1983-84 budget achieves that balance and I am pleased to say that we will continue to maintain real growth without raising government taxes or, incidentally, indexing existing taxes. That is possible because the Territory has achieved real growth, giving us the extra revenue for our programs without imposing an additional burden on Territorians.

Our emphasis in new expenditure falls into 3 broad categories. The first is to lessen the social disadvantages inherent in the Territory's relative size and isolation - disadvantages which, in some areas, remain acute, largely because of the very long period of Commonwealth neglect prior to 1978. The second is to maintain the stimulus to the Territory economy in order to provide both opportunity for our people and a broader revenue base for further improvements in community services in the years ahead. The third is to increase the efficiency with which the Northern Territory government carries out its task and responds to the needs of the public.

Expenditures provided in the Appropriation Bill total some $923m. After adding a further $57m in special appropriations and $176m in expenditures by government authorities funded outside the budget, the total government and authority expenditures rise to $1156m in 1983-84. The specific initiatives of departments and authorities in pursuing our objectives are detailed in the explanatory notes accompanying the Appropriation Bill. However, I will give the Assembly a broad overview of the budget under the objectives I have mentioned: improved quality of Territory life, continued economic growth and administrative efficiency. The Territory government sees these 3 objectives as being the interdependent components of our overall budget strategy.

In relation to social development, Mr Speaker, I think it is appropriate to start with housing. This continues to be a top priority with this government and will undoubtedly remain so for some time to come. The Territory government is doing more to house its people than any government in Australia. The budget makes provision for a further 20% increase in new dwelling commencements across the Territory at a cost of $55m. The housing construction program will mean 763 new homes in Darwin, 182 in Alice Springs, 69 in Katherine, 20 in Tennant Creek and 34 in smaller centres. The Housing Commission's total budget of $153m represents some 13% of total government expenditure.

The government Home Loans Scheme, which is still the best assistance available to any Australian home buyer today, has been allocated $34m. In the past year alone, 1397 families have been assisted by the scheme, taking the total number of home loans to Territorians since self-government to 5315. That

means, every week since self-government, 20 Territory families have been able to move into their own home - a record of achievement we are determined to maintain. This year, we will finance 2000 new homes. Members would be aware that the Territory government continues to accept some 80% of the responsibility for housing finance, compared with an average 6% contribution from other governments across Australia.

As a further initiative for first-home buyers, stamp duty exemptions will be extended. The present situation is that first-home buyers purchasing a property of more than 2 ha are not eligible for stamp duty exemption. From today, first-home buyers purchasing any property, irrespective of size or value, will be exempt from stamp duty on the first $80 000 of the purchase price. This will mean that about 96% of first-home buyers will pay no duty at all. The new exemption will be of particular benefit to home buyers and builders in the rural area.

Mr Speaker, I have talked about the interdependence of our 3 objectives - a better life for people through growth and efficient government - and before leaving this aspect, I will draw attention to the way that works in practice.

It is estimated that, for every $1m turnover by private contractors in the engineering and construction sector, employment is provided for 50 people. For every job created by government policy on a building site, another job is created in the service industries. As a further initiative in support of our effort in housing, honourable members will be pleased to learn that the first move has been made towards giving lawyers and real estate agents direct access from their own offices to the government computerised information system on land titles. In the long term, it should mean considerably reduced conveyancing costs for the home buyer. The Department of Lands, with an allocation of $16.8m, will continue to cater for the land and housing needs of new and resident Territorians. To carry out that more efficiently, the department is adopting the most up-to-date technology available. I shall be speaking further on that.

Mr Speaker, honourable members will be aware of the Commonwealth decision to abolish the tax deduction in respect of home insulation. The Territory government is moving the other way. We are extending our solar rebate scheme to include rebates for the installation of photovoltaic panels. Details of this energy-conscious measure will be announced by the Minister for Mines and Energy.

Funding for the Palmerston Development Authority is $15m, including work in progress totalling $8.1m. Other budget allocations allow for the continuation of the interim Palmerston bus service and the establishment of a library. The Housing Commission's construction program will mean a further 430 homes in Palmerston in 1983-84. Primary schools will be opening in Palmerston in early 1984 and 1985. The federal budget has allocated $9.6m, representing a welcome $5.2m increase on last year, for Aboriginal housing, both in urban and rural areas.

After speaking about providing Territory families with housing, it is appropriate to look at our initiatives in the area of child care. This budget will provide a 20% subsidy for staffing costs at government child-care centres and, further, will extend that 20% subsidy to private centres. Taken with the existing Commonwealth subsidy, this will mean that 95% of staffing costs for community-based child-care centres are to be met from the public purse. The details of this scheme will be announced by the Minister for Community Development. However, I can say that this will mean savings of more

than $300 000 per year to Territory parents through lower charges for child care. The need for better access to child-care facilities, particularly for lower-income families, is thus recognised by government.

Child-care is not just an issue of interest to mothers; women's organisatives in particular have drawn attention to needs in this area. This is only one aspect of the Territory government's overall efforts towards an improved deal for Territory women and families. The Chief Minister recently announced a number of important initiatives to promote the role of women both within the government and in the community. Accordingly, provision is made in the budget for the establishment of an office of women's affairs in the Department of the Chief Minister, and for a community-based women's advisory council to advise government on matters of interest and concern to women. In relation to initiatives concerning women, provision is made in the office of the Public Service Commissioner for the appointment of an assistant commissioner for equal employment opportunity. It is clear from these initiatives, and the previous establishment of a women's advisory section in the Housing Commission, that the Territory government is determined to eliminate any disadvantages that women may experience within the workforce and in the Territory generally.

The establishment of the office of women's affairs and continuation of the important inquiry into freight and related costs are the major new initiatives in the Department of the Chief Minister which has a budget of $12.9m this year, including $239 000 for the Jabiru Town Development Authority.

I shall now move on to other aspects of the budget most directly concerned with people. From the start of the next school year, the pupil-teacher ratio in primary schools will be reduced to 21:1. This move will be welcomed by both parents and teachers and will make the Territory primary schools among the best staffed in Australia. In another education-related move, the trial appointment of nursing sisters at 2 high schools has proved successful in meeting a need among secondary school students. As a result, nursing sisters will be provided in all Territory urban high schools from next January. A perennial education problem in the Territory is the continuity of teaching for students. In order to overcome this problem, a pool of specialist secondary teachers is to be established enabling immediate replacement of teachers leaving the service.

I have spoken about the desire for an enterprising and modern Territory society and, in pursuit of that goal, computer education funds for both secondary and primary schools are to be increased substantially bringing the Territory up with the leading Australian states in computer education by the end of the 1984 school year. Our target is to give every Territory primary and secondary student hands-on access to a computer for the nationally agreed 30 minutes a week within 3 years. To achieve that, computer funding for schools is to be boosted from last year's $58 000 to $429 000 this year, representing a 640% increase. Next year, every urban Territory school will have at least one teacher capable of fully utilising computer facilities and assisting fellow teachers with computer-related studies. To achieve that, the Department of Education will work with the Darwin Community College to establish a Territory micro-computer centre in Darwin and a smaller unit at the Alice Springs Education Centre.

Financial assistance is to be provided to the hostels of the non-government schools, St John's boys and Salonika girls. This will bring them into line with the independent school hostels in Alice Springs which are already receiving subsidies.

The budget gives teachers a better deal. In addition to those initiatives I have already mentioned, we are correcting the anomaly inherited from the Commonwealth requiring teachers to contribute towards air fare entitlements. The 2-year air fares for teachers and their families will now be met fully by the Territory government.

Post-secondary education is also to be enhanced in the budget with the Darwin and Central Australian Community Colleges and colleges at Katherine and Batchelor all to receive additional staff, and budget provision for further development of TAFE training at both Nhulunbuy and Tennant Creek.

The total education bill for the year will be $138m, representing an expenditure of $3850 per school student. That is a worthwhile investment, of course, in the Territory's future. Details of the $30m building program of educational facilities around the Territory are contained in later comments on this year's capital works program. These moves, combined with an allocation of more than $1m for apprenticeship training with the Vocational Training Commission, will help create a skilled and modern workforce for tomorrow's Territory. I should point out that the Northern Territory is the only area in Australia where the number of apprentices is up. The number of new apprentices has grown by 13.1% in the past 12 months. This contrasts starkly with the national decrease of 34.2%.

Mr Speaker, expenditure on activities related to youth, sport and recreation will rise by more than 100% this year to an anticipated $3.5m. This has partly been enabled by an amount of $1.7m raised through the Sports Lotto and Instant Sports Lottery administered by the Racing and Gaming Commission. The successful sports travel subsidy scheme is to be expanded considerably to further assist both junior and senior sports men and women. The Minister for Youth, Sport, Recreation and Ethnic Affairs will be providing the details of that expansion during this sittings. Broadly, it is expected that during the coming year about 50 Northern Territory associations will benefit from the expanded scheme, enabling some 600 sports men and women to gain experience in national competition.

A considerable sum of nearly $3m is earmarked for the development of top-class sporting venues, including a drag strip, go-cart track and other facilities at the Hidden Valley Motor Sports Complex and a cricket oval in Darwin. This year will see the commencement of stage 3 of the $5.5m multi-purpose Marrara International Indoor Sports Centre. The first 2 stages will cater for at least 20 sporting organisations and many community groups and the new work, costing $1.5m, will include a separate indoor sports complex to accommodate sports such as table tennis, gymnastics and martial arts.

In Alice Springs, some $790 000 is allocated to new sporting facilities, including an indoor sports stadium, cycling velodrome and the football league's headquarters at Traeger Park. The budget also allows for further contributions towards the development of sports amenities ar Nhulunbuy, Tennant Creek, Katherine and Jabiru.

Funds have been set aside for youth facilities in Darwin's northern suburbs and money will also be available should the YMCA in Alice Springs formulate its proposal for a youth centre in that town. Total funding for the Department of Community Development is $58.7m, reflecting the government's concern both to improve community facilities and to redress community problems.

Local government is allocated $8.2m which includes an increased subsidy to the Keep Australia Beautiful Council, $400 000 for the construction of a pavilion at the Royal North Australian Showground and an allocation to allow the

Darwin City Council to develop East Point Reserve as a major recreational park for Darwin.

The allocation to community government this year is $22.1m, including $20.2m for town management and public utilities in Aboriginal communities. The new capital works program for Aboriginal essential services totals $10m of which $3.2m is subject to Commonwealth funding. Substantially increased funding for the Araluen arts centre in Alice Springs and the establishment of the Northern Territory government archives are the major components of an amount of $8.8m in the cultural affairs area.

The value of concessions to Territory pensioners will be maintained this year at $1.09m. Honourable members might gain some idea of the success and popularity of the pensioner rebate and air fare concession schemes put into place by the Territory government by noting that the numbers of our senior citizens are increasing at a rate of more than 5.5% a year. Since self-government, the number of aged pensioners in the Territory has increased by 28.4% and it is now well recognised that Territory pensioners are among the best supported in Australia.

The community development responsibility for Correctional Services amounts to $9.2m and includes additional funds for an expanded community service orders scheme. Since the introduction of the scheme in 1979, 215 people have worked more than 16 000 hours in community projects, at court direction, as penalties for minor transgressions. The success of this approach can be judged by the fact that 85% of offenders have not infringed the law subsequently. A second initiative towards rehabilitation without imprisonment is for an attendance order scheme under which offenders given suspended court sentences will be directed to seek educational and therapeutic assistance from community counsellors. The government and taxpayers have a very real stake in keeping people out of prison wherever possible. The cost to taxpayers of keeping just 1 prisoner in jail for 1 week is currently $728.

During 1983-84, the government will move to establish a high security unit for the chronically mentally-ill patients at the Darwin Hospital. Community welfare funding of $7.8m includes extra funds for substitute care facilities for children and the placement of adolescents with behaviour management problems.

Residents of all major Territory centres have welcomed the improvements to their communities through the urban beautification program over the past few years. The Conservation Commission's budget is increased by more than 30% this year to $27m. Beautification programs across the Territory will cost $1.8m this year, not including work at the Darwin Botanical Gardens estimated at $300 000. New work to be carried out includes a start to the Berry Springs open range zoo, which will eventually cost $4m, park development, rural fire and soil management, and training for Aboriginal rangers.

Mr Speaker, the trend in health care is towards preventative medicine - and that is reflected in this budget - with a regard for special health problems in the Territory. In that context, the budget provides for the establishment and operation of alcohol and drug rehabilitation centres in all major centres - Darwin, Alice Springs, Tennant Creek, Katherine and Nhulunbuy. In-service training for Aboriginal health workers at the Katherine Institute of Aboriginal Health is to be expanded. This follows from the high acclaim these workers have received, both from communities and from the Department of Health. Allowance is also made for the upgrading of mining health surveillance. These health-care initiatives, combined with the location of full-time nursing sisters in

Territory high schools, represent a move towards better health surveillance of the community and the encouragement of people to care better for themselves. Taken in conjunction with greater expenditures, government effort is towards a fitter and more vital community. Total funding for health and hospital services is nearly $100m.

The Liquor Commission is allocated $684 000 for 1983-84 and will continue its close liaison with communities about liquor laws which best suit their situations. The commission has the capacity to react quickly and efficiently to community wishes on liquor control.

Mr Speaker, the next aspect of the budget that I will deal with is the initiatives concerned with the continued stimulus of the Territory economy towards even greater growth. I had hoped to launch this section with some comment on the benefits to the Territory of a start to construction of the Alice Springs to Darwin railway this financial year. Territorians now know, however, that this most important of all promises to the Territory has been broken by the federal government and the whole future of the railway is very much in question. That is a tragedy for Territorians and all Australians. As a result, pressure is increased on us to improve further our other transport services.

Allocations to the Department of Transport and Works this year are in excess of $237m, about 25% of the total appropriations in this bill. In 1983-84, nearly $58m of roadworks will be undertaken. When added to the resealing, realignment and reconstruction already completed since self-government, total work will have extended over 1800 km. New roadworks will total $48m, including $12.2m in respect to the Australian Bicentennial Roads Development Program. The 1983-84 roads program allows for a significant upgrading of the Stuart, Barkly and Victoria Highways, staged development of the major arterial roads in Darwin and surrounds to meet the ever-increasing traffic demand, and a program of road upgrading in rural Darwin providing a better standard of access for the fast-growing population in that area. The government's commitment to tourism is demonstrated by the extended sealing of the Roper Highway, commencement of work on the Roper to Borroloola Road and the start on the Pine Creek to Jabiru Road which, when completed, will provide an additional all-weather access to Kakadu National Park. In the transport inquiry imposed on us by the federal government, we will be arguing for the realignment of the Barkly Highway to join the Stuart Highway at Tennant Creek.

Overall new capital works to be commenced in 1983-84 total $227m. These include programs for: Department of Transport and Works - $143m; Electricity Commission - $7m; Housing Commission - $54m; Conservation Commission - $6m; Palmerston Development Authority - $3m and the Darwin Port Authority - $1m. The following projects will be of particular interest to members. The Education building program, totalling nearly $30m, includes: Sanderson High School - $10m; the Driver Neighbourhood Centre at Palmerston - $4m; stage 2 of the redevelopment of the Angurugu School - $2m; upgrading of the Larrakeyah Primary School - $1.4m; and stage 2 of the Taminmin High School - $1.5m. Capital projects currently being considered for funding by the Tertiary Education Commission are the Gillen House Food Science Laboratory, stage 2 of the Katherine Rural College and construction of student residences and a metal fabrication workshop at the Darwin Community College.

Construction in Darwin of the new lower courts and Registrar-General's building will cost $14m. Construction costs of the Alice Springs dam are estimated at $9.5m. Approximately $6.5m will be committed on water and sewerage projects in the Darwin area and the Transport and Works depot in Katherine will be relocated to a site in the industrial area.

The major capital expenditure for NTEC is the Channel Island Power-station with $18.6m to be spent on the project this year. This represents significant progress towards a cheaper and more reliable power source for Darwin by the end of this decade. Work on extensions for the Fort Hill wharf, costing $4.5m, will also commence this year.

Mr Speaker, clearly, capital works spending acts as a considerable stimulus to the Territory economy. With this in mind, the government has taken a major initiative to generate new work for contractors and their employees. This has become even more essential as a result of the disappointing level of Commonwealth capital works expenditure in the Northern Territory. The arrangements involve private financing for certain construction projects, with the capital funds thus released being used to initiate new projects that would otherwise have been scheduled for later years. Under these arrangements, the Territory government has been able to bring forward the construction of an all-weather road from Pine Creek to Jabiru. Work will commence immediately on stage 1 at a cost of $7m. The cost of the total project is in the vicinity of $24m.

Other projects to be started this year under these arrangements will include: the Mt John residential subdivision stage 1 in Alice Springs - $3.35m; Berrimah police complex singles quarters - $1.3m; juvenile detention centre - $1.3m; Mararra Sports Complex stage 3 - $1.5m; Katherine and Tennant Creek fire stations - $1.4m; and nursing accommodation at Gove - $150 000. In all, private financing will allow the commencement this year of additional capital works with a total value of $33m. This move picks up the recent recommendations of the Australian Federation of Construction Contractors in its submission to the National Economic Summit Conference earlier in the year. Advertisements will appear this week calling for expressions of interest in connection with the financial arrangements.

The major export earner for the Territory is, of course, mining. A number of significant mining projects should go ahead in the next year or two. These are: the Enterprise Gold Mine at Pine Creek, with gold production worth more that $28m a year at today's prices; the Granites gold field project in the Tanami Desert, involving capital expenditure of more than $30m and annual gold production valued at around $20m; the smaller Mt Bonnie Mine; the Explorer 46, a small but high-grade deposit at Tennant Creek; and, the Woodcutters silver, lead, zinc deposit 80 km south of Darwin. These projects are overshadowed by the massive Jabiluka and Koongarra uranium deposits but, as we all know, a decision on their future rests with the Commonwealth. It bears repeating that these 2 projects involve capital investment of more than $750m and would produce hundreds of jobs and mineral wealth in excess of $300m a year. We live in hope.

Despite the national downturn in petroleum exploration activity, drilling in the Territory continued at a high rate during the past financial year. In all, 13 wells were started compared with 10 the previous year. This total includes 4 appraisal wells at Mereenie where production tests have resulted in the first commercial petroleum produced from Australia's largest on-shore oilfield. Construction of the Palm Valley to Alice Springs natural gas pipeline has been completed and pressure-testing is in progress prior to the transportation of gas to the Alice Springs power-station. The Department of Mines and Energy will forge ahead with its program of regional, geological mapping to provide the baseline data to encourage further exploration investment in the Territory. The first map in this essential series was released recently and a further 4 will be published during the course of the year. As in so many things, the Territory has to make up for a history of neglect in the collection of geological information readily available to exploration companies working in other parts of Australia. The department budget this year will run to $12.4m.

Mr Speaker, it is common knowledge that this government sees tourism as potentially the Territory's biggest growth industry. This year the Tourist Commission's budget will increase a further 30% to $5.5m which, incidentially, is about one-third of the amount allocated to the Australian Tourist Commission by the federal government. The next 12 months will see a stepped-up, aggressive marketing and sales program carried out by the Tourist Commission. with particular emphasis on the extensive national and international promotion of Yulara, due to open next year with initial accommodation for 1000 visitors a day. It is pleasing to note that the museum is also serving as a major tourist attraction in Darwin, with 3000 visitors a week this dry season. The complex will be enhanced by the Cyclone Tracy and historic train displays which will open at Fannie Bay Goal Museum in September. The allocation of $2.7m for museums and art galleries provides for a further 11 staff for curatorial, display and administrative functions this year.

With the Mindil Beach casino having opened its 350-seat convention centre only last week, and the Darwin Hotel convention centre nearing completion, it is appropriate that the commission establish a Northern Territory conventions bureau and funds have been allocated for that purpose. Tourism is the world's biggest growth industry and the major growth within that industry is occurring in 2 main areas: adventure tourism and business conventions. The Territory must take advantage of both these aspects and the government is determined to make sure this happens. The commission will make every effort to involve Aboriginal communities in tourism growth. We are not insensitive to the view of some communities that tourism is not for them, but we believe that this industry is the only immediately foreseeable way for communities to break out of the vicious welfare cycle.

The authority with the most direct responsibility for fostering growth is the Northern Territory Development Corporation. The corporation's budget for 1983-84 totals $14.4m of which $5.3m will be provided by way of appropriation, the balance being funded by loan repayments, semi-government borrowings, and funds carried forward from 1982-83. Small business is the backbone of our commercial and industrial activity, comprising some 98% of all Territory business. This year, the development corporation will receive a sum of $1m, specifically to assist existing small business enterprises through special loans, an expanded counselling and advisory service and indirect assistance in the form of promotion and development of markets. The corporation also has a responsibility to attract new investment. It has used consultants to carry out a number of investment-opportunity studies. These range from manufacturing projects, such as polystyrene foam, soap, electroplating, solar hot-water appliances and plastics, through to primary industry ventures like barramundi farming, cashew nut growing, plant exports and shark fishing. Other possibilities include a cannery, a ceramics factory and supply of Asian delicacy foods.

During the past 4 years, the NTDC has provided significant impetus to development in the Territory by way of concessional loans and guaranteed approvals totalling $110m. At June 1983, loans to primary, secondary and tourist industries stood at $28.5m. The new direction for the NTDC, with less emphasis on its role as financier, is reflected in the budget with less funds required for development assistance. In future, the corporation will aim its promotional campaigns and investment drives at experienced entrepreneurs who are known to have the resources to ensure that Territory investment projects will prosper and have long-term viability. Co-ordinated trade missions will continue to improve bilateral trade opportunities and thus provide the climate for expansion and growth of local industries.

Mr Speaker, the other area of government most concerned with growth in the Territory economy is the Department of Primary Production which this year experiences a budget increase of 30% to $24.5m. The allocation of $3.3m to the Agricultural Development and Marketing Authority maintains the government commitment to support the 6 project farms in the Douglas-Daly region. The reduced allocation reflects the fact that the major cost of establishing the farms is substantially completed.

Territory grain production last year increased 78% over the 1981-82 harvest to 5900 t, despite adverse growing conditions. Preliminary production forecasts for 1983-84 indicate a near trebled harvest of more than 15 000 t. This increase will occur on the Douglas-Daly farms, the new farm on the previous Mataranka pastoral lease and additional areas on existing farms. New handling and storage facilities have been installed and are now operational at Katherine and the Douglas-Daly.

Budget allocations include an amount to meet the costs of establishing the proposed Northern Territory grain marketing board. The current policy is that, wherever possible, produce within the Territory should be supplied from local market gardens replacing high-cost imported fruit and vegetables from interstate. ADMA will continue efforts to promote and market local horticultural products and provision is made in the Department of Primary Production budget both for further horticultural development in Katherine and Alice Springs areas and for research programs.

The most significant expenditure item in the department's budget is $10m for the Brucellosis and Tuberculosis Eradication Campaign. Of that figure, $4.7m will allow for compensation to be paid to pastoralists whose livestock must be destroyed or properties destocked. The extra funding will mean the testing program can be accelerated. This is essential but, to enable Territory cattle properties to be disease free by the 1992 deadline, much higher levels of expenditure are required in the coming years. The Minister for Primary Production will maintain the pressure on the Commonwealth government for still higher levels of support for disease eradication.

The other area of primary production of significant potential is fisheries but our first need is for proper management of the resource from the outset to avoid over-exploitation. To achieve this, an internationally-recognised expert will carry out a study of this valuable resource.

Mr Speaker, in closing my remarks under the heading 'economic stimulus', I should add that all government departments and authorities have a responsibility to be aware of the positive influences they can exert in the private sector in carrying out their responsibilities. Wherever possible, government should seek to involve the local business community, buy from the local producer and look towards local resources before going elsewhere.

Mr Speaker, I will now talk about efficient government. Territorians have a long history of remote and disinterested pre-self-government administration. In this budget, there are many initiatives which seek to make government information more readily available to people and streamline the administrative process. This is particularly important in a part of Australia in which our population is widely scattered and the number of people working for government is necessarily high.

The new police headquarters to be constructed at Berrimah by August next year will bring together all Darwin police operational and support staff as well

as the administrative sections of the Northern Territory Fire Service. The expenditure allocation for these essential services totals $35.6m, including funding for fire brigades amounting to some $5m.

Construction of a $14m lower court building to also house the Registrar-General will start in January 1984. When completed by about Christmas the following year, this building will contain 7 courtrooms and bring together offices such as births, deaths and marriages, land titles, company registrations and registrations of commercial transactions. Within the near $10m budget of the Department of Law this year, additional positions for administration and company investigations are to be funded, and money is set aside for more extensive application of computer data processing.

Mr Speaker, while the Territory is still a relatively small place in population terms, we must seize the advantages of modern technology to provide the data base on which to plan and efficiently manage the future. The Public Service Commissioner's office is co-ordinating the integration of advanced technology information systems across the whole range of government activities. About 3000 Northern Territory public servants are now using computers and word processors every day to maximise the efficiency of government departments and authorities. That is a much higher percentage than in any other public service in the country. The result is simply better use of the taxpayer's dollar, meaning faster information, better decisions and improved services to the public. Information on matters such as land titles, motor vehicle registrations, library books and even protected flora and fauna is now much more readily available to people.

One of the most exciting areas of such development is MAPNET, a computerised map drafting system which, in combination with the existing lands information system, will allow ready access to information on almost every aspect of land use - from geological data to the location of sewerage lines and power poles. Just over $1m is allocated in this budget for the establishment of this system which will put the Territory at the forefront of this type of technology.

Before going on to budget revenues, I will deal with the areas of the Treasurer's Advance and Special Appropriations. The Advance to the Treasurer this year is $27.1m set aside to meet future wage and salary increases and unforeseen expenditure requirements. Funding has been included to vary the basis of annual leave loadings payable to Northern Territory public servants. Currently, payments are made on the basis of national average weekly earnings. The government considers it more appropriate that such payments be geared to Territory average weekly earnings, and this will mean a slight increase for public servants. The new arrangements will be introduced after the current wages pause. A specific provision has been necessary for the Territory contribution towards the Commonwealth community employment program. The Commonwealth estimates the scheme will mean employment for about 400 people on Territory community projects.

Provisions totalling $57.4m have been made for expenditures appropriated under other acts. These comprise: interest and sinking fund repayments on the Northern Territory debt - $54.466m; expenses in connection with loan raising and repayments - $1.291m; Supreme Court judges' salaries and administrative expenses - $944 000; contributions to the Legislative Assembly Members' Superannuation Fund - $690 000; and Auditor-General's salaries and allowances - $55 000.

Mr Speaker, I now turn to the revenue estimates detailed in Budget Paper No 2. Total revenues this year will be $980.4m, comprising Commonwealth payments of $844.7m, Northern Territory receipts of $136.6m and allowing for a reduction in respect of the 1982-83 carry-over deficit of $890 000.

Commonwealth payments are provided to the Territory under the terms of the Memorandum of Understanding. Payments in 1983-84 include: tax-sharing entitlements - $424.3m; specific purpose payments - $245.2m; general purpose payments (capital) - $129m; health grant - $25.3m; special grant - $16.9m; and grant in lieu of uranium royalties - $3.5m. An additional $2.1m will be provided to the Territory in 1983-84 in recognition of lost revenue on the introduction of Medicare next February.

Of interest is the first-time payment of the special grant of $16.9m based on the assessments of the Grants Commission. It is disturbing to hear simplistic suggestions that the Territory is in some way over-funded. The Commonwealth Grants Commission, the expert and independent arbiter, has found that the Territory has been in fact under-funded and has recommended the payment of a special grant. It is to be hoped that the commission's findings in this highly complex area will lay to rest the damaging comments of those seeking to erode the Territory's rightful share of federal tax revenues. An increase of 7% in capital funding to the Territory was announced at the Premiers Conference, bringing estimated receipts to $129m in 1983-84. Increases have also occurred in a number of specific purpose payments, including Rum Jungle rehabilitation, Aboriginal housing and the Australian Bi-centennial Roads Development Program. The major increase in Territory revenue in other receipts over 1982-83 collections relates to the recovery of debt charges which have no net budgetary effect.

In conclusion,the Territory budget creates more than 300 new jobs in the public sector and, although it is difficult to estimate the number in private enterprise, the new initiatives in many areas will certainly continue job growth outside government. The Territory remains committed to the wage and price restraint to retain funds for real growth and to hold down the wage-costs inflationary spiral. Last week's federal budget contained a disappointing lack of funding for capital works in the Territory. We have therefore taken a new look at our budget strategy to keep people in jobs and create new employment. In particular, the innovative deferred-financing arrangement will allow for a substantially increased works program in 1983-84. In summary, we have managed to maintain a momentum of Territory growth without inflicting an additional burden on Territorians. This has been possible through the Territory's steady growth over the past 5 years, the key element to the Territory's progress towards a self-perpetuating local economy. Continuing growth means continuing prosperity. I commend the bill to honourable members.

Debate adjourned.

DISTINGUISHED VISITOR
Sir Antony Buck QC, MP

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Sir Antony Buck QC, MP, Chairman of the House of Commons Select Committee on the Parliamentary Commissioner for Administration. On your behalf, I extend a warm welcome to Sir Antony and trust his stay in the Territory will be a pleasant one.

Members: Hear, hear!

MINISTERIAL STATEMENT
Northern Territory Development Corporation

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, in my statement to the Assembly on 23 March during debate on the bill to amend the Northern Territory Development Act, I advised members of the proposed coverage of the review of the policies and objectives of the NTDC. I stated that an officer of the Commonwealth Development Bank had been seconded to the NTDC to recommend improved lending procedures. Mr Bernie Hoy, a senior officer of the Commonwealth Development Bank, completed a 7-month secondment with the NTDC at the end of June 1983. During that period, he completed a review of the lending procedures and finalised his report. I would like to thank Mr Hoy for the work and the time that he put in in the Territory. He is a resident of Sydney. I would also like to thank the Commonwealth Development Bank for making his services available. The report is very comprehensive and will form the basis of operations in the NTDC's lending activities for the future. The purpose of my statement today is to report on the progress being made on the implementation of new procedures recommended by him.

Mr Speaker, I table Mr Hoy's report for the information of members. I have attached to the front of the report an executive summary which outlines the major recommendations which have been endorsed by the board of the corporation and the government. Honourable members will see from the report and draft lending instructions that the proposals are both complex and thorough. Implementation of the report is under way and is being undertaken on a phased basis. Staff training is proceeding with the implementation of the report. Key loan officers will each be spending time with the Development Bank, Sydney, to supplement on-the-job training. It is expected that full implementation of the proposed arrangements will take up to 12 months. Some aspects of the recommendations require major changes including reprogramming of computerised systems.

It is not my intention to debate each aspect of the report or the individual recommendations. In the report, members will see for themselves the arrangements and procedures that are being implemented. They are consistent with the general principles of lending applied by commercial lending institutions. I commend the work undertaken by Mr Hoy and the experience and knowledge he has passed on to the corporation, both in his report and in his 7 months with the corporation which will provide a firm platform for improved NTDC lending operations. I commend the report for perusal by honourable members.

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

Debate adjourned.

MINISTERIAL STATEMENT
Excisions of Pastoral Leases

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, for over 10 years since the Gibb Committee Report was published in December 1971, successive Territory and Commonwealth governments have been criticised for failing to provide a means by which Aboriginal people on cattle stations can obtain their own community living areas on those properties. One result of this has been that the situation of many Aboriginal groups on cattle properties has improved little over that period. As part of the 10-point land rights package agreed to

last year between the Territory and the then Commonwealth government, the Territory government agreed to introduce legislation to provide for excisions from pastoral properties so that Aboriginal people could obtain their own land. This package was abandoned by the present Commonwealth government when it came to power which meant that the excision legislation was not proceeded with either.

Despite this, the Territory government recognised that the need for land by these groups still existed. Therefore, it decided to introduce legislation without delay since it did not wish Aboriginal people in pastoral areas to continue to be the pawns in arguments between governments and land councils over various aspects of the land rights question. Accordingly, I informed the present Minister for Aboriginal Affairs, Clive Holding, by telex on 3 August of the Territory's intention to introduce excision legislation during this session of the Assembly. I then caused a draft bill to be prepared which took into account most of the reservations expressed by land councils about the earlier draft last year.

It was government's intention and hope that the bill would be debated, and hopefully passed, by the Assembly during the October sittings. I met with Mr Holding on 12 August 1983 in Darwin to discuss a number of issues with him, including the excision bill. To my surprise, he strongly opposed the introduction of any legislation at all. Despite the needs of Aboriginal people in these areas, which he acknowledged, he made it clear that the Territory must await a decision by him on a suitable form of legislation. In turn, this must await the outcome of Mr Justice Toohey's review of the Aboriginal Land Rights Act which has not even begun yet, and apparently also the Western Australina land rights inquiry which will not conclude until next year. Mr Holding vehemently opposed our initiative and left little doubt that the Commonwealth might exercise its constitutional power to block any Territory legislation at this time should we pursue our intentions. He wants uniform legislation throughout Australia in this field despite the difficulties that this will face. He declined to comment himself on the principle that such an amendment of the Crown Lands Act should be Territory legislation.

In the face of this pressure, Mr Speaker, I reluctantly agreed not to proceed with our excision bill. It is difficult to see why the Minister for Aboriginal Affairs would want to see such legislation delayed leaving Aboriginal people on Territory cattle stations still facing a hard task in obtaining title to their own land. His reasons for the delay are to me less than convincing. I believe that Territorians, especially Aboriginal Territorians, ought to be aware of this position.

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

Mr B. COLLINS(Opposition Leader): Mr Speaker, I intend to dispose of this nonsense immediately because I would not like to see rubbish like this cluttering up the notice paper of the Assembly. This extraordinary, crocodile-tears nonsense that the Chief Minister has inflicted on the Assembly has to be disposed of. In the extraordinary statement of his concern on behalf of Aboriginals living on pastoral leases, he failed to mention something that would be obvious to any person who has been close to this particular matter: his government has had the ability to do something about this for the 7 years that it has been in power in the Northern Territory and it has chosen to do nothing. The total misrepresentation of the Northern Territory government's dealings with the federal government contained in the statement is a totally deliberate exercise of crocodile tears on the part of the Chief Minister. Indeed, as the Chief Minister knows full well, his government has had the power to do something about this ever since it has been in government and it has done nothing.

The Chief Minister referred to an inquiry being conducted by Justice Toohey. The Chief Minister said in his own statement that he did not anticipate that this so-called legislation - a draft of which I would love to see because I doubt that one exists - would have passed through the Assembly in October this year. Could I point out to the Chief Minister - although I do not need to because he is well aware of it - that the terms of reference that have been given to Justice Toohey to carry out the inquiry state quite clearly that the inquiry is to begin in September and conclude in November this year. That is one month after this supposed legislation would have passed through the Assembly.

As the Chief Minister knows, the terms of reference also state that the question of excisions is to be dealt with expeditiously by that inquiry so that, hopefully - because it is actually up front in the terms of reference and it has been specifically stated that the question is to be addressed before other questions - the actual recommendations to the federal minister would be available well before the November deadline for completion of this inquiry. What palapable nonsense it would be for any responsible government to introduce legislation on a subject that is being dealt with by an inquiry which is to be completed in just a few months.

This accusation cannot be allowed to stand. I will quote from this statement: 'The package was abandoned by the federal government'. What absolute nonsense! The Chief Minister knows full well that the Northern Territory government had proposed a 10-point package. The Labor Party in this Assembly had proposed a 13-point package. In what I thought was a fairly commendable move, the federal minister, to take the heat out of the argument and to try and get some consensus, instead of conflict which the Chief Minister is hell-bent on creating, proposed that the inquiry would, among other things, consider both proposals. It is rubbish to say that the 10-point package will be abandoned. As the Chief Minister knows, Justice Toohey will in fact be studying that 10-point proposal along with our proposal and any other submission that he receives before bringing down recommendations. Seeing that it has been given special mention in the terms of reference, I would anticipate that his findings will be available before November this year.

The federal government has said - and it is something that I do not hesitate to support - that, in order to avoid conflict, rather than enshrining the government's proposals into legislative form in this Assembly prior to the determinations of Justice Toohey being brought down in a few months time, it would be far more sensible to conduct some discussions based on Justice Toohey's recommendations, whatever they may be. The Chief Minister knows that he and I on behalf of our respective parties in this Assembly will be giving submissions to Justice Toohey as part of this inquiry. Instead of proposing an act that may not be satisfactory - it will only enshrine the government's view on this matter and conflict with the views of other people - the federal government has said quite reasonably that we should wait until the inquiry starts - which is in 3 days' time - and is completely finalised in November. The question of excisions should be dealt with immediately by Justice Toohey. The recommendations will be made available to the government when he has completed them, probably within a month. Therefore, that would have been a sensible course of action to adopt.

I am pleased to see that, despite those crocodile tears in his statement, the Chief Minister has not indicated that he will introduce this bill into the Legislative Assembly. One would then be forced to ask: why is it necessary to make any statement at all? Of course, when you have a look at it, it is as transparent an attempt at pushing political garbage down the necks of Territorians as is the sleight of hand that has been attempted to be perpetrated by the

Treasurer in respect of federal funding in the last budget. The Chief Minister has attempted, for some reason or other, to convince people in the Northern Territory that he is the good guy in the white hat and the federal government is the bad guy in the black hat preventing this wonderful initiative of the Chief Minister from proceeding. As he knows, the people who are associated closely with this matter would see through this in 10 seconds. I would assume that this is an attempt to convince that part of the electorate that is not closely connected with this particular matter.

I know from the discussions that I have had with the parties most affected by this particular matter - that is, the Aboriginal people themselves who are living on pastoral properties and who are the subject of this particular question of excisions - that they are perfectly satisfied to await the inquiry of Justice Toohey and for the proposals of the Northern Territory government and opposition to be put to the inquiry along with any other submissions. They would be happy to wait for Toohey to make his recommendations and then, after the inquiry is conducted, a bill to be passed through this Legislative Assembly hopefully enshrining the best parts of those recommendations. The result should be a compromise between the conflicting views of all the parties contributing to it.

This statement can be exposed as total nonsense in that the Chief Minister knows that the record of granting excisions has been appalling. He would be the last person to say otherwise. There have been only 10 in something like 10 years. Since it has control of the Crown Lands Act, his government has had the opportunity to move more forcibly in relation to excisions for the 7 years it has been in government but has chosen not to do so.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I do not really feel called upon to respond at any great length to the Leader of the Opposition's diatribe. It is rather curious that the Leader of the Opposition chooses to ignore the Minister for Aboriginal Affairs' repeated assertions that he is looking for uniform Australia-wide legislation in this area.

Mr B. Collins: He has opposed it.

Mr EVERINGHAM: Mr Speaker, whether he has opposed it publicly or whether he has opposed it privately does not alter the situation.

As I said in my statement, the Minister for Aboriginal Affairs is looking at uniform, Australia-wide legislation, whether that be complementary Territory and state legislation or whether it be federal legislation. Whichever way he goes with that proposal, he will take years to get it through. It does not matter how quickly Justice Toohey reports. Uniform legislation which affects Western Australia, Queensland, South Australia and other states will take years and years to secure. If the federal minister thinks he will override, on alleged constitutional grounds, the states of New South Wales and Victoria in areas that affect their Crown Lands Act, then I suggest that he has another think coming.

The Aboriginal people and the pastoralists in the Northern Territory to whom I spoke and with whom I consulted in the process of developing these proposals in the course of the last 2 to 3 months, as a result of the federal Minister for Aboriginal Affairs circularising every Northern Territory pastoralist that he had better negotiate and grant excisions to Aboriginals living on his property within 3 months of receipt of the letter, are entitled to an explanation from me as to why the legislation that the Northern Territory government had proposed and of which I forewarned them, will not proceed.

Motion agreed to.

MOTION
Report of the Distribution Committee

Continued from 23 August 1983.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I would be very surprised if there was any need for a prolonged debate in the Assembly on this particular matter because very little point would be served by it. All honourable members have had ample opportunity to have given both written and oral evidence to the Distribution Committee and indeed lodge objections. The parliamentary Labor Party has been through that process with both written and oral submissions and then written and oral objections to the draft proposal. Indeed, it is hardly surprising to say that the Australian Labor Party did not get what it wanted. It is probably equally reasonable to say that the Country Liberal Party did not get what it wanted, and that is probably not a bad result from the exercise. There are parts of the redistribution that I am unhappy about and I am sure that a number of individuals, particularly on the other side of the Assembly, would be unhappy about what has been done to them.

I will make some comments about some of the objections that were lodged publicly through the press about the Distribution Committee's work because many people have not realised just what a complex and difficult job it is. One comment that I would make in respect of redistribution which I think has been largely brought about by Alice Springs and the difficulty of dividing up such a relatively small and compact community into 4 seats is that a principle of redistribution which I would like to have seen upheld, because it is a commonsense one, is that the physically large and difficult-to-service electorates should be loaded towards the low end of the quota and the small, compact, urban electorates should be loaded towards the high end of the quota. That is a commonsense principle that is adopted when these redistributions occur. Unfortunately, the opposite has occurred. The physically large, difficult-to-service electorates have been loaded towards the top end of the quota and the small, compact, urban electorates have been loaded towards the bottom end of the quota. That imbalance is brought about largely by the redistribution of the Alice Springs seats. Just by way of example, the 2 seats that are nudging the top of the quota are Arafura with 2700-odd voters and Arnhem with some 2500-odd voters. They are, respectively, one and two in terms of the most populous electorates. Considering the size of the electorates, they are difficult to service because of poor communications. Compare that with Alice Springs where there are 4 urban seats loaded down to 2100 voters in each electorate.

Having said that, and being bound by the quite ludicrous decision of the Northern Territory government to increase the size of the Assembly to 25, the commission was fairly restricted in what it could do. I understand the problem it had in respect of Alice Springs. I think the irresponsibility of increasing the Assembly to the size it has been increased to is probably best demonstrated by the Alice Springs redistribution. The committee had little choice. In respect of fulfilling the quotas, it was physically impossible to divide Alice Springs into 3 electorates; it had to be 4 electorates. That resulted in 4 electorates that are all bound to the low end of the quota. Thus, a community as compact and isolated as Alice Springs will be represented by our equivalent of 4 state members of parliament.

After the election, it is highly likely that the new members for Stuart and MacDonnell will reside in Alice Springs. That is the most convenient place to locate those members and it will place a severe burden on the hospitality budgets of quite a number of Alice Springs organisations when they will be obliged by the demands of protocol to invite 6 Territory members to every function that they have. People will fall over politicians wherever they go and probably will need to allocate an extra $1000 for tea and bickies for them.

Nevertheless, it is fair to say that the committee tackled a difficult job and did it well. It had a number of fiercely-competing demands placed upon it by quite opposing points of view and, by and large, it coped with that pressure and produced what I consider to be a reasonably workable redistribution for the Northern Territory. The government has indicated clearly its intentions in respect of the report by moving for its adoption without amendment. As I said before, every opportunity was provided for anyone to make an input into this committee. Indeed, many did so. Having set up a distribution committee and provided reasonable processes for it to operate under, I do not think it would reflect well on this Assembly, and the government is of the same view, to take umbrage or exception to the result that committee has brought down. In moving to join the government in its support of the report, I would like to conclude by commending the members of the committee for carrying out an extremely difficult task in a fairly workmanlike fashion.

Mr HARRIS (Port Darwin): Mr Speaker, I note the Leader of the Opposition's comments about the increase in the number of members in the Assembly. He said that it was a ludicrous decision of the government. I believe that we have looked at the situation that exists throughout the Northern Territory and, bearing in mind the necessity to maintain the one-vote-one-value principle, which the ALP has supported all the way down the line, the only way that this can be maintained is to increase the size of the Assembly. I will not come back to the argument of the workloads on the ministers or the opportunity for greater scrutiny of the executive. They are valid arguments and these particular issues will be served well by the increase in the size of the Assembly.

One of the problems that we have - and this is something that the opposition failed to acknowledge - is that we have a very large area of some 1.3 million square kilometres. Coupled with this , we have a very small population of 130 000 people. Of those 130 000 people, about 45% are on the rolls - the 59 000 mentioned in this particular report. Coupled with the fact that we have this large area and small voting numbers is the fact that we only have 2 real growth areas as far as population is concerned: Darwin and Alice Springs. When we first went in to this redistribution process, there were 2 other areas which were also in that category. When we made our submissions to the Distribution Committee, Katherine was very much a potential growth area and it still is even though final decisions have not been taken as far as the speed in which the development of the Tindal air base will take place is concerned. Katherine was a very real proposition for development. The other area which also was a proposition for development was Jabiru. It still has potential but, until the policies of the Australian Labor Party are changed somewhat and decisions are taken, Jabiru will not develop at any great rate. When we looked at this distribution, those were 2 areas which were considered as potential rapid growth areas.

The problem is that the major population occurs in 2 areas, Alice Springs and Darwin, and that is where extra politicians will come from in the future. If the size of the Assembly is not increased, the bush electorates will be whittled slowly away. The bush electorates, which have supported the Australian Labor Party, more so than our side of the fence, are the very electorates that would be affected if we did not increase the size of the Assembly. To have the one-vote-one-value concept, it needs to be increased.

Mr Speaker, the population is growing in Darwin and Alice Springs and there is potential for fast growth in both those areas. There is no potential for fast growth in the electorate of Stuart or the electorate of Elsey, other than the Katherine area. You know that, Sir. In much of the bush area of Elsey, voter numbers are very low. Failure to increase the size of the Assembly would lead to a decrease in the number of the bush electorates, and we do not want that.

It is important to hold with the principle of one-vote-one-value and the Australian Labor Party, right throughout its comments on voting, electoral bills and legislation, has stressed this particular point. I agree with it; I think it is important. I believe that the only way the we will have a system whereby we will be able to go without a major redistribution for a number of years and support the interests of all of the people in the Northern Territory is to increase the size of the Assembly.

Mr Speaker, I will not go into any great detail on the report itself. The Leader of the Opposition covered it pretty well when he said that all of us had made submissions and objections. However, I believe that it is necessary to make some comment on the way in which the Distribution Committee itself interpreted various sections of the act. The report varies considerably from both the opposition's submissions and our original submission to the Distribution Committee. The reason for that variation, as far as our submission was concerned, was in relation to the application of quota provisions. We went into great detail to make sure that we took cognisance of the populations in all areas. This included the bush electorates and not only the urban electorates. We also took note of potential growth areas and areas where there was no potential for growth. We believe that the best way to balance the electorates - and we are looking into the future - is that those areas where it was identified there would be growth be set at the bottom of the quota and those fully-developed areas, such as Nightcliff, be set towards the top of the quota. That is a sensible application of quota provisions. Over a number of years, the growth areas would develop and catch up to the others. But it would be many years before a major redistribution was required.

I take the point of the Leader of the Opposition that it is very difficult to service large electorates. The unfortunate part is that those large electorates do not have voter numbers and the potential for those voter numbers to increase rapidly. That is a problem because, to keep pace with voter numbers in the urban growth areas of Darwin and Alice Springs, some bush electorates would end up having to be taken together. They would have to be joined so that the voter numbers are there. Thus, we have a very real problem with the application of quota provisions. I emphasise that our submission was based on the fact that, where there were identified growth areas, the tolerance would be towards the low mark and,where there were fully-developed and established areas, the tolerance would be set towards the high mark. That is one proposal that the committee disagreed with. We believe that the 20% tolerance is a very high tolerance, made necessary by the rapid growth in the Northern Territory - it is a developing area and we need that extra percentage so that we can go without a major redistribution for a number of years. We believe that, if the 20% tolerance had been used as we suggested, we would have been able to go for many years without a major redistribution. As it is, with this report, there will be a need for a redistribution in a short time.

The other comment that I would like to make is in relation to the accuracy of the rolls. I did not take into account when we were putting forward our submission that there were many people who were not on the roll. You have to look only at the proposed electorate of Koolpinyah to see what I mean. In this area, which covers Bees Creek, Howard Springs, Humpty Doo, Berry Springs, Darwin

River and Adelaide River, there are supposed to be only 2275 people. I believe that to be incorrect. However, the Distribution Committee could only go by the numbers on the roll because that was part of its terms of reference. Perhaps it is something that should have been looked at. We should have taken into consideration those people who were not on the rolls when setting the terms of reference for that particular committee.

I commented in various submissions that it is strange that my electorate has decreased by 21% since Cyclone Tracy, even though the vacant blocks that existed at that time have now been filled with home units. I can assure you, Mr Speaker, that the number of electors in my electorate is considerably more than the number listed on the roll. In fact, I went into a block of home units the other day and there were something like 15 couples there, and only 12 people were on the roll. That is very serious and we need to address it. An unfortunate aspect of this whole exercise is that, when everyone is on the rolls, we will have a situation where a redistribution will be necessary again.

There is another thing that needs to be pointed out. A number of precedents have been set in relation to small voter numbers. I believe that this should be mentioned. Tasmania obtained its 2 fully-elected houses in 1856 when constituency numbers were around the 1800 mark. We are developing. This is a young parliament and we are setting the base for the future. I think we have to ensure that the parliament is able to operate as it is supposed to operate. Increasing the number of the members of this Assembly will give us the opportunity to set the foundation for a parliament that will operate well into the future.

I join with the Leader of the Opposition in commending the work of the Distribution Committe. It has been a lengthy exercise and I know because I was very close to it. I feel that, if similar terms of reference are given and interpreted in the same way, the end product would be proposed electoral divisions very similar to those proposed today. The work of all the committee members is to be commended. As the Leader of the Opposition has mentioned, it has been a very lengthy and difficult exercise. I believe any committee, given the same terms of reference and interpretation, would have come up with very similar maps. I support the report.

Mr BELL (MacDonnell): Mr Speaker, I would like to make a few comments in this debate. I find it of considerable interest, having heard the Treasurer refer to job creation in the budget, to have this as the following debate. Surely this is a unique job-creation scheme that has been developed. I remember hearing the Chief Minister on television some time ago talking about fence-painting schemes that the federal government was apparently proposing. Sometimes I wonder whether such fence-painting schemes might not be of more value than increasing the number of members in this Assembly by some 30%. Many people in central Australia would share exactly that point of view. As the Leader of the Opposition has quite rightly pointed out, nowhere is the foolishness of the increase in the number of seats in this Assembly more clearly demonstrated than in central Australia. On public occasions, one frequently has so many members of the Legislative Assembly present that it verges on the embarrassing. Certainly, it is difficult for the people organising such occasions. When the division of seats in the Legislative Assembly comes down to divisions between allotments, as it has in what currently is the member for Gillen's electorate, surely that is bordering on the foolish. Surely it is time to wonder whether there is any need to increase the membership of this Assembly in the way that the government seems hell bent on doing. One wonders whether the electoral commissioners may not be forced into the unfortunate position of knocking on a door and saying to a married couple, 'Excuse me, would you mind living at that end and would you mind living

at that end so we can get our numbers right'.

I find it very interesting that the submissions made by the parliamentary Country Liberal Party and its organisational branch refused to acknowledge what is and has been traditionally one of the planks of its country party colleagues elsewhere: that there should be weighting in favour of rural electorates. Honourable members are all well aware that the Premier of Queensland, Mr Joh Bjelke-Petersen, has almost raised it to the status of an art form.

Before I comment further on that, Mr Speaker, I would like to rebut the non sequitur that the honourable member for Port Darwin raised: that there is somehow some connection between the principle of one-vote-one-value and increasing the size of this Assembly. As he quite rightly pointed out, the ALP has argued strongly in various places and at various times for the principle of one-vote-one -value. However, I am unable to understand why accepting that principle necessarily means that the size of this Assembly must be increased. It would have been just as easy to retain the present size of the Assembly and perhaps marginally increase the size of those seats. I do not really think that it would be a burden on any of the existing members to service an electorate of 2800 people instead of 2500. I do not think that there would be any member who would argue that the increase of 200 or 300 in the size of his electorate would make any profound impact on the quality of his representation. I would like the Chief Minister to justify that point when he sums up this debate. I find it fairly difficult to accept. In fact, I feel embarrassed about it to be quite frank. I am very happy to be in a position where I can oppose a measure like this.

The member for Port Darwin also raised the issue of there being some weighting in favour of growth areas in order to prevent or at least reduce the necessity for another redistribution soon. There may be some merit in that. What I would say, though, is that the merit in such an idea is somewhat lesser in importance than that. Here I argue my own case. The problems of representing a large area deserve some consideration. Given the difficulties of transport in the remote areas of the Territory, I believe that some consideration should be given to such electorates.

I would like to make a final point, Mr Speaker, in regard to the submissions and the use of the term 'community of interest' in the Electoral Act. I am aware that, certainly in the submissions made by the organisational branch of the Country Liberal Party, the community of interest was defined to a considerable extent on racial grounds. I found that a little disturbing and informed the Distribution Committee of my feelings in that regard. I am on record elsewhere as having said that there are 2 areas of particular challenge to this Assembly: one is economic and human development and the second - to some extent in the same area - is the issue of race relations. I regard one of the great challenges for self-government in the Northern Territory is to include the need to talk through and work out the issues in race relations and the process of culture contact as it is happening and has happened throughout the Territory's history. I believe that, to define 'community of interest' in the terms of these particular submissions, was unreasonable and not in the best interests of good government in the Territory.

Finally, on exactly that issue, I was a little disappointed to see that community of interest was the principle argued to identify the people who live in farm areas in my electorate with the people living within the town of Alice Springs. I am quite sure that the rural pioneers, who are so frequently championed by the honourable member for Tiwi in this Assembly, would be most loath to accept that there was any community of interest between those 2

particular groups of people. I would like to point out my dissatisfaction with the idea of community interest that has been voiced in this argument. I would like to point out that the honourable member for Port Darwin really ought to do his sums a bit better and work out how the principle of one-vote-one-value can be retained without increasing this Assembly beyond reasonable proportions.

Mr LEO (Nhulunbuy): Mr Speaker, I have listened with interest to a number of speakers this afternoon. I am afraid that it becomes all too clear that the Distribution Committee is perhaps one of the most unfortunate bodies that has ever been established in the Northern Territory. No matter what proposals it came up with, it was bound to be criticised by almost everybody.

Mr Everingham: It was not criticised by this side of the Assembly.

Mr LEO: I would suggest that the Chief Minister read the speech of the member for Port Darwin.

However, Mr Speaker, I agree with what the honourable member for MacDonnell said about the concept of 'community of interest'. It is very challenging to represent my electorate. Certainly, it will be hotly contested in the next election. Mr Speaker, your electorate is very similar as is that of the member for Tiwi. There is a great cross-cultural gulf. The smirking honourable member for Alice Springs happens to have a collection of rednecks in Alice Springs. It is very easy to represent a very narrow group of electors.

Mr Everingham: Shame!

Mr SPEAKER: Order, order!

Mr LEO: I find it very interesting and very challenging to represent a group of people who come from such diverse cultures. A submission was put forward by the organisational branch of the political party represented opposite that Nhulunbuy become a peculiar, white electorate, stuck out in the middle Arnhem Land - a European, middle-class enclave in east Arnhem Land. I find that completely repugnant.

I find it challenging to represent an electorate which has such diverse cultural interests as I am sure you do, Mr Speaker, and as I am sure the honourable member for Tiwi does. My constituents have completely different aspirations and views of the world. It is a challenge that I know I can look forward to in the future despite early pre-selection procedures.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I think the essential question is that everyone in this Assembly accepts that the Distribution Committee did as fair, reasonable and equitable a job as it could in all the circumstances. I have not heard any statement running against that. I heard the member for MacDonnell giving vent to his views about the number of seats and the member for Nhulunbuy telling about the composition of electorates. I heard the member for Port Darwin talking about a submission that he formulated for my party. I am sure that none of them is saying that the committee did other than the best job it could in what were very difficult circumstances where there is a small population made up of different ethnic groups over a very wide area. The committee could have gone other ways but I do not think that, taken as a whole, the report can be other than acceptable. Therefore, Mr Speaker, I see no point in prolonging this debate.

Motion agreed; report noted.

RACING AND BETTING BILL
(Serial 312)

LOTTERIES AND GAMING AMENDMENT BILL
(Serial 313)

Continued from 23 August 1983.

Mr PERRON (Treasurer): Mr Speaker, I have noted honourable members' comments during the debate. The member for Nhulunbuy raised issues in regard to proposed sections 142 and 143 which related to presumption of guilt. The honourable Attorney-General responded to those very accurately. I will not dwell on them further.

The honourable member for Port Darwin asked what response we had after sending copies of the second-reading speech and bills to bookmakers, racing clubs and other interested parties. I am advised that the bills did not go to every bookmaker in the Northern Territory. The bookmakers were selected throughout the Northern Territory. Although some 20 bookmakers received copies, there was only one response. That was from a very well-known bookmaker in the Darwin area who said largely that he did not have any problems with the bill with the exception of subclause 132(3). He said: 'In today's society, where a great majority of 16 to 18-year-olds have assumed responsibility for important positions in the workforce and are tax-paying citizens, I feel that they should not be victimised for doing what they have probably seen their parents doing for most of their lives'. I think that the point he was making - which he did not spell out very clearly - was that people who are 16 and upwards perhaps should be allowed to go into betting shops. As honourable members will see, under the legislation, the minimum age for betting remains at 18.

The other response we received was from the Federated Clerks Union which supported the off-course bookmakers system and supported registration of clerks in that system. We noted its comments.

As expected, the honourable member for Millner went on at some length about TAB. He said that the clubs were in a terrible plight and it was all the government's fault. He did not consider for one moment that the situation that the clubs are in now, which is one that they have worked their way into over a period of years, needs even the slightest review. Honourable members will be aware that a working party has been established by the government to look at the structure and funding of racing in the Northern Territory. This working party will need to look at how race clubs are run, what levels of facilities and staff they have and what levels of prize money they offer, whether they seek sufficient sponsorship relative to clubs elsewhere and the expenses they incur during the course of the year.

We need to relate these things to the size of the 2 principal centres in the Northern Territory where race clubs are a full-time business: Darwin and Alice Springs. Race clubs in the other centres are much smaller affairs and generally hold 1 major meeting a year. They are usually very successful. Darwin and Alice Springs run races for a very extensive part of the year and, on many occasions, lose money because of lack of attendance at courses. The answer is not simply to say, 'We cannot balance the books so the government should give us more money'. What must be borne in mind above all else is that, even if there were no racecourses in the Northern Territory running races at any time, the return to the Northern Teritory government from betting would be largely what it

is today because a very small percantage of all betting and turnover tax stems from on-course betting. Of course, all the Northern Territory punters are betting with their bookmakers on southern races so we need to bear that in mind when we look at the whole matter.

The government very much supports the racing industry in the Northern Territory. We appreciate it employs quite a number of people and has a reasonable following in the community. If we did not support it, we would not have agreed some time ago to return 100% of the taxes we receive to the clubs. Let there be no more talk about whether or not the government supports them. The whole context of racing in the Northern Territory needs to be kept in mind by people who want to follow the subject. Mr Speaker, I thank honourable members for their contributions.

Motion agreed to; bills read a second time.

In committee:

Racing and Betting Bill (Serial 312):

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: Mr Chairman, I move amendment 164.1.

This inserts a new definition of 'betting inspector'.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 16 agreed to.

Clause 17:

Mr PERRON: Mr Chairman, I move amendment 164.2.

This provides that, as one of its functions, the commission may prosecute any person for offences against the Racing and Betting Act or the Lotteries and Gaming Act.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 21 agreed to.

New clause 21A:

Mr PERRON: Mr Chairman, I move amendment 164.3.

This new clause allows the commission to appoint betting inspectors. Those appointed would be permanent members of the commission staff but may also include members of the Police Force.

New clause 21A agreed to.

Clauses 22 to 70 agreed to.

Clause 71:

Mr PERRON: I move amendment 164.4.

The amendment provides for a bookmaker's guarantee to be on an approved form rather than on a prescribed form.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clauses 72 to 76 agreed to.

Clause 77:

Mr PERRON: I move amendment 164.5.

Subclause (1), providing for the appointment of betting inspectors, is to be omitted as it is replaced by new clause 21A.

Amendment agreed to.

Clause 77, as amended, agreed to.

Clauses 78 to 92 agreed to.

Clause 93:

Mr PERRON: I move amendment 164.6.

The amendment to subclause (2) provides that, where a licensed bookmaker is convicted for the second time within a 3-year period of allowing consumption of intoxicating liquor on his licensed premises when open to the public, the court may order the delivery of his licence to the commission for suspension or cancellation. Originally, it provided that the court 'shall' order the delivery of his licence to the commission for suspension or cancellation.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clauses 94 to 119 agreed to.

Clause 120 negatived.

Clauses 121 to 135 agreed to.

New clause 135A:

Mr PERRON: Mr Chairman, I move amendment 164.7.

Subclause (1) of the new clause allows betting inspectors, without warrant, to enter any place where they have reasonable grounds for suspecting that unlawful betting is, has or is about to take place. Subclause (2) provides that a betting inspector may direct a person to remain in a place for

a period not exceeding 3 hours for the purpose of obtaining the services of the police to conduct a body search. Subclause (3) provides a substantial penalty for a person not complying with the direction given under subclause (2).

Mr LEO: Mr Chairman, I understand clearly what subclause (2) of new clause 135A does. I seek some explanation from the minister as to why it is necessary to introduce this clause. Has there been some experience in the past where perhaps card players have disappeared overnight? Perhaps the minister could demonstrate the necessity for subclause (2).

Mr PERRON: Mr Chairman, the existing powers of inspectors under the act provide that they can go onto premises and seize books, records and so on. They can do everything except touch a person. The nature of some illegal betting is such that records are held on the person. An inspector can go into a premises and, whilst he can seize documents that are lying around, if a person has notebooks or pads in his pockets or on his person, the inspector can do absolutely nothing about it. Indeed, the inspector cannot detain that person in the room whilst a police officer is sought to conduct a search. Therefore, the person can leave the premises. He cannot be obstructed physically by the racing inspector. He can go to another room or whatever. Obviously, he could destroy those records. That would completely destroy the intent of having an inspector raid premises. It is a very real problem. The situation has arisen recently. I have not sought here that inspectors be given powers to search people. I did not want to get into that area at all. I believe that that is more properly the role of the police. However, I do not think it unreasonable in these circumstances to ask for a person or persons to remain in an area until such time as a police officer can be brought to the premises. Of course, if the person wilfully disregards that order - in fact he still could go out of the room I guess and destroy records which may be incriminating to himself - there is a very substantial penalty provided for non-compliance.

Ms LAWRIE: I find this new clause most disturbing. I appreciate the intent of the honourable minister in trying to ensure that the provisions of the Racing and Betting Act are upheld and that illegal betting and those who conduct such activities may be prosecuted. Implicit in that is a loss of revenue to the Northern Territory and possible disadvantages to the punter. None of us would wish to see that continued. But my concern with clause 135A is that a betting inspector may , without warrant and with such assistance as he thinks necessary, if necessary by force, enter any place on or in which he suspects illegal practices are occurring. That includes private premises. It is not limited to places which are licensed for the purposes of the proposed Racing and Betting Act. It is not limited to clubs which may not be licensed but where it is expected that people will congregate. As far as I can see, this amendment is so wide as to allow a betting inspector far greater powers than is allowed the normal policeman. A policeman, except under certain quite restrictive acts, may not enter private premises without obtaining a warrant. Honourable members will be aware that provision has been made in emergency circumstances for the provision of telephone warrants. Despite the misgivings of some honourable members, it was voted for in this Assembly. To my knowledge, it has not been abused by members of the Police Force who are trained and responsible and very much accountable to the minister responsible for the police.

The Treasurer will quite legitimately say that these people are responsible to him. They do not, however, have the same training in the rights of the citizen as a policeman does. We have upgraded the training of recruits to the Northern Territory Police Force to a standard which may well be the envy of other parts of Australia. But racing and gaming inspectors are well

trained in the legal games of chance and the lurks which may be perpetrated on an unsuspecting public by people who manipulate games of chance, who manipulate odds and horse races and who do not write betting tickets. I understand the concern of the honourable minister that they may go into another room and eat those illegally-written tickets, which has been done before. It is very easy to digest flimsy paper. It is a good way of disposing of the evidence. The honourable member for Ludmilla pulls a face. It is not an unknown method of destroying quite vital evidence.

However, this simply-worded amendment gives the power to a person trained in the intricacies of a betting act the right to go onto private property without warrant if he has reasonable grounds to suspect certain things are being done. What I am suggesting is that the honourable minister consider my remarks and defer the further consideration of this clause. I am not opposed to his tightening up the act. I make that clear. I want to stamp out illegal gambling. But I am most concerned if it embraces the right of entry to private premises. By 'private premises', I mean the normal domestic homes of the citizens of the Northern Territory.

I have circulated this amendment. Honourable members may be aware that, where I have my electorate office, I have 3 betting shops in close proximity. They were unaware of the amendment and hence my question this morning. I appreciate the feelings of the honourable minister and other members who become sick and tired of circulating documents and having little response. I understand that the minister did his best with the circulation of the bill to alert the racing and betting community as to what was proposed. But this amendment is not simply a consequential amendment or an amendment to correct a drafting error. It is an amendment of great consequence. I would like to have been assured that this received the same distribution as did the bill which it seeks to amend.

Mr Chairman, I cannot emphasise enough that I have severe reservations because of the wide application of this proposed new clause. I will guarantee to support the minister in his application to licensed premises or perhaps clubs and other places where there has been demonstrated to the officers within the Racing and Gaming Commission a need for strengthening of the act. But the application to private premises in this manner, without warrant, I think is unwarranted and unfortunate.

Mr PERRON: Mr Chairman, I am happy to have this clause deferred while I seek some further advice on what the member for Nightcliff has said. She certainly seems to have some points in that regard. It was expanded quite deliberately. Commission inspectors had powers to enter licensed premises. If we are looking at SP operators, we are unlikely to find them on licensed premises but on other premises. It is felt that there is no way that the commission can do a reasonable job of trying to police the Territory for illegal betting if it does not have a power wider than on licensed premises.

However, on the basis of other things that the honourable member said, I think that we can defer further consideration of the clause. She said that it goes beyond the possible loss of revenue to the Territory from illegal betting in that it also may disadvantage the punters. That is somewhat incidental to the whole question because, with illegal betting and illegal gaming, the stakes can be very high. At this stage, the stakes may not be big but once such illegal activity flourishes, more serious crime tends to follow. We are looking at something much deeper here.

Ms LAWRIE: Mr Chairman, I appreciate that the honourable minister has listened to my remarks. If he simply asks that the committee report progress, that would adequately cover the procedure. As I stressed to him, I have no wish to impede the passage of this legislation.

I appreciate that there are very good reasons for widening the powers of the inspectors. However, in the case of private premises, I ask the minister to consider the necessity for the issue of a warrant. He will be aware that, before an inspector stages a raid, he would have good cause to stage that raid. He would have foreknowledge or suspicion of what was going on and could make that known in the request for the issue of a warrant. All members of this Assembly who are JPs are accustomed to dealing with such requests. That would preserve the community interest in its concern for liberties.

Mr LEO: Mr Chairman, I was quite deliberate in the question I asked the honourable minister. There are provisions in various legislation for police to enter houses or homes where they suspect drugs are being used. That is not unusual. It is fairly specific in the case of certain acts. Police are required under regulations, at least, to furnish their names when requested by anybody whether on the street or in somebody's home. If asked for their names, they are obliged to give them. I do not really want to push the civil libertarian bandwagon but, it would appear to me that a licensed inspector, or even somebody who says that he is a licensed inspector, could go into anybody's home and proceed as he will, whether or not there is gaming going on there. To me, subclause (2) holds many dangers. Really, it needs more thorough investigation before it is proceeded with.

Mr CHAIRMAN: Does the honourable Treasurer wish to defer further consideration of that clause?

Mr PERRON: Yes, Mr Chairman, if I may.

Further consideration of new clause 135A postponed.

Clauses 136 to 144 agreed to.

New clause 144A:

Mr PERRON: Mr Chairman, I seek deferral of this amendment as it also relates to inspectors.

New clause 144A postponed.

Clause 145 agreed to.

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

Lotteries and Gaming Amendment Bill (Serial 313):

Bill taken as a whole and agreed to.

Progress reported.

CRIMINAL CODE BILL
(Serial 332)

Continued from 25 August 1983.

Mr B. COLLINS (Opposition Leader): Mr Chairman, this draft of the Criminal Code is again a progression from the previous one although, in fact, it shows little substantial development from its predecessor. Most of the amendments are of a technical or tidying-up nature. However, we are pleased to see that there have been some amendments in line with our recommendations.

In particular, we welcome the wider provisions in relation to duress and coercion. These are a definite improvement on earlier drafts and conform more with established principles in this area. Unfortunately, the government has seen fit to place a severe limitation on the use of these defences. They are not available to an accused who has rendered himslef liable to duress or coercion by entering an association or conspiracy whose objects involve the doing of a wrongful act. Given that the definition of 'wrongful act' is very wide and includes acts which are lawful, we are concerned that this limitation will place severerestrictions on the use of these defences. The Attorney-General says that the restrictions will deny the benefit of the provisions to gangsters. As presently drafted, the restrictions will cut off the defence for an accused involved in activities which are much less sinister, though perhaps not generally approved of by the community. In our view, this is too harsh and we recommend that the limitation be more appropriately expressed in terms of 'unlawful' rather than 'wrongful' acts.

We are pleased also to see the amendments to sections 78 and 79. These relate to public officers with a private interest in a contract or property which might conflict with their duties. The government has taken up our recommendation that provision be made for disclosure in such cases.

Unfortunately, there are very few amendments of a significant nature in this new draft of the code. The opposition is in agreement with the new definition of 'grievous harm' which extends the recognised category of 'grievous bodily harm' to encompass mental injury. We feel that this is an innovation suited to modern values and well worth implementing. But, there is very little real development from the last draft. In addition to our own comments on the draft code, we are aware of criticism coming from other community bodies and yet we see little reflection of these opinions in the code before us.

Mr Speaker, I cannot over-emphasise the importance of this legislation. It is a major piece of legislation which purports to provide a comprehensive codification of all the matters with which it deals. It does not deal with the whole of the criminal law in the Territory but it does deal with all of the more serious matters. It purports to take the place of both our current legislation in the field as well as the common law which has been built up over the centuries. Certainly, that is no mean task.

Some comment has been made, and I among others have made it, that lawyers and other groups have been slow to respond and comment on progressive drafts. In fairness, it should be recalled that many groups put in a lot of work on earlier drafts only to find that subsequent drafts bore little resemblance to the earlier ones. Each draft meant starting from scratch since there were no obvious relationships between the many drafts. Indeed there was a very substantial shift in direction at one particular point. That these groups

should find it difficult to keep up with the high level of input in those circumstances and with the heavy workload and professional demands made upon them is not surprising. Looking at the code is not something that can be done in a few hours or a few days or, indeed, a few weeks. It is a massive task that cannot be taken on lightly.

The opposition must indicate, as we have done before, some protest at the speed with which this is being introduced. It is no good the government saying that this procedure has evolved over a period or years because, as I remember, hundreds of hours of work were put in and in fact a number of trips south and various other things were done on earlier drafts of the code only to find that the government totally abandoned that approach in a very sudden manner and switched to an entirely different approach. Really, the code that is before us now has only evolved from that switch which has largely evolved from the Queensland Criminal Code.

The formulation of a criminal code is an opportunity to be innovative, albeit cautiously, and an opportunity to dispense with anachronisms. Where is the evidence of this in the criminal code? Much of it is a complete restatement of the Queensland code, a code which prominent Queensland criminal lawyers, among others, recognise as badly in need of a thorough revision. Even Queensland has repealed the offence of attempting to commit suicide and one must ask why it has been retained in the Northern Territory code. There is no evidence that the existence of such on offence has any deterrent effect and its retention is of doubtful value. How often is it used? Indeed, it only takes a moment of reflection to consider that a person who is in the very unhappy position of actually moving to the act of attempting to take his own life is hardly going to be influenced by knowing a section of the Northern Territory Criminal Code renders that an offence. It is generally recognised that this is not an appropriate means of dealing with what is essentially a medical and social problem. We wonder whether the government has really given serious consideration to the preservation of this offence. It has been removed from the Queensland Code upon which this code is largely based.

A similarly unenlightened approach has been taken in the inclusion of provisions relating to habitual criminals and those considered to be incapable of controlling their sexual instincts. If an offender is held to be within either of these categories, he can be detained for an indefinite period. This is real 19th century stuff. Habitual criminals should receive appropriate attention within sentencing discretions. Some of them could probably be suitably dealt with through the Mental Health Act. Persons considered incapable of controlling their sexual instincts should definitely be dealt with through mental health provisions.

Outdated approaches are also institutionalised in some of the offences against morality. It is descriminatory that homosexuals and heterosexuals should be treated differently. If females over the age of 16 are able to indulge in sexual activity, then it is inconsistent that heterosexual males cannot do likewise until the age of 18. Further, given the sexual activity of young people, it is unacceptable that, when 2 young people of similar ages are intimate, the male is liable to criminal conviction if the female is under 16. We have spoken about this before and recommended that the Victorian legislation should be looked at as a model. We still believe very strongly that that is the case. The opposition repeats its recommendations that, where there is little or no age difference between the parties, consent should be a defence. It is no good saying, as the Chief Minister said, that in such cases charges are rarely laid. If that is so, and I accept that it is, why not implement our

suggestion and provide the certainty in the law for which the government claims that it is striving.

While we are on the question of certainty, I must comment on the inconsistencies with other legislation which will be created by this code. The Poisons and Dangerous Drugs Act is a glaring example to which the Attorney-General himself has adverted. He said the code deals with the more popular drugs. But, each of the 3 schedules in the code which divide the drugs into categories of what one could call seriousness or dangerousness contains drugs from both schedule 8 and the prohibited category in the Poisons and Dangerous Drugs Act. So much for any attempt at consistency. The Attorney-General has spoken in terms of the discretion that will be exercised as to what legislation will be used for the laying of charges. I must say that I do not like this particular approach at all. While the opposition appreciates the approach taken in the code with respect to drug traffickers, we cannot help but be disturbed by these inconsistencies and the uncertainty they will create. Perhaps the Attorney-General could indicate where this discretion will lie and with whom it will lie. Will it in fact, in the initial instance, be with the police?

Mr Speaker, another matter of grave concern to the opposition is the approach taken in the code to the whole question of intoxication. It is certainly ground that we have gone over before but we will go over it again. While one can understand the government's concern with the high consumption of alcohol in the Territory, particularly when crime related, we do not think that a sledge hammer approach is warranted nor will it be effective. Alcoholism and heavy drinking is in fact now recognised in medical circles as a disease. It is inappropriate to attack this problem through criminal provisions. To impose harsher criminal penalties has never been seen as the means of solving such problems and , indeed, the body of evidence available to substantiate that statement is considerable.

The Attorney-General has spoken in terms of intoxication being treated as an excuse for crime. This has never been the case and it is misleading to suggest that that is so. Where intoxication is relevant is where there is a question of the offender's ability to form the requisite intention. An essential element of serious crime has always been the principle of mens rea - the intention of the accused is the all-important issue. In this code, the government has undermined this principle in several areas but particularly where intoxication is involved.

I have made this point before and I must say it again. It is undesirable that a person who commits an offence while intoxicated and is possibly incapable of forming a clear intention should incur a harsher penalty than someone who commits a similar offence while in control of his wits and fully aware of the consequences. This goes against accepted principles of criminality where the concept of intention is a crucial element and this sort of approach is carried over into other aspects of the code. In many instances, the traditionally established onus of proof has been turned around. In many offences, an accused is now placed in a position where he must prove his innocence rather than the prosecution establish his guilt. So much for the principle that a man is innocent until proven guilty. Presumably it is a lot easier for the authorities to prosecute under these circumstances. I dare say that is what lies behind it. But what about the basic principles enshrined in our common law and established over centuries? There is no evidence that persons guilty of crimes are avoiding conviction en masse. Criminal law principles have stood the test of time. They serve well while ensuring that an accused has adequate opportunity to defend himself. If the opposition could see some reason for overturning these principles and if there was reason for severe misgivings in respect of the traditional approach, then our attitude would be different.

Mr Speaker, I made the comment before, particularly in respect of provisions that have been introduced in this Assembly by the former Attorney-General, that unfortunately the government very often fails completely to give reasons or substantiate why these new provisions need to be introduced. I am sure that honourable members would recall the previous debates where this is so. Often, when I raised these objections, the Chief Minister responded by providing further evidence. From the debate that has already taken place, we fail to see any reason at all for overturning these long-accepted principles of criminal law. The government, in our view, has not established any grounds - certainly in here - why these incursions into the rights of the accused should be made. Where is the need? I would like the government to address itself to this question.

Similarly, the government should explain why it believes it is necessary to substitute objective tests for the more traditional subjective tests when determining the guilt of the accused. Surely, if an accused is to be convicted of a serious crime, then it is the accused's state of mind which is relevant rather than the yardstick of the reasonable man or, as the criminal lawyers refer to it, the man on the Clapham omnibus. I must repeat that basically the criminal law is about establishing the guilt of the accused person, not the average man in his position. I see these switches in the traditional approach as further eroding the ability of the accused person to establish his innocence. Indeed, the whole philosophy behind these incursions into accepted principles seems to have been to make it more difficult for the accused. If that was not the intent - and I suggest that, if the mens rea mentioned by the Attorney-General was examined, it would be the intent - then that is certainly the effect that it has had.

An accused person's right to make an unsworn statement from the dock has been removed. This will go particularly hard against Aboriginal people who, as the government well knows, are often confused by questioning and cross-examination. But more than this, we believe that every accused person should have the right to address the court which is determining his fate when he has chosen not to give evidence under oath. In taking this line, the opposition is not espousing that those accused of serious offences should be set free. What we are saying is that the established principles have set a balance between upholding the law while preserving the rights of an accused person until he is proven guilty. We do not believe the government has demonstrated a basis for tipping the balance against the accused. We uphold the principle that a man is innocent until proven guilty. The Attorney-General maintains that this fundamental concept is enshrined in this code yet the code's alterations to established principles of criminal law and the overall approach in the code give the lie to this.

Mr Speaker, on the basis of these reservations that I have outlined, I would urge the government, once again, to reconsider its program for the introduction of the code. Let us spend a little more time considering the implications of these shifts in established law. If the code were introduced in stages, the Attorney-General's response was to suggest that it would probably mean the code would never be enacted and the community would be uncertain of the law. The first point seems to reflect little confidence in the government and its bureaucracy. Surely, if developing this code thoroughly and cautiously could lead to non-codification, there is something to be said then for this considered approach. In response to the Attorney-General's other argument, I would suggest that, if the community has coped with a combination of statute and common law for this long, it can do so for a little longer. After all, the most populous states in Australia manage already on this basis and look as though they will continue to do so for some time.

Mr Speaker, in concluding these remarks, I would once again like to register the opposition's protest against the maintenance of the mandatory life sentence for murder. There seems to be no valid reason why the court should have no sentencing discretion in respect to a murder charge when it exists in relation to other serious offences. Indeed, without going further into detail, it is certainly true to say that there have been prominent cases in the Northern Territory of recent times which indicate only too clearly a view that I have not hesitated to put in this Assembly before: there are murder cases and murder cases. There are indeed cases that demonstrate that the circumstances that exist between one case of murder and another can vary quite considerably. There has been a degree of public disquiet, and indeed I share that disquiet, as to some recent prominent cases in the Northern Territory where, in our view, considering the circumstances of the case, a sentence other than mandatory life sentence would have been imposed had the judge been allowed that sentencing discretion. In our view, judges should be allowed that discretion. There is no valid reason why this discretion cannot be applied to this case. We believe, and we have said it before, that this question of mandatory life sentences will weigh heavily on juries who will be sentencing as well as convicting when they hand down a guilty of murder verdict.

Mr Robertson: Don't say 'will be'. It always has been so.

Mr B. COLLINS: Indeed it has. We are well aware that that is a mandatory life sentence provision. In fact, with respect to that interjection, I would suggest that the comments I have been making on previous cases in the Northern Territory would be nonsense if in fact that was not so. I do appreciate that it is so. We are suggesting that it should not be so. It should be changed. This code gives us the opportunity to change it but the government has chosen not to do so.

Mr Speaker, we believe that the maintenance of this mandatory life sentence is a retrograde step in what is supposed to be an updated 1983 version of the criminal law of the Northern Territory. I have pointed out what we consider to be anachronisms contained in this code. In the light of these considerations, and those raised in the previous debates - and I know we do not need to go over the ground we have covered so many times in relation to other details in the code - I stress to the government that, as far as we are concerned, this code should not be introduced in its current form and does need further amendment. I would commend to members the amendments that the opposition will be introducing.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I was interested in a remark made by the Leader of the Opposition that this bill has been put through rather quickly. I have lost track of the draft codes and the bills that have been brought into the Assembly. I think that honourable members and the community at large have had plenty of time to put forward views on the Criminal Code.

The first provision on which I would like to touch is section 7, which deals with intoxication. I thoroughly agree with it because I think that, if a person has taken the time to become intoxicated, he must realise the consequences of his actions and from previous experience know what is likely to occur as a result.

Section 11 relates to power to impose domestic discipline. I agree with this thoroughly, despite amendments circulated by the Leader of the Opposition. More than most honourable members, I have had experience with the disciplining of children and more experience disciplining animals. I have trained domestic animals and wild animals. In any situation where there is a family group or a

community group, discipline is most important. If discipline is not enforced in a family group of either primates or higher primates and undisciplined behaviour becomes the norm, that particular community very quickly passes into chaos. That does not augur well for the permanence of that community or in its being able to survive.

I become fed up when I read in the paper of people complaining about their civil rights not being considered. It seems that usually we only hear one side of the story. We hear the side of the undisciplined minority in our community who want to do something against what is considered to be normal behaviour in the community. They are very strong on their individual civil rights but they give no thought to the ordinary, orderly, considerate people in the community. This occurs particularly in media coverage. Currently, we are aware of disturbances at Roxby Downs. The media is giving an inordinate amount of coverage to a group of agitators who are claiming their civil right to demonstrate. As I see it, there is another group of people going about their ordinary business: the mining company and the people employed by it. But, because they are behaving in an ordinary way, and trying to earn a living - the people there are trying to earn a crust like the rest of us - they are too ordinary for any notable media coverage.

Parents should not abdicate their responsibilities and fail to maintain some sort of discipline, by which I do not mean harsh, unreasoning discipline on children. I feel that parents have responsibilities. If they bring children into the world, they have responsibilities for the children's well-being until the children are old enough to leave their care. With these responsibilities go rights and I consider that one of the rights of a parent is to decide how the family will behave. I do not say that this should be done without love or care for the child. Far too often these days, children are encouraged to believe that they will grow up into a world where there will be no Indians and everybody will be a chief. I know the member for Nightcliff tends to become a little bored when I mention my family, but I have heard her also speak about her family on numerous occasions. I feel that a certain amount of discipline is necessary in raising children. I am pleased to see that equality between husband and wife is considered in that a wife may be an accessory after the fact. Previously, the wife has been considered in an advantageous position in law sometimes.

Section 27, both now and in previous drafts of the code, presents some confusion. I hope it does not present any confusion if it comes to a court of law. Perhaps other sections will be introduced to clarify it. I am not speaking with legal training but as an ordinary person who has read it through. Section 27(8) talks of a person in peaceable possession of any moveable property. That person could be the owner or the holder of the property. Paragraph (j) talks about the owner claiming ownership. Paragraph (j) says that the holder can use force to retain the property which may not necessarily be his, (k) says the owner can use force to regain his property and (h) says that the owner or the holder can use force in regaining the property. It is tied up with section 43 which is concerned with damage to property. But, when we consider section 27 further, paragraphs (n), (m) and (q) relate to piracy and it appears to me - and I hope I am proved wrong - that, in paragraph (q), the master may not be the proper master of the vessel and ownership can be claimed there also.

When we consider sections 72 and 73, which deal with piracy, it appears that the pirate has the upper hand over the owner. Section 72(b) says that an act of piracy means an act of boarding a ship against the wishes or without the

knowledge of the master. The master of the ship may not be the true owner or may not be the rightful master of the ship. As I see it, in section 72(b), by stealing a ship, directly or indirectly, the owner could be considered a pirate. Under sections 72(d) and 72(e), a member of the armed forces or somebody acting on the authority of the Commonwealth or the lawful government of a foreign state can take control of the vessel. It appears to me that the rights of the owner are not specified as well as those of other people.

Section 125 states that any person who, by threats or force, prevents or attempts to prevent any minister of religion carrying out his duties commits an offence. It brings to mind a strike by cemetery workers - I think it was in New South Wales - when a new firm of funeral directors was established. I think it was called Simplicity Funerals. The firm did things cheaply and, for some reason or other, the cemetery workers union did not want to work with the firm and went out on strike. If that sort of thing happened in the Territory, I would see a case for an offence against the people out on strike.

Section 126 deals with offences against morality. I found it quite interesting that no account is taken of acts of public indecency between adult females. We only seem to consider acts of indecency between males. I cannot quite work out why males and females are considered differently. I think that, under law, males and females should be considered the same. Perhaps it is because most draftsmen, lawyers and parliamentarians are males and consider male abnormality more repugnant than female abnormality.

Sections 128 and 129 provide that an adult male cannot have carnal knowledge of a girl under the age of 16 or of a boy who is not an adult. It appears that an adult male cannot have carnal knowledge of a boy of 17 but he can have carnal knowledge of a girl of 17. I cannot quite see the difference.

Under sections 134 and 135, dealing with incest by adults, the maximun term of imprisonment for a male is 14 years whereas, for a female, it is only 7 years.

Section 136 deals with procuration. We seem to condone more and more abnormal behaviour between consenting males and consenting females and yet we do not seem to condone prostitution which, as I see it, is normal behaviour. Homosexuality, to my way of thinking, is abnormal behaviour. Probably the social mores of the community would not condone prostitution being legalised. Even the women's movement does not seem to be in favour of it. Looking at it philosophically, we all sell ourselves in one way or another. We sell our talents or whatever. We do so to earn a living. We sell ourselves one way or another in this world.

I have spoken before about section 138 which deals with bestiality. I find it rather strange to have it included here. It should be in other legislation. If it is considered to be cruelty to animals, it should be in legislation dealing with cruelty to animals. Increasingly, we seem to condone abnormal sexual behaviour between members of the same sex. We may as well go the whole hog and take out section 138.

Section 142 deals with the supply of drugs to children in the community because , despite their increasing independence, children still need to be protected from drugs by caring adults. I would like to see increased surveillance of areas where children congregate to obtain drugs. It has been brought to my attention by parents in the rural areas that their children have told them that

drugs are being distributed in certain high schools. They are freely available to children under certain situations. I find this most reprehensible.

Section 156 reads: 'When a Child Becomes a Human Being - A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not...'. That seems a rather Irish way of describing it. If a person kills a baby which is stillborn, has a crime been committed? That is just as Irish as the way the section has been written.

Section 165 deals with murder and section 167 deals with manslaughter. Both carry punishments of imprisonment for life. I am assuming that the imprisonment for life for the crime of manslaughter would be considered with section 390 which denotes other punishments which can be handed down by judges.

Section 168 raises the question of euthanasia. I know that euthanasia cannot be legalised because it would open up a Pandora's box of complications which the community is not yet ready to handle. In certain circumstances, I am sure honourable members would prefer, if given the chance, not to have one of their family living in great pain with no hope of recovering from his or her particular illness. It would be a very hard choice to make. I think the person who made the choice would be a very compassionate person. In certain cases, I do not think they should be considered as aiding a suicide. I agree with the Leader of the Opposition about attempting to commit suicide. It begs the question: can a person be tried posthumously for attempting to commit suicide and then succeeding?

I can partly understand the need to make it a crime to conceal the birth of a child. But to have as a maximum term of imprisonment 2 years is a bit severe. It seems to me that it is all for the sake of bureaucratic records. If this were not included in the Criminal Code, people might start disposing of unwanted babies or killing them but I feel that concealing a birth should not carry the penalty that it does.

I agree with the sections relating to medical termination of a pregnancy.

Section 187 deals with assault. I have mentioned it to the Minister. I wonder if it could be considered if there are to be any further amendments. Section 187(c) says that a person can be restrained under certain conditions for his own protection or benefit. Perhaps 'or for the protection or benefit of others' could be added. If a person is being rescued, he could be in a state of mental disarray and do harm to others unintentionally. In the rescue or resuscitation process, the safety of others needs to be considered as well.

Section 192 deals with sexual assaults. It appears that boys and girls are only treated the same if they are under the age of 16.

Section 223 deals with unlawfully disclosing trade secrets. Unlawfully disclosing trade secrets should bring in its wake a certain punishment. It has been said to me that, in certain situations where tenders are submitted for particular capital works, it would be very easy to photograph particular plans of structures of the successful tenderer and to sell or otherwise dispose of them so that unsuccessful tenderers could use the same plans perhaps to get one up on business competitors at a later date. I do not know how much accuracy can be placed on that assertion but it is worth consideration.

I was interested to read sections 239, 240 and 245 relating to arson. I am assuming that a wrongful act would be committed if somebody lit a fire in a certain area and it travelled and set on fire a crop of cultivated vegetable produce etc. This does not seem to be set out clearly. It says in section 241 that a person who unlawfully sets fire to cultivated vegetable produce, hay or grass, standing trees or saplings, pasture etc is guilty of an offence. But, it does not clarify what is involved if the fire is set somewhere else and travels into a cultivated area. If the question is not picked up in this legislation, it would be picked up in the legislation dealing with bushfires and control of fires.

Section 254 deals with communication of infectious diseases to animals. It does not mention whether omission or commission denotes whether a crime has been committed or not. If one considers that it is not by commission but by omission then every person who lets a mangy dog run loose could be accused of communicating infectious diseases to animals. Certain types of mange are very infectious and can bring about the death of an animal in extreme cases.

Section 291 relates to a conspiracy by husband and wife. I feel it only right that women be considered on the same footing as men with equal responsibilities as well as equal rights. I support the legislation.

Mr DOOLAN (Victoria River): Mr Speaker, I would say at the outset that I think this bill is of too great a magnitude and too much importance to be discussed in such a short time as we have been allowed. I think this is the eighth edition of the Criminal Code Bill and I, for one, would have liked much more time to study it. I will just make some comments briefly about the bill itself.

Section 35(2) is worded in such a manner that it sounds like a lot of codswallop. Admittedly, I have no legal training. In part, it says: 'A person whose mind at the time of his doing, making or causing an act, omission or event was affected by delusions on some specific matter or matters, but who is not entitled to the benefit of the foregoing provisions of this section, is criminally responsible for the act, omission or event to the same extent as if the real state of things had been such as he was induced by the delusions to believe to exist'. I do not think the average citizen could make head nor tail of that. Couldn't it be worded in simpler language so that people can understand the code to which they must adhere if they live in the Territory? There are other sections, Mr Speaker, on which I would like clarification.

Section 123 is headed, 'Neglect to aid in suppressing a riot' and section 124, 'Neglect to aid in arresting offenders'. These require a person who is requested by police to assist them to give that assistance unless there is reasonable excuse. Incidentally, the penalty for failing to do so is a year's imprisonment. To me, this seems unusually harsh. Admittedly, somebody who stood by and saw a policeman or anyone else kicked to death would be a bit of a mongrel dog. But, what would be a reasonable excuse? Some people are born cowards by nature and some are extremely timid. Would this be considered to be a reasonable excuse? I think it should be. There are circumstances to be considered. I think that a year's imprisonment for failure to assist a policeman or somebody else in strife is too harsh a sentence for that particular crime.

I would like clarification of section 131(3). It deals with attempts at procuration of young persons or mentally-ill or handicapped persons. It says it is a defence to a charge of a crime defined by this section if proved that the

accused person believed, on reasonable grounds, that the other person was of or above the age of 16 years or did not know that she was mentally-ill or handicapped. However, section 139 is headed: 'Knowledge of age immaterial'. It is under the same general heading: 'Except as otherwise expressly stated, it is immaterial in the case of the crimes defined by this division committed with respect to a child under a specified age that the accused person did not know that that person was under that age or believed that the child was not under that age'. I would like that clarified.

Section 154 relates to dangerous acts or omissions. It concerns intoxication. A group of crimes are listed with penalties of imprisonment for 5 years, 7 years and 10 years. Subsection (4) states that, if at the time of doing or making such an act or omission, he is under the influence of an intoxicating substance, he is liable to further imprisonment for 4 years. I cannot understand the reasoning behind that and I have thought about it carefully. If the bloke is intoxicated, give him the same punishment as the fellow who is not. I have never believed that intoxication should be a defence but it has often been considered as a mitigating factor. If anything, I would say that an intoxicated person could very understandably be so intoxicated that he could not form an intent to commit a crime and, if so, I would say that, in that circumstance, it would have to be a mitigating factor. We are going to give him another 4 years if he is intoxicated when he commits his crime. To my mind, that is giving the fellow 4 years' jail for being intoxicated. That must surely be the harshest penalty for intoxication in Christian countries. In effect, he is receiving 4 years for being intoxicated, and I think that is damn silly.

Another one that has me a little perplexed is section 156. It has been read out before but I will read it again:

> *A child becomes a person capable of being killed when it has completely proceeded in living state from the body of its mother, whether it has breathed or not or whether the umbilical cord has been severed or not.*

Mr Speaker, for a start, I do not like this definition. A child, by definition, automatically is a person. I think the choice is unfortunate. I do not know what to suggest to put in the place of 'a child'; perhaps 'a foetus'. I would not have said 'a foetus' either until I read in the Azaria Chamberlain case that the experts referred to the blood found under the dashboard as foetal blood because it came from a child under the age of 6 months. I do not know the correct term but it seems to me odd to say,'when a child becomes a human being'. A child is automatically a person.

If a woman was 8 or 9 months' pregnant in circumstances where she could not have an abortion and she entered into collusion with another person to kick or hit her in the stomach and she lost the baby, surely that would be an act of murder. Look at the tiny babies that are being saved now. A Hong Kong born doctor who is working in Queen Victoria Hospital in Melbourne is astonishing the world with what he is doing with premature babies. For instance, he is having a 60% success rate in saving 1.5 kg babies which are 14 weeks to 16 weeks premature. He has a 90% success rate with 2.5 kg babies. The whole thing seems screwy to me that a child is not a human being until it has proceeded from the mother's body, whether or not is has breathed and whether the umbilical cord has been severed or not.

Section 185 deals with man-traps. It details all sorts of mechanical devices such as spring-guns which are deliberately planted to catch somebody.

They are obviously illegal. I would like to know whether, if some person had a vicious dog which is trained to kill and used it to keep his property safe from intruders, that would be considered as a man-trap. Personally, I think it should be.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, this bill is very large. I will pick out certain parts which particularly concern me.

I am very pleased to see that 1 January 1984 has been set for the implementation of this code. When you set goals, things start to happen. Most of us perform a lot better under pressure. The pressure is upon this Assembly to pass this legislation and there will be pressure on the police and judiciary to do their study and a need to inform the public.

The minister stated to the Assembly the other day that the code placed before the community what the law is at least with some degree of certainty. That is very true. With common law, one needs legal training and a tremendous amount of research in case law to have an inclination of what the law is really about. The average person will be able to read and comprehend this legislation and at least be able to ask intelligent questions about the interpretation in areas where there may be some problem. I am sure it will be a welcome move to the public at large.

It is important that the public be fully informed on the main parts of this legislation. It has been based on the Queensland code which has had some 80 years of existence. I would like to thank particularly Dr Des Sturgess and Alan Oakey, 2 gentlemen who helped me to understand the code, how it would work and how it compared with the common law methods. I am also appreciative of the notes that the minister circulated last week. This made the study of the amendments somewhat easier. I appreciate the examples given because they clear up the confusion which has been mentioned by another honourable member.

One strength in the code is that there is a body of Queensland case law which can be drawn upon by our judiciary. There is a general community concern over soft sentencing. For example, one could mention the term 'car stealing'. This is the way the community perceives things. Whether it is right or wrong will be determined by individual cases. I believe that it is my duty to express the concern of the public. We have a major crime rate that is 4 times greater than those in other states. That is bound to make good citizens concerned.

I accept the principle that 'grievous harm' be inserted in place of 'grievous bodily harm'. Mental harm certainly is a real factor. To realise this, one would only have to read a report in a southern paper recently of a female bus driver who was assaulted with a metal bar by a young lad. She is now too frightened to move out of the house.

Section 27 relates to when force can be justified. This has some relevance to the school situation. The Leader of the Opposition has stated that it is ALP policy to abolish corporal punishment. I have no doubt that that is very well-intended indeed. But I would warn people who adopt that attitude that the total abolition of corporal punishment may be nothing more than a support to bullying. I have had wide experience in the secondary school situation. I believe it should be the right of every student to be able to walk around the schoolyard free from fear of bullies. In the Sunday Mail, there was a letter to the editor. It reminded me of an experience I had. One person claimed that truancy was often due to the fact that the student involved was too frightened

to go to school. If staff do not have the means whereby they can protect a particular child who informs a teacher about such activities, if there is no way to discipline the offenders, that child is left open to further attack, either in or out of the schoolyard. That is a most unfortunate situation.

I remember one experience at a school where I taught. A young lady was missing for 3 months from school. Attempts were made to locate the child in question on several occasions. The address was wrong. The family had moved. Finally, it was found that the girl had been in the company of adult people. They should have known better. The reason was that she was being bashed up by a group of girls.

As I see it, the bullies are cowards. A grade 8 student may be picked on by a group of grade 9s. It rarely seems to be one-to-one; it always seems to be a group. When the matter is finally decided and a dose of the cane seems to be the best treatment, the number who go to tears before the cane is even laid on them is surprising. They need the protection of their group even against a younger child. I note in this section that there is no mention of the sex of the child so it does not prohibit girls being caned. That has been basically taboo in the past. I was talking to a previous headmaster of mine recently. He said that, at the school where he is in South Australia , the school council has given authority to the headmaster to cane the girls in the presence of a senior female teacher.

Ms Lawrie: How barbaric.

Mr D.W. COLLINS: If it is good for one, maybe it is good for the other.

I am also opposed to something proposed for inclusion in the Education Act which will allow parents to say that their children cannot be caned. There could be a situation where a group is involved in the same misdemeanour. A couple are caned but Johnny says: 'You cannot cane me. My mum has told the headmaster that you cannot do it'. Invariably, it is the little Johnnys of this world who cause the greatest trouble to other students in the school...

Ms Lawrie: Oh, better have the stocks too.

Mr D.W. COLLINS: I will rely on my experience, she can rely on hers. My experience is exactly that, Mr Speaker. The students who never gave any trouble were those whose parents brought them to school and said: 'If he gives you any trouble, give him a dose of the cane if it is necessary'. Those students never made trouble. It happened on many occasions. The honourable member for Nightcliff seems to think she is the be-all and know-all of the world. She does not know what she is talking about. I have had the experience.

Sections 7 and 36 deal with intoxication which relates to alcohol and other drugs. It talks about involuntary intoxication. If somebody has been doped against his will, a criminal offence will have been committed and I think that all members accept that. Voluntary intoxication is an area of grave concern to all of us. So much of the crime that we have is alcohol and drug related. We have a new area of law where it is presumed that the accused foresaw the natural, probable consequences of his conduct and intended them. This is new and strong legislation. A very strong warning needs to be given to the public, particularly to those who drink and abuse drugs. I am pleased, and I believe that the general public is pleased, that intoxication will no longer be used as an excuse. In fact, the penalty is likely to be increased.

Duress and coercion are 2 other terms that have been introduced as defences, particularly in the case of murder, which result in the lesser charge of manslaughter. I believe that this is an improvement. We have had some discussion and disagreement over a mandatory life sentence for murder. As the Attorney-General has said, diminished responsibility, duress and coercion are matters which should help mitigate against that to a degree. I would disagree with the Leader of the Opposition. I believe that the jury's job is to share the responsibility of sentencing in such a case and that it is the purpose of the jury system that many people be involved in that decision. I see it as a good thing.

Section 221 relates to the unlawful use of motor vehicles. The vehicle is to be returned within 48 hours or there is a liability to imprisonment for up to 7 years. I believe the public should receive strong warning of this. Motor car stealing is rampant. There seems to be spates of it. If we are not careful, the jail could be very full, leading to enormous costs to the taxpayer. However, I support the general principle. Until we start being firm, this will continue to happen and people will lose valuable property without recourse.

I am pleased to see that periodical imprisonment is out. It is a costly system. Particularly in New South Wales, it does not seem to work. One example recently brought to the attention of the New South Wales parliament concerned a convicted heroin pusher out after only 4 months. What was to stop that person returning to his old trade?

I am very pleased about section 176 which concerns stupefying a person to commit a crime. I spoke on this earlier when it appeared in the previous drafts. I am concerned particularly about drug pushers, people who go to a party and slip something into someone's drink in the hope that he will become addicted. I believe that is one of the worst possible crimes. It seems to be of great amusement to certain people opposite.

I am pleased to note that certain sections have been deleted because they have been covered by other legislation. The Criminal Code is reserved for the more serious crimes.

Section 174 relates to the termination of pregnancy. I note that section 174(a) provides that, if the person is less than 14 weeks pregnant, a second opinion is needed. Termination may be warranted on the grounds that some abnormality may exist. I read of a particular doctor who has done work in the detection of deformities in the foetus and pioneered techniques to remedy those. I can well appreciate his chagrin that the techniques he has developed to detect such abnormalities may provide grounds for an abortion. Over 14 weeks into pregnancy, no second opinion is required to determine the need for an abortion. Basically, I suppose that is because of the urgency of the situation.

I note that, in section 174(c), the key feature is the saving of the mother's life. This need may arise at any stage of pregnancy. I would have liked to have seen that every effort should be made to save the baby. I expect that most mothers would want this to be the case. If the mother did not want the baby, then one could suspect the motivation for saving the mother's life.

The Leader of the Opposition came up with one of his perennials: when a female under 16 years of age consents to intercourse, it should be a defence, particularly if there is no age difference between the partners. He would not see it as a crime. School rolls would certainly take on a new legal status.

Sex educators could well be asked: 'Who can I have sex with and who can I not have sex with?'

Mr Bell: Oh really!

Mr D.W. COLLINS: The honourable member for MacDonnell does not seem to think that that would happen. It would be a fair and natural question for a child to ask. The acclaimed intent,according to the Leader of the Opposition, is to protect young girls from older men. I believe the intent is to protect young girls. The Leader of the Opposition is asking, in effect, for this Assembly to legislate that children under 16 who are within one year of age of each other can have a consenting sexual relationship with impunity. He is asking us to condone that action.

I well realise that the law will not stop some but it will deter others. I believe that a number of those who are deterred will be grateful later on in life and have no regrets. It was my experience as a young person growing up that the term 'jail bait' was a great deterrent to many young fellows. Before I came to this Assembly, the Leader of the Opposition expressed his opposition to abortion. In fact, at one stage, I believe he was prepared to go to the wall with his party. He certainly gained considerable admiration from me at that time because he was prepared to sacrifice his career. I was certainly satisfied that he had a conviction. I find it very hard to rationalise that with his desire for this sexual activity among young people. Is the honourable member suggesting that, if a girl becomes pregnant - and one would almost think from what he has said that girls under 16 cannot become pregnant - she should give birth and then have the child adopted out? One has only to have seen the TV program recently which showed the anguish of girls who gave birth, had their babies adopted out and then worried about them. It is hardly a good course of action for them to take on single parenthood and the burden of adult responsibility.

Mr Speaker, I believe that the juvenile court handles cases as well as it possibly can. I will certainly go on record as never being in agreement to the proposal that this Assembly give a tacit approval to such sexual activity. As far as I am concerned, I care for kids too much for that. I am certainly very glad that the suggestion has been rejected. I support the bill.

Debate adjourned.

ADJOURNMENT

Mr TUXWORTH (Community Development): Mr Speaker, I move that the Assembly do now adjourn.

Ms LAWRIE (Nightcliff): Mr Speaker, last Friday and Saturday, Darwin people had the marvellous opportunity to again attend a combined schools concert called 'Once Upon a Beat'. These concerts started in 1980, when the first one was titled 'The Beat of our Arts'. In 1981 it was titled 'The Beat Goes On' and, in 1982, it was titled 'The Beat in Time'. In 1983, we have just witnessed 'Once Upon a Beat'.

The production was superb and the delight of the children in their participation was a joy for all who were fortunate enough to be present. The theme of the concert this year was based on 5 separate productions particularly

suited to young children's participation and enjoyment. The first was 'The Wizard of Oz' and, no doubt, members will have seen the original production with Judy Garland. The second was 'Pinocchio', the story of the little wooden puppet and its conscience, Jiminy Cricket. The third segment was based on the 'Jungle Book' of Rudyard Kipling. We had 'Alice in Wonderland' with the white rabbit. The white rabbit, I might add, was a joy to behold. Finally, there was 'Mary Poppins' with the heading 'Supercalifragilisticexpialidocious'.

Mr Speaker, I am going to read into Hansard the names of people responsible for this marvellous production because they deserve due credit. This is one way of ensuring that this credit will accrue to them. First of all, the Combined Schools Orchestra was conducted by Glyn Baker who is with the Education Department. The leader of the orchestra was Meno Ella, a well-known Darwin person and a superb musician. He is competent on many instruments and played his favourite instrument, the violin. The pianist was Meleene Primero. We had as violinists Meno Ella, Lousie Burbeck, Ian Ament and Fritz Risler. We had a series of flautists: Evan Holmes, Khylie Wood, Angela Cooper, Pam Bunge, Amanda James, Ellie Houldsworth, Dale Friis, Lynette Huang and Jenny Marshall. I might add that, at one stage of the proceedings to which I shall allude later, the flautists operated under the greatest difficulty. They were trying to play the flute and not laugh.

We had a young person playing the piccolo, Jane Weepers. The clarinetists were Natalie Chin, Sara Bunge, Kitty Drok and Helene Perry. We had several saxophonists: Leon Bremond who is also well known for his work in schools and training young musicians, Jayne Weepers, Jason Furness, Antony Hibberd and Fergus Tait. We had trumpeters who are always excellent in these performances: Meno Ella, again leading, James Davidson, Dave Beamsley, who is well known in his capacity as a jazz trumpeter and also an excellent teacher within the schools, Gaetano Gugliotto. The trombonists were John Hammat, Brian Sedgwick, both well known to us, and Supoj Higgins. We had a bass player, Martin Thorp. On vibes, we had Graham Chadwick. On drums, we had Mark Davis and Graham Chadwick. In the percussion section, we had Andrew Bradley and Mark Davis.

Mr Speaker, these people were drawn from students of Nightcliff and Parap Primary Schools and Nightcliff, Darwin and Dripstone High Schools, as were some of the teachers assisting the young players. Several Darwin schools participated, particularly in dance: Larrakeyah, Rapid Creek, Moil and Tiwi. They were beautifully trained. Debbie Hatton deserves a pat on the back for her excellent choreography and the way in which she trained these young students. They had a marvellous time dancing and the audience could appreciate their verve, their figures and the delight these young people had in participating in the concert. They were not simply playing to an audience. It was a tremendous effort of participation between the audience, choir, students of dance and the orchestra itself. It was a joy to behold. Daph Read, the Principal of Nightcliff Primary School, was the producer. The director was Barbara Jones. Judy Weepers was of tremendous assistance to Glyn Baker in the direction of the musical program and these people deserve a pat on the back and the congratulations of the entire population of Darwin.

Mr Speaker, at one stage during the performance, the children were singing and dancing to an item called 'Bare Necessities'. That was the last item in the 'Jungle Book' segment. It is worth recording that, as this stage in the program, a delightful little girl aged between 2 and 3 years appeared stark naked in front of the performers and decided to add her little dance effort to that of the people on stage. Of course, the fact that she was dancing in this

state while they were singing 'Bare Necessities' was just too much for everybody's sense of humour. Half of the choir were laughing, the audience was roaring with laughter and some of the flautists had the greatest difficulty in continuing to play as it is very difficult to play the flute whilst laughing.

Mr Deputy Speaker, I hope that honourable members appreciate the time and effort members of the Department of Education have put into these productions over the past 4 years. Surely, no one could say it was time taken from the classroom when it teaches children an appreciation of music and rhythm, the ability to perform in front of a large number of adults without fear and the joy of community participation. That has to be considered an excellent part of the school program and all teachers, all children and all concerned with the concert are to be congratulated. I look forward to next year's concert. It will be difficult to beat the standard set and continue to improve on what we have seen in 1983. I do not envy the people concerned the task of trying to improve on what was an excellent performance.

Mr BELL (MacDonnell): Mr Deputy Speaker, I would like to relate to the Assembly a couple of incidents that occurred in my electorate some 12 months ago which were subsequently the subject of police investigation. These incidents involved possible misconduct on the part of particular members of the Police Force. In my account of these particular incidents, I shall omit the names of the people involved and the places at which they occurred. The central Australian community is a small one of some 25 000 to 30 000 people. I do not believe that community relations in general or police and community relations would be enhanced by rendering these accounts too specifically. On the other hand, I do not believe that I would be doing my job as a member of this Assembly if I did not bring these particular incidents to light and make some comment on them.

Let me say at the outset that I have no desire to suggest that, because this conduct has been alleged on the part of 1 or 2 people within the force, I wish to do anything but support the police. I have seen at first hand the excellent job done by members of the Police Force within my electorate. Also, I have no desire to suggest that there has been an attempt to cover up these particular incidents or that they have not been investigated thoroughly. But the point I wish to make is that I doubt the constituents who have brought these incidents to my attention and who have required my assistance in lodging these complaints would have the same confidence. I believe problems are inherent in the process of complaints against police being investigated by the Police Force itself.

Let me tell members about a person of my acquaintance - let me call him 'Frank'. I was approached by Frank's relations because of a particular incident and I went to speak to him. I made quite lengthy notes in Pitjantjatjara of his account of this particular incident and some questions that I asked of him. This evening I am giving the Assembly an English translation of those notes. I will read them directly. As background, he had been in Alice Springs where he had had a beer. He was driving his car home. Basically, that is all the lead up there is to it. He said:

> *After that, I headed in this direction. I saw another motor car coming behind. He looked at my number plate. Then, he came near again and I was thinking it was somebody else. I speeded up and drew away from them. But it was a policemen who was coming behind me and I turned off into this place. He was sounding his siren and I stopped.*

I sat in the shadows inside the car. He came along and flashed a torch in my eyes. He said to me 'Get out'. I got out and he said, 'How much have you had to drink?' And I said, 'Only one'. I had had one can of drink. Then he said to me, 'You are talking...

There was an oath in English not in Pitjantjatjara, Mr Deputy Speaker. I will not regale the Assembly with it.

I said, 'I am telling the truth, I had one can'. He said, 'Open the boot'. I said, 'No, there are only 2 cans of petrol in the boot'. However, I opened the boot and I said, 'This is petrol'. He said, 'A lot of other people are liars'. I said, 'Honestly, I am telling the truth'. He opened the cans and sniffed them. 'Well, this is petrol', he said. After that, he shut the cans again and he said, 'If you pull out ahead of me now, I might just shoot a wheel on your car'.

Bear in mind that this is a member of the Police Force he is talking about, Mr Deputy Speaker.

I said, 'What did you say?' He said, 'I said I was going to shoot a wheel on your car'. I said, 'Well, shoot this one right now while the 2 women are here, right in front of them'. He pulled out his revolver a little way, but not completely, and said again, 'I will shoot the wheel of your car now'. I said, 'OK, go ahead. Shoot'. He said, 'If you give me cheek like that I will take you off to jail at (such and such a place)'. I said, 'Well, what about my family. They do not know how to drive'. He said, 'Maybe they will stay here by the road'. I said,'OK, maybe you will take me right now. I am not a drunken driver. I had one can and I am telling you the truth'. After that he went off towards (such and such a place).

I asked this particular chap a couple of questions.

I said: 'Was he just teasing you?' 'No, he was speaking angrily'. He said, 'I am a bush policeman' to which I said, 'Oh, I know who you are; you are based at (such and such a place)'. He said, 'That is true, I arrested a number of other people after the funeral on their way back to (that particular place)'. My wife and a relation of hers were sitting in the car and there were 2 little kids. The 2 women were really scared when he was talking about the revolver but I said, 'I am not afraid of revolvers'.

I asked Frank the name of the policeman. He said:' I do not know. He was roughly middle-aged, not a young man'. That is the first account, Mr Deputy Speaker. That incident was drawn to the attention of the police and I will read for the record what the result was. Basically, in reply, the Commissioner of Police said:

The investigation into the complaint you made against the police on behalf of such-and-such a person has now been concluded. As a result of that investigation, the position has now been reached where witnesses are unable to identify the member in the alleged incident and inquiries have failed to indicate who the member could have been. The person involved was reluctant to view an identity

parade. The investigation has, effectively, reached a dead end.

I will not go on with that letter at the moment.

I think, Mr Deputy Speaker, that my reason for not mentioning names and places and people involved is vindicated by the fact that the particular gentleman who made that compaint through me was reluctant to be involved in an identity parade with people who possibly had been involved. That fact, by itself, speaks volumes for the need for people to be convinced that the law is on their side. However, that particular incident is the less serious of the 2 I am speaking of.

The more serious of the 2 incidents occurred when 4 young men were travelling along a road in a motor car. My understanding is that they were stopped by the police. I should add that I do not necessarily suggest that the behaviour of these people was entirely correct. It is quite possible that they were drunk and they should not have been driving. However, my understanding is that these 4 young men, drunk or otherwise, were taken out of this car at gunpoint and made to lie on the ground at gunpoint. They may have been drunk, but they were unarmed and made to lie on the ground at gunpoint. That is not acceptable.

The issue that arises is not that that particular incident has not been investigated. The issue that arises is the dissatisfaction on the part of the 4 young Aboriginal men involved who feel that the law is somehow partial. In the context of that particular complaint, my concern is that, where those complaints against police are investigated by the police themselves, it is very difficult for my consitiuents to feel that the law is working on their side. I believe that some other process has to be considered.

In relation to the first complaint, it has been suggested that it could be referred to the Ombudsman. My understanding is that, if a complaint of this nature is referred to the Ombudsman, it is handed on immediately to the police who, again, carry out an internal investigation. I am concerned about that in terms of law and order within the Territory. I am concerned in terms of a crisis of confidence, particularly amongst Aboriginal people in central Austrlaia. They feel that the law is not operating in such a way as to give them a fair hearing. Although it is possible to refer this to the Ombudsman, my understanding is that the same process of police investigating the complaint would be carried out again.

I have raised these matters today because I believe they are of importance to the Assembly. They are important in terms of law and order within the Territory and I will undertake to investigate ways by which Aboriginal people, particularly,may be encouraged to feel thay they will receive a fair hearing in that regard. I remind honourable members that, historically, there is a strong feeling amongst the Aboriginal communities in central Australia, as a result of incidents like the Coniston massacre, the incident at Ayers Rock in the 1930s that was the subject of a Royal Commission and other incidents that I have mentioned in previous debates in the Assembly that the system is working against them. That is an historical feeling. I believe that we have a responsibility as an Assembly to work out means by which people will be able to feel that we can turn back that historical tide. I feel we should work out legal and administrative processes that give Aboriginal people a much greater feeling that the law is working on their side.

Mr VALE (Stuart): Mr Deputy Speaker, there are a number of points that I would like to raise in this afternoon's adjournment debate. The first point is one of my favourites. It concerns roadside facilities that the Department of Transport and Works has been installing at great expense. Honourable members may recall that some time ago I suggested that, because of graffiti and vandalism, action should be taken to bring the offenders before the courts so that court orders could be obtained to make those vandals and graffiti artists make good their own damage.

Mr Deputy Speaker, after what I saw on the Sandover Highway some weeks back, I am hesitant about pushing that matter any more because near the Ammaroo turn-off, where facilities have been put in by the Department of Transport and Works, the tank there has been decorated by graffiti artists and some of the names that appear there now make me hesitate a little about bringing those people before court. The first name that came into my view was 'Robertson'. After it was written: 'He is only the Attorney-General; he can't do much'. The second name was 'Perron'. It went on to say that Marshall Perron was Eva Peron's son. Last, but not least, it said that 'Vale was a vandal'. I am a bit hesitant about bringing those 3 people back before the courts.

However, I still believe that action should be taken by the Department of Transport and Works to stop the senseless abuse and destruction of many roadside facilities throughout central Australia. Almost as fast as these facilities can be put up by the department, vandals do tremendous damage to them. For example, on the Plenty Highway, south of Sandover, on the Queensland-Northern Territory border, the owners of Tobermorey Station told me that, within a week of a roadside facility being opened - and this is 600 km from Alice Springs - some idiot had knocked down the big water tank, thus draining all the valuable water stored for travellers.

Mr Deputy Speaker, last week, the honourable member for MacDonnell spoke of the need to upgrade the Hermannsburg Road. During his speech, I interjected with some comments pertaining to it. I sympathise with the honourable member somewhat on the need to upgrade the road because I have travelled on it constantly for many years. In the comments I passed during his speech, I indicated that he was incorrect in blaming the pipeline company for the damage done to the road. I would point out again that the pipeline company used that road on very few occasions. In fact, in the construction of the Palm Valley to Alice Springs pipeline, the company itself constructed, cleared and graded its own line for the pipeline. I think confusion has probably occurred inasmuch as the oil-filled trucks which ply between Alice Springs and Mereenie have been mistaken by a number of residents in the western country with those used in Palm Valley construction work.

Mr Deputy Speaker, still on the topic of roads, some time ago in this Assembly, I spoke about the names of the highways in central Australia. The term 'highway' had been attached to the Sandover and Plenty roads in the Stuart electorate. I believed then that these were misnomers and the the word 'highway' was misused. In fact, they were not much better than graded roads. However, having travelled those roads again in recent weeks, I believe that the Department of Transport and Works should be congratulated on the amount of work that has been done on them in recent years: the grading, compacting and forming of both of these roads and the sealing of the Plenty Highway. I note in today's budget an additional sum for continuation of the sealing of the Plenty Highway. Mr Deputy Speaker, I would make a couple of points. I believe that the 5 km posts are a waste of time and effort. I suggest that they not be replaced as they

come down. However, wherever a T-intersection occurs on the Sandover, Plenty or any other highway in central Australia and there is a sign indicating that a pastoral access road or a mining access road intersects with one of these highways, that that sign show the distance into the pastoral property, the mining camp or the tourist facility and also the distance in the onward direction say to Alice Springs or to the Queensland border or wherever. Tourists or travellers in that area, who are not familiar with that part of the country, will not be confused by the many sidetracks that are used in the area.

I would like to see the Department of Transport and Works investigate the possibility of a connector road from Ayers Rock out through to Kings Canyon. If such a road were feasible, it would no longer be necessary for tourists to return from Ayers Rock on the Petermann Highway, on which they arrived, until they cut up to Willowra and then go into Kings Canyon. They have to backtrack over many hundreds of kilometres. If we can include one more visiting spot on the road and make it a circuit rather than backtracking operation, I am certain the tourists would appreciate it, as would tourist operators.

Mr Deputy Speaker, this morning's news on 8DN disturbed me a little bit because of its inaccuracy. I pricked up my ears and later obtained a copy of the 8DN morning news for 30 August, 1983. It reads: 'The Stuart Highway should be sealed on the South Australian side of the border nearly a year early, according to the Territory federal member, John Reeves'. Mr Deputy Speaker, I say , 'Bull!' 'He says that the all-weather road should be completed late 1986 in time for South Australia's 150th anniversary celebrations'. Since David Tonkin's government started to construct that road back in 1979, it was proposed and is still proposed to complete it by 1986 to fit in with the sesquicentennial celebrations of that state. Why on earth did the federal member, John Reeves, suddenly jump on the wagon and mislead the public? Sealing will not be finished a year early. It will be finished according to planned proposals and timing. He is misleading the public by indicating that perhaps he has played some role in the construction of this road. If anyone doubts the validity of the statement that I have just made, I suggest he contact the Highways Department in South Australia as many of its publications, which are dated and go back for several years, show the construction date of all the sections of the Stuart Highway in South Australia and the completion date of December 1986.

Mr Deputy Speaker, I would like this afternoon to pay tribute to the former President of the Central Australian Football League. Dean Newman has left Alice Springs after over 22 years residency in that town. Over that period of 22 years, he did a tremendous amount of work for central Australian football firstly, as a player, then as an umpire and over the last 12 or 13 years as President of the Central Australian Football League. I can say that I was associated with Dean Newman first as a player even though it was on an opposing side. When he quit and took up umpiring, I was still trying to play. Last, but certainly not least, as a member of the Pioneer Football Club, which is affiliated with the Central Australian Football League, I and the team came together with Dean Newman on many occasions and worked closely on promotion and publicity of Australian rules football in central Australia. The vacuum that Dean Newman has left after 22 years of total service to Australian football will be extremely difficult, if not impossible, to fill. I sympathise somewhat with the person who takes the position after him. I take this opportunity to wish Dean Newman and his wife, Pat, all the best for their move to Queensland.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I was very interested to read in the Weekend Australian of 27-28 August an article entitled, 'Button calls for guaranteed youth incomes'. I think it is worth reading out to the Assembly:

'Unemployment benefits and allowances for people under 19 years of age should be abolished and replaced with a guaranteed income scheme for young people', the Minister for Industry and Commerce, Senator Button, said yesterday. After an address to the seminar in Sydney organised by the management consultant, W.D. Scott and Company, Senator Button said: 'People under 19 should be encouraged to get out of the workforce'. He emphasised that he was not announcing government policy on the issue but expressing a personal opinion. 'We have announced policies of encouraging 30 000 young people into tertiary education this year and it is a step in the right direction', he said.

I think in the longer term we have to move towards the abolition of the proliferation of youth allowances and unemployment benefits and so on which are applicable to young people. We have to try to get a sort of guaranteed income scheme for young people. It would not be very high but it would be across the board, and that income should be provided as long as they are engaged in some positive activity, whether it be education, apprentice training, community works employment or other projects of one kind or another. There are a whole range of activities that people could be involved in positively in this age group, while not participating in the traditional workforce.

This kind of scheme has great possibilities up here. If people look around, they will see what can be done and what should be done not only to provide work, but to develop the Northern Territory. I have been saying for a long time that the 2 crucial years of a child's life occur when he leaves school. If he is unemployed for 2 years then I feel sure - to use a term used today - he is jail bait. They are only children at that age and if they are not employed for the first 2 years after they leave school, they are in trouble. In many cases, they become unemployable. I am not talking only about European kids or only about Aboriginal kids. I am talking about kids. They are all the same; they must be occupied. I have had some experience because I have 5 of my own. But the honourable member for Victoria River is much more experienced than I am.

I would commend this kind of scheme to this government. Unemployment benefits are being paid out anyway. A sum could be added to the top of it - possibly $20 - and these people could be given a routine. It could be a development scheme. It would not have to be magnificent, just as long as it occupies people - as Senator Button says: 'community works employment or other projects of one kind or another'. There are plenty of schemes about of one kind or another. I have been speaking for years about noxious weeds on Crown land. There is coffee bush. There are many things that could be done. We have the people. They would be better off doing something than doing nothing.

On another subject, recently in Katherine, the Minister for Transport and Works convened a meeting of contractors. The meeting was well attended and it was very well run. I think it was quite satisfactory to the contractors. The points that were raised included the lack of continuity of work and the unrealistic tenders for roadworks. It was pointed out very strongly to me before the meeting and at the meeting that some of these prices are quite unrealistic and there is no way in the world that the government will get a decent job done. There are just not enough funds to do a decent job. That is what some of the contractors are complaining about down there. They say there are too many outside contractors coming in and winning a contract at one of these very low prices and then having to be propped up by the government either by receiving an additional sum

or being allowed to lower the standard of work.

We saw this happen 10 or 15 years ago when sewerage was put on in Katherine. Against the advice of the Chamber of Commerce and the various bank managers, the Department of Works and Housing, as it was then, let the contract to Engineering Concepts. Its tender was about $0.5m lower than the other tenderers. It completed the job but it cost the original sum of money because the government had to keep putting that extra money in to keep it solvent. We should look for a good standard of supervision and we must get away from this idea of going for the lowest tender price. The lowest tender price could be anything. The standard of work combined with a reasonable price is what matters.

One of the things that was pointed out was that, in the past, the Department of Transport and Works has encouraged free enterprise to purchase plant to do various jobs. In fact, it has guaranteed as much as 2000 hours work a year. However, having built up these contractors, it then pulled the rug from under them by implementing a different tendering scheme. I blame the southern engineers who do not understand the Territory conditions. Local knowledge is a big thing. I am here to look after local people in Katherine, not southern engineers.

Recently, I had to approach both the regional engineer and the Minister for Transport and Works about one contractor who could not get his money from the regional office. The staff there said it had overspent and did not have his money. This to me is disgraceful; it is almost unheard of. When the engineer in charge heard about this, he said: 'These politicians want to wake up to themselves. They want to find out who is running the show. We are; not them.' Well, I do not know if he was referring to me or to the minister but it did not sit too well with me because I am trying for what the engineer should be trying: the best possible result for Katherine. As the engineer is stationed in Katherine, he should be backing me up. If contractors cannot get their money there, where else can they go? They know they will get results with me.

Mr Deputy Speaker, I have given you 2 solid subjects for consideration: the first is guaranteed youth incomes and the second is continuity of work for contractors.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, in last Thursday's adjournment debate, the Treasurer refuted my claim that the use of Darwin as a refuelling and jump-off base for patrols of the Indian Ocean by B52s and the use of Pine Gap as one of the world's biggest tracking stations must automatically make Darwin and Alice Springs prime nuclear targets. In so doing, he also invited me to respond during these sittings so I am taking this opportunity of doing so.

I must say that logic certainly could not have been one of the Treasurer's strong subjects. In my adjournment speech, I said that, without the presence of B52s here, no hostile country would spare a thought to a city the size of Darwin. Likewise, Alice Springs would be given little if any thought as a target for nuclear weapons except for the presence of Pine Gap nearby. The Treasurer then launched into a long explanation in his speech, asking the question: 'Why would any party in a nuclear conflict waste a bomb on Darwin?' He then went on to explain that, if some country did attack Australia, it would be aiming at dense centres of population such as Sydney or Melbourne - just as the Americans did in hitting Japan with atomic bombs at Nagasaki, Hiroshima - which would cause the greatest destruction. Apparently, 60 000 people in Darwin would be absolute peanuts. He went on to say that there are plenty of cities in Australia

with several million people in them and that is where the bombs will go. Of course, they will hit cities with the greatest density of population. I would not dispute that for one moment, nor do I dispute that, in terms of maximum destruction, both Darwin and Alice Springs would be, as the honourable Treasurer said, peanuts. Darwin and Alice Springs would indeed be of little importance to a hostile country except for the presence of the B52s and the Pine Gap tracking station nearby. The honourable Treasurer has virtually supported my argument instead of refuting it. I thank him for his support.

In another part of his speech, the Treasurer endeavoured to show, and very ineptly in my opinion, that they would not try and throw a bomb at us on the off chance of catching a B52 on the ground. He then went on to tell us that if we are a nuclear target, it is because we have facilities here on which B52s can land and replenish. If a hostile country was merely intent on knocking out the facilities available for B52s here, and if these facilities were not being used, such facilities could be easily rendered unserviceable, in fact destroyed, by using conventional bombs which would cause far less havoc and destruction than a nuclear explosion would.

I would like to make a few remarks in relation to the recent budget brought down by the Labor government. Judging by media reports, one would imagine that 2 separate budgets have been brought down. Depending on the political persuasions of the commentators, this budget seems to have been either all good or all bad. Despite non-stop bleating by government members in this Assembly, it could not be disputed that the budget has been the best ever for the NT with an amount of $842m allocated, which represents an increase of $124m over last year's budget. That is 17.3% increase, double the increase in subsidy of the last budget from the Fraser government. The only unfortunate aspect for the Territory which I can see is the exorbitant fuel tax on petrol, oils and lubricants. Something has already beendone to reduce this tax and I am confident that further concessions will be made in due course.

According to government members opposite, Bob Hawke has sold the Territory down the drain - all is doom and gloom. It seems that they can find nothing good about this budget. I suppose they have to react in this way to justify themselves because, prior to the budget being handed down, they made all sorts of ridiculous predictions which were subsequently proved false. For example, dire predictions were made that the Hawke government would fail to honour the Memorandum of Understanding. In fact, not only was this agreement honoured, but it was greatly enhanced. They foresaw that NTEC would receive little if any funding. In fact, NTEC received additional funding to the tune of $65m. Government members predicted no help for the Territory in the area of housing yet the budget shows additional funding amounting to a 41% increase in that area. Education received a 12.8% increase for tertiary education and an overall 2% increase for all education. The BTB Eradication Campaign funding increased by 120% to $8.9m. I could go on but it has all been said before. I imagine it would be pretty pointless to do so.

I will just mention the honourable Minister for Primary Production's little effort. All he could find to waffle on about was the fact that, because of the dreadful budget, part-time soldiers are to be taxed on their wages as reservists because it will be added to their annual salary received for full-time work. He went on to say that there are a great many senior public servants in this town who are members of the defence reserve. He did not mention the $8.9m that he received for his BTB Eradication Campaign. If that is all he could think about, I believe that he was simply nit-picking. It is unfortunate that part-time soldiers will be taxed but the minister continued his bleating by using

such emotive phrases as 'defence of this country' and 'the pleasure of helping to protect those of us who for one reason or another are not involved in the reserve forces'.

I believe that the key word in that last phrase is 'pleasure' which the honourable minister used in a sarcastic way. To many in the reserve forces, it is a pleasure. They enjoy it and find pleasure in the exercise and companionship which they derive from their service and because of patriotism and love of their country. The minister said: ' I feel that recruitment is likely to be unsuccessful in the future after last night's budget'. It is my considered opinion that, if these part-time defence servicemen are in the defence forces only for the money, they should become mercenaries and get amongst the big time. To sit here and listen to government members one after another stand up and nit-pick against the best and most generous budget the Territory has ever received makes me feel sick. In fact, to use the vernacular, it reminds me of the story of Mrs Jones' celebrated cat which is reputed to have been both copping it and squealing to it.

Finally, I would like to take issue with the honourable Minister for Health who made a most unfortunate remark in advising the Assembly as to just whom he considers to be sick people. Last Thursday, the minister made a ministerial statement concerning chronically mentally-ill persons. The minister said that a building in the hospital grounds will be converted to provide a security unit for the chronically mentally-ill, thus separating these men and chronic patients from other patients.

Mr DEPUTY SPEAKER: Order! There is a statement before the Assembly on the chronically mentally-ill. I would ask the member not to refer to that particular statement. The member will have the opportunity to speak to it later.

Mr DOOLAN: I would like to conclude by saying that I believe that the Minister for Transport and Works must have listened to some of what I had to say in the adjournment debate last Thursday in relation to the old Darwin Hospital. Whoever is the appropriate minister must have listened because the doors to wards 6, 7 and 8, which were open and had not been inspected for quite a long time, have now been closed. The lights have been turned off but, unfortunately, the fire hydrant is still running a banker.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, last Friday, I had the honour to represent the Chief Minister at the investiture of Mr Gus Williams at Hermannsburg with the Order of Australia. After some comments on the Order of Australia in this Assembly last week, I do not know whether I should speak about it. However, I have decided to go ahead.

I met Gus for the first time about 13 years ago when he was driving a four-wheel-drive bus into Palm Valley from Hermannsburg. Certainly, he is a man with a lot of get-up-and-go and a great example to his people and to all Territorians through the robust manner with which he tackles everything he is involved with. Gus has spent a lot of time at Warrabri over the years and, of course, many Territorians know of Gus Williams' band and his work with the choirs. What really impresses me about Gus Williams is the fact that he very easily spans 2 cultures and he helps to break down the barriers. Certainly, it was a pleasure for me to represent the Chief Minister and to witness the ceremony which was simple but very moving. About 1000 to 1400 people from Hermannsburg and Alice Springs were present to honour Gus and, very appropriately, a band played in the background and did a fine job.

I would also like to pay tribute at this time to His Honour the Administrator, Commodore Johnston, and Mrs Johnston. When Commodore Johnston was appointed as Administrator, many of the people of the Top End knew him well from the time of Tracy and sang his praises. Generally, it was a well-accepted appointment. Now that we have seen Commodore Johnston and Mrs Johnston in action, the people of central Australia hold them both in great affection and deep respect. Another aspect of the ceremony which was most impressive was the luncheon. The people of Hermannsburg catered for the crowd. It seemed as if there were 5000 people. The food provided was magnificent. My congratulations go to Gus and to the people at Hermannsburg.

Mr Deputy Speaker, last weekend saw the annual Henley-on-Todd. This was the 22nd Henley-on-Todd. It was run by the Rotary Clubs of Stuart and Alice Springs ably supported by other groups such as the Lions Clubs and many other service groups which helped with food and drinks. It was very well organised and a terrific drawcard for tourists. An estimated 10 000 people witnessed the events. Of course, the publicity which it receives through TV and radio certainly helps to put Alice Springs and tourism in central Australia on the map. My congratulations go to all involved. I would like also to commend the police and the Liquor Commission who went about their duties quietly and effectively.

On Sunday, the second Verdi Club Food and Wine Festival was held. It started last year and was very successful. This year, in many ways it was an even greater success. Again, something like 10 000 people visited the Verdi Club and its grounds to enjoy the entertainment. Ted Egan and central Australian bands provided music. Food and wine was provided by many service clubs and business enterprises. The Bindi Centre was the main group to receive the benefit of the money raised. This is another tourist drawcard. Last year, it was attended by mainly local people. This year, there was a very large percentage of visitors. Apparently, the word has got around and they attended and enjoyed the get-together. There was room for some improvements and the organisers would be well aware of that. There were some minor complaints but, overall, it was a very good show. I hope it will continue for many years. It serves a very good purpose and offers a very enjoyable time.

I would like to take up a couple of points made by the honourable member for Victoria River. Unfortunately, he is not here. It seems that he was suggesting that we get rid of the joint Australian-American base at Pine Gap and not allow American B52 bombers - which are unarmed; I am satisfied on that - to land here. I mentioned to this Assembly that, when it became clear that they would be landing here, I was invited by the Australian commander of the base to inspect the planes. I am sure he would have made the offer open to any member of this Assembly to inspect these bombers and see that they are unarmed. It seems to me that the honourable member for Victoria River wants us to avoid any possibility of the Territory becoming a nuclear target. There are many defence experts here who understand target priorities. Perhaps we should get rid of No 75 fighter squadron as well. That would help reduce the likelihood of Darwin being a nuclear target. The net result of what I understood the honourable member to say was that, if we were defenceless, there would be no point in anyone using nuclear weapons against us. They would just walk in and take over. That is not the sort of Australia I want.

Ms D'ROZARIO(Sanderson): Mr Deputy Speaker, I want to talk today about a matter which is of great concern to large numbers of my constituents. It is a matter which I raised in question time last week. I did not receive much sympathetic consideration from the minister responsible. I am referring to

those public servants who are police officers, fire officers or members of the emergency services who are, by the terms of their employment, required to serve in any Territory centre. Last Thursday, I took up a matter which I have canvassed in this Assembly before, and that is the plight of people in those 3 categories of employment who, in fact, start to purchase their homes and are then transferred to other Territory centres.

I asked the Minister for Housing what he was doing to ensure that such public servants are not disadvantaged as a consequence of having to rent out their homes when they are transferred. I was appalled by the answer given to this question because I would have thought that the Minister for Housing was well aware of representations that are being made by unions representing these people. Representations have also been made by members of this Assembly, not only to those people who manage the scheme, but also in the Assembly. The answer I was given, which can be read in last Thursday's edition of Hansard, was that, in these cases, a person is afforded the opportunity to rent out his house. This, of course, is quite nonsensical, Mr Deputy Speaker. Of course a person who is compelled to leave Darwin for a period of 2 years will rent out his house. I hardly think the minister would think it a better solution to leave the house vacant. He went on to say that, if the system were used to charge extravagant rent, naturally the interest rate would be raised.

Mr Deputy Speaker, the honourable minister shows very little understanding of the circumstances in which these people find themselves, and even less inclination to find a solution for them. The facts of the matter are that exorbitant or extravagent rents are not charged. These people are not 'using' the system. I have to stress that they are required to serve in other parts of the Territory. It is hardly abuse of the system to rent one's house when one is on a 2-year assignment in some smaller part of the Territory. By way of example, I would like to explain to the minister what the situation is with many of my constituents. As I say, I raised this matter on 26 May last year. It appeared in Hansard. It seems that, although I raised the matter then and the honourable Chief Minister, who then had the responsibility for the Police Force, said that the matter would be looked into, in fact it is no further advanced. I have a particular constituent whose circumstnaces I would like to outline. As I mentioned, this happens quite frequently amongst the police and fire service officers. This particular person has accepted a transfer to Katherine. He was purchasing his house under the public service Home Sales Scheme at an interest rate of 6.75%. Because he has done what any sensible person would do - that is rent the house in his absence - the Housing Commission is determined that he is renting for profit and his interest rate has been raised to 12.5%. I point out to the Minister for Housing that that is the highest rate of interest available on the table of interest rates. This person is not presently occupying the house. I realise that the thrust of most of these schemes is to assist owner occupation but I think that some balance must be struck between that objective and not disadvantaging those members of the public service who are required by their conditions of employment to serve in other places. I can foresee a situation arising where people with a mortgage would not apply for transfers because they would be severely disadvantaged by having to pay the highest interest rate.

I can foresee a situation where the only small centres in the Territory which would be staffed adequately by experienced officers would be those centres which could take officers who did not have family and housing commitments or those officers who are compulsorily transferred in order to maintain establishment numbers. I have been told that it is not the practice in the services to transfer officers compulsorily and that both the Police Force and

the Fire Service prefer people to volunteer for service in these remote localities. I agree with that particular policy. I also appreciate that it is not always possible for the Police Force and the Fire Service to rely solely upon occasional voluntary transfers in order to provide a service in these smaller centres. They do avail themselves of the provision whereby they can require an officer to serve. Certainly, I agree that it is preferable that members of the Police Force and Fire Service volunteer for service. I would not want to see any major departure from that particular policy or we will find ourselves in the situation we have had on so many occasions before where some localities are regarded as punishment stations where people are sent because they are judged to have done the wrong thing. In my view, that would be a downgrading of services to those communities. I think that those members who volunteer for service in those communities and thereby give up the luxury and ease of larger centres ought to be commended and assisted rather than being disadvantaged in this very real way.

I have pointed out that this is a condition of several of my constituents. What is even worse is the attitude of the minister who alleges that these people are using the system to obtain extravagant rents. I am sure that many of my constituents would be only too pleased to sit in their houses in Darwin and continue to pay off their mortgages at these concessional rates and not be concerned with giving service in other localities. I suggest to the minister that what we need is experienced officers who go willingly to these places rather than reluctant incumbents.

I will outline the circumstances of this gentleman in some detail for the benefit of the honourable minister who seems to be totally oblivious to the rent situation as it pertains in my electorate. This particular person has had his mortgage interest rate increased to 12.5% which now means that his mortgage repayments have increased to $624 a month. He receives by way of rental income from renting his house an amount of $660 a month. I can explain to the honourable minister that this is not an extravagant rent because this amounts to about $156 a week. I can inform the minister that 3-bedroom established houses in my electorate are not available for under $180 per week. I suppose that the honourable minister would say that he should raise the rent. Then, of course, he would be subject to the charge of using the system to obtain an extravagant rent.

In today's 'accommodation available' column in the NT News, there are 2 houses listed in my electorate for rent. One will be rented at $190 a week and the other, a new house at Karama, may be rented for $160 a week. Mr Deputy Speaker, I do not think that my constituents can be charged with using the system to extract extravagant rent. It can be seen that the gentleman concerned has a sum of $36 above the amount of his mortgage repayment. For the benefit of the honourable minister, I will also point out that this gentleman does not get free rent in Katherine. This $36 per month is expected to cover the cost of housing his family in Katherine. I also point out to the minister that, by way of rent for this house in Katherine, he pays $274.80. It can hardly be said that the man is making some sort of profit out of renting his house in Darwin when he has an amount of about $36 and is in fact paying $274.80 in rent.

Of course, this gentleman also has certain obligations which he must meet by way of being a landlord under the Tenancy Act. Perhaps the honourable minister can take a few other points on board. Of these obligations, the gentleman concerned, as a landlord, must maintain and repair the house. He is supposed

to do this out of the $36 that the minister alleges he is making as a profit. Then he has rent collection expenses and accounting expenses because of his tenant's bond and so on. We have had numerous debates in the Assembly about that. Then he is also required to insure his house because the house is being purchased through the public service Home Sales Scheme. He is also required to pay stamp duties and register his lease document. Under the Taxation Act, he is entitled to depreciation and to make allowances for replacing the furniture and fittings during the 2 years of his absence in Katherine. He is also required by the Local Government Act to pay rates. I stress for the honourable minister, who is so out of touch with the plight of my constituents that he could make the outrageous statement in reply to my question on Thursday, that all of this is supposed to be covered by the $36 difference between this gentleman's mortgage repayments and the rent that he is charging his incoming tenant.

I think that the honourable Minister for Housing shows very little understanding of the plight of these particular officers. We could not live in the Northern Territory without police officers and fire service officers and I would be very reluctant to suggest to the honourable minister that the only people who should move about are those people who are compulsorily transferred. I think that this would lead to a downgrading of services in remote areas. It is not our intention to disadvantage people in remote communities. If anything, we should be working to bring their standard of service up to the level that people in the larger centres enjoy. I deplore the attitude of the honourable minister to the plight of this very large group of constituents in my electorate.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, I would like to comment quite favourably on a function I went to at the weekend. I went to 2 functions. I went to the same one as the honourable member for Nightcliff, 'Once Upon a Beat', and like her, I thoroughly enjoyed it. I also went to another youth function in the rural area which I also enjoyed. Perhaps I was not quite so close to the noise but my enjoyment was in seeing the children enjoying themselves. I am speaking about the Blue Light Disco which has just started in the rural area. Its existence there is due to the hard work and organisation of the Rural Lions Club and the Police and Citizens Youth Club. This Blue Light Disco was held at the Humpty Doo High School for the first time at the weekend. I found out yesterday that 282 people took part. If these discos continue in the rural area, with the cooperation of the parents and other organisations, I think it will be great for the young people in the rural area. I believe that they will be held every month.

The parents know that, when the young people go to these Blue Light Discos, once they go in, they must stay in or else they leave. The young people have to come dressed in a reasonably clean and tidy condition. Thongs are not allowed. I must say that the standard of dress of the young people was very high. The Lions Club members were very active. Counting the police cadet unit, there were about 15 members of the Police Force there and about 12 Lions Club members. Many parents dropped their children off and picked them up when the disco finished at 11 pm. The Lions Club in the rural area is in the fortuitous position of one of its members being the caretaker at the Humpty Doo High School. Many parents dropped their children off at the disco and went over to the library for a quiet read or 40 winks until the disco finished at 11 pm. A few young people turned up a bit intoxicated. They tried a few things on but were given short-shift by the Lions Club members, Police and Citizens Youth Club personnel and the police officers. One of the advantages of this type of disco is that the parents who send their children along, especially the younger children, can be 100% certain that the children will be looked after in a free

but certainly supervised situation.

I would like to publicise 2 matters brought to my attention by constituents in the rural area. One is a case of definite personal injustice and the other is a case of injustice which employers in other areas may also suffer. Firstly, a small business in the rural area is being distinctly disadvantaged in the interests of bureaucratic tidiness. I refer to the newsagency at Howard Springs which has been granted the franchise to operate in Palmerston. They run their newsagency well in Howard Springs and I feel certain , if they operated in the new township of Palmerston, they would also run a pretty good business there. It will be 6 months before the building of which they wish to rent part will be finished. In the meantime, they wish to operate from a demountable. They have been told that under no circumstances can they operate from a demountable. They have been offered space in an existing office block but it is about half the size of their current shop at Howard Springs and they must take it over for a 4-year term. They do not wish to do that. They do not know quite what to do. They are nearly at the end of their financial tether. If they are forced to hang on for 6 months without going there, they risk losing their franchise and their business. I have not had the opportunity yet to pursue this matter further but I will. We know that the use of demountables sometimes turns into permanent use. However, I feel certain that with a bit of common sense and knowledge of how these people operate their newsagency, justice could be done in this situation.

The other case of injustice is not so much against an employer in my electorate but against a certain type of apprentice. This employer pointed out to me that he has applications from mature-age apprentices to take work up with him. He has a mechanical workshop or garage. If he takes on a senior apprentice, he will be at a distinct disadvantage. He is loath to take on senior apprentices because he will definitely be out of pocket and will not get much more work out of them. At the same time, he feels that mature-age apprentices deserve a fair go.

As honourable members know, in the apprenticeship system, the apprentices go off for a 2 months block study at the community college. They also have 1 month recreation leave. While they are away on their block study at the community college, there is a government grant to the employer of $25 a day. This holds whether the person is a senior or junior apprentice. If the person is a junior apprentice, he is paid $150 a week before tax. If he is a senior apprentice, he is paid a bit more than $220 a week before tax. To the employer, there is quite a bit of difference between paying $150 and just over $220 a week in wages. The employer said that he cannot expect any more work from the senior apprentice than from the junior apprentice. Thus, there is not much advantage in putting on a senior apprentice. Nevertheless, he thinks that the particular chap he has in mind deserves a fair go. In the first year, he can only expect about 2 or 3 hours a day of productive work regardless of whether the apprentice is senior or junior. The junior becomes a senior at 21 years of age. I have not had the opportunity to pursue this matter further but I think that, in the interests of justice, both for the employer and for the mature apprentice, something must be done.

Mr STEELE(Transport and Works): Mr Deputy Speaker, during the Assembly sittings,there was considerable debate on allegations made by the opposition and the media on various aspects of the design and construction of the Fort Hill Wharf. At the time, in response to the honourable member for Millner, I stated and I quote from the Parliamentary Record:

As I indicated, the difference of opinion of the computations has produced arguments between professional engineers. This is a highly technical matter and was taken up with the design consultants by the Department of Transport and Works. The consultants have replied to the department advising of their belief that the approved changes have not reduced the effectiveness of the wharf below the original design criteria. They have indicated their willingness to submit the design and calculations for independent, professional review. The Department of Transport and Works is presently arranging for this independent professional review to be carried out by a firm of engineers and consultants, MacDonnell Wagner and Priddle. If allegations should be sustained, the government will seek redress at law in the normal way.

I later gave an undertaking in the same address that I would advise honourable members of the results of this independent professional review. The results have now been received and copies of the report have been circulated on a limited basis, in particular to the Leader of the Opposition, to Mr Martin Jacob and to the Engineers Association. In a letter to the Leader of the Opposition, I stated:

You will see that, in every respect save one, the consultant's report provides a totally satisfactory situation. Concern is raised at the response of the roll girders in the regions under the crane bogeys when they are located over vertically piled sections of the wharf. A check is being made, as a matter of priority, to ascertain the facts in regard to this one area of concern. Advice on this matter is expected very quickly.

Mr Speaker, the government is prepared to investigate any matter that is indicated to it. In particular, the Leader of the Opposition might indicate a particular course of action to me before Thursday.

I would like to talk about a couple of water matters. In respect of the National Water Resources Program, the Commonwealth budget announced on 23 August provided an amount of $46m for financial assistance to the states and territories for water resources projects in 1983-84, representing an increase of 19% over the level of subsidy in 1982-83. Despite this and despite this government's recent submission to the Commonwealth seeking increased subsidies, the level of funding allocated to the Northern Territory is $1.457m compared with $2.04m in 1982-83. Our 1983-84 bid was $2.89m.

The Commonwealth Water 2000 study identifies issues to be addressed in developing and managing water resources nationally to the year 2000 and recommends increased levels of Commonwealth funding for many of those issues. As most of the major issues apply directly in the Northern Territory, the decision to cut funding to the NT is not consistent with the Water 2000 report. The level of Commonwealth subsidy to the Northern Territory has remained essentially the same over the last 4 or 5 financial years. It has now been reduced by nearly 30%.

There is another water matter that I would like to raise. There is a growing feeling throughout Australia that an effective pricing policy is the single most effective long-term means of achieving water conservation. The need to recognise water as a finite resource and encourage its conservation is now widely accepted. At a recent Australian Water Resources Council meeting, the

federal Minister for Resources and Energy emphasised that the Commonwealth considers that revenue for water and sewerage services should at least cover the cost of operation and maintenance of those services and that appropriate pricing policy should be introduced for all classes of water users not only to recoup the cost of supply but also to encourage more effective and efficient use of water.

The Northern Territory has a lower basic charge and a lower excess rate than most centres throughout Australia. This is reflected in the fact that only 25% of the cost of providing water is recovered from water charges. The figure of 500 kL often referred to as the water allowance is not in any way tied to what a normal consumer may consume. Its only significance from a consumer's point of view is that the unit price for water consumed up to and including 500 kL is 15¢ per kL while all water above that quantity is priced at 20¢ per kL. The average domestic water consumption in Darwin is 782 kL per annum which is of the same order as Townsville (766 kL), Port Hedland (700 to 800 kL) and Broome (700 to 800 kL).

If a consumer in Darwin had previously paid $96 in excess charges, that person would have used 1319 kL and would by no means be considered an average user. A breakup of consumption figures revealed that only 40% of consumers use more than 750 kL per annum, 30% use between 500 and 750 kL, and the other 30% use less than 500 kL. Based on average consumption and the fact that 60% of consumers use less than 750 kL, a consumer using somewhere in the vicinity of 1400 kL could hardly be described as a prudent user of water. Any consumer claiming to practise water conservation who is consuming figures of this nature should re-examine his watering methods and maybe check his system for leaks.

In spite of the comparatively low cost of water in Darwin, the Territory government has kept its pledge not to increase charges during the wages pause while most other authorities in Australia have raised their charges. Just to give an indication of the charges for the information of members, in 1982-83, based on the average use in Darwin of 782 kL, the prices across Australia were: Sydney - $126; Melbourne - $113.62; Brisbane - $125.60; Adelaide - $203.50; Perth - $134.90; Hobart - $166.60 ; and Darwin - $81.40.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MINISTERIAL STATEMENT
Senior Secondary Courses for Schools

Mr PERRON (Edcuation)(by leave): Mr Speaker, when Direction for the Eighties was tabled in March this year, the government outlined its broad strategy for the future development of post-compulsory education in the Northern Territory. I indicated that, to meet the needs of the increased numbers of students staying on at school beyond the age of compulsory education, and particularly those who had neither the need nor the desire to study for matriculation, the government would be introducing an expanded range of appropriate courses.

In the following months, a consultation process was initiated. A draft paper on post-compulsory education was distributed to principals of schools, the Northern Territory Council of Government Schools Organisations, and the Teachers Federation, and constructive criticism was invited. This consultation process culminated with the production of information statement No 5 on post-compulsory education. It established the framework for the future development of post-compulsory education in Northern Territory schools, including a set of Year 12 course packages designed to prepare students for future employment in areas such as business-commercial, public service-general, and technical-industrial.

By early May this year, the implications of the dramatic national increase in youth unemployment became apparent and were discussed by Commonwealth and state Education Ministers at a meeting of the Australian Education Council. A much greater student retention rate in senior years has occurred in 1983 and a greater increase is foreshadowed. As a result, the timing of the introduction of the proposed senior courses has assumed an element of urgency. In almost every state and the Territory, programs are under way to review and or restructure the organisation of the senior secondary school and develop courses relevant to the needs of the vast majority of students who do not intend to go on to university study but who now wish to gain a higher level of secondary education. This higher level will provide opportunities for students to obtain qualifications in advanced education and technical and further education or meet the entry requirements of major employers in both the public and private sector.

As a result of the investigations carried out by departmental officers, I have decided on 2 things. The first is to introduce at Year 12 level the course packages to which I referred earlier. The courses which make up the package are accredited by the South Australian Department of Education. These courses, known as SSC courses, Senior Secondary Certificate courses, lead to the award of the South Australian Secondary School Certificate and are designed as suitable alternatives to matriculation courses for a number of purposes. I wish to stress, however, that they are not for students who want to go on to university. The SSC courses will be available in South Australia and the Northern Territory alongside matriculation courses for 1984 and 1985. South Australian matriculation will cease to exist as a separate examination and certificate after 1985 and all Year 12 courses will come under the umbrella of the Senior Secondary Assessment Board of South Australia, known as the SSABSA, which has been established by recent legislation.

Mr Speaker, the second step the government proposes to take is to continue to monitor development in South Australia with a view to following it into the SSABSA system in 1986. Basically, this program means that, in 1984 and 1985, our Year 12 students will have the option of following 2 different streams of study. Matriculation courses will still be available for those who want to go

to university or into another area of work or study for which mactriculation is required. Those who do not need or do not want to do matriculation will be able to study SSC courses which will lead to entry into advanced education courses, entry into Institute of Technology courses and acceptability by major employers such as the Commonwealth Public Service, the South Australian Public Service and the Northern Territory Public Service.

In addition, we will continue to provide Year 11 courses designed in the Territory to meet the needs of specific groups of students who do not wish to go on to Year 12. We will also continue to issue all students with the Northern Territory Senior Secondary Study Certificate which will show all Year 11 and Year 12 courses that a student has completed.

Contrary to the impression that might have been given by recent articles in the press, the South Australian Senior Secondary Certificate courses - that is, the SSC courses - are not watered down matriculation courses. They are, in fact, academically rigorous and worthwhile courses in their own right. They relate theory to work situations and to post-secondary studies other than the university undergraduate type. They are designed to fully extend the capabilities of the students who undertake them.

These new courses will provide young Territorians with an opportunity to undertake study within the Territory to gain qualifications in areas where there is a great demand. More of our youth will be able to be directly employed and the need to constantly recruit interstate personnel will eventually be reduced. The courses are accredited by the South Australian Department of Education on the advice of the senior specialists in each subject area. The performance of students in the courses is assessed on a continuous basis throughout the year and these assessments are subject to rigorous moderation controls to ensure that standards are maintained and that the grade a student receives from one school is comparable to that awarded to a student from another.

Courses are submitted for accreditation from individual schools which use guidelines prepared by the South Australian Curriculum Directorate. In the Northern Territory, curriculum specialists from our Professional Services Branch have been working closely with high school staff to prepare our courses for accreditation for 1984. The Department of Education has moved rapidly and schools are now in a position to be able to work under the normal South Australian timetable for the introduction of new courses in 1984.

Mr Speaker, the South Australian SSC courses present a number of benefits to Territory students. The teaching-learning approaches used will encourage student participation in goal setting and develop individual initiative and self-confidence. The assessment system is fair and valid and it does not rely on the single final examination system of the matriculation courses. The South Australian Senior Secondary Certificate is acceptable to major employers and tertiary institutions other than the universities. For example, the Australian Public Service recognises an SSC pass in 4 subjects as equivalent to a matriculation pass in 4 subjects for entry into the Third Division of the service in South Australia or the Northern Territory. The South Australian Nurses Registration Board and the South Australian Institute of Technology also accepted the SSC courses for entry purposes. The South Australian colleges of advanced education have a system of equating SSC grades with matriculation scores. The results are graded A to F with A, B and C counting as a pass. The SSC grades are awarded numerical equivalents to matriculation scores for entry into faculties. For example, a student who achieves SSC grading of an A for a subject is awarded 76 points. Likewise, a B would gain 63 points and a C would gain 53 points. A numerical equivalent of 295 out of 500 is required for entry into any

South Australian college of advanced education campus. This is equivalent to grades of at least 3 Bs and 2 Cs.

Mr Speaker, the Northern Territory Curriculum Advisory Committee - which comprises representatives not only from the Department of Education, schools and school principals but also the Trades and Labour Council, the Teachers Federation, FEPPI and Northern Territory COGSO - at its meeting this week fully endorsed the proposal to introduce Senior Secondary Study Certificate courses. The Northern Territory Public Service Commissioner has advised that the SSC courses are acceptable for accelerated entry into the Northern Territory Public Service at the administrative class A2 level. The principal of the Darwin Community College has advised that the college is prepared to accept the new courses for admission purposes. Full details will be announced in October. However, admission to selected degree or diploma courses of study, selected associate dipolmas and TAFE para-professional courses has been foreshadowed. Admission to these courses may be on a basis of a mixture of matriculation/SSC subjects or, in some cases, SSC subjects alone will be accepted for direct entry.

The implications for employment in the Northern Territory that this initiative will provide are far reaching. To date, the Northern Territory has had only a small number of matriculants, many of whom have travelled interstate to undertake further study and have not taken full advantage of the courses available at the Darwin Community College. I envisage that the Territory will be able to train locally many of the specialists we need and currently have to recruit from interstate. At present, for example, the Department of Education needs to recruit an average of 350 teachers a year yet less than 40% of these are recruited locally. In other words, there are 200 attractive jobs going begging annually which could be filled by young Territorians. A similar situation exists in a number of areas where advanced education qualifications are needed as a prerequisite to employment. In many of these areas, the Darwin Community College offers appropriate training courses. I strongly recommend that parents and students consider the career choices that will be available as a result of the new courses and examine the employment prospect offered by successfully completing local training through the Darwin Community College.

Later this year, attractive career education programs will be conducted in Northern Territory secondary schools to explain the opportunities that are available through further study at schools and Northern Territory institutions. The senior secondary courses actually taken by NT students in 1984 and 1985 will depend on a number of factors, such as whether there are sufficient students to justify conducting a particular course in a particular high school. Courses will be offered in packages. An example could be English, mathematics, art, design, technical drawing, general science and technical studies. Schools will be free to seek accreditation of packages according to their needs. However, English and mathematics must be included in any package of courses offered. In general, the courses for which our schools will be seeking accreditation are: English, mathematics, business mathematics, agricultural studies, art, design, technical drawing, commerce, professional typing, drama, geography, Australian history, contemporary world history, home economics, legal studies, general science, biological science, geological science, social studies, technical studies, computer studies, physical education and health education. Not every school will offer all courses and I am not surprised.

Schools are currently consulting parents and students about which of these courses should be offered and the students will be counselled according to their future employment and educational aspirations. Basically, for 1984 and 1985, students who want to go to university or who need matriculation for any other purpose should do the South Australian Public Examination Board matriculation

courses. It is also possible for students to do a mixture of matriculation and Senior Secondary Certificate subjects or even a mixture of PEB, SSC and NT courses. A brochure outlining the courses to be offered is being printed now for distribution to students, parents and employer groups. I believe it will be available on Friday and I will ensure that a copy is posted to each member of the Assembly.

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

Debate adjourned.

MINISTERIAL STATEMENT
Resort Development for Tourists in Central Australia

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I wish to inform the Assembly on the progress of 2 major government initiatives to improve the facilities for visitors to central Australia.

Although no major statement has been made to this Assembly on the Yulara project since the tabling of all agreements in June last year, I am confident that all members have kept abreast of the excellent progress which has been made. The whole project is ahead of schedule and within budget. The campgrounds were opened on 26 July by the Minister for Conservation. Resort No 1, the Four Seasons Yulara Resort, will be opened on 16 November. A couple of weeks ago, it was announced that Resort No 2 would be operated by Sheraton Pacific Hotels Pty Ltd and that, as part of the agreement, the resort would be linked with the Sheraton International computer reservation system. The Sheraton world-wide network of 453 hotels and 31 sales offices in 53 countries will ensure an international tourist market for the resort.

In consultation with Sheraton and the Yulara Development Company, last Friday in Alice Springs, the Northern Territory Cabinet agreed to the enlargement of Resort No 2 from 200 rooms to 230 rooms. With Yulara at such an advanced stage, the government is continuing efforts to see the establishment of an international-standard hotel in Alice Springs as well. Such a facility is necessary, not only to complement the Yulara development but to meet a specific need in Alice Springs. These efforts had their genesis in 1979 when a tourism survey, commissioned by the government, reviewed the requirements for tourist accommodation. It identified a shortfall in accommodation throughout the Territory and a particularly high turnaway factor, primarily in the peak season. It suggested a marked shortage in high standard accommodation. It confirmed the view held by government that, unless a full range of accommodation from up-market to low-cost options was available, tourists would be deterred from coming to the Territory and the full potential of the Territory for tourist development would not be realised.

It is a matter of record that the government has, by way of loans or guarantees from the Northern Territory Development Corporation, supported the development of tourist accommodation in all centres of the Territory. It has allocated to the Tourist Commission and the NTDC responsibility for an ongoing study into future requirements for a wide range of accommodation to meet the prospective needs which will inevitably occur as a result of vigorous marketing and promotion activity, both within Australia and overseas. It has seen the finalisation of discussions with the Burgundy Royale Group, and its 250-room international hotel and convention centre in Darwin should be completed towards the end of 1984. Ongoing negotiations are continuing with a number of other groups which have expressed interest in further international hotels in Darwin.

I am pleased to inform the Assembly that I believe that the efforts expended to attract an international hotel to Alice Springs are moving towards the desired result, but only after enormous difficulty. In August 1980, and further to its original tourism survey, the government commissioned Hobbs Winning Leighton and Partners to undertake a feasibility study into prospects for an international hotel in Alice Springs. This study was distributed to major hotel chains and developers, both within Australia and overseas. One firm response came from the Philippines-based Meja Group. Meja had previously purchased the export abattoir at Point Stuart Station. It attempted also to purchase the Koala Hotel Motel, now known as the Telford Top End in Darwin.

The principals of Meja did a considerable amount of work on the hotel project in Alice Springs. They identified a site in Larapinta Drive and commenced negotiations with the owner for purchase. They produced advance designs, arranged a builder and entered discussions with hotel chain operators. However, the company and the government were unable to agree on certain pre-conditions set down by the company or on the range of incentives required for the project and, in mid-1981, Meja withdrew.

At about this time, the government became aware that Kinnaird and Co Pty Ltd, and Neighbour and Lapsys, together with the Hilton chain were investigating prospects for building a hotel in Alice Springs. Both Kinnaird, and Neighbour and Lapsys were involved in construction of the Adelaide Hilton. Their proposal involved a $30m 250-room hotel on land associated with the golf course development next to the Alice Springs Country Club Casino. Kinnaird, and Neighbour and Lapsys did considerable preliminary work and obtained letters of intent from Hilton to manage the hotel.

Towards late 1981, they joined with some local Alice Springs businessmen and formed the Central Australian Development Company - CADCO. In order for the project to proceed, CADCO needed to locate an end owner and to reach agreement with the government to assist the project in the early years. In early 1982, in view of the fact that Australian financial institutions regarded investing in international hotels in the Territory as pioneering sort of stuff, and in order to facilitate the process of negotiation, the government agreed in principle to offer the following assistance: (1) an interest-free loan of $480 000 for 10 years to purchase a 3.6 ha site; (2) an initial loan of $1m interest free for 5 years; (3) a further loan of $1m later on; and (4) a guarantee against loss of capital invested.

In the following months, a number of prominent and likely investors were canvassed. Notwithstanding the level of assistance offered, no end investor could be found for a host of reasons, not the least of which appeared to be what they considered was limited assistance by the government in the years required to establish the reputation and viability of the hotel. CADCO stepped up its efforts to locate an end owner by commissioning a number of merchant banks to assist but it was not until the end of 1982 that any substantial advance was made.

An indicative proposal was put together by a merchant bank, which will be nameless, and referred to the government for consideration. Its essential elements were: (a) the Northern Territory government would provide an interest free loan of $10m during the construction period; (b) at the end of the construction period, assuming a total cost of $30.4m, the NTDC would provide a loan to the hotel owning company of $22.4m which loan would carry interest at the rate the hotel could afford to pay, having first satisfied the requirements in (d) below; (c) the proponent would provide a loan on the balance of $8m which loan would bear interest at the rate of 15%; (d) it would require an actual

pre-tax profit of $500 000 from the venture in addition to the 15% interest paid on the $8m loan; (e) it would agree to be the hotel owner for 8 years at the end of which time the Northern Territory government must agree to purchase the hotel for at least the value which ensured a 12.15% discount of cash-flow return on an investment of $8m, which would mean that, at the end of 8 years, they would be paid $11m in respect of their $8m loan giving them a further profit of $3m.

This proposal was unacceptable to the government and the proponents were advised of such early in 1983. It is to their credit that CADCO representatives continued undeterred. After negotiations with 2 other merchant banks, they commissioned Morgan Grenfell to assist. The government is currently in an advanced stage of negotiation with CADCO with a serious end owner-investor and with an internationally-renowned hotel operator. In addition, CADCO has agreed to purchase the identified site, now enlarged to some 5 ha. It is obvious, given 3 years of unsuccessful effort, that the government will have to provide significant assistance, especially in the early years.

In a recent telex, I informed Morgan Grenfell:

I confirm that the Northern Territory government is very keen to see the establishment of an international hotel in Alice Springs at the earliest possible moment. To this end, the government has agreed in principle to provide generous incentives to an investor to encourage him to establish the hotel. Specifically, the Northern Territory government will consider providing a guarantee of minimum end-of-term sale price for the hotel or a guaranteed return for the investor in the formative years. However, I cannot commit the government further until the final proposal is received and considered by Cabinet. I am very keen to have that proposal at the earliest possible moment.

It seems extremely likely that the project will proceed. It is likely that the government will provide a residual guarantee to the investor in order to guarantee no loss of capital investment. It is likely that a system of guaranteed returns in the early years will be negotiated. Detailed negotiations are under way. I hope to be able to announce in the near future that they have reached a successful conclusion.

I move that the Assembly take note of the statement.

Debate adjourned.

MINISTERIAL STATEMENT
Auditor-General's Office

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, on 26 May 1982, I advised the Assembly of plans for setting up the Northern Territory Auditor-General's Office and of the appointment of Mr Graham Carpenter as the first Northern Territory resident Auditor-General. Prior to that stage, the audit requirements of the government were performed on an agency basis by the Commonwealth Auditor-General. In order to achieve an orderly transfer of functions, detailed transitional arrangements were agreed to with the Commonwealth Auditor-General. I am pleased to report that the transfer proceeded smoothly, due in no small part to the able assistance of Mr Keith Brigden, the Commonwealth Auditor-General, Mr Leon Stringer, who was the Chief Commonwealth Auditor in Darwin at the time, and their staff. As initially advised to honourable members, the Northern Territory government's proposed approach to its audit requirements was unique in its projected involvement of the private sector in all aspects of government audit.

This policy has been implemented with considerable success. It has had the twin benefit of encouraging the private sector by maximum utilisation of professional skills and expertise available in the Territory while at the same time enabling the Auditor-General to maintain a relatively small internal staff. The policy has also obviated the staffing problems experienced by the Commonwealth Auditor-General as reported by him in each of his annual reports to this Assembly.

The Auditor-General has now fully settled in and his office is operating at full capacity. Private sector auditors are appointed to undertake approved assignments. Full control over the planning and operation of these assignments is maintained by the Auditor-General who issues all audit reports. Control over costs is maintained by strict budget controls. In this respect, I might add, in the spirit of the wages and prices pause, the auditors engaged did not receive an increase in rates of payment when the rates were reviewed on 30 June this year.

The Auditor-General has recently been given approval to increase the size of his staff establishment by one to a total of 8. This will allow for the appointment of a computer audit manager. Local firms of accountants who provide audit services do not generally have local staff available with specialist computer audit skills. Rather than continually fly specialist staff from interstate at significant expense, it is hoped to engage an experienced computer audit manager to plan and control this important and growing aspect of auditing. It is expected, however, that there will still be a requirement for specialist private sector involvement to supplement the internal staff resource. The Auditor-General plans to fully integrate computer audit into the total audit process and is developing computer-assisted audit techniques to enhance audit procedures.

Mr Speaker, already we are starting to see some of the advantages of having our own resident Auditor-General. He travels regularly throughout the Territory and is available locally to discuss matters with ministers as well as heads of departments, statutory corporations and other bodies subject to his audit, such as the Alice Springs Town Council. Being locally based, the Auditor-General is in a better position to give early warning of problem areas in order that they might be speedily resolved. The question of timely reporting by local government and statutory bodies will be better able to be pursued. There has been some tardiness in this area in the past and, while there have been some improvements, there is room for better performance. Over time, the Auditor-General should make positive contributions to developments in public financial administration.

I am confident that the government has attained the objectives of the financial administration and audit legislation passed by this Assembly which called for the creation of an independent and professional office of Auditor-General. The policy of work allocation to private sector audit firms has enabled those firms to strengthen their employment staff, creating growth in professional skills resident in the Northern Territory. Such growth is an essential part of the Northern Territory's development.

MINISTERIAL STATEMENT
Drug and Alcohol Services in NT

Mr DONDAS (Health)(by leave): Mr Speaker, important developments are taking place in the field of alcohol and drug dependence and I think that it is timely to acquaint members of them. The Northern Territory Drug and Alcohol Advisory Committee, DAAC, was established in May 1981. The committee comprises the heads of certain government departments plus representatives of 5 regional groups. The names of those regional groups are included in the table of drug and alcohol services attached to members' copies of this statement. Those groups, through

their representatives on DAAC, advise the government of the problems, needs, priorities, facilities and resources of their respective regions. The table also shows what services now exist in each region, those developed in 1982-83 and others which DAAC believes are still urgently required.

Mr Speaker, 1982-83 was a year in which activities in the drug and alcohol field expanded considerably. New programs and facilities funded through the Department of Health's grants-in-aid program included: the establishment of the Territory's first halfway house for people who have completed an alcohol rehabilitation program; assistance to the St Vincent de Paul Society to establish a second, though smaller, halfway house; appointment of a co-ordinator of drug and alcohol activities in the Katherine region to be responsible to the Katherine Alcohol and Drug Association; the appointment of the community-based family counsellor in Nhulunbuy; provisions of funds to the Darwin and District Alcohol and Drug Dependence Foundation to develop its drink-driver program by employing a person to specialise in this work; and the appointment of an alcohol rehabilitiation worker for the Kalano Community Association in Katherine.

A comprehensive directory of NT drug and alcohol resources was published recently by the Department of Health's Drug and Alcohol Bureau. Copies have been sent to all members of the Assembly as well as to others interested in and involved in the drug and alcohol field. The directory describes the wide range of services now available in the Territory and I commend it for members' use.

Following a detailed submission from DAAC, the government has reaffirmed its commitment to establish drug and alcohol services and facilities throughout the Territory. We believe the government's proper role in the establishment of these facilities is that of co-ordinator or facilitator. We believe each Territory community itself should determine what facilities and services are needed. This has been done at the regional level and details are set out in the attached table. The government hopes community groups in different regions will now seize the opportunity to establish and operate those facilities and to run them with financial support, co-ordination and advice, where necessary, from the government. DAAC has developed various programs and facilities. However, the government will not force these models on any community. We hope people in each region will take them and adapt them to suit local needs, local priorities and local resources.

Mr Speaker, members will be aware that the first sobering-up shelter has been established. It opened in Darwin in mid-July. The shelter is operated by the Salvation Army and funded under our drug and alcohol grants-in-aid program. I am grateful to Major Brian Morgan, his fellow Salvation Army officers and the shelter staff for accepting the challenge thrown out to community groups to help this particular group of needy people.

Let me remind the Assembly of the role of the sobering-up shelters. The government is encouraging them because it recognises that we need an alternative to the police lock-up for people who have committed no crime but who, owing to their intoxication, are at risk in terms of their own health and safety or are a nuisance to the community. Experience in the Northern Territory and in other states has shown that the majority of people taken into protective custody because of drunkenness cause the police no problem. The police and others have a real concern, however, that adequate supervision of these people is not always possible. Such supervision can be provided at sobering-up shelters.

It is important to point out that sobering-up shelters are not rehabilitation facilities. They are meant specifically to provide better care and custody for intoxicated people than is possible in police cells. It would be foolish to suggest that all individuals taken into protective custody could be taken to

these shelters. Clearly, some will need to be held by police because of their violent disposition or reluctance to cooperate with shelter staff. Nevertheless, the aim is to provide adequate care and protection for those who really need it. It is hoped that a secondary benefit of such sobering-up facilities may be that, having spent a night supervised by caring and experienced staff, individuals may feel the need for rehabilitation and seek referral to a treatment program.

Mr Speaker, the success of sobering-up shelters depends entirely on community support. I will be looking to such groups as local councils, service clubs, religious groups and Aboriginal organisations to aid in the provision of accommodation, staff, pickup services and so on.

The Northern Territory was the first jurisdiction in Australia to decriminalise public intoxication. At that time, we legislated to provide for the detention of inebriated people. We are now in a position to identify what other steps are necessary to supplement this legislative approach to what is essentially a community problem. Legislation, education and rehabilitation - these separate approaches - can do little on their own. An integrated and rational approach to the whole problem of alcohol abuse, and its prevention, treatment and rehabilitation, is essential. The government's 'Boozers are Losers' campaign served to alert the community to the problem. We intend to develop this preventative program further in the coming year, focusing on activity at the regional level.

The establishment of the alcohol dependence treatment unit at the Darwin Hospital and the provision of funds to a wide range of community groups to set up and run treatment services in the Territory are helping to meet the requirements of individuals and families affected by alcohol or drug-related problems. Other initiatives this year, also promoted by the Drug and Alcohol Bureau, will include expansion of drug education activities, introduction of a community alcohol and drug abuse prevention program in at least one region of the Territory and an Aboriginal alcohol workers' training program.

These projects, along with the sobering-up shelters and the other services I referred to earlier, are taking the Territory a long way towards achieving our objectives of preventing drug and alcohol-related problems arising, and of treating them when they do arise.

In closing, Mr Speaker, let me emphasise again the need for direct community involvement in developing drug and alcohol services. Governments are facilitators of such initiatives. For sobering-up shelters and many other programs to be effective, communities must take responsibility for their operation. That is why the Drug and Alcohol Advisory Committee and the Drug and Alcohol Bureau have maintained close ties with regional drug and alcohol groups, other community groups, religious bodies, local government councils and Aboriginal organisations. In partnership, we have achieved a great deal in the drug and alcohol field over the last 12 months. If the community uses the opportunities we are providing, even greater benefits will be seen in the future.

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

Debate adjourned.

ELECTORAL AMENDMENT BILL
(Serial 314)

Bill presented and read a first time.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that the bill be now read a second time.

This is an extremely short bill. It requires only a very short speech. In fact, it contains only 2 clauses, and it is one of those matters that you agree with or not. We have already canvassed this subject at some length on numerous and probably forgettable occasions in the Assembly. Indeed, a number of the matters that this bill addresses were touched upon yesterday. There is no need to go over a matter which is familiar to us all at great length.

Mr Speaker, the purpose of this bill is to maintain the size of the Legislative Assembly at 19 members. I noted with some interest yesterday, during the debate on the redistribution, comments made by a number of honourable members. I was particularly interested in some of the remarks made by the honourable member for Port Darwin as to the advantages to the bush seats of increasing the size of the Assembly by 6 members. I must say that the honourable member for Port Darwin has many fine qualities but, obviously, one of them is not understanding the mechanics of redistribution. As all honourable members would understand, the major anomalies occurred in the 2 growth centres, Darwin and Alice Springs. That is where the major discrepancies occurred. Certainly, the effects on the bush seats would have occurred but they would have been minimal. There were some quite gross discrepancies, mainly in Darwin, between seats, such as the honourable member's own, with 1700 electors, and that of the honourable member for Sanderson, for example, with some 7000 electors whom she represents in an extremely efficient manner.

The Assembly currently consists of 19 members but, as a result of legislation introduced late last year, it is proposed to expand the Assembly to 25 members. The Northern Territory parliamentary Labor Party stated at that time, and states again, that the increase in no way can be justified. The reasons that have been advanced by the government, at least publicly, have failed to justify it.

As no doubt does the Chief Minister and every other member of this Assembly, I look forward with a great deal of anticipation to the day we increase our federal representation to give the Northern Territory a bit more voting clout in Canberra. Everybody is anxious for that to occur at the earliest opportunity. I also anticipate that, in respect of the past performance of parties such as the Country Party, now named the National Party, when the Territory eventually moves into a more aggressive stance federally, we will have a nice old donnybrook around Australia. All honourable members would recall that it was the Whitlam government of 1972-75 which provided the Territory with its Senate representation. The Country Party opposed Senate representation for the Northern Territory in the High Court but, fortunately for the Territory, lost. When it comes to bargaining and debating what the level of our representation is to be, I anticipate a very interesting and fiery debate indeed. I am looking forward to it. That is something that I concede the Territory needs and the sooner we get it the better.

But increasing the number of politicians within the Northern Territory is another matter. A comment made to me by Territorians and visitors to the Northern Territory is that one is continually falling over politicians in the Territory. It is a fact that politicians are seen at the most extraordinary functions.

Mr Speaker, the Northern Territory already has the smallest lower house electorates in this country in terms of voting numbers. It is difficult to accept that the existing workload warrants the addition of another 6 parliamentarians. It is interesting also to note the moves that are being made by Premier Gray of Tasmania in an attempt to reduce the size of the lower house in the

Tasmanian parliament. We are talking about a state that has a population approaching half a million which is currently represented in its lower house by 35 members. That is Premier Gray's intention, if he is allowed to get away with it by the upper house, which is hardly likely because upper houses traditionally consist of troglodytes and people like that. However, he has stated publicly his desire to reduce the size of the Tasmanian House of Assembly by 10, to 25. That would bring it down to the size of our expanded Legislative Assembly.

As of a few weeks ago, electoral enrolments in the Territory were approximately 59 600, but numbers in electorates varied greatly, particularly in Darwin. While Sanderson, for example, had a total of over 7300 voters, the electorate of Port Darwin had only 1865 voters. If these disparities were corrected by redistribution, the 19 members would represent an average of 3140 electors. By any standard, that is a modest number of electors for any parliamentarian to represent. In the Northern Territory, politicians do not come cheaply. In my view, we are paid as we should be paid - and I have said this unblushingly before - an equivalent salary to politicians in state and federal houses. We are provided with the tools of the job: reasonable offices and reasonable staffing. I do not think anyone seriously complains about that in the Northern Territory. But it is an expensive exercise.

Mr Speaker, to contrast the example I have just given, the new arrangement of 25 members would involve an average of 2400 voters per electorate and this is below the figure that 16 of the 19 sitting members of the Assembly are already coping with satisfactorily. The government claims that the extra 6 members will give better representation to the Territory's 130 000 people. But 19 members currently provide representation which, in my view, is more than adequate. I restrict these remarks quite carefully to the service provided by parliamentarians to their electorates. I will canvass the other issues later. As a member who personally represents some 50 000 square miles, I do not think anyone seriously questions that the level of service provided to electorate by members is more than adequate.

The cost of this exercise to the Northern Territory in conservative terms will be $900 000 in the first year. In reality, it would now probably be in the vicinity of $1m. Salaries and electorate allowances alone would cost more than $300 000 a year. Provision of office space and staff would cost a further $320 000. Incidental and necessary costs for stationery, postal services, telephone, electricity, office rent, superannuation contributions etc will push the cost to the vicinity of $1m in the first year. In subsequent years, recurrent costs will be at least $660 000 in 1983 dollars.

In today's economic climate, there is an urgent need for governments to look closely at their spending programs. That is why I cannot understand this move which flies in the face of efforts that are being made by all governments around Australia to contain any unnecessary expenditure in their own operations. A laudable example is the efforts that have been made by the Premier of Western Australia in this regard. It is not simply the actual money provided, and the government knows this. Governments are expected to give a lead in these matters to the rest of the community. It is one of the responsibilities of government to lead the community and give it some incentives to follow.

I think that it is grossly irresponsible to spend all of this money to put unnecessary members in the Assembly when some 13% of the Territory's workforce is currently receiving unemployment benefits on the statistics provided by the Department of Social Security. As the member for MacDonnell pointed out yesterday, this may be supportable as an imaginative employment-creation scheme but it will only employ 6 additional people at some considerable cost.

The government is merely squandering urgently-needed resources. The amount of money involved could be spent elsewhere in areas of high need. I have not completed a detailed examination of the Northern Territory budget papers but I noted an item that intrigues me. The Treasurer said, quite correctly, in his budget speech that some 98% of the Northern Territory's business is small business. I noted with some interest that the amount of money provided in this budget to act as incentive to the small business sector is $1m and perhaps there is an explanation as to why that is such a paltry sum. I am certainly prepared to say that the ALP would be perfectly happy to take the $1m that will be spent on 6 extra politicians and put it in the small business sector of the community to generate further employment.

The time will come when the membership of the Assembly will need to be expanded if our population continues to increase at its present rate. However, statistics show that the recession that has hit this country is quite frightening in terms of the decline in business investment, the worst since 1946 or 1947. We are indeed in a very tight economic situation. Bearing that in mind, the time for the increase has not yet come.

The main basis for the decision to increase the number of parliamentarians seems to be the shortcomings within the government itself. I do not think anyone could seriously argue that the actual service to the electorates needs to be expanded. That argument would be nonsense if it was even put. The government has advanced an argument that these extra 6 politicians are required to increase the quality of government in the Northern Territory. That is palpable nonsense.

As all politicians would know, quantity does not necessarily give rise to quality. I am sure all honourable members watched that excellent television program, 'Yes Minister'. That program was very largely drawn from the diaries of Richard Crossman. I commend the diaries of that cabinet minister to any member of parliament. Indeed if one leaves aside the necessary exaggeration in that program for the sake of humour, it was based on a great deal of fact. If one talks to ministers who have served in either the federal government or a state government, they will bear out those stories.

I remember a comment made by Sir Humphrey in relation to the quality of government. It was absolutely true. He said that the quality of members of parliament depends far more on the success or failure of the preselection procedures of the 2 major political parties than it does on any number...

Mr Vale interjecting.

Mr B. COLLINS: One would hope that one could debate a matter like this without getting those predictable comments from the puerile member for Stuart. Of course, one would obviously expect that from the honourable member for Stuart who only ever contributes to the proceedings of this Assembly by way of stupid interjection.

Mr ROBERTSON: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr ROBERTSON: Mr Speaker, I draw your attention to the fact that the word 'puerile' was directly attached to a description of another honourable member. I would ask that the honourable member withdraw it.

Mr B. COLLINS: Mr Speaker, it is nonsense to suggest that that word is unparliamentary. It merely means 'childish'.

Mr SPEAKER: There is no point of order.

Mr B. COLLINS: Mr Speaker, the comment that was made in that program by Sir Humphrey was that the quality of ministers depended on preselections. Indeed, to quote him, 'the fate of the nation was dependent on 30 men in grubby raincoats and 30 women in silly hats'. That is a somewhat exaggerated description of the preselection processes of parties. Neither major party can escape criticism. It is not a province of the CLP or the ALP in the Northern Territory or anywhere else. However, the quality of the people who are put in here depends to a large extent on the first filtering process.

Excluding the many independent candidates and small parties such as the Australian Democrats, the 2 major parties will field a pool of some 50 people who will be seeking positions in the Legislative Assembly. Of course, political life is not everybody's cup of tea. There are many competent people in the Northern Territory whom the government and the opposition would like to see as members of parliament but who are simply not interested in pursuing that kind of career. It would be a difficult task for all parties in the Northern Territory to find a team of 25 people or, in total, 50 people who would become competent members of the Legislative Assembly.

Mr Speaker, if we get, for example, 6 members of the calibre of the honourable member for Stuart, I would point out to the Assembly that 6 nothings equals nothing. That would not advance the quality of debate in here nor indeed the quality of the legislation that finally leaves this place. It is a fact that cannot be denied, no matter how strenuously it will be denied by the government, that simply putting extra heads in here will not mean better government.

As far as the workload on ministers is concerned, I have spoken about this before. One does become tired of hearing people say how hard they work, how dreadful it all is, how lonely it is at the top and all the rest of it. It is a fact that normally ministers are people of considerable ambition. As ministers, they work as hard as they wish to, and would indeed be working just as hard if they were manufacturing soft drink or running a legal practice. I would not hesitate to say that, if the Chief Minister of the Northern Territory was still running his law practice, and no doubt making considerably more money at it than he is making in here - and I do not doubt that - he would still be working 7 days a week. No doubt, if the Treasurer was engaged actively in the tourist industry, as no doubt he intends to be one day, being the entrepreneurial person that he is, he would also be working just as hard. In fact, you can work as hard or as little in this job as you wish. It is a nonsense to suggest that these overburdened people on the front-brench are all facing imminent mental breakdowns or collapse of their private lives because of the onerous nature of their work. The reason I dwell on this is that it is becoming tiresome. There are a number of people in this world who have little choice in their occupations. By circumstances or simply lack of available job opportunity, they are forced into dreary occupations or hard occupations that they can do nothing about. But one could never seriously lay that kind of proposition at the door of a politician.

After one has gone through the preselection processes and the fairly onerous task of campaigning, standing and all the rest of it, one could hardly say that one had one's arm twisted up behind one's back. It is no good, once one gets there, complaining about it. I would suggest that people who do complain about it shut up in future. It is a task that people seek - I am the first one to say it - for whatever motives. People know what they are walking into. They go in with their eyes open and they should cop it.

I have said before that, although the portfolio responsibilities per se of

ministers in the Northern Territory encompass the same ground as ministers in other states, it is a palpable nonsense to suggest, for example, that the Minister for Education in the Northern Territory - and I am not singling him out - with the number of schools that he has to administer, has the same workload as the Minister for Education in New South Wales who has literally thousands of educational institutions under his direct care and for which he is responsible. There is an economy of scale in this matter. Consider the workload of federal ministers in any government, Labor or Liberal. It is a fact that the ministers of the Northern Territory government are no harder worked than ministers in any other government in this country. As a proposition for enlarging the Assembly, that is also nonsense.

Mr Speaker, there may be reasons which the government wishes to advance in the course of this debate for enlarging the size of this Assembly, which they have not canvassed publicly. I have simply touched upon those reasons that have been given publicly by the government as to why the Assembly should be expanded. I think I have demonstrated that those reasons simply do not stand up to any kind of examination.

At the moment, the Northern Territory needs injections into its economy. The Treasurer and the Chief Minister have both said that over the past 48 hours. We acknowledge the fact that a very substantial portion of our budget must come from the federal government. It has just occurred to me that perhaps the honourable Chief Minister could place less burden on the budget of the Northern Territory by suggesting that these 6 extra politicians could be employed under the deferred payments scheme. Perhaps if they worked for the first 2 years for no money at all, and enter an agreement with the government to be paid if they win the next election after that, it might not be a bad way of doing it.

It is a fact that, in the face of considerable demands to restrict government spending across this country, and in view of the fact that 86% of our budget is provided, for whatever reason, from Canberra, the totally unnecessary expenditure of $1m in the first year flies in the face of all economic and legislative responsibility. I urge all honourable members of this Assembly to support the bill before them.

Debate adjourned.

MOTION

Relationship between Northern Territory Government and Darwin City Council

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that this Assembly notes with concern the deterioration in the relationship between the Northern Territory government and the Darwin City Council and urges the Northern Territory government to adopt a more constructive attitude in its dealings with the council for the benefit of the citizens of Darwin.

Mr Speaker, the Darwin City Council is a sizeable organisation which has a budget of $23m. It has 17 000 or so rate paying units which yield $5.5m in rates per annum to the council. As a local government organisation, it governs a population of over 50 000 people out of the Northern Territory population of 130 000 - that is, between one-third and one-half of the people of the Northern Territory. It is therefore a matter of some concern to all of us that relationships between the Northern Territory government and the Darwin City Council recently have clearly deteriorated into what appears to be a series of slanging matches. There is clearly a need by that very substantial section of the Northern Territory population for the 2 tiers of government - the Northern

Territory government at Territory level and the Darwin City Council at local government level - to work well together for the benefit of the people of Darwin.

It is increasingly obvious, Mr Speaker, that this is not happening. The people who suffer as a result are the citizens and ratepayers of Darwin. Probably the most obvious and topical example of this problem relates to the Darwin centre fiasco. This problem has been brewing for something like 6 years. The issue of the Darwin centre was first raised by the Chief Minister in this Assembly in December 1977, not long after the election of his first government. The Chief Minister, in a statement of Country Liberal Party initiatives in government, outlined plans for a performing arts centre in Darwin in addition to one proposed for Alice Springs. It was, in the words of the Chief Minister, 'a Country Liberal Party initiative in government'. This view was sustained by the then Minister for Community Development, the honourable member for Gillen. Subsequently, in response to a question from me in 1978, we were assured that the Darwin centre was a facility which would be of use to the people of Darwin and the people of the Northern Territory. I quote from Hansard of 2 August 1978. Clearly, the minister at that time accepted that this performing arts centre was appropriately the responsibility of the Northern Territory government and that it would benefit not only the people of Darwin but the people of the Northern Territory as well. That is logical. In most capital cities of Australia, such facilities are provided, essentially by state governments and established by statute of parliament. Indeed, in the Northern Territory we have similar examples, such as the Museums and Art Galleries Board which was established by statute in the Assembly.

A further example of the government's responsibility in this area is the agreement that it entered into with a company with the rather bizarre name of Burgundy Royale. It signed a memorandum of understanding with the company in April 1981. Clearly, at that time the government still accepted that it was the principal mover in its provision of the centre, as indeed it should be. At the same time, in April 1981, a memorandum of understanding was also signed between the Northern Territory government and the Darwin City Council which, among other things, gave title to that area in question to the Darwin City Council.

It was at that stage that things apparently started to go wrong. They have been going wrong ever since. It is the trend now in matters of concern between the Darwin City Council and the Northern Territory government. When things are going swimmingly, and there is lots of good publicity, the Northern Territory government likes to take the credit. When things start to cost money or problems develop, it claims it is the council's business and the council must deal with it.

The cost of building the centre has escalated. There have been problems and there are continuing problems with building that facility within the original cost. In the future, there will be the ongoing problems of the substantial management costs.

Several years later, those problems are quite unresolved. One alderman, Dr Charles Gurd, was quoted 12 months ago as saying: 'In the commercial world, if somebody said he would make a reasonable contribution, but did not define it, you would know he was taking you for a ride'. That attitude has been expressed by other persons involved with council over a period of time. We are told that the government has refused to specify a reasonable proportion of money that it is prepared to put towards the management of this centre. The end result is that the council fears that the ratepayers of Darwin will end up picking up the tab for this building and facility which was initially proposed by this Northern Territory government in 1977. It was proposed by the Chief Minister himself as one of his government's initiatives.

There are problems in relation to the arts centre. I have raised in this Assembly over a period of time the problems associated with costs and management structure. Some years ago, the council established a committee of inquiry to examine the question of the arts centre and its management. That committee came up with the quite reasonable recommendation that a statutory authority would be an appropriate method of management. Furthermore, it sought the opinion of experts in this field who said also that a statutory authority is the appropriate method of management. It even established an inquiry and called for public submissions with a resultant recommendation that a statutory authority would be the appropriate method of management. However, the Darwin City Council was told, on the one hand, that it is responsible for the arts centre but , on the other hand, that the government will not have it established under statute.

Mr Speaker, the government cannot have it both ways. Either it is the Northern Territory government's responsibility or it is the Darwin City Council's responsibility. If it is the council's responsibility, the least it can expect is the cooperation of the government, and this Assembly, in establishing an appropriate legislative structure. But this has been denied repeatedly. Not only has it been denied but there has been no answer, neither to my question nor, I am assured, to questions from the Lord Mayor and the council as to why it has been denied. I hope this afternoon that we will get an answer because the Legislative Assembly has already set the precedent by establishing, under an appropriate act, the Araluen trust. That was as far back as 1979. It was very commendable that that should happen. The Araluen centre was expected, in the words of the minister of that time, to provide facilities not only for the people of Alice Springs but for the whole of central Australia. It is reasonable to expect that the Darwin centre, if it ever starts operating, will be a focal point not just for the people of Darwin but for the people of the Territory and, in particular, the people in the top end of the Territory.

In those circumstances, it is quite reasonable to expect that the Territory government will approach it in that light, and not see it as the responsibility of the ratepayers of Darwin. The people of Jabiru, Katherine and many areas in the top end of the Territory will benefit as a result of the facilities and the increase in artistic performances which will be part of the operation of this centre.

It is useful to look at the words of the Minister for Community Development at the time that legislation for the Araluen trust was passed by this Assembly. At the time, he expressed the need for legislation:

> *The need for this bill arises from the complexity of title, survey and allocation of the areas for the particular purposes and also because of the need for considerable government expenditure to help develop these facilities. In view of these factors, it was considered necessary to establish a statutory body to be legally accountable for this major development. The trust is charged with the responsibility of encouraging and facilitating artistic and cultural performing arts activities throughout the Alice Springs region and, particularly, the control and management of the development of the Araluen centre.*

Mr Speaker, if we look at that statement, what do we see? We see that the reasons the minister of the time gave as good reasons for establishing the Araluen centre under legislation also apply to the Darwin centre. The question of title is complex because the centre is being built in conjunction with an international hotel and related facilities. There is a need for considerable government expenditure. There is no argument about that. At this stage, the government has allocated over $7m towards the centre. That is considerable government

expenditure. As with the Araluen centre, the Darwin centre should be charged with facilitating and encouraging artistic and performing arts activities throughout the region and not just in the city. If those reasons were valid in 1979 in relation to Araluen centre in Alice Springs, they should be equally valid in relation to the Darwin centre this year, yet the government says to the council and to the people of Darwin that they are not and will not tell us why.

Furthermore, it is useful to note that very many people of unquestioned experience in this area advise that the matter should be dealt with by way of legislation. A person of unparalleled experience in the area of cultural and artistic management in the Northern Territory would have to be Mrs Nan Giese. I doubt that there is anyone in this Assembly who would question the fact that she is probably the most experienced person in this area. She has been President of the Northern Territory Arts Council for very many years and has also held office at a national level on various sections of the Australia Council. She believes there should be a statutory board set up by legislation with channels for accountability but with a degree of independence. Not only that, 12 months ago, this eminent person said there was an urgent need for the apparatus to be set up so that the management could be involved during the construction phase. As a result of the intransigence of the Northern Territory government, that has still not happened. Mr Ken Conway, who is well known to people in this area for his many years experience in the management of artistic and cultural organisations, similarly supports the establishment of an independent trust.

Mr Speaker, the lack of resolution in this matter is causing concern not only to those people who are intimately involved in artistic and cultural activities but also to increasing numbers of Darwin citizens because they realise that they are the ones who will pick up the tab. Since this was an initiative of the Northern Territory government and it created the precedent with Araluen by setting up a trust by statute and it has a responsibility to bear a fair share of the cost of this facility, the citizens of Darwin expect the government to adopt a more responsible attitude in this particular area than it has so far.

One thing that has been pointed out to me is that we have had something like 5 changes of ministry in community development, which is responsible for local government, in the past several years. We have had 4 different ministers responsible, one of them on 2 separate occasions. There is no doubt that this gives to the citizens of Darwin in particular and the Northern Territory in general some feeling that these areas, and particularly local government, are not treated by the government with the appropriate degree of seriousness. As the portfolio has changed hands, we have seen changes of policy in relation to the establishment of performing arts centres. There is no doubt that, when the member for Gillen was minister responsible, he thought in terms of establishing trusts by statute and acted accordingly. We have since seen a change from that. The Darwin City Council, responsible as it is to the 50 000 or so residents of Darwin, is bearing the brunt of the government's attitude in this area.

Mr Speaker, I would like to move on to another area of dispute between the Northern Territory government and the Darwin City Council. It is one of particular concern to me because it relates to the large and significant area of land in Darwin known as East Point Reserve. The Northern Territory government announced as long ago as March 1982 that the board which was responsible for the management of East Point Reserve was to be phased out. At that stage , no announcement was made as to what would happen to it.

At the end of July of that year - 12 months ago - the Northern Territory government decided to offer it to the Darwin City Council. Subsequently, the

Darwin City Council was told that it would be offered approximately $70 000 to manage that area. Not surprisingly, the Darwin City Council said that that was not enough. I can understand that because the board has for years been telling me, and anybody else who would listen, that it did not have enough money to do the job. Furthermore, the area of land which was proposed to be handed over to the council had been significantly enlarged by the inclusion of the old golf course area. Yet the Northern Territory government, having made a decision to phase out the trustees, some months later offered it to the council. Some months later it offered it again, but with insufficient money.

I am told that the council has estimated that it requires the sum of $120 000 annually to run that area of land plus additional money for capital works. I asked the Minister for Community Development this morning how much was available in the budget. We still do not know the answer to that because it is not in the budget papers.

Nevertheless, it is clear to anyone that the appropriate way for the Northern Territory government and the Darwin City Council to have handled this matter would have been to enter into an agreement to have discussions, to work out what should have happened and, when agreement was reached, to then phase out the trustees if necessary. Then the council could have assumed immediate control. Instead, that significant area of land has sat in limbo for 18 months while this wrangle has gone on. That is not in the interests of the people of the city of Darwin nor in the interests of the people of the Northern Territory.

I think that the government is quite hypocritical on this issue to say that the area at East Point is an appropriate one for the Darwin City Council to manage, bearing in mind the precedent which the government set when it established the water gardens at Rapid Creek at a cost, I am told, approaching $2m which is a very large amount of money. There is no question that the East Point area is of greater biological significance, greater historical significance and much greater tourist potential. Of course, it is a much larger area to manage. At Rapid Creek, the government with some fanfare spent up to $2m on the water gardens and yet offered the Darwin City Council a measly $70 000 to manage the recreationally and historically significant area of East Point. That is just not good enough.

Mr Speaker, there are many matters which have come to the attention of the public and members of the Assembly, particularly those responsible for constituencies in Darwin, in this ongoing struggle between the Darwin City Council and the Northern Territory government. The member for Millner will be discussing some other matters later during the course of this debate.

There is another excellent example of the way this government and the Darwin City Council relate or do not relate to each other. I refer to the building of the Fannie Bay-Nightcliff connector road which is now known as Dick Ward Drive in memory of that eminent gentleman. The decision to build the road was taken by the Northern Territory government and $1.2m was allocated. That was not a very large amount of money to build such a significant road and, as a result, the design was cheap. Grave problems have arisen, particularly in the Fannie Bay area, as a result of the inadequate design and construction.

Once that road was built, the Northern Territory government said to the city council, 'It is now your problem. You fix any problems with the traffic intersections and the need for pedestrian crossings etc'. Once again, we had a wrangle continuing for some years between the Northern Territory government and the Darwin City Council about who would fix the problems in that particular area. Recently, the Minister for Transport and Works announced that the government will

take back responsibility for that road.

I am pleased that the minister is taking back responsibility. He should not have handed it over in the first place when it was in such an inadequate state. It is unfair to the ratepayers and the citizens of Darwin to have this toing and froing of responsibility. The Minister for Community Development thinks it is amusing. He should not think it is amusing because he is responsible for local government. Perhaps if he took it more seriously, these problems would not develop. It is the ratepayers and the taxpayers who end up paying, not only in the loss of appropriate facilities but also financially when problems that arise have to be fixed.

Mr Speaker, I could also go into other matters such as the problems between these 2 governments in relation to liquor laws, particularly the 2 km drinking law, but I do not intend to. I have outlined 3 areas about which Darwin citizens have complained to me that they are concerned about. It is common practice for governments to blame other governments when things go wrong. State governments knock federal governments. It is a game which politicians play and which people recognise as such.

In the Northern Territory, it has passed the stage of being a game or a publicity stunt. The problems are seriously disadvantaging the people of Darwin who make up such a significant portion of the population of the Northern Territory. The Northern Territory government, as the senior member of what should be a partnership between these 2 governments, has the responsibility to take the lead in this matter and ensure that these problems are resolved and that relationships between the 2 governments in the future are conducted appropriately, without rancour and efficiently for the benefit of the people of Darwin.

Mr TUXWORTH (Community Development): Mr Speaker, in rising to reply to the comments made by the member for Fannie Bay, I would like to make the point that I do not regard the government's relationship with any of the corporations of the Northern Territory as a joke. Nor do I find it amusing. I might add that, from time to time, I find that it is extremely frustrating to deal with the councils and, no doubt, from time to time, they find it very frustrating to deal with me.

As far as I am concerned, I have not been involved in any slanging match with the council. Most of the things that I have to say about the council, whether they are adverse or not, I am happy to say to all the councils gathered together or to the Local Government Association. I am quite happy to do it behind closed doors. However, if they wish to take the matter into the public forum, that is something for themselves. Mr Speaker, I am very conscious of the comment the honourable member made when she said that the ratepayers suffer. I am a Darwin ratepayer. I am also a Tennant Creek ratepayer. I am completely satisfied with local government in Tennant Creek and I regret that I cannot say the same about the council in Darwin. Some people do not see a great deal of accord between the government and the council. However, I would make the point that the government occasionally must say 'no' to what I regard as outrageous demands that it makes. We will never be able to accommodate the appetite of the Darwin City Council for spending money because its appetite is far outside anything that this government is ever likely to be able to satiate.

The honourable member referred to the funding and the relationship of the government over the Darwin Performing Arts Centre. I reiterate that most of the background work to establish the centre was done by my colleagues. The agreements that are in place are quite clear and unequivocal, and our obligations to the council, so far as we are concerned, have been fulfilled. The fact that we will

not give the council what it requires to absolve itself of financial responsibility or commitment does not mean that we are not honouring our obligations. Nor does it mean that the council is being oppressed by the activity of the government.

The Darwin City Council, in line with other councils in the Territory, aspires to obtain greater control over things that affect it. The Darwin Performing Arts Centre is one particular project that the Darwin City Council has carried since day one. In fact, I believe that the then Lord Mayor, Ella Stack, was a great advocate of the Darwin Performing Arts Centre. She went to a great deal of trouble to get the land set aside and have streets closed off. From time to time, my colleagues on the front-bench have made additional land available to the council for parking areas for the new arts centre. There has never been any doubt that the city council has sought the responsibility and the commitment for being involved in what will be a Darwin facility. Given that, and the fact that the government and the council have an agreement over the Darwin Performing Arts Centre, it is not unreasonable that we both accept our level of responsibility and do what has to be done.

Under the agreement, the government is committed to allocating $5m to the establishment of the centre. The council has been asked to pay $2.4m. I believe the government's commitment is generous. I also make the point that, when the council came to put up its $2m, it did not have anything. It asked whether it could borrow the $2m on favourable terms, and the government acceded to that request. On the financial side, I do not think there are any shortcomings on the part of the government. Further, we have agreed to fund the furnishing and setting up of 2 theatres and extra patron areas within the arts centre at a cost to the government of at least $0.5m. It could be considerably more. A working party of representatives of the council and the Departments of Community Development and Transport and Works has been established to work on the furnishings and the cost of those furnishings. The government has also agreed to fund a portion of the operating deficit up to the level of $120 000. By any standards, I would put it to you that $120 000 a year, or $2500 a week, is a pretty fair subsidy for the government to commit itself to. I think it is quite generous.

In all of that, one of the things that the government asked from the council was that it secure suitably-qualified staff to ensure that the theatre is managed in accordance with the best possible standards, given the nature of the facility. Never at any stage has the prospect of a subservient body of this government been proposed by way of putting into place a trust formed by this Assembly. We believe that the proposition now being floated by the council is one that it can use to rid itself of any financial commitment it may have with the government over the funding of the centre. So far as I am concerned, the government is meeting the obligations of its agreements with the council. The council appears to be reneging on its agreement. It wants to get out of its commitments, which leads one to wonder whether the council is unreliable, incompetent or a little of both. It cannot have additional responsibility and all the trappings that go with it and then expect somebody else to foot its bill.

Mr Speaker, the Darwin City Council is a statutory body. It has been granted the power from this Assembly to run the Darwin Performing Arts Centre. Not only that but it has the responsibility by agreement to run that centre. Who would be better placed than the elected aldermen of this town to be responsible for the operation of the centre? I could not think of anybody who would be better placed. It is using ratepayers' funds to do it, and that is where the responsibility lies. If the Darwin City Council feels that it is unable, or lacks the competence, to run the Darwin Performing Arts Centre, it has some options available to it: it could set up a trust, it could set up a company or it could

set up an advisory board such as exists in other parts of Australia to take advice from people on the running of the centre. But there is no real advantage in putting forward the proposition that the centre will become a circus if it does not have the statutory base that a centre such as Araluen has. I will come to that in a moment.

It has also been suggested that, because these centres are run by trusts everywhere else in Australia, it cannot possibly work in the Northern Territory unless it is through a trust. That is poppycock. As my colleague, the Chief Minister, will say, they are not run everywhere else in Australia by trusts because at least one in north Queensland that I know of is run as an arm of the local government body. While it is possible that it could happen in other parts of Australia, it is also a fact that these performing arts centres are run as adjuncts to town councils and city councils in other parts of Australia.

No one has advanced an argument that one form of management is better than another. It would be pretty nigh impossible to do it because it would not be true. Just because a trust is formed by this legislature, it does not mean that it will be better managed than a trust that was formed some other way. We are not talking about a form of management. We are talking about an abrogation of responsibility. The council has signed an agreement. It is obliged to honour that agreement. We have honoured our part of the agreement by providing funds. We are now saying to the council that it is time that it honoured its part and got on with the business of running the centre.

But it has no intention of doing that. The Darwin City Council wants the glory of being involved in the Darwin Performing Arts Centre. It likes the status that goes with it. It wants the Darwin Performing Arts Centre to be the focal point of all arts in the Northern Territory and, on that basis, everybody but the council in the Northern Territory should pay for the centre. It wants everybody else to pay for it. That is a totally unreasonable proposition for the city council to adopt. As a legislature, we would be remiss if we allowed it to go unchecked. If we were to allow the Darwin City Council to send the bill to the Northern Territory for everything that it wanted to do, to satisfy its every grandiose idea, we would never have any money left to appropriate for ourselves.

I accept what the honourable member says in that it is a part of the game for the city council to be able to beat the government around the ears and get a few extra dollars. That is all fair and above board. But I would just like to make a couple of points about some of the things that we do for the city council. We are able to accommodate it for special projects. Other councils do not get help. Over the past few years, we have provided $301 000 to the council for youth, sport and recreation activities. We have given it $320 000 for child care. We have given over $1m in special purpose grants to the Darwin City Council every year since self-government. As far as the Darwin Performing Arts Centre is concerned, the government has put up $5m and the council is putting up $2.14m. At this stage, the council has not dipped into its pocket for anything because all the money is coming out of the Northern Territory government's coffers. In addition, we have agreed to pay $120 000 per annum subsidy towards the deficit of running the centre.

The Northern Territory government funds libraries, by agreement with the council, on a 9:1 ratio. $921 000 has been allocated this year for the operation of the libraries in Darwin. That is not a bad contribution by any measure. The Northern Territory government funded very heavily the establishment of the car-park in the inner city area to a tune of $4m. While the council has a commitment in that area, all the funds have been provided by way of loan.

To demonstrate the frustration that has resulted of late from the council's method of appropriating funds, I would invite members to drive out to Myilly Point and have a look at the luxury that has been bestowed upon the non-ratepayers of Myilly Terrace. I would be only too pleased to see the types of facilities on Myilly Terrace put in my own street. I think it is very generous.

Mr Speaker, the honourable member referred to the East Point Reserve. The government has always tried to come to an agreement with the council on the future of the East Point Reserve. The discussions had been going on for years before I got into the job. We have made an offer to the council - and I am not sure whether it has been agreed to by the council - of an establishment grant and considerable operational funds for the East Point Reserve. It may not be everything that the Darwin City Council wanted but we do not have the wherewithall to give it everything it wants. We have made a very generous effort to try to accommodate the council in what it is trying to do in the city of Darwin. If the honourable member for Fannie Bay is proposing that, because we do not give the Darwin City Council everything it wants, we are unreasonable and causing tension between the 2 governments, I must say to her that that situation is probably likely to be always the case. That is not by any wish of mine; it is probably caused by the greed of the council.

The honourable member said that it was good enough for Araluen to have a trust but it is not good enough for Darwin. The Araluen trust was set up because the government dealt with a community-based group of people in Alice Springs who follow the arts. That is admirable. The Alice Springs Town Council was never involved in any part of that establishment process. In Darwin, the situation is very different. The Darwin City Council is a statutory body of the government. It is, and has always been, responsible for the establishment and construction of the performing arts centre in this city. I think it is reasonable that it should be operating the centre. With that responsibility goes the responsibility of contributing some money to it.

I will conclude by saying that I make myself available to the mayors and the aldermen of all the councils in the Northern Territory, just about on demand. There is no unnecessary delay in negotiations between the government and the councils. Serious matters can be dealt with promptly. I have had continuing discussions with the Lord Mayor, Cecil Black. I am always happy to receive him and to consider what he has to say. It is with regret that I will not always be able to give him everything that he wants for his constituents in the city of Darwin because the government does not have the capacity to feed his appetite.

Mr Speaker, I think that the motion moved by the honourable member is a nice way of getting a headline. It does very little at all to advance the cause of the Darwin Performing Arts Centre. That could be done by the council getting on responsibly with the job for which it has been elected to do and which it has agreed to do.

Ms LAWRIE (Nightcliff): Mr Speaker, I think that it was a most unfair sting in the tail in the minister's speech for him to say that this debate was raised for the purpose of obtaining a nice headline. Through this motion, the honourable member for Fannie Bay is simply concerned with the deterioration in the relationship between the Northern Territory government and the Darwin City Council and she is urging the Northern Territory government to adopt a more constructive attitude in its dealings with the council for the benefit of us all. It is not possible for the honourable member to address the aldermen and to urge them to take a more constructive viewpoint. If it were possible, I am sure she would do so. However, she is not an alderman; she is a member of the Legislative Assembly and the course she is following is most proper.

Most honourable members who live in Darwin or its immediate environs would be concerned at the public slanging match that has ensued over various issues. Members of this Assembly, and I number myself among them, are disgruntled at actions of the Darwin City Council, and particularly the Lord Mayor, in making public issues out of what perhaps could be private disagreements. I have little time for a city council which purports to represent itself as the spokesman for urban people yet displays greed and a desire to acquire more and more power whilst not exercising the power that it already has. I am critical of the Darwin City Council.

Honourable members will remember the debate in this Assembly just after polling day for the mayoral elections but before the result was determined. The Chief Minister spoke of the hoped-for return of his good friend, the previous Lord Mayor, Cecil Black. Most members opposite cheered that amazing concept. Since that time, with the subsequent return of Cec Black, we have seen the Chief Minister change his tune somewhat dramatically. The press reported him as saying that the best thing that could happen to city councils was that they should be disbanded and the work taken over by a competent clerk within his administration.

Mr Everingham: I do not think I said that publicly.

Ms LAWRIE: Well, the popular press reported the Chief Minister as having made that statement. That has a certain sympathy within the electorate, I might add, and not only within Darwin but in other centres; that is, that councils are unnecessary and a waste of money anyway. Perhaps that could be addressed at a further time and probably in another place.

However, I listened with great interest to the minister's speech. He kept talking about the city council paying for things and what the city council should do with its money. Of course, it is not its money; it is our money. It is ratepayers' money. That was the concern expressed by the honourable member for Fannie Bay. All of us hope that, as taxpayers and ratepayers within the urban area, all the money which was taken from us is put to the best community use. I am sure no one would disagree with that. Her concern is that this squabbling between the second and third tiers of government is not necessarily ensuring that the best use of that money is being achieved. I commend her for asking ministers to take steps to mend fences with the council, to ensure that it behaves reasonably, to extend an olive branch and to work in the best interests of the ratepayers of Darwin.

The honourable Minister for Community Development spoke of the funding for the projected deficit of the running of the arts centre: 40% of $300 000. The fact that Northern Territory taxpayers are funding to this extent the running of the centre is demonstrating that they have a real interest in the performance and viability of that centre. Therefore, it is not unreal to ask why should they not be directly represented. Perhaps the honourable Chief Minister will respond to what I see as a simple extension of logic.

I have in front of me the debate of Wednesday 3 June 1981 when the honourable Chief Minister made a statement on the establishment of the performing arts centre. He informed the Assembly of the arrangements which had been entered into by the Northern Territory Development Corporation, Burgundy Royale Investments Pty Ltd and the Corporation of the City of Darwin to provide facilities for performing arts in this city. All through this statement, the Chief Minister mentioned the cooperation of the groups involved in the establishment of the centre, which attracted criticism both within and without the council and within and without this Assembly at that time. That was the reason for the statement being made.

I find it strange that there was an involvement by all 3 parties in the funding of the centre but no similar involvement in the overall direction and administration of the centre. I find a surprising lack of logic in the argument which says, having invested the Northern Territory taxpayers' money in this centre, we will now withdraw from any further administration of that place.

Mr Everingham: Do you reckon we should run the car-park too?

Ms LAWRIE: Mr Speaker, there is no correlation between the building of a car-park, which many people thought was going to be a white elephant - and I was one of them - and the building of a performing arts centre of hopefully international standard. We are not looking at an international-standard drawcard of a blasted car-park. That is just a nonsense. It should never have been built in the first place. We are talking about a performing arts centre in the capital city of this Territory which has ramifications far beyond the simple, urban boundaries of Darwin. Hopefully, we are looking at a performing arts centre of status similar to that of the Sydney Opera House; a focal point for the arts in the Northern Territory.

Members interjecting.

Mr SPEAKER: Honourable members will address their remarks through the Chair please.

Ms LAWRIE: I can assure you, Mr Speaker, I can cope with their interjections.

Mr SPEAKER: I am not worrying about you coping. I am worrying about you obeying Standing Orders.

Ms LAWRIE: I shall always obey your wise rulings, Mr Speaker.

Mr SPEAKER: Thank you.

Ms LAWRIE: Mr Speaker, we are being asked to swallow the argument that the Darwin Performing Arts Centre relates only to the small group of people who are ratepayers of Darwin. If that is the case, why was the Territory's money put into this in the first place? Why was it not said to the Lord Mayor, with his - and I agree - grandiose and greedy schemes: 'If you want it, mate, you fund it from the ratepayers and then face them in the next triennium'. That did not happen. The wider community is funding this and the wider community has a legitimate interest in the centre.

That is only one of the issues raised by the honourable member for Fannie Bay. Quite legitimately, she did not bring forward a motion regarding the Darwin Performing Arts Centre per se. She expressed her wish that the Assembly cooperate more fully with the Darwin City Council and, by inference, with any other city council established within the Northern Territory. There have been problems recently. One could think that an Assembly election was in the wind when we find honourable members blaming the city council conveniently for all the problems they find in their electorates.

One case in point is the Minister for Transport and Works' declaration that he shall resume control of Dick Ward Drive and install a pedestrian crossing next to Kurringal flats. That is fine. I am glad that he is concerned about deaths on the road. We are all concerned. But is it not a fact that his own department conducted a survey, not the city council, as to whether a pedestrian crossing should be placed in that area and recommended to the minister that it should not be? That survey was done some time ago. It was a recommendation to

the Minister for Transport and Works. Now we find, conveniently, following a tragedy, the city council being blamed for having been derelict in its duty.

Mr EVERINGHAM (Chief Minister): Mr Speaker, unfortunately, I oppose the motion because I feel that it is framed in such terms as to make it one-sided and imposes on the Territory government any blame that there may be for any deterioration that there is in the government's relationship with the Darwin City Council. It is curious that the mover of the motion did not include the Northern Territory government's relations with other Territory local government bodies such as at Katherine, Tennant Creek and Alice Springs. I suppose it would have been difficult for the honourable member for Fannie Bay to include them in the motion because our relations with those bodies are generally quite good. I think that we get on constructively with them. It is true that our relationships with the Darwin City Council are at least perceived to be less happy. I suppose that one could attribute a good deal of that to the fact that, every time the Lord Mayor has a meeting with the Minister for Community Development or myself, he phones the media in advance of the meeting and after the meeting and attempts to provoke controversy if he does not get things entirely his own way.

Unfortunately, I regard this matter of the Darwin Performing Arts Centre, which the honourable member for Fannie Bay raised as her principal ground for putting the motion, as a question of responsibility. We have seen that local government in the Territory, led by the Darwin City Council, has a thirst for more responsibilities. The recent Local Government Association conference in Tennant Creek called on the Territory government to devolve even greater powers on local government. This is a long-standing ambition of the Lord Mayor and aldermen of Darwin. They particularly want additional powers.

This whole argument in respect of the Darwin Performing Arts Centre is a matter of principle to me too. It is the principle of responsibility because I believe that, if the Territory government concedes this one to the Darwin City Council, we might as well put an administrator in. In the event that we concede this, we will really have no agreement with them that is worth the paper that it is written on.

The honourable member for Fannie Bay gave a most selective version of the events leading to the construction of a perfroming arts centre. She neglected to even mention the extremely significant role, indeed the leading one, played in getting this performing arts centre off the ground by the former Lord Mayor of Darwin, Dr Ella Stack - and more power to her. If we were dealing with Dr Stack, we would not have these problems today because Dr Stack did not run from responsibility.

The agreement entered into between the government and the Darwin City Council some time ago made certain provisions. As the honourable member for Nightcliff says, there is a great deal of taxpayers' money invested in this performing arts centre. The honourable Minister for Community Development said that it is probably $5m. I would guess it will end up closer to $8m. That includes the cost of outfitting the performing space and the theatre part itself. Of course, as the honourable minister mentioned, we are loaning to the council the substantial portion of the $2.17m that it is contributing.

In consideration of all the things the council asked us for at the time, we said 2 things. It was hell-bent to have this performing arts centre. Certainly, we wanted it, but it particularly wanted it. We said we would give reasonable financial assistance to the corporation to meet recurrent costs of operating the performing arts centre and we indicated to the council that we would offer 40% of the first $300 000 of any operating loss. The second thing that we asked of

the council was the clause that I think my colleague, the minister, has already read into the record: 'We expect the Corporation of the City of Darwin to secure suitably-qualified staff to ensure that the theatre is managed in accordance with the best possible standards given the nature of the facility'. That is what it is all about. If the Darwin City Council does not want to manage it directly, through a committee of aldermen, or through the Town Clerk, then all it has to do to get on with the job is set up a trust of its own. There is absolutely no reason, or need, for the establishment of a statutory authority. As my colleague said, the only reason for the council to want to set up a trust is that it is now attempting to resile, as far as it possibly can, from any contribution towards the maintenance and upkeep of this performing arts centre.

Mr Speaker, we have heard that various experts, Mr Conway and Mrs Giese, have said that there should be a statutory body. My colleague was misled enough to believe that statutory bodies run these operations elsewhere in the country. I can tell you categorically that there are 4 civic theatres or performing arts centres up the Queensland coast, in towns of similar size to Darwin, and they are all run by local government. The citizenry of those towns do not appear to be in any state of distress as a result of that. In Townsville and Rockhampton, the councils that run them are ALP councils. I think the majority of the council in Cairns is ALP, although the mayor may be independent. They are run by local government and they do a perfectly good job. It gives the alderman more responsibility and they have advisory boards, I believe, to help them.

We have here the thirst of Darwin local government for greater responsibility, yet it rejects the opportunity, which it had already agreed to undertake, to manage this particular performing arts centre. The only cause for delay with the management of the performing arts centre is that the Darwin City Council will not get on and manage it. It will not fulfil the responsibilities that it undertook to meet.

We have a memorandum of understanding with the council that was signed after I, personally, and the then minister, my colleague the Treasurer, had had numerous meetings, including 2 meetings at least with the full council. They all agreed to the terms of the agreement. It is the same sort of document as the memorandum of understanding that the Northern Territory has with the government in Canberra. I agree with the honourable member for Fannie Bay that local government blames the Territory government and the Territory government blames Canberra. I concede that, from time to time, we are guilty perhaps of hyperbole against the central government. But the situation here is that I expect the central government to honour its memorandum of understanding. At the same time, in return for the various considerations given by the Northern Territory government and taxpayers to the Darwin City Council, I expect it to honour the agreement which was solemnly entered into after I had spent hours talking to it about it. That is what I do not like about the Darwin City Council. It tries to renege on anything. It would be in anything but a mullet-gut sandwich.

Mr Speaker, we have heard too about the East Point Reserve. On the question of the gardens, the Territory government is subsidising the Darwin City Council to the tune of $300 000 this year to improve the Botanical Gardens. That program is to proceed in a number of stages - I think 3 - over a period of something like 6 years. It will involve us in enormous expenditure to help the city council upgrade the Botanical Gardens. I think I should again correct the record. Last year, the Lord Mayor had a meeting with me about taking over East Point Reserve. He asked for an initial grant of $5m. I said that that was not possible and that we would offer $250 000. We have now offered the Lord Mayor $270 000 by way of an establishment grant and recurrent expenses which are higher than those presently being given to the trustees. There is every indication that the council

will accept this. The asking price was $5m and the accepted price is $270 000. If the Lord Mayor had approached me in a serious way in the first place, and had not gone straight to the press - the Lord Mayor believes in negotiating any of these matters through the press if he does not immediately get his way - the whole matter could have been resolved ages ago. Because of the Lord Mayor's stated position through the newspaper, we gave it to the Conservation Commission to look after. Then the council came back. That is the situation on East Point Reserve. I believe that we are close to a resolution of that problem.

The honourable Minister for Community Development mentioned that the Araluen project was a community initiative and the Alice Springs corporation virtually had nothing to do with it. It has always been quite separate and distinct from the corporation. The corporation has never agreed to undertake any management responsibilities in relation to it. However, I am sure that, when it comes to negotiating the matter of operating losses with the Araluen trust, we will have to require that it approach the Alice Springs corporation to get something like a dollar-for-dollar contribution from it to match any contribution that the Territory government makes to an operating deficit.

Mr Speaker, no one in the community has yet advanced a single good reason why there needs to be a statutory corporation. The honourable member for Nightcliff said that, because the Territory taxpayer is involved in this project, there should be a statutory corporation. That is simply not so. The Darwin City Council has massive initial support from the Territory government and continuing support in terms of operating expenses. We will be paying the total cost of outfitting the 2 theatres.

We are handing this whole operation to the Darwin City Council in mint condition. It is an opportunity for it to show how responsible it is. I must speak to different people than the honourable member for Fannie Bay does because most of the people who talk to me about the council ask why we don't have the whole operation done by a few clerks in a government office. Here is an opportunity for the city council to undertake a project that is best carried out by aldermen. They have been elected by the people of Darwin. They are as good as or better than any nominees that we could pick. They can call on expert advice. They have hired the manager of the Townsville Civic Theatre. The complex that he managed was bigger than this one so he ought to be able to look after it. They can set up advisory boards or trusts themselves. That is the thing that no one has addressed: if the corporation wants a statutory authority or trust, it can set it up itself. The only reason it wants the Territory government to legislate for the statutory authority is to evade responsibility for recurrent expenditure beyond what we are prepared to contribute. It is most disappointing. I question the worth of the agreements that we signed with it when, after extensive negotiations, it wants to resile from them in this manner.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the member for Millner intends to cover some other matters shortly but I am provoked into contributing to the debate by the comments just made by the Chief Minister. As an example of why councils should be operating such things as the arts centre, he mentioned 4 provincial cities in the state of Queensland having council-operated arts centres. That is an extremely misleading example to use, because who else would be operating performing arts centres in provincial centres in any state but the local councils. The situation is quite ridiculous. The Chief Minister chops and changes. When it suits him to advocate the Northern Territory as a future state, with a seat of government in its capital - that is, Darwin - it is all a question of moving onto statehood. But when it suits him, he relegates Darwin to the status of a provincial town. Of course, the comparison is quite unreasonable. As the Chief Minister would know, performing arts centres in the

capitals of the states are state institutions, as they should be.

Mr Everingham: Check that first.

Mr B. COLLINS: The particular example I was thinking of was the quite magnificent one opened recently in Sydney in New South Wales. One of the numerous former Ministers of Community Development in the Northern Territory - I think it was the honourable Leader of the House - made it quite clear, in answer to a question from the honourable member for Fannie Bay, that the arts centre in Darwin is a facility for the people of the Northern Territory, not simply for the citizens of this city. I would like to cover that point.

I think it was an interesting debate, though, in light of some of the comments that were made, particularly a comment by the honourable Minister for Community Development. I do not think it reflected well on his handling of his portfolio but it clarifies why relationships between that honourable minister and the Darwin City Council may be strained. I do not think it reflects any particular credit on him at all. I was also surprised at how personal the debate became, although that is not an unusual thing to find from the Chief Minister of the Northern Territory.

However, the honourable Minister for Community Development commented that he has absolutely no problems whatever with the council in Tennant Creek but dreadful problems with the council in Darwin. The aldermen of the city council are politicians like everybody else. The political motives behind the honourable Minister for Community Development's running down of the council in Darwin whilst praising the council in Tennant Creek would not be lost on any alderman of the Darwin City Council or, indeed, any citizen in Darwin.

I also found extremely interesting the comments made by the Chief Minister about the Lord Mayor of Darwin. He made some very acid remarks about the Lord Mayor's habit of using the media to promote his case. Of course, as we know, the honourable Chief Minister never does that. He also said, in relation to a reference to the Lord Mayor of Darwin: 'If we were dealing with Dr Stack, we would not be having these problems'. He then went on to say that the Lord Mayor revels in negotiating through the press. I would say that the rumour that has been around this fair city for some time now - that our current Lord Mayor of Darwin was about to get Country Liberal Party preselection for the Legislative Assembly elections - has just received a severe rebuff.

In conclusion, I think that one of the major reasons for bad relationships between the Legislative Assembly and the Darwin City Council can be found in previous public comments by the Chief Minister on how he viewed local government. I think those comments could be taken on board by everybody because they were made in a thoughtful and positive manner, although I do not agree with them. They were that there really is not any role for local government in the Northern Territory. It was mentioned a few minutes ago that people should seriously consider dispensing with it altogether and simply having those matters looked after by members of the Legislative Assembly. The reason for that is simply this, and it is why I think the argument has some strength: we have too many politicians in the Northern Territory. When you look at a city the size of Darwin, with 60 000 people, and the number of state representatives who live here, including the honourable member for Barkly who lives in Fannie Bay, it is no wonder that there is some public confusion over the roles of an Assembly member and an alderman. It is not surprising when members of the Assembly in the Northern Territory represent such tiny electorates, with so few votes. It is no wonder that the honourable member for Ludmilla so often gets upset about local government issues and debates the problems of kerbs, gutters, street lighting and

so on in the Assembly. We are simply falling all over each other in the Northern Territory. There are just so many of us. I think that it is very interesting to consider the remarks - on the public record in quite an expansive statement by the Chief Minister that was published in full in the local press not so long ago - on the role, or the lack of it, of local government in the Northern Territory and his own actions to increase the size of the Legislative Assembly.

One of the major causes of the continuing problem in demarcation of responsibility between the Territory government and aldermen of the Darwin City Council is that we have too many politicians in the Northern Territory.

Mr PERRON (Treasurer): Mr Speaker, I will probably upset a couple of my colleagues by leaping into debate here, but I feel I should say a couple of words following on the Leader of the Opposition's snide suggestions that the present minister responsible for local government seemingly gets on like a house on fire with the Tennant Creek Town Council but does not get on at all with the Darwin one. He implied that there would be some obvious political reason for this.

Can I just relate an example of the attitude of a couple of local government bodies in the Territory which ministers had to deal with in my period as the minister responsible. I think it is an example of why the current minister gets on pretty well with the council in Tennant Creek, despite the fact that it is headed by a mayor who is well known not to be a particular supporter of the CLP. But we get on very well with that council. When I was minister, we had serious difficulties with the accounting procedures of the Alice Springs Town Council, which, I am pleased to say, have all been satisfactorily resolved. However, the difficulties there did show up that we should take a much closer interest in the accounting activities and procedures of local government in the Territory. As honourable members would be aware, under the Local Government Act, the minister has responsibility for various functions. There are local government inspectors, who are part of the Department of Community Development, to ensure that certain things take place as far as accounting is concerned.

We certainly got into the hair of Alice Springs at that time because certain things were uncovered which needed resolving. We went to all of the other 3 councils - and I will not name them - and said that we would send the local government inspector along to have a look at the books to see how things were being done and to offer advice if that council was going off the track. One of the 3 other local government bodies we went to said: 'When you come along, you can bring the shotguns and the police with you because your inspectors will not be stepping across the doorstep of this local government body to inspect our accounts. It is none of your business and you stay out of our hair'. It was politely pointed out to it that there was a statutory responsibility for local government inspectors to go in and look at those books.

My point is: why should the current minister get on so well in Tennant Creek? It is not simply because it is his electorate. I am talking about my experiences. Ministers from Darwin are not always looked upon favourably in places like Tennant Creek. However, when the local government inspectors told the Tennant Creek council that we were going to examine its books and advise it, it said that we were indeed welcome. It thanked us for showing any interest whatsoever in its affairs and said it would be delighted for our government inspectors to peruse its work. It said it would be delighted to receive advice and to cooperate fully in having an accounting system prepared and operated. The attitude of the Tennant Creek council, I am sorry to say, is not shared by other councils. That is my experience, as a former minister responsible for local government. It was absolutely refreshing. It was the only group without a chip on its shoulder thinking that the Northern Territory government was

somehow trying to screw it at every turn. Of course, we got on very well with it and still do.

I think that the honourable member for Fannie Bay had other motives for bringing forward this motion for discussion. I believe that the government's relationship with the city council is not at any all time low at the present time. I think it has been worse in the past. References to Hansard over the past few years will indicate that there have been some terribly scathing things said about local government and the Darwin City Council. But I believe that, apart from an ongoing disagreement over the operations of the Darwin Performing Arts Centre, there has been a great deal of close cooperation between ourselves and the council. Part of this has stemmed from a more educated Darwin community. This has been borne out by the fact that - at least from my point of view - fewer representations are made to me now on local government issues by the electorate than ever before. People did not quite understand the divisions between state and local governments in the Territory. Also, in the past, aldermen had a lower profile. It all made MLAs particularly cranky at council problems. We heard about them wherever we went.

The example that illustrated that the tide is changing was the recent community debate in Darwin about swimming pool fencing. I am pleased to say that I did not get a single complaint in my electorate office about the question yet there was a great feud taking place in the community. The community was trying to come to grips with the council and its proposals in relation to swimming pool fencing. It was the first real sign to me that the community and local governments are getting together on their problems which are, in many cases, separate from the Northern Territory government's and the Legislative Assembly's problems.

I think that relationships are in fact improving in that regard. I believe that the motion before the Assembly is really a bit untimely because, apart from one particular dispute - and I am sure we are going to have them from time to time with any local government body - I do not believe relationships are at an all time low.

Mr SMITH (Millner): Mr Speaker, unlike the previous speaker, I will attempt to keep to the subject and not range all over the place and insult 3 councils out of the 4 that are operating in the Northern Territory. If the government is in a situation where it admits that it cannot get on with 3 councils out of 4 in the Northern Territory, perhaps it is time it examined itself rather than place the blame on other people.

My first inkling that something was wrong in terms of the communications between the government and the councils, particularly the Darwin City Council and more generally councils in the Northern Territory, came at the first Local Government Association conference last year. Mr Speaker, you will remember that it was held in Katherine. I was amazed and appalled by the way that the then minister handled the opening ceremony on that occasion. It was the first Local Government Association conference ever held in the Northern Territory. It was attended by many important people, ranging from Justice Else Mitchell through to the mayors, a significant number of aldermen and a number of other distinguished visitors. In fact, there were 60 or 70 people there. However, the minister was 30 minutes late for the opening of this conference. He delivered an off-the-cuff and vaguely-comprehensive statement, and then left. His performance took 15 to 20 minutes. I thought it was an absolute disgrace.

This year, it was somewhat better. The minister arrived on time. He had prepared his speech. But again he left immediately after his speech was finished

without making any further contribution in the formal aspect of the Local Government Association conference. I thought that it was a pity that the minister could not find the time to stay for some part of the formal session because only the day before the conference had passed a number of motions on important issues like planning about which the minister this very day has taken great pleasure in pouring buckets on. If he was sufficiently interested and concerned about the administration of his portfolio, and had a proper respect for the operations of the Local Government Association, he had an opportunity the very next day to talk to the Local Government Association about the motions that it had raised and given it, if not a response, at least some details on the government's attitude.

Media coverage was given to aspects of those motions put out by the Local Government Association, which contributed to the deteriorating relationships between the 2 levels of government. It could have been avoided if the minister had been prepared at that stage to sit down with the Local Government Association, listen to what it was saying and then respond to it.

Mr Speaker, another matter that has somewhat puzzled me is the way that the government has gone about its Local Government Act review. We heard in the Assembly this week and the last week that the government intends to set up a representative group of people to review the racing and gaming area. I know from personal experience that, in coming up with a new Education Bill, the government made great attempts to involve parents, teachers and Department of Education people in the discussions on what should be in the bill. But the Local Government Act review was an in-house exercise, done by 2 Northern Territory government officers. There was no formal provision for local governments to make any input. They have been told that the time to make an input is when the policies have been released - and they have all been released. Again, that has been a matter of some concern.

The Lord Mayor of Darwin has been quite strong in some of his comments on the content of discussion paper no 1. I put it to you, Mr Speaker, that a government that was serious about its relationships with local government could have handled that exercise in a better way and could have had a formal representation from the Local Government Association, which is the group which has come up with these recommendations. If it had done that, it may well have avoided the adverse comments that it received from the Lord Mayor of Darwin in the press.

Mr Speaker, a prime example of how not to handle government-council relationships is illustrated by the way the government has handled the development of the Marrara sports complex. I spoke on this matter in the Assembly before. The history of it is basically that the government said to the council a number of years ago: 'Here is a large piece of land. Go away and develop it'. It gave no guidelines for its development. It gave no indication to the council which organisations would be supported in terms of funding and which organisations would not be supported. In the discussions that followed, there were enormous frustrations created on both sides by this lack of direction. Where the council would say to an organisation that it would give it land, the government would then say it would not give money and, of course, the reverse happened too.

There was certainly antipathy on both sides in relation to the Marrara complex but it was something which should have been sorted out earlier and the government should have had a prime role in attempting to sort it out. Because it had original control of the land, the government had a commitment to say to the council what type of sports should have gone there, what standard of facilities should be expected and whose responsibility it was for the payment of

the upkeep and ongoing costs. Those questions are generally being approached now. Because they are, we are starting to see some development at Marrara. I welcomed the news that the government is proceeding with stage 3 of the Marrara indoor complex. If the NT News of yesterday is correct, stages 1, 2 and 3 will be completed by July next year. That is excellent and I congratulate the government on its initiative.

This raises another problem in terms of the ongoing maintenance and control of that area. It is a problem that is similar to the Darwin Performing Arts Centre problem. The government has expressed the very clear determination that the council should take over the Marrara sports complex stages 1, 2 and 3. The council has expressed an equally clear determination that it does not want it because it believes, and with quite good reason, that it will be very difficult for it to break even. The operating group will have to be very efficient to come near breaking even and, even then, there may be an operating loss that has to be met. I believe that that sort of situation cries out for a decision in principle by the government over the level of sporting facilities and who should control them. To be fair, that is something that has crept up on the government and the council and others over the last few years. Suddenly, we have had placed on us these national and international standard sporting facilities yet we have not properly thought out who should control them. Because of that, we have conflict between the government and the Darwin City Council. It seems to me that we need to come down to a general statement on who should control sports facilities at various levels.

I would suggest that the government needs to take a decision that it will be responsible for the national and international standard facilities and that the council will be responsible for Territory facilities and the lower-key recreation areas. Precedents exist for this in the states where the governments have put in place the procedures for managing these facilities. It has not happened here; it needs to happen. Unless it does happen, we will have this continuing conflict between government and the council on the Marrara complex.

If this is not sorted out, we will continue to have statements like the one that the government made to the House of Representatives inquiry into youth, sport and recreation. That committee was recently in Darwin. As part of its written submission, the government said: 'The Northern Territory government does not support Commonwealth finance for sport and recreation going direct to local government authorities'. I find that attitude incomprehensible. I can understand why the Northern Territory government said that: because it has not put its own controls in place.

There is no need for this government to be involved in low-key recreational areas which are aimed at sportsmen within the Territory and which do not have an interstate or international aspect. Unless the government makes a very clear statement to that effect, sticks to it and obtains agreement from the council to that effect, it is not in a position to say to the Commonwealth: 'If you are going to give money for these low-key sports, you give it direct to local government. If you are going to give money to international or state-standard facilities, you give it to us'. Because it has not sorted that out, it has to make the ridiculous statement that it wants everything coming from the Commonwealth to be channelled through it. That is an unnecessary way of going about it. It is confusing; it engenders more work than is necessary.

Mr Speaker, I conclude by saying that neither the government nor the council has come to grips with the new international standard facilities that we have with the Darwin Performing Arts Centre and the Marrara indoor sports complex. The government has an obligation to work out a general decision in principle on

who should have responsibility for those sorts of things. I would suggest to the government that it is its responsibility. When it works those sorts of things out, it will find that the causes of the deteriorating relationships between itself and the council will largely disappear.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak against the motion that has been put forward by the honourable member for Fannie Bay. I must say that I was somewhat surprised when she gave notice of this particular motion that she did not relate the motion to all of us in the Legislative Assembly. Perhaps the motion should have read: that this Assembly notes with concern the deterioration in relationships between members of the Northern Territory Legislative Assembly and the Darwin City Council. Quite frankly, over a number of years now since I have been in this Assembly, members have been making very critical comments on the city council's activities, or lack of them. That is the members' right. If their constituents have concerns and members cannot have those concerns examined, then it is only right that they make comment here about those particular issues. Of course, that type of thing does not improve relationships with city councils. The comments are made and interpreted by an alderman as meaning something else and then the relationship generally deteriorates. I believe the motion should have related to all members of the Legislative Assembly. Again, I would not agree with it because it is our right to make that particular comment.

I can remember a debate some time ago in this Assembly. It was a debate put forward by the honourable member for Fannie Bay in relation to swimming pools. It was an interesting debate. It went on for a couple of hours. During that particular debate, the member for Fannie Bay, in her reply, said these words in relation to the city council: 'Whether they like it or not, they are subservient to us'. I would say that perhaps that sort of comment does not go down well with the city council and others. It feels that we are telling it what to do. During that particular debate, my point was that this Assembly was giving the council powers to operate in one area and then, in the next breath, we were telling it what to do with those powers. If we like to operate that way, that is fine. I believe very strongly in the devolution of powers. I always have. I think that local people should have a say in what affects them. I do not know if I will continue to support the devolution of powers.

The ALP is endorsing candidates for the next council election, and we have to take careful note of who we are going to put into the city council. I think that comments made this morning about the ability of members is something that the people of the Territory really have to think about - who they are going to have representing them as aldermen on the city council.

Throughout the whole exercise, members have made comment. The member for Sanderson commented about dumps. The member for Millner commented about rates and has been very strong on that issue. I have spoken about rubbish and the member for Tiwi has also made some quite strong comments in this Assembly in relation to the activities of the Darwin City Council. I believe it is a two-way affair. It is not only members of the government; it is members of this Assembly, and their relationship with the city council. It is also the aldermen and their relationship with the members of this Assembly. Some of the comments that have come back from various aldermen, indeed from the Lord Mayor, really should not have been made. I think the Leader of the Opposition mentioned the Lord Mayor's outrageous statements about Aboriginals in relation to drinking. There were other outrageous statements about some of our pioneer cemeteries being turned into barbecue areas or parklands. These are the types of comments that will naturally call for a response from this Legislative Assembly. That has happened on a number of occasions.

The other thing to remember is that the councils bargain. We have heard that in this debate today. They try to get the best deal possible for their ratepayers, and that is only natural. Indeed, comments were made by the member for Sanderson in relation to parks in her area. The council will not take over the parks until it has come to a reasonable arrangement. Often this takes considerable time. The operation of parks is very expensive. In 1981, the cost of maintaining ovals within the municipality of Darwin was $3300 per hectare for a year. The cost of maintaining open parks, the larger parks - such as Palmerston Park - was $865 per hectare, and for the maintenance of town parks, the smaller parks, some $6220 per hectare was involved. That was in 1981. It is an expensive business. It is only right that the council itself look very carefully at which parks it will take over and which parks it will control.

When the member for Sanderson was talking about the parklands in her area, she said that the Conservation Commission was doing a very good job. I can also recall that she said it was extremely disappointing when these parks were handed over to the council that the maintenance was let go. She added: 'I have come to the conclusion that perhaps the Conservation Commission should continue with its good work and take over the maintenance of these parks'. What she was saying, and indeed what other members of this Assembly have said, was that the council is not doing the job; we can do a better job so let us do it.

Mr Speaker, I believe that the councils should have responsibility in this area. As the Chief Minister mentioned during his contribution to this debate, the council wants all the powers but it does not want the responsibility. I will go further than that to say that councils throughout Australia are starting to realise that it costs a lot of money to run a city and to look after areas of recreation and so on. Particularly in welfare areas, many councils throughout Australia now want to hand back those hard-fought-for powers. But, at the present time, we believe strongly in the devolution of powers. That being the case, I believe that the council members should be in control. They have opportunity to negotiate with government and this government has listened to them and, indeed, has been most generous on many occasions.

Mr Speaker, I can say here that many people in the city of Darwin are not happy with the performance of the Darwin City Council and, indeed, with many of the aldermen of the Darwin City Council. The same thing probably applies to members of this Assembly. I think it is a 2-way issue. We have to make sure that not only are we able to relate to the council and be reasonable but also that it is able to relate to us. This is why I speak strongly against this particular motion. I believe that the members of this Assembly have the right to comment on issues that are brought before them by constituents. It is only natural that those comments cause concern and add to deterioration in relationships as far as aldermen and MLAs are concerned.

It is not only the government we are talking about here; it is all members of the Legislative Assembly. I think that the 3 tiers of government have to work together: the Commonwealth government, the Territory government and local government. I am a strong supporter of the 3-tier system. I know that the opposition believes very much in doing away with a state-type government. It would prefer to have central government and councils. That being the case, I think that it is wrong. I believe we need those 3 tiers of government. The state government is needed, as well as local government, to look after local areas and I speak strongly against this particular motion.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to speak against the motion before us today, I would like to bring a slant to it which other members have not mentioned so far in the debate. By the wording of the motion, the

honourable member for Fannie Bay, by implication, decried the destructive approach of the Assembly to the Darwin City Council by talking about a constructive attitude that she thinks should be adopted. In her elaboration of this motion, she spoke about the Darwin Performing Arts Centre. She said that she thought the Northern Territory government could take greater responsibility in the running of it. Dick Ward Drive was mentioned. Another honourable member spoke about the government accepting more responsibility for the Marrara sporting complex.

Mr Speaker, I would like to mention 3 areas that the Darwin City Council wants control over. The people do not want it to take over and the Northern Territory government has refused to give it control of these areas. None of the honourable members opposite mentioned the particular projects that I have in mind. Firstly, is the Northern Territory government being destructive of the work of the city council by refusing it control of the township of Palmerston? My particular view at the time was: God help the people of Palmerston if it ever got control of it and, certainly, God help the people of the rural area because that would be the thin edge of the wedge of control of the rural area.

Following on from that, the Lord Mayor of Darwin and some of his aldermen, if not the whole council, wanted representation on the Rural Advisory Council because they thought that, with their greater knowledge of municipal matters, they might cast their pearls before the people in the rural area. I wonder if the sponsor of this motion commented unfavourably about the constructive attitude of the Northern Territory government when the relevant minister at the time did not see fit to appoint the Lord Mayor and other members of the council to the Rural Advisory Council.

In the past, the Darwin City Council has also looked towards the rural area - firstly Berrimah and later on Howard Springs - as one glorious rates bonanza, a treasure chest of rates that could be garnered for the city council in Darwin. The people of the rural area made their views known in no uncertain way. They did not want the city council out there. I made my views known in no uncertain way. The people there did not want the city council ruling them and I did not want it either. I am wondering if this is a display of a destructive attitude because the government did not accede to the requests of the Darwin City Council.

If the sponsor of the motion wants the Northern Territory government to be more constructive, perhaps she is only looking at one side of the question. Does she mean by 'constructive attitude' that the Northern Territory government give way whenever the city council makes a move to take over control of any particular project? I think that we have heard enough about projects that the city council wants the government to take control of. The view that the city council wanted control of certain areas and projects in the rural area is, however, the other side of the coin. It is only fair that a balanced view of the Territory government's dealings with the city council be brought to the notice of honourable members. I do not support the motion.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I will start with the hypothetical questions raised by the honourable member for Tiwi. She referred, firstly, to Palmerston. I have to say this. In my view, Palmerston will eventually have some form of local government. That is inevitable. It is not appropriate at the moment.

Next she asked about rates for rural areas. I can remember - and I think it was when he was responsible for local government - the honourable Treasurer saying quite strongly in this Assembly - and I agreed with him - that, if the people in the rural area want services such as are provided in Darwin and in other areas of Australia, then sooner or later they will have to realise that they will have to

pay their share towards them. I support him in that view. We have to pay for what we get.

I am also reminded of statements of the honourable Treasurer when I contemplate the contribution of the honourable member for Port Darwin in this debate. The honourable member referred to an earlier contribution of mine in this Assembly when I said that the council is subservient to the Assembly. And that, of course, is precisely the point that the honourable Treasurer made in this debate when he referred to the need for the government to supervise the accounts of local governments. Of course, local government is subservient to the Assembly. It is established by an act of this Assembly. The Treasurer and I agree on this point but the member for Port Darwin may not agree with us.

The member for Port Darwin advised us that he would have preferred to see the motion refer to the Northern Territory Assembly and not the Northern Territory government. It was within the power of the honourable member to move an amendment to that effect if he wished to do so. Quite possibly, it may have received majority support. What a shame that he did not. Perhaps next time we have such a debate, he will feel free to move such an amendment.

He said that he was contemplating this although he did not act upon it because all members from time to time are critical of the council on what are essentially electorate matters. Mr Speaker, I am not talking about electorate matters. I have my hassles with the city council on electorate matters too - as we all do. There are some more major issues of government to government relationships which are not electorate matters but matters which have caused concern to me and led me to move this motion in the Assembly.

Mr Speaker, in the contribution of the Minister for Community Development and the subsequent contribution of the Chief Minister, we saw some of the reasons why there are ongoing problems between the 2 tiers of government in the Northern Territory. The honourable Minister for Community Development began by saying that he did not get into slanging matches with the city council and, within a few minutes, he referred to the council reneging on the agreement. He said the council was unreliable or incompetent or both. He said that it wanted glory and status for which everyone else would pay, and that it had grandiose ideas. He finally referred to 'the greed of the council'. For somebody who does not get involved in slanging matches, and who is interested in working cooperatively with local government in Darwin, that is a pretty extraordinary contribution.

The Chief Minister followed in a similar vein and was remarkably personal in his reference to the present Lord Mayor and, indeed, referred to the previous Lord Mayor. All I can say is that I found the contribution of the honourable member for Nightcliff reminding us of the earlier approach of the Chief Minister to our esteemed Lord Mayor quite enlightening and illuminating. How the Chief Minister has changed on this matter. What does it mean in terms of future lord mayoral elections?

The Chief Minister referred to arts centres in provincial cities in Queensland. It is most appropriate that local governments in those provincial towns have responsibility for those centres and take initiatives to set them up. They do an excellent job. The point which I made - and I choose my words most carefully - is that, in most capital cities in Australia, responsibility for these types of establishments lies with the state government. Indeed, that is appropriate for Darwin if one bears in mind the fact that we believe that we are heading for statehood and that such facilities are appropriately established in a capital city as a contribution to the whole state.

The Minister for Community Development and the Chief Minister replied to the point I made on the Araluen trust. They both said that that is a different situation because Araluen is a community project. That is true and very commendable. We are talking about the future of both these establishments. I also remind honourable members that, under the Araluen Arts and Cultural Trust Act of 1979, the Alice Springs council appoints a number of trustees to that body. It is quite untrue to say that the Alice Springs council had nothing to do with the Araluen trust and that the Darwin council and Alice Springs council are quite different in this regard. There has been involvement by the Alice Springs council. Within the terms of the act, there is the relationship between council and the management of the trust established by this Assembly.

If the Chief Minister really believes that local government is unnecessary or a waste of time, and that we could do the whole thing better with a couple of clerks, perhaps it is about time he put his money where his mouth is and introduced legislation to that effect. It is within his power. He controls the majority of this Assembly and he could do it. However, he grandstands on this issue and does not act on it. We know that that is not the view of the member for Port Darwin because he said that he does not want to do away with local government. He said that the opposition wants to do away with state government. I can assure him that that is not true.

Mr Speaker, I deliberately framed this motion in what I hoped would be a positive and constructive way. What we have seen from both the Chief Minister and the Minister for Community Development is a typically destructive response. It is no wonder that the relationships between the Darwin City Council and the Northern Territory government are in a parlous state when such deliberately destructive and, in some cases, quite offensively personal responses are made. I urge honourable members to support the motion.

Motion negatived.

TRAFFIC AMENDMENT BILL
(Serial 324)

Bill presented and read a first time.

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

The act, as it presently stands, requires all persons riding in sidecars to wear helmets. Problems have arisen with this requirement in relation to small children. Basically, there are 3 problems. Children's helmets are not manufactured in Australia. The smallest helmet available in Australia fits a 52 cm diameter head. Most children do not attain this head size until they are 7 or 8 years of age. The second problem is that children's helmets are available from the United States, but the cost of a helmet is at least $400. Of course, as children grow, their heads become larger and helmets must be replaced on a fairly regular basis. The third problem is that there is some medical evidence available that it is dangerous for children of a young age to wear the heavy helmets that are available for kids. They place unnecessary weight on the shoulders and neck which could have bad effects.

In Victoria, there is no legislation requiring helmets on any sidecar passengers. In Tasmania, the same situation applies. In Western Australia, helmets are obligatory only for persons 6 years and over. The amendment presented today deletes the need for children who are less than 8 years to wear helmets, provided that they are securely fastened in the sidecar with an approved seatbelt or other approved restraining device.

Mr Speaker, it is a small matter. It affects only a very small number of families in the Northern Territory. On my figures, less than 10 families are affected. It has been a problem to these families. In one case, an arrest was made, charges were laid and a conviction without penalty was recorded. It is an irritant to these people. They have little option but to break the law as it stands at present. I commend the bill to honourable members.

Debate adjourned.

TENANCY AMENDMENT BILL
(Serial 300)

Continued from 23 March 1983.

Mr PERRON (Treasurer): Mr Speaker, the government is not supporting the bill before the Assembly proposed by the honourable member for Fannie Bay. Firstly, the case presented by the honourable member in her second-reading speech has not been demonstrated. The honourable member has given no details whatsoever about the types of complaints she has received in regard to long-term residents of hostels, although she stated she has received quite a number of them. She has not told us how many she receives or whether they are complaints that come weekly, daily, 6-monthly or whatever. She has not told us whether she has assessed any of these complaints as being resolvable under her proposed amendments to the act.

All members of the Legislative Assembly receive complaints from time to time which can be categorised as insoluble - things like disputes between 2 persons, which no one will ever resolve. In some cases, the complainant might be quite wrong and there is no validity to the complaint. In other cases, the complaint may be very valid and an injustice is being done and should be corrected. But the honourable member merely said in her second-reading speech that she received lots of complaints about people living at the hostel, disputes with the landlord, and that there should be some simple mechanism - to use her 3 words - for resolving them. We were not told in the second-reading speech whether the complaints related to the cost of accommodation. Of course, the Commissioner of Tenancies has powers under the act. She is proposing with this bill to get him involved in rental determinations where he believes injustice is being done. We are not sure whether the complaints relate to the cost of board and lodging or service in the hostel. As honourable members would be aware, different types of facilities and services are available in different hostels, hotels and motels. Are the complaints about seizure of possessions of tenants or residents in order somehow to force the situation so that it will be resolved in his favour? Is it in regard to the privacy of the person who is staying at the hotel, motel or hostel? Perhaps reasonable privacy is not available to these people. Is it perhaps about the quality of the food in such establishments? Years ago, when I associated with people who boarded at hostels, their continuous complaint was that the food was terrible. Anyone who stays in that form of accommodation for any length of time usually develops the impression, rightly or wrongly, that the food is terrible anyway. It is very repetitious.

There have been times in this Assembly when the Leader of the Opposition has complained that the government has not given sufficient explanation in second-reading speeches to justify proposals put forward in bills introduced to this Assembly. Perhaps this particular case is a prime example where the boot is on the other foot. Honourable members who have read this second-reading speech would have to agree that very little case has been demonstrated.

I have had a private word with the honourable member for Port Darwin, who also has hostels in his electorate, as to whether he has received a continuous

stream or a number of complaints in regard to matters that might be seen as coming under the provisions of the Tenancy Act, if it did apply. He advised me that he cannot recall any complaints that would fall into that category. He has received odd complaints about things that landlords do from time to time but, as I said earlier, we really need some specific examples, something firmer than: 'I do not like the landlord'. I guess there are tenants in that situation.

Mr Speaker, whilst the honourable member referred in her second-reading speech principally to hostels, in fact her amendment as proposed does not mention hostels at all, although possibly it does in a de facto sense. She is seeking the extension of the act to cover 'guesthouse, hotel, motel or boarding house'. That is a very wide net. It includes even the highest and finest of establishments, and the most expensive, such as the Travelodge and the casino. Can I say that, if the government is going to get officers such as the Commissioner of Tenancies involved in the settlement of disputes over services and food, which is paid for as part of a nightly charge, in the hotels in this town, I think that honourable members will get some idea of my concern that we should even contemplate such an extension of the provisions of the Tenancy Act.

I would like to read a few paragraphs from advice I have received on the subject from officers. It outlines some of the problems that might arise if the bill were to apply. This brief makes some points as well as outlining some of the problems.

A boarder or a resident of a guest house is not a lessee. He has no title transferred to him nor does he have a right to exclusive possession of the room he occupies. As a lessee, he would be required to enter into a tenancy agreement. This would require acceptance of at least those implied conditions in clause 2 of schedule 4 of the act. Special consideration would have to be given to what would constitute appropriate conditions for boarders. Honourable members will be aware that there is a schedule in the Tenancy Act which stipulates the responsibilities applying to various parties.

The proposed amendment is not isolated from other areas of the act. Examples are: the provisions for fair rent, sections 8 to 17; security deposits, sections 38 to 40; notice to quit, sections 43 to 47B, particularly in relation to the length of time required to be given; and ejectment, section 48. Those several areas may have adverse effects if they have to be applied in their present form by the management of guesthouses, hotels etc.

That status of boarders could vary considerably in one establishment. This could lead to constant variations in conditions applying in one establishment with consequent uncertainty. Different rents would also apply within the same boarding house. The Commissioner of Tenancies makes a determination on a particular unit in response to a particular application to him. We could have a situation where one room in a hotel had certain rental determinations made upon it which could be quite different from the rest of the facility.

Interference in the market in the manner proposed could be counter-productive in that it could encourage proprietors of boarding houses and hotels to withdraw or reduce the accommodation for longer-term tenants. That is a very real possibility. If the proprietors of a hostel, hotel or motel felt they would be involved in a great deal of trouble with the commissioner, they may well choose to limit the length of stay of people in their particular establishment. That would probably lead to legislation being proposed at a later stage stating that a proprietor of such an establishment should set aside some accommodation specifically for long-term tenants because he would be acting unfairly by not allowing people to stay for a long term.

The boarding house rental package is more extensive than the usual lease arrangement. The rent cost is largely attributed to the services and facilities enjoyed by the residents and often only a small proportion of money is directed to the hire of the room. If it is intended that these services - meals, laundry use, television, use of common room areas - should also be controlled, we would be entering a pricing field not previously attempted. The Commissioner of Tenancies would be required to place a value on those services in determining such things as rent and fair play between the landlord and the tenant. One can imagine the intricacies when one comes to deciding the relative proportion of the use of the fridge in the common room to store one's cold beer. It could be one of those areas which would be quite impossible for government to interfere in.

Certain management rules are usually applied in guesthouses. These are necessary to guarantee equitable availability of facilities to all the guests. It would be administratively intolerable if different rules had to be approved for each tenant. The additional administrative burden associated with maintaining multiple lease security deposits to both lessee and lessor may cost more than the benefit gained and could add to the cost of accommodation.

Some of the difficulties associated with extending the act to cover hotels may be seen by the use of the extreme example of an application for fair rent being made by a guest at the Mindil Beach casino who had been living in the complex for, say, 6 weeks. To dismiss in advance any suggestion that there may not be long-term residents in places like the casino, honourable members may be aware of a gentleman who recently moved interstate but who had been a permanent resident of the Travelodge for some years in Darwin. I wish I had an income like his. Such people certainly exist. In the case of a person living at the Mindil Beach casino in excess of 6 weeks, it would be necessary first to establish whether the occupant was a tourist or a short-term tenant. It would then be necessary to establish the value of the room as a unit and the value of the occupant's share of facilities and services.

I think that is sufficient to indicate to honourable members why the government is not prepared to support the bill. The case was not demonstrated at all in the second-reading speech. To extend the provisions of the act to guesthouses, hotels, motels and boarding houses across the Northern Territory would clearly cost government considerable funds. We would be involved in many disputes which it would be quite impossible for government officers, operating under rules and regulations, to solve to the satisfaction of the parties concerned. Such applications would immediately provide for the proprietors of such establishments to be able to charge bond money etc. I just do not think it has been thought through carefully.

Can I conclude by saying to the honourable member that the Commissioner of Tenancies is preparing a submission which proposes a general review of the act as a result of his experience with it, including some recent problems with our amendment which included permanent residents in caravan parks. That has created a number of problems which are being highlighted to me in a suggestion that the act be reviewed. Many of these things may be taken into consideration at that time. The government does not support the bill.

Ms D'ROZARIO (Sanderson): Mr Speaker, it is extremely disappointing to hear the attitude of the honourable Treasurer. I must say that the reasons he proffered can be seen as nothing more than red herrings dragged in by the scruff of their fins in order to prevent the application of certain protective measures, which is the whole basis for any legislation dealing with landlords and tenants. We have heard a lot of rubbish from the Treasurer this afternoon. It is quite obvious that members on his side never mix at all with the more disadvantaged sections of our community.

The Treasurer said that he asked the honourable member for Port Darwin who said that he could not remember any complaints. That satisfied him. Apparently, that was the extent of his inquiry. I am sure that the honourable member for Port Darwin meant what he said: he did not recollect them, which is not to say that he had not received them. I do not have a single hostel in my electorate yet I have had dozens of complaints about tenants in boarding houses and hostels. There is no point in making the assumption that there are no complaints because a member has boarding houses and hostels in his electorate and he cannot recollect any complaints. I am appalled that the Treasurer should state that, on the mere ground that he has not had the case demonstrated, there should be nothing further done about it. I hope that, by the end of my speech, I will have convinced him that this is a very real problem amongst a very large sector of the Northern Territory community.

The whole purpose of having legislation prescribing the relationship between landlord and tenant is to afford protection on both sides. We have never put forward the view that all landlords are bad and all tenants are good. That is the reason why we have moved a number of amendments from time to time in order to extend the protection which is afforded, ironically by this government, to the more wealthy and more resourceful members of the community. What we are trying to do is extend these protections to those who are exploited. And those who are exploited are the ones on the bottom end of the income scale, the ones who cannot even afford a caravan. This government has acknowledged in the past that caravan park dwellers have suffered some disadvantage. It is prepared to extend provisions to caravan park dwellers but not to hostel dwellers. Mr Speaker, I would point out to the honourable Treasurer that a caravan park dweller at least has one asset in the way of housing and that is his caravan. The people whom we are talking about have no assets whatsoever or they would not be living in hostels. For the honourable Treasurer's benefit, we are not talking about the gentleman who was a resident in the Travelodge for years. We are not talking about high-income people. We are talking about people at the lower end of the income scale.

I can say to the honourable Treasurer that I have had dozens of complaints not just from Darwin residents but also from residents in Alice Springs. I do not know why I should attract these complaints and I am certainly not going to ask every complainant who rings my office why he does not ring the honourable Treasurer or the honourable member for Port Darwin. What I attempt to do is to resolve the problems that these people are experiencing. It has never been my practice to inquire why these people have not approached their local member.

The complaints we are talking about are not of such things as the quality of food or other matters that the honourable Treasurer mentioned. We are not talking about someone getting bored with the food in the dining room. We are talking about people being ejected, at a half hour's notice, for things that they would not be able to be ejected for under the terms of the Tenancy Act. We are talking about exploitative rents. I will come to that in a minute because, obviously, the honourable Treasurer knows nothing, nothing at all, about the structure of rents in Territory towns. We are talking about the seizure of possessions. We are talking about people whose possessions have been seized for non-payment of rent when the small claims court is available to landlords who seek rent that may be owing.

The matters of most concern to these tenants are, firstly, high rent and their lack of access to the Commissioner of Tenancies for a determination of fair rent, and also the ability of a landlord to evict tenants at any time he pleases. Certainly, I have had complaints from residents of boarding houses who have been asked to move and whose possessions have been seized because of

alleged non-payment of rent. These are the basic provisions of protection that we are seeking for these people.

Then we are given to believe that not many people are affected and maybe this is all a question of interfering where no one has interfered before. I think it is about time this Assembly tried to protect those people who need protection rather than providing illusory protective measures for others. I can remember a few years ago when the Northern Territory Council of Social Services conducted a survey of so-called low-cost accommodation in Darwin. The subsequent report would have appalled the honourable Treasurer. This accommodation was by no means cheap, considering what the tenant was getting. This was a comprehensive report, compiled on every available room in boarding houses and hostels in Darwin. Prices were given and the services offered for them were outlined. In most cases, the surcharge was for rent alone. It was not for such things as storing beer in the manager's fridge or use of laundry facilities. These people had to cook for themselves, sometimes where there were no kitchens in the house. This meant that they either had to buy appliances. such as a kettle and a frying pan. No meals were provided. There was no food service. The sole matter covered by the rent was the room.

I say to the honourable Treasurer that we are not worried about peripheral matters. We are worried about the basic question of shelter and the protection of those people in their shelter. There are many people in this community who do not have the choices available to them that the honourable Treasurer seems to have. Apparently he hardly knows anyone who lacks that sort of choice. These people consider these places to be their home. What we are trying to protect is their right to continue their quiet enjoyment of their premises, the same as wealthier tenants are afforded by the Tenancy Act.

Some years ago, I received numerous complaints from Alice Springs. I have no knowledge at all of why I should have been the recipient of these complaints but, nonetheless, I received dozens of complaints, over a period of years, relating to the shortage of accommodation for single people. Some of these people, because the policy of landlords was to move them on every 2 or 4 weeks, were unable even to exercise their basic right to vote. They were unable to obtain enrolment on the electoral roll because they could not show that they had had an address for one month. I am speaking about a large number of people. Although I concede that, at that particular time, accommodation was very tight in Alice Springs for single people, I am sure that the honourable member for MacDonnell will be able to enlighten us on whether the situation has markedly changed. I doubt it.

Mr Speaker, the honourable Treasurer said that we had not demonstrated our case and had not produced details of complaints. I am outlining some of the complaints that I have received. It was not the intention of the honourable member for Fannie Bay to prove her case to the point where she actually had to give names and addresses of people. As I said, the honourable Treasurer has really just seized a whole bag of red herrings in order to prevent this amendment from going through.

The honourable Treasurer said that one of the reasons why he could not support this was because it did not make reference to hostels, in particular, but talked about guesthouses, hotels, motels and boarding houses. I cannot see that this is a grave deficiency in the bill but apparently he was worried about whether or not tourist accommodation would be affected. Really, what I ought to have done, and I did by way of interjection, was exhort him to read the words in paragraph (c). If he reads those words, he will see they are identical to the proposal which was inserted in here some time ago to protect caravan park tenants.

The intent of section 4 of the Tenancy Act is to provide certain exemptions and, clearly, those persons who are tourists or short-term tenants, as mentioned in this bill, are exempt from the provisions of the bill. Again, I stress that the people we are trying to protect are long-term tenants, permanent residents who have no choice but to live in this style of accommodation.

Now let me go through some of the reasons why the honourable Treasurer suggested he could not support this bill. He said that he had been briefed that, if this were extended to hostel residents, they would then be bound by the implied conditions of tenancy. In the back of the Tenancy Act there is a schedule relating to implied conditions of tenancy. I can remember that debate clearly. The reason it was inserted was because some landlords would not offer their tenants leases, so the bottom line was the schedule of implied conditions of tenancy. The effect of it is that every tenant has a minimum standard that can be relied upon and a minimum standard of behaviour governing not only himself but the landlord also.

Mr Deputy Speaker, to say that this bill would afford implied conditions of tenancy to hostel residents is exactly what we want. That is precisely what we want. If they are permenent residents, we believe they should have the same protection as other tenants. If the landlord declines to offer them a lease which governs the conditions of their tenancy, they should be protected by the implied conditions of their tenancy. That is precisely what we want. It is not a reason for not supporting it. In fact, it is a reason to support it.

The next reason proffered by the honourable Treasurer was that the provisions for fair rent, eviction and ejectment may have an adverse effect. Well, they certainly have an adverse effect at the moment on the tenants. A landlord is able to throw a tenant out. I have had a complaint from a person who was asked to leave because he used too much water in the shower. That is not a reason for which you can be ejected under the Tenancy Act, if you are a normal tenant covered by the protections that we currently have. I have also had complaints that people have been asked to leave because they left their possessions in the yard. I investigated this complaint. The article complained about was a child's tricycle. The landlord wanted this family to go because he alleged that the kids would not put their toys away. This is not a reason for which a tenant can be ejected under the Tenancy Act.

It is quite clear that the provisions for fair rent, eviction and ejectment are the major ones which concern the tenants we are trying to protect under this particular amendment. Of course, they would have an adverse effect on landlords because, if landlords wanted to act in a whimsical fashion, they could be subject to the Tenancy Act.

The Treasurer also offered the reason that it would require landlords to have a different status for different tenants. That is quite true and the same thing happens at the moment in caravan parks. One has long-term tenants, tourist tenants and short-term tenants and I cannot see that it would test the system so much to apply exactly what we have in caravan parks to residents of hostels. Again, I stress that the whole intent of this section is to exempt the tourist trade and persons on short-term tenancy. That is quite clear in the amendment that has been put forward by the honourable member for Fannie Bay.

The honourable Treasurer also feared that there would be interference in the market and that landlords would not make places available for long-term tenants. Mr Deputy Speaker, this may well occur. In fact, in caravan parks at the moment, certainly in the large caravan parks of some 400 sites that I have in my electorate, the bulk of the tenants are long-term tenants. I have not

noticed any tendency - since the time that we processed the amendment to the Tenancy Act which gave protection identical to that proposed in this bill - of caravan park managements to change their policy towards long-term tenants. In fact, there has been no difference whatsoever and the bulk of residents continue to be long-term tenants. It is a nonsense to suggest that, somehow or other, long-term tenants, because they would have protection under the Tenancy Act, would not be afforded places in these institutions.

The honourable Treasurer stated also that this amendment would lead to a rental package more extensive than that which currently exists for most tenants, and that it would have to take account of services and facilities and replace other services and facilities, and that we would be entering a pricing field not previously attempted. Well, to that I say: absolute balderdash. We are talking about the basic question of shelter. We are not worried about complaints relating to the stowing of cold beer in the fridge. We are talking about long-term tenants who regard this accommodation as home. We are not talking about tourists. We are trying to afford the protection of the Tenancy Act to those people on the lower end of the income scale. I must keep stressing that because the honourable Treasurer has not met such people. I can assure him that half the people I know fall into that category.

Mr Deputy Speaker, we then have the question of management rules. Again, he raised the question about having to distinguish between tenants. As I pointed out, some management rules have given rise to complaints, such as requiring a tenant and his family to leave because a child's tricycle has been left on the front lawn. We are trying to obtain the implied conditions of tenancy and the same reasons for eviction and ejectment as those which exist in the Tenancy Act.

Mr Deputy Speaker, we are attempting to extend the provisions of the Tenancy Act to those people who are not currently protected. Ironically, those people have the least access to the commissioner in respect of rents which are exploitative. If the honourable Treasurer would care to go through the 'accommodation available' column and see what is being asked for a single room, and sometimes a share room in these hostels, he will find that there is nothing available under $40. When that is related to other types of rents, then it must be said that that is not cheap at all. It is quite expensive for the sort of shelter offered. I think the Treasurer's attitude today has been absolutely disgusting. It behoves this Assembly, if we are to have a Tenancy Act at all, to afford protection to those who need it most. There is no point in giving lip service to an act which prescribes the relationship between landlord and tenant when the only people who are protected are those who are not likely to avail themselves of the provision. I urge members of this Assembly to disregard the view of the Treasurer, to make up their own minds about the validity of this bill and to support it.

MR ROBERTSON (Attorney-General): Mr Speaker, normally the honourable member for Sanderson does herself more credit. The honourable member for Sanderson's contribution was a good one except for her unnecessary attacks on the honourable Treasurer. I will come to those in a moment.

What we did not have prior to her contribution was what was in the mind of the opposition when it proposed the legislation. We are not mind-readers. We would not have the slightest idea what is in its mind until it tells us. What has been put forward before us is precisely what the honourable member for Sanderson has told us the opposition does not really want. This legislation catches up all of the things that the opposition, through the honourable member for Sanderson, has told us that it does not want. Some of the aims could be achieved but they would be better achieved in another way.

Mr B. Collins: Why don't you amend it?

Mr ROBERTSON: There is no way in the world that it can be amended.

I do not say, and neither does my colleague, that the bill was put forward frivolously. It was probably put forward with the best intention in the world. Nonetheless, its effect would be exactly what the opposition seeks not to do. If there is any doubt at all that some people use hotels and motels where food and liquor are served as places of long-term occupation, let me disabuse them of that false impression. There was a second person who occupied a room in the Travelodge for many years. He is a friend of mine who is associated with the mining industry. Before I rented my first normal accommodation here, I stayed in the Darwin Motor Inn for a period of about 18 months. The same room at all times was mine because I paid a retainer for it. It was on licensed premises. This legislation would catch up that very situation and we are told by the opposition that its own intention is defeated by its own legislation. It did not intend that at all.

A number of areas have been identified specifically by the opposition as being areas which it asks this Assembly to cover. If it has evidence of this complaint - and I do not doubt that those complaints have been given to the honourable member for Sanderson - then it should introduce legislation which reflects what it really wants. It should not ambush us on the second last day with an entirely different request. If the honourable member is concerned about the seizure of property in these types of properties, then ask the Assembly to legislate accordingly. If she is concerned about ejectment and the reasonable expectations of long-term residents which are not covered by the existing legislation, then ask us to legislate. Clearly, we know now that the opposition does not want to include licensed premises. It does not want to examine the fridges and their use by such people. It does not want to cover questions of food. If that is the case, it should legislate for what it does want.

Mr Deputy Speaker, until a couple of moments ago, we did not have the slightest idea what was in the mind of the opposition. Now that we do know what the opposition's problem is, we will bear that in mind in the review of the Tenancy Act which will be undertaken by the government. Let us not throw out the baby with the bath water. This legislation fails to achieve what the opposition sets out to achieve and catches other things which it does not want caught up by the legislation.

There is no prospect of correcting this legislation in this sittings. It is a far more complex matter to achieve the objectives that the opposition has now indicated to us for the first time. Such a hasty approach to this complex issue would be completely inadvisable.

The Leader of the Opposition has at last rejoined us. I will repeat for his benefit the very valid message put forward by the Treasurer. On many occasions, we have had the pious utterances of the Leader of the Opposition criticising this side of the Assembly because every detail is not expressed in second-reading speeches. He seems to think it is good enough for us to provide all necessary information to honourable members yet the same rule does not apply to his side. If it is good enough for us to do it, as a matter of courtesy and consistency, it is good enough for the opposition to do the same. Certainly, the matters which have been quite reasonably raised by the honourable member for Sanderson will be examined but this bill is not the vehicle to address any of those issues.

Mr BELL (MacDonnell): Mr Deputy Speaker, I feel it is a dreadful shame that

the honourable Minister for Housing chose to remain awake during that little offering but to remain largely asleep during the offering of the honourable member for Sanderson. The honourable member for Sanderson's contribution was by far the most cogent we have heard today. The reason I pick on the honourable Minister for Housing in this particular regard is because this particular bill is of key importance in a time in the Territory's growth when there is such a critical housing shortage, as has been noted in this debate and other debates in this Assembly.

However, it is a particular joy to speak, for a change, after the honourable Treasurer and the honourable Attorney-General. It gives me the opportunity to remark, particularly in the case of the honourable Attorney-General, that he does an excellent job. I am not sure how long he took with it but I am aware of the fact that he did not say very much. He kept saying that the effect of this bill would be to do what we did not want to do. He kept saying that again and again but, at no stage, did he give any evidence that that was the case. What were the particular things that he complained about? He might like to note some examples and perhaps the honourable Minister for Housing can mention them. Apart from his customary melliflous tones, the honourable Attorney-General contributed very little of substance to this particular debate. He was grasping for straws to such an amazing extent that he had to deride the fact that this particular bill was only on one sheet of paper. But then he contradicted himself within what he had to say because he said: 'Look, if the opposition is drawing our attention to particular cases where seizure of property is a problem, or particular occasions where ejectment is a problem, it has only to ask us to legislate'. Well, that is exactly what we are doing here and I am very surprised that the government is so reluctant to accede to this very reasonable request.

To take up the point made by the honourable member for Sanderson, it is the case that very many of the complaints that I receive in the tenancy area relate to people who live in accommodation that would be covered by an act such as this. In fact, I received representations from a citizen of Alice Springs who had been living in tourist accommodation for some 4 to 6 months. Under those circumstances, I believe that those particular people should have been allowed the protection of the Tenancy Act when problems arose in their tenancy arrangement. In the Territory, we have no great, private rental market. People coming into a Territory centre - particularly in Alice Springs - are unable to find private accommodation in the general housing sector. If they go to an estate agent and say they will rent a house, they will be told that the agent has no houses for rent. I am sure that nobody on the government side will dispute that. I am sure that the honourable member for Stuart, the honourable member for Alice Springs and even the honourable member for Gillen receive many representations from people who come to Alice Springs and say: 'I have got such and such a job but I cannot get a house'. They are forced to live in rental accommodation that would be covered by an act such as this. I believe it is incumbent on this Assembly to pass it.

The honourable Treasurer, dragging in scruffy-necked red herrings - I must reinforce the comments of the honourable member for Sanderson in that regard - attempted to disparage this excellent piece of legislation. He suggested that we had not presented enough cases of people who...

Mr Dondas: Any.

Mr BELL: ... actually live in accommodation and were having problems that might necessitate such legislation. I think the honourable Minister for Housing interjected with 'any'. It would be fairly surprising since he has been asleep for much of this debate. I think we have made a fairly convincing case that

people living in this type of accommodation need the protection of this particular bill.

The honourable Treasurer went on to say that legislation of this sort may have some sort of dampening effect on the tourist industry. I do not believe that that would be the case. I believe that the benefit to landlords from long-term occupancies is enough to warrant the protection of those very occupants. Another comment that the honourable Treasurer made was that there would be administrative difficulties with this particular legislation. I cannot accept that either. There are problems with the Tenancy Act because it only applies where there is disagreement between 2 parties. Certainly, that can get down to very fine differences. This red herring about the beer in the fridge in the common room is just that. He pretends that those sorts of problems rule out the possibility of legislating in this way. I really cannot accept that. I believe, having received representations from many people about who would be covered by such legislation, that it is incumbent on this Assembly to pass this particular bill.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, initially I found that the contribution of the honourable Treasurer, who is responsible for tenancies, quite interesting. I would like to remind honourable members, in case they have forgotten, though I think it has been mentioned today, that the wording of this bill is precisely the wording that was used by the Treasurer himself in his bill in 1982 to bring caravan parks within the Tenancy Act. This wording is designed for the identical purpose of bringing permanent residents of guesthouses, hostels and so forth under the provisions of the Tenancy Act. The wording is identical.

I have now looked at the minister's second-reading speech made when he introduced that legislation to cover a number of provisions within the Tenancy Act. His explanation as to why he was introducing that amendment to bring caravan parks under the provisions of the Tenancy Act amounts to less than 12 lines of Hansard. Yet he has the gall to get up there and tell me that I did not give sufficient explanation.

Mr Robertson: He did what he intended to do.

Mrs O'NEIL: I am doing what I intend to do, I can assure all honourable members. Initially, I am replying to the arguments of the minister who is responsible for tenancy matters - and I might say that in my view it should be a Department of Community Development matter. He had the gall to criticise me for not providing enough information when I provided 3 times as much in my second-reading speech as he did when he introduced an identical provision, 12 months earlier, relating to caravan parks.

I will cover the other points that he raised. He said that I did not give enough information and I had not explained the problems that had been brought to me. I think that point was more than adequately covered by the member for Sanderson but, I can assure him, they relate to rental determination, eviction and, less frequently, the seizure of goods. All of those things would be covered. We all agree that these people are usually the less affluent. The poorer members of our community are the ones who are in such accommodation and there are very many of them. They are the people who would benefit from these provisions. However, the Treasurer seems to be obsessed with beer in fridges. When I consider my constituents, and the constituents of the member for Port Darwin, who are people on lower incomes, who have no option but to live in rooms, permanently, for years and years, and when I consider the problems they have, with no recourse should they have a dispute with the landlord or the management about their rent - and certainly there have been considerable increases in rent

in recent times - and then find that the responsible minister, the Treasurer, is not interested in those problems except to say that it might cause problems because they might have beer in fridges, I am disgusted. He should show more concern for the less affluent members of our community.

The honourable Attorney-General showed less concern about beer in fridges but apparently was interested in people who stay in the Travelodge. I am not particularly concerned about them either and I would suggest to the honourable minister that the Commissioner of Tenancies would not be either. I have read the act. I have it in front of me. The commissioner has a discretion in these matters. If a very affluent person, who stayed at the Travelodge or the casino permanently, went along to the commissioner with a problem, and the commissioner did not think the complaint was reasonable, he would not have to do anything. It is not true to say that we are forcing the commissioner to enter into areas that he would not choose to enter and where there is no need for his intervention.

Quite clearly, there are many people in the Northern Territory, mostly single people on low incomes, who, as the honourable member for Sanderson said, have no assets that they can use for shelter for themselves and who need some sort of protection. Many honourable members have received complaints. With regard to the honourable member for Port Darwin, whose name was dragged into the debate by the Treasurer, I know he has received complaints because his constituents have sometimes sent me copies of letters that they have sent to him, as he well knows. I would not be inclined to doubt the word of the honourable member for Port Darwin but suggest the Treasurer has a conveniently short memory on this matter.

I am gravely disappointed that the government, having 12 months ago recognised the problems of low-income permanent dwellers in caravan parks, is not prepared to recognise similar problems of low-income dwellers in hostels and similar accommodation. I am very disappointed that the government has indicated that this bill will not be supported. Nevertheless, I urge the responsible minister and all other members of the government, and the Assembly, to ensure that this matter is looked at when the general review of the Tenancy Act takes place shortly.

The Assembly divided:

Ayes 7	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Ms D'Rozario	Mr Everingham
Ms 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

Motion negatived.

MOTION
Appointment of Ombudsman

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that this Assembly

recommend to His Honour the Administrator that he reappoint Russell Henderson Watts to the office of Ombudsman to the Northern Territory with effect for 12 months from 9 December 1983.

Under the Ombudsman of the Northern Territory Act, the Ombudsman may hold office for a maximum of 5 years but is eligible for reappointment after that period. Mr Watts was appointed as Ombudsman on 9 December 1978 for 5 years by His Honour the Administrator in accordance with the recommendations made by this Assembly on 29 November 1978. It is apparent therefore that the appointment will terminate at close of business on 8 December 1983. Mr Watts has advised me that he is prepared to offer his services for a further period of 1 year. In fact, he has indicated to me that is all he wants to offer his services for. During the term of his current appointment, Mr Watts has performed the functions of Ombudsman in a most creditable manner and I am pleased to move that the offer of his services for a further 12 months be taken up by the Assembly.

Mr B. COLLINS (Opposition Leader): The opposition is very pleased to support this motion. I simply wish to add that the opposition is totally satisfied with the way in which Mr Watts has carried out the functions of Ombudsman. I can remember a debate on one of his reports when the Chief Minister had some very harsh things to say about the Ombudsman in respect of an investigation he was conducting with the police. We had no such reservations. In fact, having read the report carefully, I considered the Ombudsman's investigation not only to have been thorough on that occasion but extremely fair. We believe Mr Watts has been doing an excellent job. I am disappointed to hear that we may only retain his services for another 12 months. The opposition supports the motion.

Motion agreed to.

ELECTRICAL WORKERS AND CONTRACTORS AMENDMENT BILL
(Serial 331)

Bill presented and read a first time.

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

The Electrical Workers and Contractors Act, giving effect among other things to the establishment and operation of the Northern Territory Electrical Workers and Contractors Licensing Board, was passed by this Assembly as act No 28 of 1978 and brought into operation on 1 July 1978. As is this government's policy, new legislation is kept under review to ensure that it is operating effectively with a view to making appropriate changes, where necessary, after a reasonable period of operation. The Electrical Workers and Contractors Act has now been in operation for 5 years and, during this time, certain shortcomings have been noted. This bill has been designed to remove those shortcomings and to give effect to provisions of uniform licensing being implemented by the electricity industry and authorities throughout Australia.

The amendments to some extent constitute matters of policy and also what I would describe as machinery-type amendments to ensure the policy of the government relating to electrical licensing is accurately reflected in the Electrical Workers and Contractors Act and to correct shortcomings experienced by the industry under the current legislation. A working party was established jointly by the Electrical Workers and Contractors Licensing Board and NTEC in mid-1982 to carry out this review. In doing so, it consulted with the Master Builders Association, the Chamber of Mines, the Electrical Trades Union, the

Licensing Committee of the Electricity Supply Association of Australia as well as NTEC and the licensing board. The result was approved in principle by Cabinet. The amendments are numerous and spell out the detail in the committee notes. I will outline only the major areas of amendment in this speech rather than attempt a clause by clause explanation.

The bill provides for a significant increase in the number of definitions in the light of previous experience and to ensure consistency of terminology between electrical terms used by NTEC, contractors and the Mine Safety Control Act. In the present act, all the electrical workers are defined as 'mechanics' which is incorrect as electrical mechanics is one of 4 major trade groups within the electrical trade. Hence the term 'electrical worker' is used as the general term and the trade areas of electrical mechanics, electrical fitters, electrical linesmen and cable jointers are defined separately. Definitions of 'direct supervision' and 'general supervision' have been provided to allow for the different degrees of supervision required to ensure safety of apprentices at various times during their apprenticeship. The terms 'electrical installation', 'electrical installation work' and 'electrical work' have been added or altered to distinguish between them the types of work carried out by various licence holders and also to ensure that persons repairing appliances are brought under the licensing provisions. This is the first time that this has been contemplated in the Northern Territory. It is the result of a national trend.

Clause 5 deals with changing the composition of the licensing board. It is proposed to remove the executive officer from membership of the board and to allow greater flexibility in appointing both the chairman and the electricity commission's representative by allowing them to be chosen either from a duly-qualified electrical engineer or from the holder of an A-grade electrical mechanic or electrical fitter's licence. The proposal to separate the position of executive officer from that of the board member is aimed at procuring application of the principles of natural justice during board hearings of complaints against licence holders. The electricity commission, under the present act, does not have a representative on the board even though the executive officer is seconded from the commission. An amendment proposed in clause 5 will allow the commission to nominate a qualified electrical engineer or an A-grade electrical mechanic or electrical fitter to be a member of the board. It is the commission's intention to nominate its Chief Electrical Inspector if this amendment is carried.

Clause 6 provides an amendment to the principal act to expand reasons which may allow the minister to dismiss members of the board. The additional reasons reflect similar NT legislation.

Clause 17A of the bill makes provision for the board to provide an annual report on its activities to the minister. Currently, no reporting requirement is stipulated in the principal act and this omission is unacceptable. If honourable members believe that the board ought to report to the Assembly through the minister, I would entertain an amendment to that effect.

Provision has been made in clause 17A of the bill for the board to delegate powers either to a member of the board or an employee. This is intended to provide a more efficient and continuous service as the board is a part-time body which only meets every 3 or 4 weeks. Clause 17C attempts to lay down clearly the functions of the licensing board. Currently, the principal act is silent on the functions of the board. The proposed functions reflect the role of the licensing board to date and the licensing legislation in other states.

Clauses 18 and 19 provide for licences to be endorsed with the major trade classification in the electrical industry and for each licence to be issued in

1 of 3 grades. Licences may be endorsed with the trade classification of mechanic, fitter, linesman or cable jointer. A fifth provision has been made for other prescribed endorsements to cover a host of tradesmen whose normal activities involve them partly or intermittently in the type of electrical work that the act requires to be carried out by licensed tradesmen. Electrical work carried out by a refrigeration mechanic is one example.

The provision which allows the issue of licences in one of the 3 grades - A, B or R - reflects the level of competence and experience that the licence holder is required to have as well as whether the electrical work is central or incidental to his activity. A-grade licences are to be issued to fully-trained and experienced tradesmen, B-grade licences to those who have completed the trade training but who lack experience or formal qualification and restricted licences are to be issued to persons who are involved in specialised area of electrical work which is usually only part of their work activities. Again I suggest the example of a refrigeration mechanic. The R-grade or restricted grade licence is intended to restrict the holder to electrical work in the area of specialised activity. Persons engaged in the repair of electrical appliances may be issued with an R-licence where competence has been demonstrated and provided the applicant is not required, or eligible, to hold a higher grade of licence.

I move now to electrical contractors' licences. A main area of change proposed by the bill is to require an applicant for an electrical contractor's licence to hold an A-grade electrical worker's licence for 2 years prior to the application for a contractor's licence. It is generally agreed throughout the industry, and is an industry proposal, that an electrical worker, who has just completed an apprenticeship and has been issued with an A-grade licence, is still lacking the necessary experience to become a contractor. An apprentice, while indentured, always has a tradesman to direct him and it is thought that he must first obtain additional experience as a tradesman before he can become a competent contractor. These same qualifications are proposed to apply also to a corporate nominee for a contractor's licence.

The bill further proposes that electrical contractors' licences will expire on 30 June each year in future instead of 12 months from the date of issue. This is intended to assist the board in its administration and should assist the licence holders themselves by having a common expiry date. It is intended that the regulations will provide for partial exemption of fees for new contractors applying for licences part way through the year.

One significant change proposed to clause 21 of the bill is to require that electrical apprentices will be registered with the board rather than licensed. This is because licences are only to be issued to tradesmen who can demonstrate their ability to carry out work safely and competently. Apprentices do not become tradesmen until completion of their indentures with its training and experience requirements. Following representations from the industry, mainly from Gove, clause 21 makes provision to relax the requirements for direct supervision of apprentices throughout the full period of their apprenticeship. This requirement, which meant not only direct but continuous supervision was required, had proved impractical and had been opposed by every section of the industry. The bill introduces the concept of general supervision, which has a lesser supervision requirement for apprentices in their third and fourth years. It is believed this new provision still safeguards the apprentice in the early years of his training when he is less experienced, without denying him opportunity to develop his skills while, at the same time, allowing the employer better utilisation of his workforce.

Clause 21 of the bill introduces a new section dealing with the reviewing and resolution of complaints made about electrical work carried out by licence holders. The new procedures proposed by the amendments are intended to ensure that the principle of natural justice is afforded in the board's handling of these complaints. The grounds for suspension or cancellation of licences have been greatly expanded in clause 23 in light of experience in the Northern Territory and licensing legislation in the states.

On advice from the Department of Law, certain powers under the Inquiries Act relating to access to books, records, buildings, powers to send for witnesses and documents and to examine witnesses on oath are to be given to the board. Amendments proposing that these powers be inserted in the principal act, contained in clause 24 of the bill, are intended to facilitate the conduct of hearings into whether a licence should be suspended or cancelled following the board's receipt of a complaint and issue of a notice to show cause to that effect.

Clause 28 of the bill proposes that the board be given the authority to recall any licences it issued for comparison with its registers, without the necessity for the formality of issuing a notice to show cause. This will facilitate correction of errors which arise from time to time. Employers of electrical workers are also to be required to maintain a record of licence holders employed by them to carry out electrical work, recording the name, address and licence details of the licence holder. Among other reasons, this is intended to ensure employers only employ licensed electrical workers.

Clause 29 of the bill introduces a list of circumstances in which persons engaged in work of an electrical nature do not need to be licensed. This clause enables automotive electricians, electrical engineers engaged in carrying out their profession and students in training to be clearly exempted. The intention is not to allow the circumstances specified in that clause to be done by unlicensed workers but to clarify that such work does not fall within the definition of 'electrical work' which must, under the act, be carried out by a licence holder.

Clause 32 of the bill inserts a number of matters dealing with proof of certain matters, service of proceedings on the board, service of notices and authentication of documents, which were omitted from the principal act. These amendments closely reflect similar provisions in the Electricity Commission Act. The later pages of the bill set out the transitional provisions which need to apply for the legislation to be introduced, passed and assented to before 31 December 1983.

Mr Speaker, I thank honourable members for their patience with the bill. I have dealt with it in some length to humour the Leader of the Opposition. I commend the bill to honourable members.

Debate adjourned.

STAMP DUTY AMENDMENT BILL
(Serial 329)

Bill presented and read a first time.

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

The purpose of this bill is to vary the basis on which the first-home buyer's concession is granted and, in so doing, to overcome difficulties encountered under

the present legislation, particularly in relation to purchase of some rural blocks. The amendment will ensure that all persons who are purchasing their first home in the Northern Territory are treated equitably. This concession will not be affected by locality. The bill provides for a maximum concession equivalent to the duty which would be payable on a conveyance of $80 000. It applies to the private purchase of a first home in which the purchaser intends to reside. If the purchase of a home is valued at more than $80 000, then duty will have to be paid on the balance. If the purchase is of land alone, or a partially-built home, the concession will be available if the purchaser can show an intention to build a home on that land and that he or she intends to occupy that dwelling himself or herself.

The amendment now proposed will enable co-owners to obtain benefits from the concession in proportion to their interests in the total property. If co-owners have previously owned property of this nature in the Territory, that will have a proportionate effect on the concession which may be claimed. The concession will not be available in relation to a purchase by a company or a trustee acting on behalf of beneficiaries.

The term 'dwelling house' is defined in clause 3 and has an extensive meaning. However, it is related to permanent-type buildings. Caravans, tents and the like would not meet the proposed criteria. This is in line with the government's intention to attract permanent residents to the Territory. In each case, the applicant will have to satisfy the Commissioner of Taxes that he is eligible for the concession.

Mr Speaker, the bill has a commencement clause proposing that it has effect as from yesterday, 30 August. Pending a decision by yourself, Mr Speaker, on the question of hardship which has been submitted, I would propose to have the bill processed through all stages during this sittings if possible.

Debate adjourned.

ARCHITECTS AMENDMENT BILL
(Serial 349)

Bill presented and read a first time.

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

Mr Speaker, I suppose that the honourable member for Millner would say that this is a bill to license maniacs but in fact the Architects Act, as it currently stands, provides for the registration of suitably-qualified individuals as architects. Current practice, however, within the construction industry throughout Australia has placed greater demands on the skills of these individuals with the result that an increasing percentage of architectural work is carried out by partnerships or companies practising as architects. The Northern Territory Architects Board has expressed concern that this trend is now becoming evident in the Northern Territory and the Territory government shares the view that any partnerships or companies practising as architects should be subject to the same stringent rules that apply to individual architects.

Mr Speaker, partnerships and companies will now only be able to use the title of 'architect' if they are eligible to be registered architects under the new legislation. The amendments will not prevent other types of specialist architects or draughtsmen from practising their trades, if they publicly describe themselves by their individual professions. These would include naval architects,

landscape architects, golf course architects and architectural draughtsmen. As the service of the profession of architecture to the public is based on personal qualifications and standards of professional practice, it is desirable that the emphasis on the registration of individuals should be maintained. Neither a partnership nor a company will be eligible to be registered as an architectural partnership or company unless a predominance of the partners or directors are architects. In the case of partnerships where not all partners are architects, not less than two-thirds of the partners must be architects. In the case of companies, not less than two-thirds of the directors must be architects who between them hold not less than two-thirds of the total voting rights for all directors entitled to vote at a meeting of directors as well as two-thirds of the total voting rights of all persons entitled to vote at a company meeting.

Additionally, one of the directors who is an architect must exercise the actual personal supervision of the management of the business of the company in the Northern Territory . Where the board refuses to authorise the registration of an applicant, partnership or company, there is provision for appeals to the Supreme Court against the determination of the board. The amendments also provide for the dissolution and deregistration of architectural partnerships and the deregistration of architectural companies. The dissolution of a partnership may occur when a partner dies or ceases to be a partner but in either case a partner shall be deemed to continue for a period of 60 days from the date of dissolution.

Deregistration of a registered architect may be initiated by the board where conditions of registration have been varied without approval of the board, or the architect, partnership or company can no longer fulfil the criteria necessary for registration.

In summary, these amendments to the Architects Act, which will require the registration of practising architects' partnerships and companies will afford to the public the same degree of confidence and protection which they expect when dealing with individually-registered architects registered under the current act. I commend the bill to honourable members.

Debate adjourned.

FOOD AND DRUGS AMENDMENT BILL
(Serial 333)

Bill presented and read a first time.

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

The Woodward Report of the Royal Commission into the Australian Meat Industry highlighted the need for departments of health to have wider powers to deal with meat declared unfit for human consumption and to enforce proper standards of refrigeration in cold stores and refrigerated vehicles. The Department of Health is developing a new Food Bill based on the model Food Act developed by the National Health and Medical Research Council. However, as the provisions of that act include standards which must be accepted Australia-wide, that bill will not be available to this Assembly for some time.

Consequently, this bill has been prepared to rectify the problems in the current legislation. The bill increases the powers of a health surveyor by enabling him to stop and search vehicles. This power is recommended by the Woodward Commission to check transportation of illegal meat. The bill further

requires that vehicles used for transporting meat be equipped to ensure effective temperature control. Honourable members will be aware of the need to ensure that frozen goods are transported in vehicles with even temperature distribution. Such requirements in the Northern Territory are essential. As well, the bill requires that vehicles used to sell food in the street are properly equipped to store and sell that food.

Most importantly, there is a provision in clause 5 whereby an inspector may confiscate, condemn, destroy or dispose of any food unfit for human consumption. This power is to prevent defective meat from re-entering the food chain. The current Food and Drugs Act only allows the inspector to confiscate the food; destruction takes place only on the court's order. This is impractical where large quantities of meat are involved. Destruction of such confiscated goods will of course be with the appropriate authority. Provision is made that the cost of disposal of such food will be charged to the owner.

These provisions are designed to overcome problems encountered as a result of the interstate transportation of illegal food. Clauses 10, 11 and 12 provide that, where meat for human consumption is stored in wholesale or retail outlets, it must not be stored with unprocessed pet meat. The bill seeks to rectify inadequacies in the current legislation and I commend it to honourable members.

Debate adjourned.

STATUTE LAW REVISION BILL
(Serial 347)

Bill presented and read a first time.

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

With the substantial completion of the initial reprinting of Territory laws, there is less need for a regular Statute Law Revision Bill to be presented to the Assembly. Honourable members will probably recall that the present bill is the first and most likely will be the only one for this year. While it will be seen that many of the amendments proposed in the schedules to the bill are in the same vein as those associated with the reprinting exercise and consequently do not warrant particular comment, there are others proposed which are not of that ilk.

There were inadvertently omitted from the repealing provisions of 2 acts recently passed references to several component acts of the acts to be repealed. The bill proposes to correct the omissions in clause 2 in respect of the Housing Act and the Building Act references in the schedule. The reason for the different treatment is that one of the new acts has been commenced while the other has not.

Honourable members will also see that there are several proposed changes to the Cobourg Peninsula Aboriginal Land and Sanctuary Act. These are to correct minor misdescriptions in the original act, to convert a reference to metric terms and to remove from the description of the area granted 2 unnamed islands which it was beyond power for that act to grant in the first place as they are already Aboriginal land, being part of the land described in the relevant schedule, the Aboriginal Land Rights Act. These proposed amendments have been discussed with the Northern Land Council and have been agreed to.

In the exercise of identifying proposed regulatory offences for the purpose

of the act proposed to be part of the Criminal Code package, several provisions were discovered in the Construction Safety Act which purported to create offences about which doubts could arise. The proposed amendment to that act is designed to remove those doubts.

The need for the amendment proposed to the Justices Act is more interesting and illustrates again the problem with the best laid plans of mice and men. Honourable members may recall that the Assembly passed towards the end of last year a fairly large amendment to the Justices Act and this year a less extensive one. The amendment passed this year was naturally drafted on the assumption that the previous amendment would be well and truly commenced before the second amendment came into force. However, because of unavoidable administrative delays, the reverse was the situation by a week or so. The result was that the amendment now proposed which was previously contained in the 1982 amendment was a nullity because the principal act being amended was not in the form anticipated.

Mr Speaker, rather than bore the Assembly with further details of changes proposed in the bill, I would invite honourable members who seek an explanation about a particular amendment in the bill to contact the Parliamentary Counsel who will be happy to provide necessary details. I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 306)

Bill presented and read a first time.

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

This bill effects amendments principally to the financial administration and management provisions of the Local Government Act and is designed to raise the standard of accounting and financial management in local governments to a level consistent with that currently expected of public enterprises.

The amendments contained in this bill follow on the report of the Local Government Accounting Review Committee released in February of this year. The committee, which comprised representatives of the Northern Territory Local Government Association, the Auditor-General, Australian Bureau of Statistics and the Local Government Division of the Department of Community Development, made a wide-ranging inquiry into all aspects of local government accounting and financial management. The principal recommendations contained in the committee's final report may be summarised as follows: firstly, local government accounts should be maintained on the commercially-accepted double entry accrual basis in accordance with recognised accounting principles and practices set down in the statement of accounting standards issued by the Institute of Chartered Accountants in Australia and the Australian Society of Accountants; secondly, the form of local government accounting reports must be such as will serve the needs of both the internal users, being the elected members and officers of the councils, and the external users, being the ratepayers, electors, creditors and the Australian Bureau of Statistics and other levels of government; and, thirdly, the legislation relating to the keeping of local government accounts must be sufficiently flexible to accommodate any further devolutions of functions and responsibilities.

Mr Speaker, this bill and the accompanying Local Government Accounting

Regulations, which will now contain all of the fine detail relating to the keeping of local government accounts in the form of their financial reporting, copies of which I have distributed to honourable members, embody these recommendations. The emphasis on local government accounting in the future will be on the concept of management accounting for this concern for the present and future planning so essential for effective and efficient use to be made of the public resources entrusted to local government. This bill and the accompanying regulations will ensure that the standards of local government accounting and financial administration in the Territory will be at least equal to, if not better than, those in the states.

There has been wide consultation with the local government industry and affected departments. I am pleased to report that there has been unanimous acceptance by them of the need for change and the recommendations of the Local Government Accounting Review Committee. I commend the bill to honourable members.

Debate adjourned.

POLICE ADMINISTRATION AMENDMENT BILL
(Serial 345)

Bill presented and read a first time.

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

Since the Police Administration Act commenced in August 1979, a number of problems have been experienced in administering a number of provisions in the act. These are as a result of errors and omissions made in the initial drafting, the failure to provide consequential amendments when the act was amended by act No 74 of 1979 and frustration in applying inadequate provisions for effective administration. The general purpose of the bill is, therefore, to correct errors, develop a certain number of existing provisions and add new provisions to attain desired efficiency.

Existing deficiencies affect the commissioner, members of the force and members of the police promotion board and police appeal board. The main provisions sought in the bill relate to the following matters. The commissioner, when considering a member for promotion, needs to consider the skill and efficiency of that member to discharge the duties of the position within the rank to which promotion is sought in lieu of the existing criteria which are restricted to examination and experience. It allows members to appeal against the commissioner's decision to appoint a person from outside the force to a prescribed position within the force and, therefore, removes the existing provisions which restrict an appeal until after such appointment is being made. It allows the commissioner to determine that a member so appointed, who has special skills and qualifications, be paid a special allowance in order that the appointee's salary range is commensurate with that of persons similarly positioned in outside employment. It allows the commissioner amongst other things to take certain actions in relation to members when they are medically unfit.

The bill provides that members of other police forces appointed as special constables in the Northern Territory Police Force are deemed to be also members of the Northern Territory Police Force and, as such, are afforded the same protection under local legislation in the course of their duties as officers of the Northern Territory police. It allows the chairman in the absence of other members of the police promotions appeal board to fix the date, time and place to

which a hearing has to be adjourned without the necessity, as there is at the present time, of the other members being present. It is especially hard to do that if the reason for the other members not being present is the reason for the adjournment. It provides for members to appeal against the commissioner's decision or action under particular sections of the principal act and provides that the commissioner shall be a party to a proceeding before the police promotions appeal board in respect of an appeal under that part against promotions. It provides that a question arising in an appeal under that part shall be determined in accordance with the opinion of the majority of the board except where a particular question is one of law which shall then be determined by the chairman, and provides for the institution of a notice of appeal and determination of the time and manner in which an appeal under that part is made.

The bill makes it an offence for a person to refuse or fail to attend or to produce documents or refuse to be sworn to make an affirmation or answer a question relevant to the proceedings before the board after being summonsed to attend as a witness. It makes it an offence to obstruct the chairman or a member of the board. It makes it an offence for a member of the police to communicate information received in the performance of duties connected with the board, in certain circumstances.

The bill extends the provisions therein to allow the parties to an appeal to give notice to the registrar, where an adjournment only will be sought, of the date, time and place fixed for the hearing and to allow the chairman only in the absence of the other members of the board to decide the date, time and place for which the hearing has to be adjourned.

It provides that the board may affirm, set aside or vary a promotion, decision, appointment or action by the commissioner and to specify in its opinion the order of priority of the successful appellants and for effect to be given to the promotion, decision or appointment, so varied or substituted, as if it were a promotion by the commissioner. It also provides for procedures where a successful appellant, having the highest order of priority, fails a medical examination. It provides that a member shall obey all lawful instructions given to him not only by a member of superior rank but by a member of the same rank under whose controlled direction or supervision the other member is performing his duties. It provides more logical and adequate procedures when it appears to the commissioner that a member may have committed a disciplinary offence. It provides for the personal serving of documents and a notice on the member concerned and account is to be taken of any written statement in reply.

It provides authority for the commissioner to determine the matter himself or, in certain circumstances, to refer the matter to the police appeal board for determination. It provides for an offence when a person summonsed to attend as a witness before the commissioner refuses or fails to attend or to produce documents or refuses to be sworn or answer a question relevant to the proceedings. The bill extends the authority of the police appeal board to deal with disciplinary offences referred to it by the commissioner in lieu of current provisions which restrict the board in matters of appeal from determinations by the commissioner. It provides that the commissioner may direct a member to undergo a medical examination to enable him to determine a member's physical or mental fitness for promotion or transfer and to determine a member's capacity to continue in a particular rank or to discharge the duties of his position.

These, Mr Speaker, are the principal provisions of the bill. In my view, the acceptance of the bill by honourable members is necessary to ensure the requisite level of efficiency and effective administration of the Police Force. I commend the bill to honourable members.

Debate adjourned.

CRIMINAL CODE BILL
(Serial 332)

Continued from 30 August 1983.

Mr ROBERTSON (Attorney-General): Mr Speaker, I would like to address myself to the comments made by the honourable Leader of the Opposition. He is the only speaker who has addressed himself to the few new provisions which have been put forward in the revised code. Firstly, I will deal with the matters of duress and coercion: sections 40 and 41 of the code.

The Leader of the Opposition expressed concern at the use of the term 'wrongful act' and suggested the use of the term 'unlawful act'. Mr Speaker, that was a matter the government has already considered. There is a problem with the use of 'unlawful act'. By way of example, a group of people may come together for the purpose of organising a bank robbery. At that stage, they may not have progressed to the point where they had committed an unlawful act. They would have certainly committed a wrongful act; that is, the community would consider their act to be wrong. I consider that such persons should not be given the benefit of these provisions relating to duress and coercion. If 'unlawful act' was used, those persons might gain the benefit of these provisions and that, in my view, is undesirable.

Mr Speaker, the Leader of the Opposition again raised his objection to the offence of attempted suicide at clause 169. I, like all honourable members, have great difficulty in this area. I agree that what we are dealing with is essentially a medical and social problem. At least it is in most cases. One of those problems is what to do with a person who is about to commit suicide. The police may need to act very quickly in these circumstances. They may need to commit acts of trespass. They may need to break down doors. They may need to use some degree of force to restrain the person. They may need to take the person to a place of safe custody, which probably would be a watch-house in the circumstances. They would have those powers if there were an offence to commit suicide. Otherwise, I am concerned that they would not have the necessary power to restrain the person attempting suicide. That is surely not desirable. As regards an actual charge being laid of attempted suicide, I doubt that it would ever happen. But I see a need for such a provision, if only to protect the victim by allowing for his arrest.

Mr Speaker, the Leader of the Opposition next expressed concern regarding the provision relating to habitual criminals and persons unable to control their sexual instincts. I have said before that I see the need for such provisions if only for the deterrent effect they may have. Surely a hardened, professional criminal, who takes account of likely imprisonment when contemplating an offence, and considers the risk worth it, must be deterred. Such a person would, I believe, think twice if he knows that the next offence could mean what is called 'the key', Mr Speaker.

I think arguments along similar lines can be raised in relation to detention of persons unable to control sexual instincts. Bearing in mind the concern expressed, these are areas which, I can assure you, will come under close scrutiny as regards their operation and effectiveness if, and once, this code comes into operation. Initially, however, they should remain. Unfortunately, crime is on the increase and perhaps more use of provisions such as these may prove effective.

The Leader of the Opposition dealt with his concern that homosexuals and heterosexuals are treated differently under the code. Clauses 128 and 129 are the provisions causing this concern. To my mind, I consider the decision as to whether a person should engage in homosexual activity, albeit in private, is really a decision that should be left to adults. I do not consider it as being discriminatory if one endeavours to protect 16-year-old boys from homosexual acts. Again, I refer to discretion to prosecute and it may be that, in certain circumstances, an Attorney-General would recommend that a prosecution for this offence not proceed if the circumstances justified that intervention.

The Leader of the Opposition's next point also concerned clause 129. He suggested a provision along the lines of the Victorian legislation where a degree of protection is afforded to persons of a similar age group. The matter was again given a great deal of thought. I believe that most of the community does not want to encourage sexual activity between children. Of course, that is totally subjective and how we perceive the community's view. If we perceive it differently on different sides of the Assembly, then I am afraid that is how it is. Most young boys and girls are aware of this provision. Certainly, they are receiving sex education. There is no reason why the honourable Minister for Education, through his officers, cannot ensure that they will be aware of this provision. I believe that, in some instances, it makes them stop engaging in sexual activity at that time, or at least think twice about it. If that is achieved, then I believe that something has been gained by these provisions. Although I realise the Leader of the Opposition objects to this argument, I believe there is also adequate protection afforded against unnecessary prosecutions under this section. Given discretion to prosecute, I suggest that it would only be on rare occasions that a prosecution under this section would be launched where there is a similarity of ages between male and female.

Mr Speaker, the Leader of the Opposition next dealt with conflicts between the Poisons and Dangerous Drugs Act and the code. As I have already pointed out, it is the intention that both acts will run together and there will be a discretion as to whether or not to proceed under the Poisons and Dangerous Drugs Act or the code. At this stage, I consider that that discretion will rest with the police. However, in that regard, I expect notice to be taken as to how I recommend that that discretion be exercised. Further, I expect there will also be considerable liaison between the police and lawyers, with government agencies concerned and with prosecutors, as to which act should be used for a particular case in those circumstances. Mr Speaker, regarding the Leader of the Opposition's concern about the different divisions of drugs under the Poisons and Dangerous Drugs Act and the code, I advise that I shall further consider this particular matter. It may be that further amendments to the Poisons and Dangerous Drugs Act are required. Of course, that is before the Assembly at the moment.

Mr Speaker, the Leader of the Opposition again raised the issue of intoxication. I consider that the shocking incidence of drugs and alcohol-related crime in the Territory is far worse than anywhere else in Australia and warrants these most stringent measures. It is all very well to talk about alcoholism being a disease. That is a fact well-recognised by this government. There are, however, acts from which the community and the victim demand protection. What of the victim maliciously injured by a drunken person? I do not consider that the community wants any more soft-pedalling in relation to alcohol-related crime.

The Leader of the Opposition also dealt with the removal of the right of a person to make unsworn statements from the dock. In many ways, the right to make an unsworn statement from the dock is a leftover from the days when the defendant had no right to give evidence in his own defence. I realise the

question as to whether there should be such a right is a matter which has divided the best legal minds in Australia. Indeed, during the meeting of the Crimes Commission in Canberra, I had lunch with eminent QCs in the criminal jurisdiction, and with judges. I raised the subject of such statements and had great enjoyment watching the two-way fight which occurred as a result. A decision to abolish such statements, however, has been made and it is not proposed at this stage to reintroduce the right to make an unsworn statement. Again, this is an area which will be carefully monitored once the code commences.

The Leader of the Opposition also called for a discretionary life sentence for murder. I disagree. I consider there is a need to deeply stigmatise murder and to separate it from all other crimes. It is truly the most horrible of crimes. It must be made abundantly clear to persons who contemplate murder that the most stringent penalties apply. Mr Speaker, as regards the Leader of the Opposition's statement that there are murders and murders, I suggest that he look at the provisions relating to provocation, coercion and diminished responsibility and their affect upon unlawful killings which would otherwise constitute murder. This government is concerned with the increase in violent crime and, at this stage, the government is not prepared to introduce a discretionary life sentence for the offence.

Mr Speaker, the Leader of the Opposition criticised the broadening of the felony murder rule. The felony murder rule - that is, to kill someone during the commission of a felony - is a common law rule which has been subject to great criticism throughout Australia, particularly with regard to the uncertainty of its meaning. It has been abolished in England. There is no felony murder rule in the Queensland and Western Australian codes. The only equivalent in those states is the provision which makes it murder if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be liable to endanger human life. That provision has been criticised also for its uncertainty as to the meaning of 'unlawful purpose'. The Territory code avoids criticism of 'uncertainty' as to its meaning, as there is no reference to 'unlawful purpose' or 'felony murder rules'. Clause 162(2) sets out the crimes for which, if killing occurs during the commission of that crime, the offender may be liable to conviction for murder. There is no longer the uncertainty which applies to the felony murder rule. I consider the provision narrows the circumstances under which murder is committed.

I had a meeting yesterday with members of the law society and we discussed this at some length. Notwithstanding their submissions, I maintain now that it in fact narrows it and does not broaden it.

Mr Speaker, I would once again reiterate the call for further criticism of the code. The government is willing to consider further amendments where they are considered justified, both before and after the commencement of the code. As I have indicated, controversial parts of the code will be closely monitored, particularly with regard to their effectiveness. If the government considers their operation has not been effective, then amendments to those provisions are likely.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Criminal Code Bill (Serial 332) passing through all stages at this sittings. Honourable members will be aware of the detailed statement I made last week and all the information I have provided to them. The reasons for withdrawing the bill was to prevent the arduous task of going through 151 amendments of minor detail.

Motion agreed to.

Motion agreed to; bill read a second time.

In committee:

Schedule I:

Section 1:

Mr B. COLLINS: I move amendment 166.1.

The definition of 'unnecessary force' is divided into 2 tests, 1 subjective and the other objective. As a matter of principle, there should be one clear test and we recommend the subjective test be retained and the other omitted. A single test would be suitable for both situations raised by the Attorney-General on Wednesday in his statement and would create more certainty.

Mr ROBERTSON: Mr Chairman, the government disagrees with the opposition again. It is a matter of policy and how one perceives things. My personal belief and that of the government is that, if a person assaults someone else and, at the time, is in full knowledge of the second person's disability, and the assault results in death, that knowledge must be taken into account. If there were no knowledge of the disability, the normal rule of what a reasonable person would have been expected to know and do in the circumstances is the one that would be the test.

Amendment negatived.

Section 1 agreed to.

Sections 2 to 6 agreed to.

Section 7:

Mr B. COLLINS: I move amendment 166.2.

Section 7 lays down presumptions in respect of intoxication which fundamentally alter established principles of law and it should be deleted.

Mr ROBERTSON: The government cannot agree to this proposition. It is something we have debated at length. It is a matter which the government regards very seriously indeed because of its belief that that is the way the public regards the matter. It simply brings it closer to the community's view of that excuse for violent or unlawful activity.

Amendment negatived.

Section 7 agreed to.

Sections 8 to 10 agreed to.

Section 11:

Mr B. COLLINS: I move amendment 166.3.

This qualifies the power to impose domestic discipline by force that is reasonable in the circumstances. This redrafted provision maintains the parental

option to withhold consent to a teacher using corporal punishment against a child.

Mr ROBERTSON: The views of the opposition are quite consistent with the views of the government in this matter; it is just that the amendment is not necessary. Section 27(p) authorises the use of force for domestic discipline purposes. Section 27 limits the degree of force which can be used. The application of force can only be justified if it is not unnecessary force as defined in section 1.

Ms LAWRIE: The interesting thing about this section is that it is not in accordance with the policy under the Education Act nor with the ideas of COGSO which does not approve of random delegation to a schoolteacher. In fact, it is quite specific that it should be to the principal or the principal's delegate and that the delegation should not be indiscriminate. I would ask the minister if he has addressed that problem.

Mr ROBERTSON: Mr Chairman, the matter of which teacher this applies to is a matter for the policy of the Department of Education. The principal is still a teacher. Therefore, if that becomes the policy of the department, the required protection is provided.

Amendment negatived.

Section 11 agreed to.

Section 12 agreed to.

Section 13:

Mr B. COLLINS: I move amendment 166.4.

This removes the subsection providing that a wife may be an accessory after the fact to an offence committed by her husband. Subsection 13(2) sets out when a person becomes an accessory after the fact and there is no reason for this specific reference to 'wife'.

Mr ROBERTSON: The advice we have had from senior counsel is that, without subsection 13(2), the possibility could arise where the matter could go through appeal courts to clarify the law. If we put it in, we believe that it will eliminate any possibility of the defence of aiding and abetting in a matrimonial relationship. Our position would be that it is more desirable to leave it in than it would be to risk taking it out.

Ms LAWRIE: Mr Chairman, this brings us to the whole point of codifying the law where we are against the mainstream of public opinion in Australia. It has been said that this will make it clear and unequivocal and yet the minister himself has just said that it will not be clear and unequivocal. It could be open to interpretation and we may have to rely on case law. The whole exercise is quite unnecessary.

Mr ROBERTSON: Perhaps I stated the matter badly. Section 13(2) is necessary in order to make it clear and unequivocal. If we take 13(2) out, the very concern she has as to the clarity of the code could be put at risk.

Amendment negatived.

Section 13 agreed to.

Sections 14 to 19 agreed to.

Section 20:

Mr B. COLLINS: I move amendment 166.5.

This omits section 20. In our view, section 20 offends against the principle that a person should not be tried twice for the same offence. If a person has already been tried on the issues, it should not be possible to try him again under a different charge.

Mr ROBERTSON: Mr Chairman, in principle, I most certainly agree with the Leader of the Opposition and the stance taken by the opposition generally that one certainly should not be put in double jeopardy. This is not intended to do that. The best way to explain this is to give an example. Take an example of a person being charged under the Food Act with supplying adulterated food and then acquitted of that charge. If scientific analysis determines subsequently that the substance was cyanide and, in fact, the intent was to murder, surely we are not going to say that a person who has received a $10 fine under the Food Act should then, as a result of the double jeopardy rule, escape a charge of attempted murder.

Amendment negatived.

Section 20 agreed to.

Sections 21 to 26 agreed to.

Section 27:

Mr B. COLLINS: I move amendment 166.6.

This omits from proposed section 27 subsections (f), (h), (j), (k), (m), (n) and (p). This is one of those extremely important sections of the proposed Criminal Code which outlines the circumstances in which force, not likely to cause death or grievous harm, is justified. It is one of those sections that it behoves all members of the Assembly to consider very carefully. We consider that this is a dangerous move and that these circumstances should be restricted to situations of self-defence, unlawful arrest and the like. To extend these provisions to conflicts over property is highly undesirable. It may only promote violence rather than encourage the use of peaceful means to resolve these disputes. Despite the Attorney-General's denials, we do maintain there is a potential for conflict between the subsections. We thus recommend that subsections (f), (h), (j), (k), (m) and (n) be omitted. In addition, subclause (p) could have been omitted because the provision in relation to the imposition of discipline on a child would have been adequately dealt with in our recommended amendment to section 11, had it not been defeated. It specified that force must be reasonable under the circumstances.

Mr ROBERTSON: Mr Chairman, the honourable Leader of the Opposition says that these provisions in his view are dangerous. Of course, what we are doing is no more than codifying the law as it exists at the moment. The common law has recognised the rights of a person to defend property which is in his possession and of which he claims a right to that possession. It certainly does not allow anyone who also claims a right of possession to charge on to that person's property and assault him for the purpose of removing it. It is the person who possesses it and claims the right who has the right to defend it. That is one point. In relation to subsection 27(f), for example, surely a person must be

entitled to exercise some degree of force against a person who forcefully enters his home. What if the clear purpose of the person who is entering his home is to commit rape? What if a person knew that I had a whole heap of firearms in my room and intends to steal them and I am not permitted to defend those firearms, knowing full well the consequences of that person ever getting hold of them? Surely it follows that some right of defence must continue. If we are going to deal with the criminal law and codify as much as we can of the understood common law, it makes absolutely no sense to me to leave out important elements of the common law from the code. It just creates doubt as to what the legislators' intent was. In this way we make the intent of the legislation quite clear.

Mr Chairman, regarding subsection 27(m), again there must be provision for someone to remove a person from his land who has wrongfully entered it or conducts himself in a disorderly manner. You cannot always obtain help from the Police Force. It is again a common law right which exists at the moment and which we are making sure continues to be extended to people in the defence of both themselves and their property. Indeed, while it may relate to property on many occasions, the defence of that property could very well have as its motive the defence of a person. That may well come from a person's knowledge of the reasons for an intruder wanting to come in.

Subsection 27(p) allows for domestic discipline. We dealt with that earlier. I believe that the provisions which are in the code are adequate. We have already defeated the opposition's approach to that question. Clearly, we cannot now start pulling out subsection 27(p).

The force which is used in all of these cases is limited to that force which is not unnecessary. There has always been defence of property in these circumstances and I cannot for the life of me see why it should now be removed.

Mr B. COLLINS: Mr Chairman, it is a rather curious argument indeed to hear advanced by the Attorney-General that, because provisions currently exist in the common law, they should therefore be codified.

Mr Robertson: Only if you agree with them.

Mr B. COLLINS: I must say that that disclaimer was not made with the original comment made by the Attorney-General. I accept it. It is a rather curious proposition because, if we were happy with the common law situation - the Northern Territory currently is under common law jurisdiction, as are Victoria, New South Wales, South Australia and Tasmania - there would be no need for a codified law at all. I think the Attorney-General would agree with me that, particularly by some of the more innovative sections of the code, some of which we support, the current situation established by common law is turned on its head. It is a rather curious argument to advance.

Ms LAWRIE: Mr Chairman, I do not agree with all the arguments put forward by the Leader of the Opposition, particularly in respect of the right to defend the domestic home. In fact, I would be less than honest if I did not again restate my position that the domestic householder should have the right to defend his home against those who seek to enter it without his authority and without his permission. As all honourable members will be aware, I am against the granting of that right to a plethora of subinspectors and council inspectors and others who will then, I say, usurp the privacy and the right to one's castle.

However, the only question I have with this whole section is to do with subsection (j): 'in the case of a person who is in peaceable possession of any moveable property under a claim of right, or a person acting by his authority,

to defend the possession of such property, even against a person who is entitled by law to possession of the property ...'. I find that a curious provision. I would ask why that is included. If the person attempting to claim the property is legally entitled to, are we not just simply legalising a fist fight or a bun-fight?

Mr ROBERTSON: Mr Chairman, I did attempt to deal with that in my earlier remarks. The position, as I indicated earlier, is that this only applies to a person who has actual custody of it. In other words, if I have the property and I have a claim of right to it, and someone else tries to take it away from me, I can defend that property with force, as restricted by the legislation. If, on the other hand, someone else has the property, and I have a claim of right to it, I cannot go to that person and try to remove it from him. To do so constitutes assault. In one case, it is a claim of right and possession where the person is allowed to defend it. In the other case, where one claims that someone else possesses what one holds a claim of right to, it is a civil matter through the courts.

Mr B. COLLINS: Mr Chairman, I would like to pursue this briefly in committee, not particularly because I am as thick as a brick but because it would be helpful to have an explanation from the Attorney-General for people reading this who are not lawyers. There is a rather curious conflict between subsections (j) and (k) which appear, at least on the surface, to excuse both people involved in such a fracas of using reasonable force. Subsection (j) says that, in the case of a person who is in peaceable possession of any moveable property, he can defend the possession of such property even against a person who is entitled by law to possession of it. Subsection (k) says: 'in the case of a person who is entitled by law to the possession of moveable property, or a person acting by his authority, and who attempts to take possession of it from a person who neither claims right to it nor acts by authority of the person who claims right to it ...'. In such a situation, it does appear to give both parties to that dispute a legal right to belt each other.

Mr ROBERTSON: What it is really saying, as I understand it, is that it matters not that the person, in fact, is entitled to the possession of it by law. Even if he is entitled to it, he is still not in a position to go and remove it forcefully from someone who claims the right to it. The difference between the 2 is that, in one case, the person claims the right to possession. The other case refers to where a person is entitled by law to it and the other party neither claims the right nor has the right.

Amendment negatived.

Section 27 agreed to.

Section 28 agreed to.

Section 29:

Mr B. COLLINS: I move amendment 166.7.

This is to insert in proposed subsection 29(3), after 'provided it is' twice occurring, the words 'not likely to cause bodily harm and is'. Section 29 extends the power of body searches without consent. This amendment is a fairly mild one. It is aimed at qualifying those powers to limit the possibility of abuse by expressly providing that the search must be unlikely to cause bodily harm.

Mr ROBERTSON: Mr Chairman, I must have misread that. I cannot accept it.

There must be circumstances under which the medical practitioner in particular must have a reasonable expectation that what he is going to do will hurt. It is a common enough practice to use gadgets which are made of rubber to carry heroin. It is not uncommon. People deliberately use them because they are very easy to swallow. Also, it is not uncommon for that device to rupture. There is always a doctor at customs at Darwin Airport in case the necessity should arise to do something to get that heroin out. There is a possibility that it will at some time or other be necessary to do something which is going to hurt.

Amendment negatived.

Mr B. COLLINS: I move amendment 166.8.

This would omit from proposed section 29(3)(a)(iii) 'provided such collection is of such a nature that it would be unlikely to cause bodily harm to a person fully cooperating with the taking of it'. This amendment is consequential on the previous amendment which has been defeated so there is no point in pursuing it.

Mr ROBERTSON: Mr Chairman, as a matter of information for the Assembly, we will have a look a those 2 provisions together at a later time. I do not think it is worth delaying the bill now.

Amendment negatived.

Mr B. COLLINS: Mr Chairman, I will not be proceeding with amendment 166.9.

Section 29 agreed to.

Section 30 agreed to.

Section 31:

Mr B. COLLINS: I move amendment 166.10.

This will omit from proposed section 31(3) 'offences defined by division 2 of part VI' and substitute 'offences defined by section 154'. Section 31 does not apply to the offences set out in division 2 of part VI; that is, sections 155 and 156. We see no reason why section 155 should be excluded from the ambit of this section. Other offences requiring attention are covered and the fact that section 155 lays down a new degree of intention - that is, callous intention - should not make any difference.

Mr ROBERTSON: Mr Chairman, it is the view of the government that section 31(3) should remain as is. Section 155 would be included within the ambit of section 31 if this amendment is accepted. A degree of intent required for that provision to operate is specifically set out in that provision as being callous intent which, of course, is repeating in another way what the honourable Leader of the Opposition has said. Section 31, while relating to intent, does not relate to callous intent, which is something more than intent required for normal offences. The test of intent applied by section 31 cannot operate in circumstances set out in section 155. They cannot live together like that. If they did, the offence would have a much wider operation and persons would be much more liable to prosecution.

Amendment negatived.

Section 31 agreed to.

Sections 32 to 39 agreed to.

Section 40:

Mr B. COLLINS: I move amendment 166.11.

This will omit from proposed section 42 'a wrongful act' and substitute 'an unlawful act'. We have gone over this before. This amendment to the new provision on duress will mean that the defence is not available to an accused who has rendered himself liable to the threat by entering into an association or conspiracy whose objects are involved with the doing of unlawful acts. The proposed limitation in the code extends to wrongful acts. This is too restrictive as it can involve lawful acts. This goes a lot further than excluding gangsters, as the Attorney-General suggested.

Mr ROBERTSON: Mr Chairman, I hope the honourable Leader of the Opposition really did not mean to imply that, when I used one example, I meant that to be all exclusive. I could try a number of examples in an effort to make the position a little clearer, I suppose. If 2 people wander along to a bank for the purpose of casing the joint, and they have not even decided whether or not to rob the bank, the public would view it as wrong. It would not be an unlawful act. However, surely it must be catered for.

Amendment negatived.

Section 40 agreed to.

Section 41 agreed to.

Sections 42 to 45 agreed to.

Section 46:

Ms LAWRIE: Mr Chairman, I remember the discussions we had with the 2 advisers who came from down south nearly a year ago. I thought it was agreed, though perhaps I am wrong, that this so-called crime of 'uttering seditious words' is really quite archaic and was not to be included in the code. I am looking at section 46.

Mr ROBERTSON: Mr Chairman, of course, this may not mean anything to the honourable member for Nightcliff. I was not at the particular seminar to which she refers. People at seminars do not formulate government policy. No such proposition has been put to me and, therefore, I am not in a position to agree with what she puts forward.

Ms LAWRIE: I put it to the committee that it could be considered sedition to state publicly one's dislike and distrust of government by the Legislative Assembly or the administration of justice in the Territory. That would be defined as sedition. Simply uttering those words and expressing that belief would attract a penalty of 3 years or, upon summary conviction, imprisonment for one year. I just do not think it should be a crime.

Mr ROBERTSON: Mr Chairman, the honourable member for Nightcliff draws a very, very, long bow in her approach to this particular question. Of course, that sort of thing is not envisaged in any way. As I have said before, there is always the discretion to prosecute. If someone said in the street, or in a publication printed the words, 'I do not trust any of those politicians', there is nothing wrong with that. That is not what we are talking about.

Ms Lawrie: It is an offence here.

Mr ROBERTSON: No prosecution would follow from such words. There is no such intention.

Ms Lawrie: It is quite explicit.

Section 46 agreed to.

Sections 47 to 50 agreed to.

Section 51:

Mr B. COLLINS: I move amendment 166.13.

The proscribing of organisations under the terrorism provision in the code is in the hands of the executive and is thus a political decision. In our view, it is inappropriate that this be so. Such decisions should be the subject of impartial, judicial consideration. To say that this would lead to the politicisation of the judiciary, as has been said, is patent nonsense. The code sets out the grounds on which an organisation can be proscribed and whether it meets the criteria should be an objective decision. This is a question of civil liberties and is best left in the hands of the judiciary instead of politically-interested elements. The new section 51, which we recommend, and which has received a considerable degree of coverage in the Assembly before, is based on similar provisions in Commonwealth legislation - the Commonwealth Crimes Act in fact - and places the power of proscription in the hands of the Supreme Court. Indeed, as all honourable members would recall from previous debates, the Commonwealth Crimes Act not only lays down the fact that this decision has to be taken by the courts, but it also provides for appeal provisions in respect of such a proscription being made.

Mr ROBERTSON: Mr Chairman, there are 2 issues involved. One is the issue already covered by the Leader of the Opposition in which he rejects the argument that it would tend to politicise the courts. We still maintain that as being the true position. It would not be proper to place the courts at risk of being held in disrespect because of a decision made on something which is essentially a political matter. If one is going to regard it as that, I believe that to be something which should be distanced from the courts.

The other thing is that the provisions in the Crimes Act to which the honourable member referred are provisions which have been there for many years. Just because they are in the Crimes Act does not mean to say they are appropriate to the development of terrorism which has occurred since that time. A third point is the time that it takes to bring these matters before the courts. We heard in question time this morning an inaccurate statement made by the honourable member for Nightcliff that there are long delays in the Supreme Court. The contrary is true. Nonetheless, there are some delays in bringing this type of matter before the court. One can imagine what an organisation like the IRA could do while a hearing was pending.

Amendment negatived.

Section 51 agreed to.

Sections 52 to 65 agreed to.

Section 66:

Mr B. COLLINS: I move amendment 166.14.

This would omit from proposed section 66(1) '14 years' and insert '7 years'. The penalty under section 66 is very harsh, especially given the level of penalties in other areas of the code. I suggest that it is in conflict with levels of penalties given in other areas in the code. Given that the definition of 'unlawful assembly' is very wide and can have wide application, in our view the penalty should he halved from 14 to 7 years.

Mr ROBERTSON: I do not agree with the proposition of the Leader of the Opposition that these penalties are inconsistent with other provisions in the code. I draw his attention to section 251 which will deal with penalties provided for 'criminal damage', not just riots but criminal damage, which vary from 2 years to life. Mr Chairman, the opposition, in calling for a lessening of penalties in riot situations, does not have regard for just how serious these things can be. A riotous situation, deliberately caused, can be of grave consequence to the community and this government believes that the law should so reflect.

Mr B. COLLINS: Mr Chairman, for the advice of the committee, I see no point in pursuing amendments 166.15, 166.16 or 166.17.

Mr ROBERTSON: Mr Chairman, I would have been interested to hear the reasoning behind proposed amendment 166.17.

Section 66 agreed to.

Section 67 agreed to.

Section 68 agreed to.

Section 69:

Mr B. COLLINS: Mr Chairman, entirely for the benefit of the Attorney-General, I move amendment 166.17.

In the light of the high penalties in previous sections - in our view extremely high - it seems to us anomalous that there should be a penalty of only 2 years for someone who goes armed in a public place so as to cause fear to a person of reasonable firmness of mind. I am simply reading the terms of the section. It is not simply timorous people who are included, as seen by the definition of this section: 'a person of reasonable firmness and courage'. This section relates to someone who is behaving in a very aggressive manner, with a weapon, in a public place. It seems to us, particularly in the light of the very severe penalties for unlawful assembly and so on - 14 years imprisonment - that a penalty of 2 years for this offence is remarkably light.

Mr ROBERTSON: Mr Chairman, I believe that the reason for setting that penalty is to keep the offence in the Court of Summary Jurisdiction. Of course, if a higher penalty were put on it, it would still be dealt with under those provisions, provided a penalty of more than 2 years is not applied. I too share the views of the Leader of the Opposition as to firearms. It is a privilege not a right which is extended to citizens. I have no truck with people who misuse firearms at all, being a person who is very interested in them, and I would be willing to accept the amendment.

Amendment agreed to.

Section 69, as amended, agreed to.

Sections 70 to 122 agreed to.

Sections 123 and 124:

Mr B. COLLINS: I move amendment 166.18.

This is to omit proposed sections 123 and 124. In our view, sections 123 and 124 should be omitted from the code. They create an obligation on the ordinary person to assist a police officer in suppressing a riot, arresting a person or preserving the peace. While we believe that it is morally desirable for the man in the street to provide assistance to police officers in time of need, we feel that it is inappropriate that failure to assist should assume the proportions, as it does in this code, of a criminal offence. Indeed, it is true that we are not all men of reasonable firmness and courage. Whilst, of course, it may be a laudable thing to be firm and courageous in the face of someone who may be violent, it seems to us to be entirely unreasonable to make someone a criminal because he fails in that regard. For the benefit of honourable members, it probably is worth while to read out the sections that we are proposing to delete:

123. Any person who, having reasonable notice that he is required to assist any police officer in suppressing a riot, without reasonable excuse omits to do so, is guilty of a crime and is liable to imprisonment for one year.

124. Any person who, having reasonable notice that he is required to assist any police officer in arresting any person, or in preserving the peace, without reasonable excuse omits to do so, is guilty of a crime and is liable to imprisonment for one year.

I ask the honourable Attorney-General whether, if a police officer at the scene of a riot, approaches a poor old innocent bystander and says, 'Come over here and help me take that submachine gun off that fellow across the road', is it a reasonable excuse to say,'No, I am frightened to death and I do not want to get shot?'

Ms LAWRIE: Mr Chairman, we are now making crimes of omission not commission and I find that fairly dangerous ground on which to tread. I share the concern of the honourable Leader of the Opposition and ask whether it would be a reasonable defence to claim that a person is scared stiff.

Mr ROBERTSON: We dealt earlier with the 3 fundamental rules that are encompassed by this code. Certainly, excuse is one of those defences which is clearly envisaged right throughout the code. It would certainly be more than likely that a person who suspected serious harm being done to himself, or worse, would be so excused. Again, we can only say that the public has to rely on good sense and discretion. This is not meant to cover situations envisaged by the opposition. I cannot imagine myself having the courage to go into some situations where the police seem quite willing to go. I do not regard myself as anything like a hero.

It is to prevent the wilful neglect of reasonable assistance, in all of the circumstances, being given to a police officer in the execution of his duty. It envisages a situation where a riot is developing in one section of the street and, when a police officer asks a person to go and ring the station and ask for reinforcements, that person says: 'Flatfoot, I hope you get your head smashed in'.

That is what it is designed to prevent and not the situation where there is a serious conflagration already going on, where shots are being fired, and a police officer says to someone: 'Go and take that gun off him'. It is not intended for that at all nor would it ever be used for that purpose.

Mr B. COLLINS: Mr Chairman, I would not suggest for a minute that it would be used for such a purpose but I would direct the Attorney-General's attention to the words that I have a problem with. The problem I have is with the words 'reasonable excuse'. It seems to me to involve a very mild situation indeed. I am well aware of the kind of situations we are talking about. Indeed, there have been many dreadful cases. Some in Great Britain have been spoken about where bystanders simply stood around in a circle and watched police officers being kicked to death. We are not in New York. We are not talking about that. If it was a case of someone who wilfully refused to do so, or maliciously refused to do so, I do not think I would have a problem. I guess we will have to leave it to the courts. But I am still puzzled as to what constitutes a reasonable excuse.

Mr ROBERTSON: Mr Chairman, the honourable Leader of the Opposition has summed it up in one. He said, I guess we will have to leave it to the courts, and I suppose one could add, as I have also indicated, to the good sense of the prosecuting system, from the Attorney-General to the Solicitor-General, his prosecutors and the police, which is the other side. Hopefully, there would be a check and a balance. But the whole of this type of law is based upon words like 'reasonable excuse'. What would 'the reasonable person' do in circumstances similarly encountered and so on. That assumption of that reasonable excuse and reasonable interpretation of a person faced with the difficulties envisaged in this legislation would apply, not only in the interpretation of the facts by the courts but in the question as to whether or not the prosecution is even reasonable to put forward.

Amendment negatived.

Sections 123 and 124 agreed to.

Sections 125 to 127 agreed to.

Section 128:

Mr B. COLLINS: I move amendment 166.19.

This omits from section 128(1) 'who is not an adult' twice occurring and substitutes 'who is under the age of 16 years'. I do this unhesitatingly, particularly in view of the rather curious explanation given by the Attorney-General in his reply in the second-reading debate when he was referring exclusively to males. I simply point out that homosexual acts are committed by females also. The section as drafted is discriminatory in that it prohibits homosexual acts between consenting males unless they are adults; that is, 18 years of age. Similar restrictions in respect of hetorosexual acts only apply to females who are 16 years. In our view, section 128 should be amended to permit homosexuality between consenting males in private so long as they are not under 16 years of age, or change the other sections to comply.

Ms LAWRIE: I would point out that, under the Marriage Act, the marriageable age for a male is 16 if he gets the consent of the court. It seems to me that it should be 16 rather than 18 for consistency within this act and the federal acts which mention a marriageable age of 16 for males.

Mr ROBERTSON: This is one of those sections which I find some difficulty in

defending in a logical way. Again, it is a matter of how you feel about this sort of thing and what the public views of it are. Hopefully, we are reflecting what the public views are. It is the view of the government and members in the party room that this is an appropriate way of going about it. I sought as many views on this from other sources as I could. It seems that views on moral issues are split about 50-50. If history indicates that the government's view is illogical, then we will be back here to alter it.

Ms LAWRIE: Mr Chairman, it is not likely that there will be a great deal of knowledge of these cases because the Attorney-General would be well aware that prosecutions for carnal knowledge in these circumstances are very rare indeed. Those who take the view that homosexual behaviour under any circumstances is wrong and should be illegal would want the age lifted to 60. We must discount that viewpoint because we are talking about consenting acts in private. We have already agreed that, in certain circumstances, those acts between consenting males in private shall attract no penalty. I agree with the Attorney-General that there are people in this community who will never approve of that view. I would think that there is probably 1 in the Assembly. Nevertheless, the legislature accepts that, under certain circumstances, homosexual acts are not a criminal offence. We are now trying to define those circumstances. It is in that context that I put the argument to the Attorney-General that consistency would make it a lot easier for it to be understood in the public mind. The public rarely knows the distinction between males of a certain age consenting in private and girls of a certain age consenting in private. They tend to look at it as young people and when they can and cannot engage in certain acts.

For those reasons, I really do think it would cause no great hardship to the community and no outpouring of moral outrage if the act simply said 16 instead of 18 for the male. This would keep it consistent. As I mentioned, the Marriage Act gives legal recognition that, under certain circumstances, at the age of 16 it is reasonable to indulge in sexual acts. Of course, the Marriage Act has regard to married persons and this does not. However, it is the same principle of what age society says it is reasonable that a person can voluntarily indulge in sexual acts.

Mr ROBERTSON: Mr Chairman, there is a distinct difference between the public perception of what the public calls normal sexual acts and the type of sexual acts we are now talking about. The belief of the government is that the vast majority of people in Australia believe that a person ought to be an adult before he makes a decision about what the public regards as a very unusual and strange mode of behaviour.

I suppose there would be some merit in a further examination of the Leader of the Opposition's proposal and the member for Nightcliff's proposal to bring them both into line. I cannot say why traditionally it has been the case and still seems to be the case that there is a difference between the stigma attached to females doing it and males doing it. Why the difference in age? If I were to do anything, I would be inclined to raise the age for both to adulthood, as far as the law is concerned, before saying that society ought to be expected to condone this sort of activity. Nonetheless, I still propose that the amendment be defeated. I undertake personally to review this matter but I do not propose to hold the whole code up for it. I will review this matter personally before this code comes into operation.

Mr B. COLLINS: Mr Chairman, I can perfectly understand the differences in approach and accept the comments of the Attorney-General in respect to this matter. I acknowledge that there would be a wide section of the Northern Territory community that would want to see this preserved in the law. The reason it is

being preserved in the law is because indeed there is subliminal feeling of many people that it is the preserve entirely of males to indulge in homosexual acts and not females.

There is a truly fascinating series of books called the 'Classic Trials of Great Britain'. It is fascinating to read the trials of Oscar Wilde in that respect. In the legal sense, the trials of Oscar Wilde make fascinating reading in terms of the development of the law because a great deal of detail is contained in these publications of the debates in the House of Commons that were concerned in bringing down the laws which ended up with the 'Ballad of Reading Gaol' being written whilst Wilde served out the very last minute of the 2 years provided for as the maximum penalty. In those days, and indeed now, there was no offence for homosexual acts between females because it was simply considered by society that women did not do such things. As we now know, that is nonsense. If, as we are walking backwards out the door, we have to hang on to the lingering traces of that nonsense, then by all means let us do so.

Amendment negatived.

Section 128 agreed to.

Section 129:

Mr B. COLLINS: I move amendment 166.21.

This omits subsection 129(1) and substitutes another section. This is to amend section 129 so that there is no offence of carnal knowledge or gross indecency where a female engages in sexual activity with a male who is no more than 12 months' older than her. Indeed, the Victorian legislation provides for an age difference of 2 years. By limiting it to a year, we were trying again to clutch the coat tails of some sort of lingering parental fantasy. There is no reason, in our view, why males in this situation should be liable to a criminal conviction.

One of the memories of my youth is an old Dutch expression which I could repeat in the Assembly but I will not. A reasonable interpretation of it would be that, when a male person finds himself in a state of advanced arousal, his normal discretion disappears. I think that would be as polite a rendition as I could give. That is absolutely true, of course, particularly with young people. The reason I say that is that I found a couple of statements made by the honourable Attorney-General a little difficult to accept. I know something about people of 16 or 17 years of age in our community and they are well aware of the penalties contained in the law for such an offence. This is supposed to prevent such conduct. We introduced legislation only a short time ago permitting driving licences to be held by 16-year-olds. I can imagine a situation where two 16-year-olds are parked in a car and, at some stage in the evening, one of them whispers into the other's ear: 'I am sorry, but I have to be prevented from doing this by section 129 of the Criminal Code'. I would resepctfully suggest to the Attorney-General that that is highly unlikely. Again, from knowledge gained from conversations I have held with people of this age, I know that they are aware that unwanted pregnancies can lead to totally tragic results in people's lives, particularly at that age. It is far more likely they would be prevented, and often are prevented, from engaging in such acts out of a deep sense of loyalty and affection for their parents. They would be truly remorseful about upsetting either their mother or father, or both, in this respect. Indeed, they might consider the tragic possibility of an unwanted pregnancy. But it would be a very rare case indeed if, in the back seat of a Volkswagen, section 129 of the Criminal Code came into any kind of discussion.

I concede again that it is purely and simply a question of community attitudes and how people in here perceive them. I would suggest bringing this code into line with provisions that already exist in other legislation so that the clear protection of the law is extended to protect young people from sexual exploitation by older people. No offence should be committed under this particular section. Indeed, at least it should not be found in the criminal law.

Mr ROBERTSON: Mr Chairman, while I usually enjoy the sense of humour of the Leader of the Opposition, I was rather hoping he would not turn this thing into a complete farce and a joke.

Mr B. Collins: Try to be reasonable.

Mr ROBERTSON: I am trying to be reasonable. If he seeks to do so, I would like him to get the facts on which he bases his jokes right because he was talking about two 16-year-olds in relation to amendments to the Motor Vehicles Act. The code is talking about people of less than 16, so they would not be talking to the Leader of the Opposition about section 129 of the Criminal Code. They would be talking about driving a car around without a licence.

Mr Chairman, as to the rest of what the honourable Leader of the Opposition had to say, I am entirely with him. Again, it is a matter which one sees as a question of conscience. It is clear that the opposition is willing to condone, by law, sexual relationships between a male of 14 and a female of 13. I wonder how many of our constituents would be happy with us for so legislating.

Mr B. COLLINS: I have to consider the remarks just made by the honourable Leader of the House to be nonsense. It is late in the day, I must admit. I was not suggesting that I was condoning any such thing. Indeed, Mr Chairman, if I had to suggest to somebody how I thought he could achieve a state of tranquillity and peace of mind, I would suggest to him that he should indulge in no sexual activity whatsoever and, if he can manage it, go and live in a cave by himself for his entire life. In human relationships, it is generally almost impossible to achieve this degree of what we call happiness. I am well aware of the fact.

My advice to all people of that age - and hopefully my own children are prepared to listen though I am sure they will not - is that they should positively not engage in such activity because it can lead to truly tragic results. I am simply saying that I do not believe that people of that age should be subjected to criminal sanctions. I do not think it is appropriate for that to happen. I do not think that it is going to prevent things like that from happening. I know for a fact that, in some carnal knowledge cases, which are very rare these days but which used to occur years ago, often those cases were prosecuted after a pregnancy occurred. In fact, in the 2 cases I am particularly familiar with, where the damage was done, the children were simply prosecuted because the parents wanted revenge. Does anyone want to seriously stand up and deny that that is most often the motive of outraged parents? It does not help the situation of the girl who may happen to be pregnant. In fact, in the 2 cases that I remember, it led to a total dislocation between both girls and their parents which lasted for years afterwards and caused enormous additional stress and distress on the girls. It is most often the case that young offenders would be prosecuted because parents wanted revenge. I suggest that that is no longer appropriate.

Ms LAWRIE: Mr Chairman, the honourable Leader of the Opposition has finally put his finger on the problem: parents or guardians threatening young girls that they will have the boyfriend prosecuted if the girl does not do certain things. In some circumstances, this threat is held over them unless they agree to an abortion. These girls usually end up in my office extremely distressed. It is

a threat used by the parents, as the honourable Leader of the Opposition says, often for revenge.

I understand that the Attorney-General is not going to accept the amendment but I would like an indication from him as to whether, in all cases, it would be the intention of his officers to initiate a prosecution at the wish of the parents, notwithstanding the fact that, as has been suggested, more harm than good will come from the prosecution. That really is the essence of the problem. It does not matter what age limit we put on it. It is the protection of the young people from malicious prosecution resulting from a feeling on the part of the parents that their property - their daughter - has been damaged.

Mr ROBERTSON: Mr Chairman, I do not know what further I can add. I am quite happy to answer the question. In relation to the proposition, latterly put forward by the Leader of the Opposition, as to what is in fact his belief, quite clearly the amendment he has put forward is not the amendment he should have put forward.

Mr B. Collins: Absolutely, perhaps it is not.

Mr ROBERTSON: He agrees then that perhaps it is not the amendment that should have been put forward. What he has said is that the main reason for his concern is this question raised again by the honourable member for Nightcliff relating to the vengeance-type prosecution. The answer to that question quite clearly is that the criminal justice system of the Northern Territory will not be administered through this Attorney-General on the whims of vengeful people. It will be administered on the basis of justice and what is proper to put before the courts. The courts will exercise their discretion in accordance with those same rules.

Amendment negatived.

Section 129 agreed to.

Sections 130 to 153 agreed to.

Section 154:

Mr B. COLLINS: I move amendment 166.22.

This is to omit proposed subsection 154(4) and 154(5). Again, I am well aware that this amendment will be defeated because it has been quite adequately covered by the Attorney-General in his second-reading speeches. But I have to say that I find these provisions in the Criminal Code particularly obnoxious.

We are opposed to the concept that intoxication should involve an extra penalty on conviction for an offence. We have already covered the ground that intoxication certainly is not used in courts. A lot of people are under this misapprehension, I might add. Intoxication is not used in courts as an excuse for an offence that has been committed. But we find it peculiarly obnoxious. Perhaps I can be corrected on this. In fact, I look forward to being corrected on this. To the best of my knowledge, this is the first time that provisions for imposing a substantial penalty, on top of a penalty incurred by the act itself, upon a person by simple virtue of the fact that he was intoxicated have been proposed. To the best of my knowledge, no such provisions exist elsewhere in the countries that use our system of justice. I am prepared to be put right if it is not correct. I will read out subsection (4): 'If at the time of doing or making such act or omission he is under the influence of an intoxicating

substance, he is liable to further imprisonment for 4 years'. The honourable Attorney-General, and I accept his arguments in relation to a previous amendment, raised the problem of degree. Are we coming down to 12 or 13? It was a valid objection to that proposed amendment. However, I would put to him that that same kind of objection exists in relation to his particular section. We are looking at the prosepct of a person committing a serious crime. It simply says: 'under the influence of an intoxicating substance'. What does that mean? In the case of alcohol, does it mean that the person has a blood-alcohol level of 0.08? Does it simply mean that he has been drinking at all?

Assume that a person is sentenced to 5 years' imprisonment for an offence of inflicting grievous bodily harm by virtue of the fact that evidence could then be introduced indicating that he had been drinking at the time of the offence, he could be subjected to a further penalty of 4 years in prison. I find it difficult in any logical system of justice to understand how such a provision could even be contemplated, let alone put into legislation.

Mr ROBERTSON: The Leader of the Opposition and I disagree on this matter. Take the example of a driver who is drunk, mounts the footpath, runs into a group of schoolchildren, kills 3 and injures 6. The escape route is still available that it will not be murder and it will not be culpable negligence. It will be caught up under the provisions of section 154 of the code which says that, if he thereby causes death to a person, he is liable to imprisonment for 10 years or 7 years for grievous bodily harm. Does anyone here seriously say that penalties in the order of 11 or 14 years for that type of crime are excessive? I certainly would not be prepared to put that view forward.

As to the question of degree, that is a matter for the courts in precisely the same manner as we have the present provisions in relation to degrees of penalty and suspension. The term 'under the influence' has been well defined by the courts in the 1950 judgment in Noonan v Elsen. It has nothing whatsoever to do with the blood-alcohol level described by traffic regulations in the Territory. So far as intoxicating substances are concerned, there are a large number of them and it would be absurd to put them all into the document or to describe levels. That is the advice of one of the senior people who has been advising us on the code.

This government is of the view that the community has had it up to the back teeth with people who become drunk and then commit violent crimes or crimes of omission which result in serious damage or death to people. We believe it is our duty to put a stop to it.

Mr B. COLLINS: Mr Chairman, without wishing to necessarily prolong this debate, legal opinions on this matter are largely irrelevant for the simple reason that, for every lawyer the Attorney-General can produce to say that this is a desirable and indeed a proper thing, I am sure that I can produce 3 to say that it is not. I am sure he is well aware of that. Indeed, there are a number of extremely distinguished criminal lawyers in this country who are very disturbed at the introduction of this novel law in the Northern Territory. This novel provision will have to be watched carefully. If I had a total confidence and faith in the sentencing of the courts in Australia, I would be less disturbed about it. We have often heard the honourable member for Alice Springs waxing on about how lenient the courts are. In some cases in Australia, not only in magistrates courts but also in superior courts, there appear to have been capricious decisions made in sentencing. Many people in the community would come to the conclusion that all of this is done purely to enrich lawyers to a considerable degree.

A certain eminent QC, who is well known to the Northern Territory government, had a client who was recently complaining bitterly to an organisation of which I am a member that the $2000 or $3000 a day that had been allowed him for legal fees was not sufficient. He had submitted in a written submission to this particular body of which I am a member that he was in the very fortunate position of having a QC who was doing it at the cut rate of $1800 a day. I must say it is pretty altruistic of QCs to work for the lousy sum of $1800 a day but it is perfectly true that, these days, particularly in the Sydney and Melbourne bar, that is a cut rate for QCs.

I was involved in a case a few years ago only to the extent of footing the legal expenses. It was a fairly minor case which lasted for 2½ days. The bill for the QC - and he was not even a Sydney QC but a Newcastle QC - was $5000 for 2½ days in court. The defendant was given 4 years imprisonment with hard labour. This raised a few eyebrows. An appeal was lodged. This QC, who was no doubt keen to put the next down payment on his Ferrari, fronted up to court again for an appearance that lasted 2 hours to lodge the appeal documents. That cost me about $1500. At this stage, I was bleeding from all extremities. This person whom I was assisting had been remanded in custody for a period of some 2 months while all this was being carried out. The appeal was upheld and the sentence was quashed. The appeal judge considered that the 2 months this person had served in custody was a sufficient penalty for the crime which was a relatively minor one. That interesting exercise had cost me $6500. One cannot help but feel very sympathetic to the consistent complaints that are made by people that so-called justice in this country does not come cheap.

I acknowledge the fact that it is a serious problem, which is conceded as such by the Law Reform Commission, that sentencing in courts in Australia can in many cases appear to be capricious and wildly different depending on whom one happens to be in front of. Like Justice Kirby, I am at a bit of a loss to imagine what can be done about it. Now that we are clearly to have this particular section stand in the Criminal Code, its operation will attract not just Northern Territory attention but national and international attention.

Amendment negatived.

Section 154 agreed to.

Sections 155 to 163 agreed to.

Section 164:

Mr B. COLLINS: I move amendment 166.23.

This omits from section 164 the words 'which cannot be mitigated or varied under section 390'. Both the government and the opposition have covered this exhaustively. There is no reason, in our view, why there should not be a sentencing discretion in the judiciary for murder as there is for other serious offences. We are also concerned that this will take away the existing right of Aboriginal people to be sentenced to less than mandatory life imprisonment for murder.

A comment was made early today that once again reflects the different perceptions people have of what they find particularly offensive. The Attorney-General said, in respect of this matter in his second-reading speech, that it is the view of the government that murder occupies a special place on the calendar of crimes and should be placed on its own as being the worst possible offence that could be committed.

Again, it is a question not for lawyers but for the community. In my view, there are crimes against society that rate in my book far worse than murder even though I concede that it is a serious offence. The crime of child abuse, particularly by people who have the custody and care of those children, ranks in many cases far worse in my mind than many crimes of murder do. Quite often, the offence does not even involve physical assault. The crime of a parent or a guardian locking up a child of 3 or 4 years of age in a cupboard, an airless dark space, where he is literally terrified out of his wits for 6, 7 or 8 hours - and this happens time and time again as punishment - ranks in my view as a far more heinous crime than a couple of blokes having a dispute over something and one of them happens to die because of the fight, even if that other person meant to kill. I think it is a very simplistic view to take that murder, these days, is in a category of its own in terms of the horrible nature of the crime. With the evidence that is coming more and more to light these days of the abuses inflicted upon children by their parents or guardians, in my opinion anyway, these crimes are far more horrible but do not involve loss of life.

Amendment negatived.

Section 164 agreed to.

Sections 165 to 168 agreed to.

Section 169:

Mr B. COLLINS: Mr Chairman, I wish to advise the committee that I accept the arguments on this matter put forward by the honourable Attorney-General. I do not intend to proceed with the amendment.

Mr ROBERTSON: If I may, Mr Chairman, I would also like to indicate to the committee that we will be examining the question as to the proper place for these sorts of provisions. It may be that this is not the place to have them.

Section 169 agreed to.

Sections 170 to 173 agreed to.

Section 174:

Ms LAWRIE: Mr Chairman, I ask the honourable Attorney-General to consider the proposition that, in paragraph 174(1)(a), it is obsolete to insist, and it always has been, that a gynaecologist or obstetrician is necessarily the person to give medical treatment for the lawful termination of pregnancy. The honourable minister will be well aware that medical techniques have advanced to the point where a simple outpatients procedure, in many cases, is the norm for a lawful termination of pregnancy in many places around Australia and in the western world. I am suggesting that it is a waste of community resources - particularly as Darwin Hospital often has staffing problems and bed problems - to insist that the person be hospitalised and that a simple procedure in these first weeks must be carried out by a gynaecologist or obstetrician. Quite clearly, in some cases there could be complications or the pregnancy may be of such a type that a gynaecologist or obstetrician would be needed. The 2 medical practitioners who have to form the opinion that the abortion is necessary anyway would be the people to determine the level of medical expertise needed. I have deliberately not circulated amendments to this effect but I would ask the honourable Attorney-General to consider my remarks. In the vast majority of cases, in the first few weeks of pregnancy, it would be a waste of community resources to insist upon this level of medical attention.

Mr ROBERTSON: Mr Chairman, while that may be the case as perceived by the honourable member for Nightcliff, my view again is that the vast majority of the community believe that the level of protection which is contained in this legislation, with language changed to suit the code, is a direct reflection of that legislation which has been in existence here for some time. The level of public opinion on the necessity to take every stringent precaution against wrongful abortion is very high indeed. It would not be my intention in any way to interfere with the law as it has been operating in the Northern Territory. I note the factual question the honourable member raised. I will be seeking advice from our medical advisers. That is about as much as I can say.

Ms LAWRIE: Mr Chairman, I do not wish the honourable Attorney-General to misunderstand the point I am making. It is after consideration by the 2 medical practitioners and the recommendation for the lawful abortion to proceed. It is the level of medical expertise then required to which I would like him to address his attention. I am not attempting to change the law as to the grounds for an abortion being obtained legally at all. I am simply saying that, once those grounds have been gone through, and the 2 medical practitioners agree that this is the best option, then in most cases it would be a waste of community resources to insist that one of the persons performing the medical technique has to be an obstetrician or a gynaecologist.

Section 174 agreed to.

Sections 175 to 359 agreed to.

Section 360:

Mr B. COLLINS: I move amendment 166.25.

Mr Chairman, this would retain the accused's right to make an unsworn statement from the dock. Again, I concede that the Attorney-General and I have been over this ground sufficiently. In our opinion, it is an important avenue of defence for the accused. It is particularly so for the many people in the Northern Territory who find it very difficult or are unable to handle being questioned and cross-examined in courts. In our view, the accused should not be denied the traditional right of being able to choose not to give evidence under oath but yet being able to address the court which is to determine his fate.

Amendment negatived.

Section 360 agreed to.

Sections 361 to 379 agreed to.

Section 380.

Mr B. COLLINS: I move amendment 166.26.

This is to omit section 380. Mr Chairman, in our view this section may unnecessarily restrict the courses open to the accused, and his legal advisers, in the conduct of the defence. An accused person should be given every opportunity to mount an effective defence. The honourable Attorney-General maintains that the admissions will only involve those who would not prejudice the defence. I would like to know how this can be ensured in advance before the accused has decided what line of defence will be taken and, hence, what factors will be crucial in that defence. For this reason, section 380 should be deleted.

Mr ROBERTSON: Mr Chairman, if it is subsequently proven to be the way the Leader of the Opposition put it, then it really does not matter. If the trial is conducted on the basis of the defence taking the decision that it is not going to disclose anything, and those matters obviously were matters which should not have been disclosed - and that can be by way of submitting the reasons why these matters were not disclosed - then, of course, the court would obviously find that there has been no breach of this provision. Therefore, there would be no penalty pertaining to it. I understand the honourable member's problem but I do not believe it will apply.

Amendment negatived.

Section 380 agreed to.

Sections 381 and 382 agreed to.

Section 383:

Mr B. COLLINS: I move amendment 166.27.

This would omit section 383. Once again, this is obviously where the government and the opposition agree to differ. In our view, section 383 is a quite extraordinary provision. It is one of the provisions that I do not think will be found in law anywhere else. It provides that, where a person is acquitted of an offence by reason of intoxication, he still may be subject to a penalty, by way of a fine up to the costs of bringing the charge, plus compensation. And further, that person may be imprisoned while the costs and the compensation are assessed. It is worth actually reading it out:

(1) If, on the trial of a person charged on indictment, it is alleged or appears that he is not guilty by reason of intoxication, other than intoxication of such a nature that section 35 applies, the jury are required to find specially, if they find he is not guilty, whether he is not guilty by reason of intoxication and whether such intoxication was voluntary.

(2) If the jury find he is not guilty by reason of intoxication and his intoxication was voluntary the court may order him to pay by way of fine an amount not exceeding the costs of bringing the charge including the costs of all reasonable investigations relating thereto and the costs of the committal proceedings and, in an appropriate case, may make an order for the payment of compensation and restitution pursuant to section 393.

(3) The court, pending any assessment of costs or compensation, may adjourn the proceedings and order the person concerned to be imprisoned or admitted to bail.

(4) The court may itself assess such costs or order that they be taxed by the proper officer of the Supreme Court.

In our view that is quite an extraordinary provision. A person may be imprisoned despite the fact that that person has been acquitted. So much for being acquitted and found not guilty of an offence. The section is repugnant and in our view should be deleted from the code.

Mr ROBERTSON: Mr Chairman, what I think is repugnant is where a person can consciously go out and get himself blind rotten drunk, knowing full well that he

has a propensity towards violence, theft, break, enter and steal, or whatever when he is drunk because he has already been convicted 4 or 5 times - as many of them have. He consciously knows while he is sober that, if he gets drunk, he is going to expose himself to these sorts of activities. He goes and destroys people's property or harms people themselves but, because he was drunk, he gets off and that is supposed to be a fair shake for the victim. I do not agree.

Mr B. COLLINS: Mr Chairman, I wish to place on record that I find that quite an extraordinary explanation. Draco would have been proud of the Attorney-General of the Northern Territory. I think that that explanation is breathtaking.

Amendment negatived.

Section 383 agreed to.

Sections 384 to 396 agreed to.

Sections 397 to 404:

Mr B. COLLINS: I move amendment 166.28.

This is to omit proposed sections 397 to 404 inclusively. This amendment would do away with all the provisions for the indefinite incarceration of both habitual criminals and those found incapable of controlling their sexual instincts. I have already dealt with these provisions at some length before the Assembly and I simply wish to repeat that, in my view, these provisions are an archaic and inappropriate method of dealing with the problems involved.

Amendment negatived.

Sections 397 to 404 agreed to.

Sections 405 to 419 agreed to.

Section 420:

Mr B. COLLINS: I move amendment 166.29.

This is to omit from proposed section 420 'not' and 'except by leave of the court'. We believe that an appellant should have the right to be present at all proceedings which affect his rights and liberty and section 420 should be amended to provide that.

Mr ROBERTSON: Mr Chairman, the government cannot agree with the proposed amendment. We can see no diminishing of the appellant's rights where the judge is going to be the person who decides as to whether or not it is reasonable for that person to come before him. It is something that counsel for the accused would put to the judge. If the judge or appeal court, in the case of more than one judge, believed that the presence of the appellant is necessary for the purposes properly coming to a conclusion, they would so order. The appeal matter may have absolutely nothing to do with the person who attends, but be purely a matter of law. If the appellant is imprisoned in Alice Springs, for him to have the automatic right to be transferred at public expense to Darwin to sit at the appeal court when it is an argument about a question of law is neither necessary nor desirable. It must be pointed out to the committee that this will not be brought into operation because we do not have a court of appeal at the moment.

It is possible that our court of appeal could become the Federal Court of

Australia or a national court of appeal which could sit in Melbourne, Sydney, Adelaide, Perth or anywhere. This person who is appealing on technicalities to judges of the Federal Court of Appeal would have an automatic right, under the proposal of the opposition, to attend that appeal. The interest of the appellant is being looked after in the government's proposition. It is not necessary to extend it as far as proposed by the Leader of the Opposition.

Amendment negatived.

Section 420 agreed to.

Sections 421 to 429 agreed to.

Section 430:

Mr B. COLLINS: I move amendment 166.30.

This omits section 430. This is another one of those sections that we find particularly repugnant. Where a person has had his conviction quashed on appeal, this section permits the continued detention of that person while the Crown lodges an appeal against the decision. In my view, it is iniquitous that a person can be retained in custody once a court has quashed his conviction. This is one of the many provisions in this code which offends against basic principles of civil liberty and it should be omitted.

Mr ROBERTSON: Mr Chairman, if the court of appeal came to the conclusion that the appeal ought to be upheld on the facts - that is, it believed that it was an unsafe decision - and it acquitted the person on the basis that it was a totally insupportable finding, that same court would most certainly not entertain the prosecution's application for detention. On the other hand, perhaps a person sentenced by the court below may be a psychopathic killer, known to have killed a number of people, and he has been convicted in the Supreme Court. He then goes off to the Federal Court of Appeal and those learned judges decide that there is a very fine question of law to be determined and the best way to settle that question of law is to acquit the person in the Court of Appeal, knowing full well that the matter will be taken to the High Court to resolve that question of law. The court made the decision on the technical point of law but decided that the technicality ought to be checked by the High Court in case it is wrong. Do we want a provision whereby the court in Sydney opens the doors and a psychopathic killer walks out into Bourke Street? It is to cover that sort of thing. The same court will make the decision on the application from the prosecution. It is not automatic.

Mr B. COLLINS: One cannot argue with assertions such as that, Mr Chairman. I would simply like to place it on record that I think that it is quite an extraordinary view of the criminal law.

Amendment negatived.

Section 430 agreed to.

Sections 431 to 440 agreed to.

Schedule I, as amended, agreed to.

Schedules 2 and 3 agreed to.

Schedule 4:

Mr B. COLLINS: I move amendment 166.34.

This amendment reverses the order of speeches so that the defence has the last say. It is well recognised amongst legal practitioners that many games are played so as to deliver the last speech. Indeed, I have been present in court when these procedural games have been played. In keeping with the principle that an accused is innocent until proven guilty, the accused person should be given the last word in answer to charges from the prosecution.

Mr ROBERTSON: Mr Chairman, the current position has been retained in the Criminal Code. There is no compelling information that has been given to us that would guide towards making the changes proposed by the opposition. I agree that the view is held by some that there is an advantage in having the last say. Nonetheless, various counsel would argue that point. We are opting in this case for the status quo and the government opposes the amendment.

Amendment negatived.

Schedule 4 agreed to.

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

Bill reported; report adopted.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this Assembly is about to pass what will constitute,without the slightest doubt, the harshest system of criminal justice provided for in this country or indeed in countries - mostly former British Commonwealth countries - that adopt our system of justice. Without doubt, it will provide the harshest system of criminal justice. It will be an interesting exercise. I dare say some student of law will obtain his PhD upon it. When this new Criminal Code for the Northern Territory goes into effect, it will be interesting to discover whether the novel provisions that have been introduced into the criminal law - in many instances, the accepted system of criminal law has been set on its head - will be effective in achieving the government's aim of reducing the rate of crime that exists in the Northern Territory. I feel that it will do no such thing.

Bill read a third time.

ADJOURNMENT

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

Mr HARRIS (Port Darwin): Mr Speaker, over the past few months, there have been a number of visits to the Northern Territory by various parliamentary and Senate committees. There is nothing unusual about that. Every year, at this particular time, we have an influx of politicians to the Northern Territory. The concern that I have is that many of these committees come through the Territory without making any contact whatsoever with committees which have similar responsibilities in the Northern Territory. Often, these committees come to the Northern Territory, visit various areas and then make statements that are often conflicting. I know it is not a requirement that they notify the committees in the Territory that they are coming. However, I do believe that, as a matter of courtesy, it would be fitting for them to contact any committee in the area that they are visiting which has similar terms of reference to theirs. If they are sincere in trying to find out what is going on in the area relevant to their terms of reference, it is important to at least let the local committee know that they are visiting.

I refer particularly to a parliamentary committee that visited the Northern Territory a few months ago. It was a parliamentary committee on the environment and conservation. This committee came to the Territory, visited the Kakadu National Park and Ranger and then left. I believe that it would have been of benefit for that particular committee to have at least contacted the Sessional Committee on the Environment whose terms of reference are specifically related to the uranium mining and processing in the Alligator Rivers region. It would have been a courtesy for it to have at least let us know that it was here. Often these committees that come through the Northern Territory do not seem to worry at all about what people who have been covering particular issues have to say on those matters.

It has happened before. I can remember once when a Senate Committee on Science and the Environment came here. I happened to find out that that particular committee was coming. There was no contact with me from the committee. I found out myself. I decided to go to the airport to meet the chairman. I met him and one other member of that committee. I got a handshake and that was it. I can assure members of this Assembly and members of other parliaments in Australia that, if any of our committees have terms of reference which relate to a committee in a particular state or area, we would at least let it know that we were coming. It is important that, if you are trying to do your job effectively, whenever committees such as this visit the Territory, they at least let their counterparts know.

Mr Speaker, whilst on the subject of visiting politicians, I would like to support the comments made by the Chief Minister a couple of days ago relating to the visit to the Northern Territory of various federal ministers. The 2 ministers I refer to specifically are the Minister for Aboriginal Affairs, Mr Holding, and the Minister for Home Affairs and the Environment, Mr Cohen. Both of those ministers have come to the Northern Territory and they are flexing their muscles. I guess there is nothing wrong with that but we are trying to work together. It is part of the game. We rely on Commonwealth assistance, in the same way that we spoke about the city council today. It relies on state government assistance. But when those ministers come to town, I think that they should give some consideration to what we say. I believe that even the opposition would be embarrassed at times by some of the comments that are coming forth from those ministers.

I do not know if the Chief Minister was aware of it but at one stage a minister of the Northern Territory government was asked to attend the Leader of the Opposition's office to receive a cheque from a federal minister. Mr Speaker, on that occasion, an apology was given. It was a mistake and it was acknowledged as a mistake. But the fact is that a minister of the Northern Territory government was asked to go to the Leader of the Opposition's office to receive a cheque from a federal minister. When governments deal with each other, it is government-to-government. It is not government-to-opposition-to-government. I think that is something which is very important to remember. When these visiting politicians and ministers come to the Territory, I think they should acknowledge where they are. We know that they have responsibilities in these areas. There is no doubt about that. But at least they should acknowledge where they are and treat our people with a measure of respect.

Mr Speaker, I do not believe that the people of the Territory like others coming to the Territory and flexing their muscles. I believe that the people of the Territory are against that totally. I think that visits should be arranged responsibly and I believe that the government would respond accordingly.

Mr B. COLLINS (Opposition Leader): I will be brief, Mr Speaker. I am

disappointed that the honourable member for Port Darwin has sought to bring this matter up in the Assembly and I just want to clear the record because the particular incident referred to involved the honourable Minister for Primary Production.

Mr Speaker, as far as I am concerned, I would be very grateful if parliamentary committees visiting the Northern Territory would stay as far away from me as they possibly can. In relation to that particular incident, it was acknowledged that a mistake had been made. It was not pursued and was corrected. It was made at staff level not political level. The mistake simply occurred as a result of the minister having previously used the office for a press conference. Staff had simply said: 'Well, that is where the minister will be' and so on. I think it would be accepted by most people that ministers who are visiting the Northern Territory are not involved directly in choosing the venues for their press conferences or anything else. Those ministers are in precisely the same position as I, or ministers of the Northern Territory government would be, if we visited one of the states. It is very much a case of wind me up and point me in the right direction. You are given a schedule for the day by a staff member. Obviously, you are considering matters more weighty than where you happen to have a press conference or sit down to talk. I do not consider it to be a matter of great moment. It does not particularly worry me if someone comes to see me in my office or I go to see him in his. I am sure the minister accepted that no discourtesy was meant towards him by his federal colleague and recognised that it was simply a logistical error, made unconsciously in my view, by staff. I certainly do not want that to stand on the record without it being corrected.

I always find it interesting, and I am sure honourable members in here have noticed it, that ministers and parliamentary delegations of all political complexions - and we have had numerous visits from members of the Country Liberal Party coalition over the last 7 years - for some strange reason only seem to come to the Northern Territory during the dry season. We never see them during the Wet.

Mr SMITH (Millner): Mr Speaker, I want to make a few remarks about the sorry performance of this government in respect to the east coast shipping service. I suspect the honourable Minister for Transport and Works is a bit surprised that I had not done so earlier.

We have the situation where once again the Territory government has been rescued by the Commonwealth - this year with a subsidy of $2m which is, in fact, an increase of one-third over the previous level of subsidy. I must say that I am personally surprised that the federal government - both this government and the previous one - has continued with its assistance to the Territory government by way of subsidy to ANL. It shows an amazing level of tolerance of what can only be described as the non-performance of the government in the provision of a viable east coast shipping service.

If we look back over the attempts by the Northern Territory government to ensure that a reliable shipping service exists along the east coast of Australia, its non-performance is clearly illustrated. Early in 1978, ANL made recommendations to the federal minister that he discontinue the service to Darwin because of the losses that were incurred. The Northern Territory government argued at that time that, with the coming of self-government, all would be well. The Northern Territory government said that it would immediately undertake to investigate improving the profitability of the service. In other words, the Northern Territory government at that time accepted responsibility to get the service on a viable footing. It employed consultants, Norris and Rippon, to research and report on a means of overcoming the existing problems within the

shipping service. As a result of the Territory government's commitment to investigate means by which the shipping service could be made profitable, or at least brought to a break-even point, the then minister, Mr Hunt, directed that the service continue until the government's investiations had been completed and a report was available to him.

Mr Speaker, a summary of that consultant's report was presented to Cabinet, in Cabinet submission No 579, and it basically stated that the Darwin Trader was no longer viable under the market conditions that prevailed at that time. However, it did conclude that there was a need for a Darwin east coast shipping service and that, with careful management and energetic marketing, this could be expected to become viable. The consultants, therefore, recommended that inter-government negotiations should commence at appropriate levels to organise the orderly withdrawal of the Darwin Trader from the east coast route. The consultants also recommended that immediate steps be undertaken to provide an alternative service.

The Cabinet submission sought Cabinet approval for negotiations which might result in the Northern Territory government's financial participation in the development of a new shipping service to replace the Darwin Trader. Mr Speaker, the submission was supported by the Department of Transport and Works, and Treasury, and the Department of Law stated that there were no constitutional legal barriers in the submission. The Cabinet decision that flowed from that submission stated: 'Cabinet stressed that it should be clearly understood that the Northern Territory government is not looking at participation in a private venture or shipping line. Any arrangement is to be based strictly on a private enterprise arrangement'. That decision was dated April 1979.

We have a situation where the position of the Northern Territory government in 1979 was that there was certainly a need for something to be done about the service but the government itself would not take any direct involvement whatsoever in improving the service's viability. In 1980, a report was prepared by the Northern Territory Development Corporation with respect to the shipping service. One of the recommendations put by the NTDC in its study was:

> *If the Territory government considers the continued operation of the Darwin Trader as an essential ingredient in the development of the Territory, efforts should be focused on placing responsibility for its operation in the hands of the Northern Territory. Deficits incurred would then be the responsibility of the Northern Territory and the yearly conjecture over the possible closure of its services avoided as the Northern Territory could guarantee its operations.*

So again, Mr Speaker, we had a recommendation to the Northern Territory government that it involve itself directly in the operation of the east coast shipping service so that it had a greater control over the performance of that service. In a letter written by the then Prime Minister, Malcolm Fraser, to the Chief Minister dated 28 July 1980, the Territory was advised that the subsidy would continue until 30 June 1981. In that letter, the Prime Minister said that he was advised that the Northern Territory government was investigating alternatives. He said: 'For this reason, the Commonwealth has agreed to provide assistance for one year only'. Again, the Northern Territory government had acknowledged the fact that it had a responsibility in this matter, that it was looking for alternatives and that, until it had had a chance to undertake such investigations, the Commonwealth government should continue the subsidy.

In April 1981, negotiations were under way between the Northern Territory government, the Commonwealth government and ANL with respect to the shipping

service. At that time, a further recommendation was put to the Northern Territory government that it directly involve itself with the operation of this shipping service. This time, the recommendations came directly from ANL and was on the basis of a 50-50 partnership with the Northern Territory and the profits or losses would be shared equally between the partners. According to ANL, the aim of that proposal was to encourage a maximum level of Northern Territory use of the service. Obviously, the Northern Territory government did not consider it appropriate to directly involve itself in the shipping service. I understand that, some time after that date, the then Minister for Transport and Works, Mr Dondas, wrote to his federal counterpart and informed him that there would be no need for subsidy beyond September 1982 because of the provision of the new Ro-Ro wharf.

In October 1982, in a press release from the then minister's office, we were informed that the Darwin Trader was to be replaced by a Sea Raider-class container ship. The minister stated that the government had made several recommendations to ANL about the service and that he had been advised that the ANL board agreed to them. He said the agreement included keeping the Darwin Trader on the route until April 1981 when it would be replaced by one of ANL's Sea Raider-class container ships specifically designed for Ro-Ro operations. After considering the extra cost, both financially and in time, we now have our Ro-Ro facility operating. We now have the Townsville Trader providing a fortnightly service but we continue to find the profitability of the east coast shipping service declining.

In June of this year, the now Minister for Transport and Works, Mr Steele, attacked the Townsville Trader as being an unsuitable vessel, which is in complete contradiction to the position of his colleague some months earlier. Mr Steele said that the Townsville Trader is both too small and outdated to be economically viable. In a press release dated 6 August this year, we were informed by the minister that the ANL shipping service between Darwin and the east coast could be commercially viable if the recommendations contained in an independent market research report in 1981-82 were implemented. We were told: 'It would make little sense for the Commonwealth to withdraw the east coast shipping subsidy and risk undermining the service when commercial viability was in sight'. In the very next breath, we were told in the media release that the suggestion from the federal Minister for Transport, Mr Morris, that the Northern Territory directly involve itself in the provision of the service was economic lunacy. Mr Speaker, there is an obvious contradiction between those 2 statements. At one stage, the minister was saying that commercial viability was in sight - in other words, it was going to make a profit - and, at the very next stage, he was saying that, for the Northern Territory government to get itself involved in the operation of the service, would be economic lunacy, which is to admit that the service will not make a profit.

Mr Speaker, that was the advice to this government from consultants in 1979: that the Territory get itself directly involved in the operation of service. It was the advice again to the government from the Northern Territory Development Corporation in 1980 and, again, it was the advice to the government from ANL in 1981. This government has consistently failed to show any commitment whatsoever to the future of the east coast shipping service but has preferred to sit back a and assume that it will be looked after by the Commonwealth government. I think the Commonwealth government is running out of patience. It is time that the government swapped from its aloof all-care-and-no-responsibility position and became actively involved in determining the future of the east coast shipping service, otherwise we run a real risk of losing it.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I bring to the attention of

the Assembly the fact that today is the 50th anniversary of the changing of the name of the town of Alice Springs officially from Stuart to Alice Springs. As I stated in the Assembly earlier in this sittings, it was popularly known as the Alice right from its very earliest days. There have been celebrations in Alice Springs which, regretfully, owing to my duties here, I could not attend. It is good to see that the first tier of government was represented at the celebrations by a long-time Alice Springs resident who is no stranger to this Assembly, Senator Bernie Kilgariff, and the third tier by Her Worship the Mayor, Leslie Oldfield. It would have been very nice to have had the second tier of government there as well.

Mr LEO (Nhulunbuy): Mr Speaker, I was caught quite unawares there. Normally, I am not used to such short speeches from the honourable member for Alice Springs. There are 2 matters I would like to bring to the notice of the Assembly tonight, neither of which give me any particular pleasure. Unfortunately, the Chief Minister is not here. I feel that the Assembly should be aware of certain developments within the Fire Service in the Northern Territory. I have been informed that industrial disputation in the Darwin service is no longer considered by firemen a possibility but rather a probability. A number of things are contributing to that, including manning. The most crucial aspect is that firemen are now being charged on Northern Territory Police Force letterheads. The charges are laid by the Assistant Commissioner of Police, Operational Services Command. All the assurances that the Chief Minister gave when the Fire Service Bill was passed do not seem to be worth a tinker's cuss. Indeed, industrial relations in that service have gone downhill remarkably since the introduction of that bill. I take no comfort in the fact that I suggested to the Assembly that this was a possibility.

I would suggest that the honourable Chief Minister look seriously at the industrial relations within the Fire Service. It would be quite fair to say that a vast majority of firemen employed in and around the city of Darwin - and I would suspect in Alice Springs - hold somewhat less than pleasant feelings towards the government, the minister responsible for police, the Commissioner of Police and their employers generally.

I would like to bring to the attention of the Assembly this afternoon another matter that I raised last Thursday. It relates to class sizes in schools in Nhulunbuy. I think most people welcome the minister's announcement that class sizes will be reduced to 1:21. I am quite sure every member in this Assembly appreciates that initiative. However, if primary schools continue in their present form of one-teacher classes, primary students will be taught on the footpath next year. There is absolutely no way of avoiding that; it is a fact. There will be nowhere to put them.

I am told that a meeting was held last night in Nhulunbuy with a representative of the Department of Education. This is not confined to the Department of Education; all the departments tend to behave like this when they go to the sticks. This so-called public meeting was held with departmental representatives. Instead of seeking an opinion, the representative managed to upset everybody by telling them what was going to happen. It would seem that the demountables are indeed going to be moved to the high school. As the minister said last Thursday, it is a cheap option to move demountables all over the place and not consider building a new school. There is a desperate need for it in that community. I cannot say that to the minister strongly enough. I would suspect that he will find similar problems throughout the Northern Territory.

Mr BELL (MacDonnell): Mr Deputy Speaker, 'puerile' was one of the epithets that was employed this morning. There seemed to be a slight debate between the

Leader of the Opposition and the Leader of the House about the actual meaning of that particular word. Despite what some honourable members may fear, I do not propose to dilate at length on the etymology of that particular term. Suffice it to say that the Leader of the Opposition's employment of that particular epithet in relation to the member for Stuart may or may not be accurate. However, the sum of the recent contributions to this Assembly by the same honourable member could scarcely be regarded as puerile because several of them relate to matters in my electorate. I thank the honourable member, for example, for his contribution on the Hermannsburg Road and on Heavitree Gap, the gateway to Alice Springs, and his concern for the Conservation Commission's program of beautification in the area south of the Gap. One is left to wonder exactly what the honourable member for Stuart has to do in the electorate of Stuart if he is able to spend so much time taking into consideration events in my electorate. I was rather surprised, for example, that he did not have some contributionto make in relation to the Chief Minister's statement about excision legislation, particularly since Lake Nash, which is in his electorate, is one of the most contentious pastoral leases where arbitration on excisions may be necessary.

I missed his contribution to the Assembly and had to read it in Hansard. I was en route to a celebration in my electorate on which the honourable member for Alice Springs dilated during an adjournment debate. I refer to the very pleasant and most enjoyable presentation of the Order of Australia to Mr Gus Williams, the Council President at Hermannsburg. The point I am trying to make is that, since these 2 honourable members in central Australia have so much trouble staying within their own patches, I can only say that, when there are 6 of us in central Australia, the problem will be doubled. They may like to think about that. Are there particular reasons why they take such an interest in events and problems in my electorate? I thank them for their assistance.

There is a further problem, rather close to Heavitree Gap, a mere mile or 2 to the east, that the honourable member for Stuart may like to take a little bit of interest in too. That is a problem of flooding in the area of the Emily Hills subdivision. Perhaps he already has taken an interest in it. I have some questions to raise which are rather in need of answers. There was a considerable problem with some of the houses which were flooded in March and April. This has been brought to the attention of the Ombudsman and I understand there is a problem with responsibility for flood damage: whether it lies with the owners of property themselves, with the Department of Lands, with the Department of Transport and Works or with the people whose land was originally subdivided. I understand that it is still in the Ombudsman's hands. I have not heard of a result of that particular investigation. I look forward to doing so.

The reason I raise the matter is because I am hopeful that, whatever way that flooding problem is to be resolved, I hope it will be brought to the attention of my constituents who live in that area. I know a considerable number of them are concerned about it and would appreciate a chance to have a look at any proposals that may be made for flood control. I think the honourable member for Stuart referred before to a notification in the Gazette. This is the only information I have been able to obtain in this regard. If in fact the honourable member for Stuart is able to provide more for me, I will be in his debt again for taking such earnest interest in events in my electorate. I am aware that, in June this year, a works program was gazetted to the value of $36 913 for PMT Partners to repair flood damaged rural subdivisions in Alice Springs. I sought confirmation and obtained it from the Minister for Transport and Works. I thank him for that. At this stage, I am unaware of what sorts of reports are being prepared into the possibilities of flood control in that particular area. I hope that,during tomorrow's proceedings, the minister will be able to provide me with some information in that regard.

One final matter I want to mention, briefly, is that of the Community Adviser position at Ayers Rock. I mentioned in question time last week that, in the federal budget, allocation had been made for a Community Adviser position for the Aboriginal community at Ayers Rock. I have discussed the need for that in this Assembly before and I will not do so again tonight, except to say that, particularly with the increasing development and with Yulara village coming on-stream as a tourist resort progressively over the years, I believe that there will be an even greater need for such a position there. It is particularly necessary for the Mutitjulu Community at Ayers Rock to have somebody as acting president acting in its interests.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION
Transients Camp at Ludmilla

Mr STEELE (Ludmilla): Mr Speaker, I present a petition from 166 citizens of the Northern Territory relating to a proposed transients camp at Ludmilla. 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, we the undersigned citizens of Darwin respectfully showeth: (1) that the Gwalwa Daraniki Association proposes to establish a transients camp on the site of the old Ludmilla tip; (2) this action to place what can only become a ghetto or a slum adjacaent to residential areas of Darwin is to be condemned and a site west of Dick Ward Drive will create a dangerous traffic hazard. Your petitioners therefore humbly pray that the Legislative Assembly will heed our strong objections to this shortsighted proposal to impose a transients camp on the residents of Ludmilla, and your petitioners, as in duty bound,will ever pray.

TABLED PAPER
Report of New Parliament House Committee

Mr SPEAKER: Honourable members, I present the first report of the New Parliament House Committee.

TABLED PAPER
Correspondence on Alice Springs to Darwin Railway

Mr EVERINGHAM (Chief Minister): Mr Speaker, I table the correspondence and records of meetings that have taken place between the Prime Minister and myself in respect of the Alice Springs to Darwin railway since 20 May this year.

REPORT
Chief Minister's Overseas Visit

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I table a report of an overseas visit by myself and others during June this year, together with a report of the consultancy and construction mission in Malaysia and Brunei.

I would like to take this opportunity to inform honourable members of my recent visit to Malaysia, Brunei and Hong Kong, Japan and the USA. The visit took place in June of this year and the bulk of the time was spent in Asia. Mr Speaker, allow me to quote from the feature article in the Financial Review of 17 August:

By 1988, when Australia marks the end of its second European century, its people, businesses and politicians will almost certainly have come to accept that the nation's third century will be dominated by Asia. But, curiously and disturbingly, the act of accepting an Asian connection is not based on any upsurge in Australia's knowledge about the region or any appreciation of the challenges and risks involved. To the contrary, every sign points to Australia's being in 1988 much as it is in 1983: a comfortable, isolated, dominantly European, middle-class nation

startlingly ignorant of developments in its region. The continuous shower of platitudes about the Asian connection raises the very real danger that we will end up with an enigmatic Asian paradox rather than a growth-generating, mutually-beneficial relationship.

Without being smug, Mr Speaker, the awareness of the potential of Asia in terms of mutually-beneficial trade and other links has certainly not been lost on the Northern Territory. The Northern Territory government has been encouraging relationships with Asia for quite some time now. My report deals with some specific points of interest raised during my trip to Asia, many of which my government has been pursuing for some time.

In the United States, I pursued the rationale behind the creation of free trade zones and their method of operation. It is warming to note that our federal colleagues are now realising the importance of our Asian neighbours. Allow me to quote from none other than the Prime Minister who said recently:

For Australia, there is also a sobering realisation that our own future is now more dependent on our neighbouring developing countries than theirs will be on us. This should not frighten us. It should give us cause to think. Complacency certainly should have no place. Rapid growth within the region will present considerable opportunity for Australian exporters. The rapid rise in Asian living standards should see a sharp growth in potential demands for many Australian primary products. Australia's level of technology is ideally suited to contemporary Asian needs. Opportunities for the provision of Australian services and skills are considerable . We must, however, be prepared to work, and work hard, to maintain a competitive edge. We must take seriously the task of exploring the possibilities of closer economic partnership with the region. A simple starting point might be to ask ourselves whether we are marshalling our resources, both human and material, effectively enough to ensure we are not left behind.

Mr Speaker, the realisation of where our future lies is beginning to permeate through the thick cerebral matter of the collective brain of Canberra. While not claiming to be a soothsayer, I think that we have known for some time where our future lies. Accompanying my report is a separate report on the consultancy and construction mission which visited Malaysia and Brunei at the same time as my visit. I commend to the honourable members both my report and the trade mission report.

TABLED PAPER

Tenth Report of the Subordinate Legislation and Tabled Papers Committee

Mr HARRIS (Port Darwin)(by leave): Mr Speaker, I table the tenth report of the Subordinate Legislation and Tabled Papers Committee. Attached to that report is a further report prepared by me as the Chairman of the Subordinate Legislation and Tabled Papers Committee on the late tabling of the financial statement for the Darwin City Council and the Alice Springs Town Council. I move that the Assembly take note of the report and seek leave to continue my remarks at a later hour.

Leave granted.

MINISTERIAL STATEMENT

Development of Dry Land Agriculture

Mr TUXWORTH (Primary Production)(by leave): Mr Speaker, the government has long recognised the benefits that will accrue to the Territory's economy if a

commercially viable farming sector can be established. It will be recalled that, in 1979, a group of specialists from the Queensland Department of Primary Industries reported on the feasibility of the Territory undertaking a staged development program. It was considered desirable that stage 2 of such a program be limited to the development of a number of project farms before substantial areas of other land are opened for general settlement. The experience of land settlement schemes in other parts of Australia has clearly demonstrated that this cautious approach is necessary.

Stage 1 of the scheme commenced with the passage of an act to establish the Agricultural Development and Marketing Authority, or ADMA as it has come to be called, and this body came into operation in May 1980. The first task of ADMA was to determine the means of establishing a number of project farms and setting up the basics of a grain handling and marketing system. At the same time, the government recognised the necessity for increased research resources for the Department of Primary Production.

Stage 1 of the scheme was planned to run until 1985, and the project is about halfway through that first stage. Before moving to the second stage, is was recognised initially that a full cost-benefit analysis should be undertaken on the project farms established to determine the likely profitability of farming in the high rainfall zone of the Northern Territory. Therefore, these farms are being monitored to record 3 basic areas of information: the cost of farm development, the profitability of the farms and the likely cost of infrastructure to service those farms.

Mr Speaker, land availability for agriculture has been an ongoing restraint to further development. Last year, in anticipation of a positive result from stage 1 of the project, the government commenced acquisition of lands in the Douglas-Daly basin. At the same time, regional planning studies are continuing which involved additional soil mapping, consideration of roads to service the region and also the location of further grain-handling storage facilities, including a facility in the Port of Darwin. It must be acknowledged that agricultural development is a long-term project and it is impossible to make detailed assessments of the prospects of success after only 2 years. In the first year of the scheme, results were most encouraging with crop yields showing good potential. In the 1983 season, the second year of the project, a late wet season resulted in grain yields which were less than can be expected in an average season. This resulted in losses to the farmers.

Despite the high level of government support for the development of an agricultural sector, confidence in achieving an adequate level of profitability at full development has been eroded, mainly by seasonal factors. In addition, 2 of the ADMA project farmers have made demands for payment and concessions outside the farming agreements. These actions have contributed to some of the uncertainty relating to the project. These disappointing results from the last growing season have involved the government in payments by way of underwriting to the project farmers in accordance with the agreements existing between them and ADMA and also by way of payments to other farmers under the crop contract scheme.

The monitoring of costs and returns on the farms has continued from the outset but it will not be until after the completion of the 1984-85 season that a cost-benefit study will be undertaken jointly by the Northern Territory government and the Bureau of Agricultural Economics. This will influence the Commonwealth in financing the second stage of the development.

Farmers have been able to use farm development contracts as a source of cash flow over the initial period. In accordance with plans for stage 1 of the

of the scheme, development work is now coming to an end and farmers therefore must rely more on their farming enterprise for an income. ADMA staff will be working closely with the farmers to develop and cost the 1983-84 program to achieve improved earnings from farming operations. The Department of Primary Production as well as the Conservation Commission have vital roles in advising farmers about their cropping programs and soil conservation measures.

Mr Speaker, Cabinet has considered requests from farmers for a farm purchase price to be made available prior to 30 June 1985 as provided in the farming agreement. Of necessity, the value of the farm will depend upon the capacity of the farm to produce income for the farmer. Until data is available to validate an objective formula, notification of the purchase price must be deferred. This matter is still under review and it may be necessary to extend the life of stage 1 for a further year to enable data to be collected and evaluated for this purpose. I wish to confirm that, in the October sittings, the government will introduce legislation in the Assembly to extend the life of ADMA until 30 June 1988. This will maintain the institutional framework so that both the farmers and the staff of ADMA have a firm basis for the future.

In a relatively short time, the 6 project farmers have been brought on stream and early physical development targets achieved. Similarly, the grain receival depots were constructed and the administrative machinery for grain pooling established. This included facilities to borrow at commercial rates of interest from Treasury to finance first advance payments to growers. This system of marketing of grains has been proven in other Australian states over approximately a 40-year period. Mistakes have no doubt been made, but ADMA and the farmers are all engaged in a learning process.

In 1981-82, the first year of operation, the grain pools operated satisfactorily with all loans being paid and growers receiving a price for their sorghum equal to that indicated by the authority before harvest. The price realised for maize was about $20 per tonne better than the indicative price. It is anticipated that the net realisation for the 1982-83 sorghum crop will exceed the indicative price by about $25 per tonne. Lack of local consumers for maize will reduce the net realisation for the 1982-83 maize crop to about $125 a tonne, $35 a tonne below the indicative price. It should be noted that indicative prices are not guaranteed prices but price forecasts prepared by ADMA staff to guide farmers in deciding which crops to grow. It has been the practice that 70% of the indicative price has been paid to farmers as a first advance.

The full penetration of the local market for feed grains has not occurred because a number of the major end users continued to draw upon interstate grain. Negotiations are now in progress to secure a higher local market share for Northern Territory grain growers.

Mr Speaker, it has been recognised always by government that grower involvement on marketing decisions is essential. For this reason, the government has introduced the Grain Marketing Bill which involves the election of 3 grain growers onto a marketing board. As legislation is complex, it has been necessary to enter into substantial discussions with farmer groups to obtain their support for some of the principles involved. This resulted in the legislation being delayed for approximately 12 months so that there was less grower input into the marketing decisions for the 1982-83 season than was anticipated by government. As will be noted, an interim grain grower committee has been established to liaise with the board of ADMA so that marketing policy and grain marketing decisions will take place only after consultation with these growers.

It is also evident that the functions of the authority again require the services of a full-time chairman. As was announced on Monday 15 August, Mr Anthony Thomas, previously the Deputy Secretary of the Department of Primary Production, has been appointed full-time chairman of the authority. This move will permit Mr Cameron, who since December last has been a part-time chairman of the authority, more time to concentrate on his position as Secretary of the Department of Primary Production.

Mr Speaker, these developments have also encouraged private investment in agriculture and the government seeks to foster and secure the future of these intitiatives. Accordingly, it has been decided that a consulting team will be brought together under the chairman of ADMA to carry out a diagnosis and review of agricultural development in the Territory with particular reference to performance, history, sales, marketing distribution, market perspective, production on farm, land selection and development and research support. It will develop a comprehensive strategy for both growth and improved earnings in the grain industry in the Northern Territory. I would like to assure honourable members that the government remains committed to pursuing its original objective of staged development. I move that the Assembly take note of the statement.

Debate adjourned.

MINISTERIAL STATEMENT
Early Childhood Education

Mr PERRON (Education)(by leave): Mr Speaker, honourable members will recall that the document on education in the Northern Territory, entitled 'Direction for the Eighties', highlighted the issue that a relatively large number of advanced students were progressing rapidly through the early years of primary school while, at the secondary level, the number of advanced students declined rapidly after Year 7 with quite a dramatic drop occurring at Year 11. The document also indicated that the average age for Northern Territory matriculants is the lowest in Australia. As at 1 July 1982, the average age of Northern Territory matriculation students was 16 years 5 months compared with 17 years 1 month in South Australia and Queensland, 17 years 4 months in Victoria and Western Australia, 17 years 8 months in New South Wales, 18 years in the ACT and 18 years 5 months in Tasmania.

There was also cause for concern in the light of overseas research. New Zealand research showed that children of above-average intelligence, who had spent less time in the infant grades, generally did less well at a later stage than those of a similar ability who had spent more time at infant level. Evidence from a number of British studies indicated that older children in a class group tend to have higher achievement scores than younger children and that a disproportionate number of younger children are found in the lower streams of junior schools, in groups of retarded readers and in schools or classes for the educationally subnormal or slow learners.

Existing policy is that children may be admitted to school at any time during the year, that individual differences should be catered for and that children should be allowed to progress through the early childhood grades on the basis of readiness for more advanced learning. This policy is considered to be sound. In order to maintain this policy, and at the same time address the question of too rapid promotion, the government proposed in 'Direction for the Eighties' that children should be at least 8 years of age by 1 January in which they enter Year 4. Because of the widespread interest in the issue, the government decided that views of parent and teacher groups should be sought before any action was taken. As a result, detailed discussions were held with

the following educational groups which represented a wide cross-section of the community: the Early Childhood Association, Pre-school Parents Association, Pre-school Teachers Association, Northern Territory Principals Association, Northern Territory Teachers Federation, Council of Government Schools Organisation and the Education Advisory Council.

All those consulted were unanimous in recommending that the existing policy should be maintained for the time being pending the outcome of more detailed investigations. It was recommended that an early childhood advisory committee comprising representatives from the Department of Education and the aforementioned groups be formed to identify existing problems, gather data from schools, examine the situation in other states and finally submit appropriate recommendations to the Minister for Education. It was felt that this sequence of events would be necessary for the situation to be investigated fully.

The government has agreed to this course of action and will consider the findings of the committee when they become available. It is not envisaged that there will be any change in policy before the beginning of the 1985 school year at the earliest. In the meantime, in order to ensure that positive action is taken to prevent the possibility of children being promoted too rapidly, guidelines for assessing the readiness of children to move from pre-school to transition were distributed to all schools in May in information statement No 3: 'Pre-school Education in the Northern Territory'.

The government has also provided funds in the budget for the preparation of an early childhood screening program to assess the progress of students during their early years in order to ensure that they are comptently and thoroughly prepared for the upper primary component of their education. Screening is a broad-based general assessment of knowledge, development and social characteristics. Because the concept of readiness is central to early childhood programs, children's progress should be monitored regularly from pre-school to Year 3. The purpose, nature and details of the proposed early childhood screening program are currently under consideration by the working party of the Northern Territory assessment program.

Mr Speaker, I will provide further information and progress on this important issue early in 1984 when we expect more information to become available.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
Marketing of Agricultural Produce

Mr SPEAKER: Honourable members, I have received the following letter from the Leader of the Opposition: 'This morning I wish to debate under Standing Order 81, as a definite matter of public importance, the following matter: the failure of ADMA to market effectively the agricultural produce of the Northern Territory'. Is the honourable member supported? The honourable member is supported.

Mr B. COLLINS (Opposition Leader): Mr Speaker, by a remarkable coincidence, this morning a statement on this matter was presented to the Assembly. Clearly, it is occupying the minds of both the government and the opposition. Unfortunately, I cannot really comment much about the statement itself as it has just arrived on my desk hot off the photo-copier.

The Agricultural and Development Marketing Authority itself came into operation in July 1980. Its functions were to investigate, organise and

assist the development of agriculture in the Northern Territory and this charter included the processing and marketing of agricultural products. At the time, the initiative was fully supported by the Labor Party. That was not surprising because it is a classic application of a socialist principle to inject very large sums of public money into developing an area that is not likely to be touched by the private financial sector for some time. At that time the Labor Party also recognised and discussed that there were some major hurdles that would have to be overcome. But I for one believed that the odds were in our favour and, with good management and a bit of luck, the desired result could be achieved. Of course, a bit of luck is required in this particular industry.

The major role of ADMA was to ensure that any grain produced in the Territory could be sold at a reasonable price. That is my view. My view was supported by the authority when it stated in its first annual report: 'Market studies suggest a domestic feed grain market in the order of 12 000 t and priority in the early years will be concentrated on servicing that market'. In the 1981-82 season, grain deliveries to ADMA amounted to 2559 t of sorghum, 619 t of maize and 67 t of mung beans. The Annual Report of the Agricultural Development and Marketing Authority for the financial year of 1981-82 provided the following picture of ADMA's marketing performance. It stated: 'Marketing activities have been aimed at supplying the local end users with quality grains'. Indeed that is totally consistent with the statement made in the earlier report. I want to stress the following words because I would like some specific comment on them from the minister. It went on: 'Contracts have been negotiated to supply a major portion of the 1981-82 harvest to local end users'. I will just repeat that: 'contracts have been negotiated'.

However, on reading the October 1982 issue of the Northern Territory Agricultural Newsletter, an ADMA publication, we find the following: 'It has previously been reported that contracts for the sale of some sorghum were entered into with Darwin-based poultry farms and piggeries. Every effort was made to place additional quantities of our grain stocks in the general Darwin area and options were offered to several end users. However, they subsequently proved unable to exercise their options'. I stress for the benefit of honourable members that this newsletter from ADMA is designed largely as an information newsletter for people in the industry, particularly the people who are involved with ADMA itself. It was not until December of last year that the 1982 sorghum harvest held by ADMA was finally cleared. Some 1200 t, which represented half of the crop, was sold to South Australia. Further, the fact that this large quantity of grain had to be sold in a southern market meant that ADMA had only captured in the order of 10% to 15% of the potential local market. I am sure all members will recall that this matter was touched upon in this Assembly previously by the member for Tiwi.

I would ask therefore the Minister for Primary Production to provide this Assembly with the details of how much of the Northern Territory market was captured by ADMA in 1982 and an explanation of where the problems were and what actions were taken to overcome them. I am basing my concern, and with some justification, purely on the published statements from the organisation itself: a statement that there was a potential market in the vicinity of 12 000 t, a statement that it would be concentrating on securing that market initially for obvious reasons, a further statement that contracts had been negotiated and a subsequent statement explaining why it had captured only 15% of this particular market saying that options had not been exercised.

Mr Speaker, there were also serious problems apparent in the performance of ADMA with respect to the handling of the 1981-82 crop. In a letter to the then Chairman of the Agricultural Development and Marketing Authority, one grower made

the following criticisms. I might add that, in my investigations with the industry subsequent to this letter, I found that the contents of this letter were confirmed. The grower said: 'Because of the mishandling,physically, financially and probably politically, I have suffered a very serious financial loss that may make it impossible to grow mung beans'. The grower said that, on arrival at the ADMA depot,a sample of his 1981-82 mung bean harvest showed 8.89% trash and splits yet the final analysis after grading and cleaning showed 55.87% first grade, 40.50% second grade and 3.97% sweepings. The grower stated that ADMA had informed him that, because the authority was just starting up, there were bound to be problems.

Given the importance of ADMA and the success or otherwise of the agricultural development program,and given the short time available both to the growers and ADMA to prove themselves worthy of further assistance, I would suggest that there is no room for 'teething problems in the marketing of grain'. The grower also said at harvest time last year that he had been offered $600 per tonne for his mung beans on the farm but, at that time, he was locked into marketing through ADMA. He added that this situation would not have presented any problem if ADMA had been effective in its marketing and had snapped up the offer that he got from that buyer. However, that did not happen. The high price was lost and the grower finished up receiving only $550 per tonne for his crop, less interest and less cleaning charges. The grower rightly asked: 'What happened to my other $100 per tonne? I thought that ADMA was a non-profit-making organisation'.

The grower's next complaint related to ADMA's marketing performance. He claimed that interest paid on the money borrowed by ADMA to pay the first advance to growers accumulates until the pool is closed and the final payment is made. I would like clarification from the minister on this point. I would then like clarification that the amount owed by the farmer in respect of interest payments is dependent upon the efficiency of ADMA in handling and selling the crop. It would follow that it is if the previous assumption is correct.

The Agricultural Development and Marketing Authority received 74 t of mung beans following the 1982 harvest. Accoring to another of its newsletters, the authority intended to purchase 30 t from this pool and offer the balance for sale in Australia and overseas. Thus, a total amount of 40 t was available to be sold. As late as November last year, half that amount remained unsold. I would remind you, Mr Speaker, that half the sorghum crop of 2500 t remained unsold until December last year. In the 1981-82 year, there appeared to be a reasonable result on the farm but a poor result on the marketing side of the operation.

We had an ADMA newsletter telling us that local end users had been tied up: 'contracts had been negotiated'. We then had another ADMA newsletter saying that they would not purchase Territory grain because they had decided not to exercise their options. We had the ADMA annual report saying that the end users would purchase the Territory crop or a portion of it. Meanwhile, half the sorghum crop and half the mung bean crop sat in the ADMA depot clocking up costs both to the authority and the growers.

Mr Speaker, the performance of ADMA in marketing the Territory grain on the basis of the information I have put forward so far is certainly a definite matter of public importance because the viability of the whole program has been placed under threat. I would now like to consider the 1981-82 cropping season. As the minister has already helpfully described to us, the season was an uncharacteristically dry one and, as a result, the crops were not as good as we had hoped. I acknowledge that the government, in response to this poor

season, moved to alleviate, to some degree, costs faced by the producers. In January of this year, it was announced that the handling charges for all grain received last season and for the 1983 season would be dropped. It was also announced that first advance payments for the 1983 crops would be increased by about 10%.

Because of the poor climatic conditions in the 1982-83 growing season, May's yields were generally poor. Sorghum crops were compensated to some degree by late rains but the grain density was poor. Mung bean crops generally grew well but late storms affected both the quality and the yield. While the production on the farm was down, one would have hoped that, given the general drought being experienced in Australia, prices for what grain was grown would be up. Again, we had the responsibility for success or failure in the marketplace firmly in the hands of ADMA. In the April issue of the Northern Territory Agricultural Newsletter under a heading 'Grain Price Movement', we were informed: 'Interstate grain prices have continued to rise since the wide rains prior to Easter. Sorghum and maize, oil seed and small seeds have risen significantly and are likely to stay firm for months'.

The newsletter then went on to outline the implications for local grain growers. It forecast that much higher prices than those forecast in December of last year would be realised. The newsletter stated that, while there was little opportunity to consolidate newly-established markets, there would be a strong interstate grain market for local surplus. Prices indicated in December 1982 were as follows and they represent what ADMA suggested growers could expect to get for their crops: sorghum - $95 per tonne; maize - $160 per tonne; soya beans - $200 per tonne and mung beans - $360 per tonne. However, it appears that ADMA has again broken down on the marketing of Territory grain and, again, it is the growers who must bear the burden. The initial indicative price for maize was set at $160 per tonne to the grower. ADMA suggested an even better price for April. I understand that end users in the Territory are prepared to pay - and I want some confirmation or denial of this from the minister - in the order of $190 - $200 per tonne for product but, according to the information I obtained from the industry, ADMA was offering maize at $240 per tonne. This is precisely the matter that was raised by the honourable member for Tiwi.

Mr Speaker, the result was obvious. The Territory grower was priced out of the local market by ADMA. ADMA was then forced onto the Southern Australian market and received something less than $190 per tonne. It is the grower who must meet the freight costs of such a sale and the resulting return to the producer was something in the order of $130 per tonne. I further understand from the industry in Queensland that growers there were selling a similar product in a similar market and receiving $150 per tonne on the farm.

The Minister for Primary Production should make a detailed statement on the performance of ADMA in marketing the 1983 crop as well as the 1982 crop in order that this Assembly can fully investigate what problems might exist and how the agricultural development program in the Territory might be improved.

The crisis in marketing was further revealed in an interview with the former chairman of the Agricultural Development and Marketing Authority, Mr Baden Cameron, on 12 August. Mr Cameron told the ABC that the authority endeavours to maximise the Territory's top end market for seed grains. He said that, unfortunately, ADMA had been only partially successful because some of Darwin's major end users had farms on the Ord River. Mr Cameron went on to say a Department of Primary Production survey suggested a Territory stockfeed market in the order of 13 000 t. He said: 'If we could secure the bulk of that, that would go a long way to underpinning the present level of production we have from the number of grain producing farms in the Top End'. Mr Cameron said that

the other major limitation in penetrating the domestic market is the lack of a stockfeed mill. He went on to say that he would be initiating discussions about the potential for a stockfeed mill in the Top End very soon. That hardly came as any great surprise to me because I was interested to note that the minister has mentioned it himself. As the minister said in his statement, the Northern Territory government sought the assistance of the Queensland Department of Primary Industries in 1979 to investigate the potential for agricultural and horticultural development in the Northern Territory. In the interim report that followed, it was pointed out that the lack of a proper milling facility would be a major constraint in the industry gaining a share of the Territory market. It referred to the fact that the Northern Territory producers cooperative was in fact addressing the particular problem of the lack of a feed mill. That was 1979.

In November 1980 the then then Minister for Primary Production, Mr Steele, said chat a priority of the authority was to define more accurately the size and nature of the market for commodities in the Territory. He said 3 years ago that a feasibility study would be undertaken into milling facilities for the Northern Territory. You would recall, Mr Speaker, that the Northern Territory government then moved against the Northern Territory producers cooperative and forced the cooperative to pay back loans from the Northern Territory Development Corporation, which the cooperative had earlier been encouraged to take out. This forced it to close its doors. Mr Speaker, according to the then Minister for Primary Production: 'The cooperative failed to respond to the growth now being witnessed in the agricultural sector of the Northern Territory'. I would suggest that the same charge could be accurately levelled against ADMA. We now have the secretary of the Department of Primary Production telling us, in the third quarter of 1983, that he is about to initiate discussions with interested parties in order that a stockfeed mill might be established - something that was recommended by the government's own consultants in 1979.

The performance of ADMA from a marketing point of view could only be described as disappointing. A key need for a stockfeed mill identified in 1979 by the government has been left untouched virtually until now when discussions will be initiated into the possibility of doing it. As a result, Territory growers have had little success in penetrating the local stockfeed market. Further, it would appear that ADMA has not been as effective in marketing Northern Territory grain in southern Australia as one would have hoped. While those farmers on ADMA farms have not suffered any serious short-term financial problems, because of the underwriting facility provided for in their contracts, producers not in the ADMA program have certainly suffered as a result.

ADMA has finally explained why its forecast prices had been so misleading. This is a beauty. We were informed in the August 1983 newsletter: 'Many of the prices quoted in fact were retail. Many prices quoted were spot prices for small quantities wanted by desperate buyers'. This is really unbelievable stuff because we are talking about a newsletter that is designed to go to the industry. What were the farmers supposed to do? Do their own discounting for what the mark-up was going to be? Some of the prices were 'spot prices being offered by desperate buyers'. It is extraordinary to find that kind of comment in an industry newsletter. We were then told: 'It would appear that marketing information is being misunderstood by some growers'.

Mr Speaker, I am hardly surprised at that when the information is being distributed by ADMA itself, the prices being quoted are not returned and it is putting out silly statements that the prices that it quoted were retail or spot prices offered by desperate buyers.

It was only reasonable for the industry to expect that the prices being quoted to it were in fact prices that could be achieved in the marketplace. After all, we are talking about the Northern Territory Agricultural Development and Marketing Authority that is servicing the Northern Territory agricultural industry and distributing information directly to it by way of its newsletter. We are now told that vital market information being supplied by the publication itself bears little or no relationship to the circumstances that the industry finds itself operating in. I would suggest that something needs to be done about cleaning up this act and making it a little more efficient.

Mr Speaker, statements have been made that the intitial concentration of ADMA is to supply the local end users in the Northern Territory. That makes a lot of sense. We have a viable and likely-to-improve poultry industry in the Northern Territory that consumes an enormous amount of grain products every year. We have quite a healthy domestic industry in terms of horse feed etc. As the former chairman of ADMA said, 12 000 t to 15 000 t a year is required in the Northern Territory. Of course, we do need some feedmilling facilities to provide that. ADMA has secured in the vicinity of 10% to 15% of that potential local market. I would like to know from the Minister for Primary Production the reason why. I would also like to know if this performance of the information wing of ADMA will continue or be cleaned up.

Mr TUXWORTH (Primary Production): Mr Speaker, I say at the outset that the Leader of the Opposition has sought a lot of information from me that I do not have at my fingertips this morning. The matter is further confused by virtue of the fact that he is using his old technique of reading a paragraph out of a letter, quoting a paper here and a price from somewhere else and a radio broadcast from another time and putting them together to make a story. I am not saying I dispute any of the things that he has said but I will refer his speech to the Department of Primary Production and ADMA to give a comprehensive response to the points that he has raised.

Having said that, I would just like to touch on a few things for the benefit of the honourable member. I do not accept at all that there is a crisis in marketing. ADMA is 3 years old. In that 3 years, it has harvested 2 crops, it is planting 1 now and it has cleared its farms and established the farmers. I think, in 3 years, that is a pretty fantastic effort on the part of everybody concerned. And I would expect, with a body of this nature, that the teething years will be difficult for everyone. I am not making excuses. I point out to the honourable member that the 1981-82 crop was all sold. Whether it was sold at prices or at a time and place that suited everybody is a matter of history. The fact is that it was all sold.

In 1982-83, there were 3468 t of sorghum received at the depots. Of that, 1720 t were sold and the rest is on offer. With the maize crop, there were 1664 t received and there were 1664 t sold. With soya beans, there were 227 t received and there have been no sales. With mung beans, there were 671 t received in the depots and 309 were sold and the rest is on offer. Whatever the Leader of the Opposition's perspective is, if ADMA has managed to sell its first crop and sell or offer its second crop in the development stage that we are in, then it has done pretty well.

I would like to touch for a moment on the perception of prices paid. Quite often, people bail me and my colleagues up and say that ADMA is selling a product for less than it could get somewhere else. Often quotations are made and, wherever possible, we follow them up. There was a complaint received from a Mr Nixon that he obtained a higher price for maize from the South Australian Egg Marketing Board than he was being offered by ADMA. This

was checked out on 31 August. The South Australian Egg Marketing Board advised ADMA on the 2 occasions that it was raised by ADMA that it does not buy or trade in grain.

This matter was first raised at the meeting held between the Douglas-Daly farmers, the ADMA board members, myself and the Chief Minister on 20 July. On that date, Mr Dalziel, an ADMA board member, checked South Australian prices through his contacts and advised that only spot loads were of a higher price and were generally bagged lines. The higher price referred to is a price over and above the $196 a tonne landed in store in Adelaide which is the current maize contract with milling industries. It must be noted that, when this contract was accepted, the price of wheat was $183 a tonne. The price of maize is normally $10 a tonne below the price of wheat. Mr Nixon has been approached on 2 occasions to provide details of consumers who are prepared to pay higher prices to the authority and, to date, he has been unable to provide the information. The present chairman of the board says that he is confident that every endeavour has been made to ensure the highest price is paid to farmers.

This morning in question time, the member for Nightcliff raised the possibility that farmers could get better prices in Western Australia for Northern Territory grain than they would be getting from ADMA in the Northern Territory. All this is speculation. What really is important in the agreed price for grain is the written offer and the written acceptance. I have found in the stories that I hear - and I do not doubt the honourable member for Nightcliff hears them too - that when you ask a person who is making the allegation that ADMA has failed to achieve the best price to show you the offer in writing and also an acceptance, the paperwork never eventuates. It is all second hand, misunderstood, for a different grade of grain or for a different time.

Mr Speaker, I believe there is another problem that the Leader of the Opposition brushed over rather lightly. We are talking about a series of grain products which are sold in ranges of quality, through ADMA and from ADMA, without a price. There is a range of prices that can be offered at any particular point on the selling scale, from the production through to the consumer. Again, when the department and ADMA address the honourable member's allegations, I will have them ascertain whether the honourable member has been referring to the same product and the same grade of product all the way through.

The Leader of the Opposition referred to the 12 000 t domestic market. Nobody has suggested to me that the assumption that there is a 12 000 t market is unrealistic. We are but 2 years old. We need to penetrate the local market. If you want to be practical about it, you cannot expect every grain consumer in the Northern Territory to stop what he is doing the day the ADMA farmers drive their first truck of grain off the farm. It will take some time for us to gain the confidence of local consumers and take over the market which currently consumes produce from outside the Territory.

I believe that the discussions between ADMA and the growers are progressing satisfactorily to the point where, within a year or 2, we will have secured the majority of the Northern Territory market. I have been involved in some of those discussions. It is a matter of time before consumers accept the availability and reliability of the Douglas-Daly farmers, and we have set up a natural progression of produce from the Northern Territory farm to the Northern Territory consumer.

Mr Speaker, the other point I would like to touch upon is quality control. I am led to believe that, from the very first, ADMA has endeavoured to establish

the same quality control measures that one would find in any grain marketing authority. If it wishes to have credibility with its consumers, then there is no doubt that it must have credibility as a producer and as a marketing organisation. If we do not have quality control, then we do not have that credibility. For some people, the concept of quality control has been a very difficult pill to swallow. ADMA has stuck to its guns - I believe rightfully so - and said that, where a product is inferior because of its contamination or because it is not properly presented to the marketing board, it will return a lesser price. If we wish to move away from that principle and promote and sell anything that is delivered to us off the back of a farm truck, I do not think we will have a viable future. We need to bring our officers in the department and the ADMA people together with the farmers to provide whatever support, advice and assistance is necessary for the farmers to provide top quality produce to the ADMA receival depots.

The honourable member raised a question on interest payments. My understanding is that the interest arrangements between Treasury and ADMA are on a purely commercial basis and that ADMA charges the same interest rates as all grain marketing organisations in the country. I will have to be honest and say that that matter will need confirmation. I am happy to come back to the honourable member and let him know exactly what the practice is and exactly why it is practised that way. But I am sure that there will be a good reason for it.

I would also like to make the point that ADMA, to my knowledge, has not offered guaranteed prices at any stage. All its prices are indicative. That is exactly what they are. They are a best guess by the people involved. When the Grain Marketing Bill goes through and we have farmers on the grain marketing board, that best guess will be arrived at with the assistance of the farmers. From my very short experience in primary production and agricultural development, one of the things that has hit me is the volatility of the market. When I became Minister for Primary Production in December, there was gloom and doom because there was no Wet and we were not going to have a crop. Then we had some rain and the crop looked good. Then we did not have any more rain and the crop looked bad. As it turned out, the crop seemed to be all right. In the meantime, prices were regarded as being steady. However, we then had major bushfires and prices were going to go through the roof. Then rains came and prices were not going to go through the roof; they were going to remain steady. In all fairness to the people in the marketing situation, they are not supermen. They are doing their best to provide an indicative price to farmers. Given the nature of the industry, the products and the circumstances that we all live with, I think that they are probably doing pretty well.

Mr Speaker, the Leader of the Opposition raised his concern about the fact that no stockfeed mill has been established in the Northern Territory to handle the product of the ADMA farmers and to present the product to the consumers. I am not aware of the discussions that took place and the commitments made before my involvement but I can tell honourable members that I have had discussions with the consumers, encouraging them to form a group to establish a stockfeed mill. I have even had discussions with ADMA. I have asked to meet people down south in the grain marketing business so that I can discuss with them the possibility of private enterprise establishing a stockfeed mill and production centre in the Northern Territory. At the same time, I asked the Secretary of the Department of Primary Production, Mr Cameron, who is the former chairman of the authority, to make whatever contacts that he can to try to elicit some interest from the community in the establishment of a stockfeed mill. Nevertheless, I accept the premise that we must have it. We will have it

fairly quickly. If we do not receive a response from private enterprise, which we believe should be involved entirely in the establishment of the mill, then we will do something about it.

The Leader of the Opposition expressed concern at what he believes to be shortcomings in the marketing procedures of ADMA. I do not doubt that his concern is genuine and well founded. But I would make the point that there is much more to it than what he reads in annual reports and papers that are put out by ADMA from time to time to advise the industry. If the honourable member has genuine concerns, he knows, from past experience, that he has only to ring me or write to me. We do have an ability to talk genuinely about these problems and to solve them. I am happy to hear what he has to say because I appreciate that he has had a background in the field. I am happy to learn from anyone who can teach me.

Mr Speaker, there is no reason for concern over the operation of ADMA at this stage. It is progressing very well, under all the circumstances. In my view, there is no crisis in the marketing of ADMA products. Immediately on receipt of any complaint about the marketing of ADMA products, I have asked people to provide documentation or evidence of prices to demonstrate ADMA's failure to do the right thing. The paperwork never eventuates and neither does the proof. I cannot accept the proposition put forward by the Leader of the Opposition at this time but, if he should wish to take the matter up with me again, I would be happy to discuss it. I undertake to have the 2 authorities concerned compile a written reply to the points he has raised.

Mrs O'NEIL (Fannie Bay): Mr Speaker, hope springs eternal in the human breast. I suppose that is why so many of us are interested in the Agricultural Development and Marketing Authority's activities in the Northern Territory, being aware, as we are, of the chequered history of agricultural development in the Northern Territory and the realisation that we have of its importance to the future of the Territory. I am particularly concerned because of its activities in the Douglas River area with which I am particularly familiar.

I have watched the development of those farms in that area, as well as elsewhere in the Territory, with some particular interest and also with an understanding, which is obvious to anyone who follows the matter, of the amount of public money that is being invested in these developments. A considerable amount of the funding provided has been for the ADMA program. In the 1980-81 financial year, it amounted to $2.5m. In 1981-82, a further $2.1m was allocated and, last year, the amount increased to $5.3m, following an original appropriation of only $4.3m.

It is obvious to all of us that provision of funding alone does not lead to successful agricultural development. Anybody who is aware of the chequered history of attempts to develop agriculture in the Territory in the past or follows the passage of the season or who listened carefully to the speech of the Leader of the Opposition can see that this is so. There has been a cost through failure in this area, both to individual growers and to the industry in general. There is a further cost that must be considered: the cost to the Territory community and the Australian taxpayer.

I mentioned the millions of dollars that have been appropriated for these schemes in the last several years. Honourable members will be aware that there has also been investment of funds in the program through the Northern Territory Development Corporation. There is a requirement, under the agreement between the ADMA farmers and the Agricultural Development and Marketing Authority, that the authority will underwrite any losses incurred by the project farmers. There

is genuine concern because of the poor marketing performance of ADMA - which, last season, was compounded by the low average crop because of weather problems - that a significant payout of funds through the underwriting provisions has been necessary to cover losses. Our concern is not that ADMA farmers should be secured against losses early in the life of the development but that unneccessary losses have been incurred because of the failure of the government to develop an effective marketing system for the grain once it is grown. Since the Minister for Primary Production has indicated that he will reply to the points raised by the Leader of the Opposition in writing at a later date, I draw to his attention some questions which I will ask him now and which perhaps can be answered at that time.

I would like to ask him the nature of the underwriting facility written into the agreement between ADMA and the project farmers. I would think it is reasonable to ask also for details of the levels of expenditure which result from the presence of that underwriting provision. I have been given some figures which the honourable minister might care to comment upon. I am informed that the following amounts were paid to the ADMA farmers following the 1982-83 cropping season: farmer 1 - $50 000; farmer 2 - $54 000; farmer 3 - $60 000; farmer 4 - $22 000; farmer 5 $50 000; and farmer 6 - $127 000. I have no intention of identifying the farmers by name but, in view of the fact that that is approaching $400 000 of public money, I think that details of those expenditures and indications of the accuracy of those figures should be made available to this Assembly.

Mr Tuxworth: Put a question on notice.

Mrs O'NEIL. I am asking the minister. One way or the other, he has the question. If the figures are accurate, I consider that it is definitely a matter of public importance, as the Leader of the Opposition has indicated. The Assembly should be provided with details of the basis of the payments which were made. I also ask the minister to provide a detailed explanation of the level of compensation paid following the 1981-82 cropping season. Since the minister has already spoken, perhaps another government speaker will answer that question.

There is a further concern with respect to ADMA. When there is talk about agricultural development in the Northern Territory, we tend to concentrate on the Douglas-Daly project farms. However, there have been and there still are many other farmers in the Territory involved in agriculture. The initiatives claimed by the Northern Territory government relate to, firstly, the provision of a crop contract scheme, secondly, the provision of fertiliser freight subsidies and, thirdly, the provision of a harvester freight subsidy scheme. In the past, these have been acknowledged by the opposition as being vital components of any overall promotional program for agriculture. However, we are now aware that there is considerable concern within the industry, and the rural community generally, as to the security of this government's ongoing commitment to the crop contract development scheme which is the key area of assistance. This scheme is important for 2 reasons: firstly, it promotes broadening of the agricultural sector and, secondly, it is important for future development strategies in that the contract farmers are required to provide detailed economic data about their cropping activities along lines similar to the requirements placed on the ADMA farmers.

The former Minister for Primary Production referred to this scheme in various statements last year. At one stage in Katherine, he said that the Northern Territory government's policy of direct financial support for the agricultural sector would continue and part of this continued support would be a continuation and expansion of the contracts scheme. However, following that

assurance in August, the then minister released a press release on 17 December informing us that the expanded contracts scheme in the 1982-83 season would have only 5 Territory farmers participating. He pointed out that there had been 23 applications to participate in the scheme but that the majority of them had been rejected. It is obvious that, during 1981-82, the scheme had operated successfully with 8 local farmers participating. Therefore, how can we say it is a successfully expanding scheme if, in the following year, there is actually a reduction in the number of participants to 5?

The key to the development of the commercial agricultural sector in the Northern Territory is obviously the performance of stage 1 of the ADMA program. This is necessary so that an effective argument can be put to Canberra to ensure adequate funding for the expansion into stage 2 at some later date. That is absolutely essential. However, given the performance of this government in administering the initial part of stage 1 of the ADMA program, as a person who is very concerned in this area, I am personally fearful that our chance to develop agriculture will be lost once more. This is something we cannot afford to let happen.

Reference was made to the fact that there has recently been an appointment of a full-time chairman to the Agricultural Development and Marketing Authority following what was obviously an unsuccessful period with a part-time chairman. I acknowledge that. I acknowledge also the potential to improve the marketing performance of Territory produce through the establishment of a grain marketing board, which we will be discussing later today. But it is most certainly a matter of public importance. It is essential that a clear explanation be given for the expenditure, apparently unneccessarily, of hundreds of thousands of dollars of taxpayers' money and the winding down of those support programs for farmers participating outside the ADMA scheme.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it is very difficult to discern why the opposition raised this matter of public importance this morning when its speeches on the subject have mainly consisted of a series of detailed questions. Of course, we have the grain marketing authority legislation coming on this afternoon, at which time the opposition members could have given exactly the same speeches, perhaps even more rounded speeches. After all, the Grain Marketing Authority Bill deals with what we have been talking about this morning. The ADMA people have the responsibility at present for the marketing of sorghum and maize. It has also been agreeing to market, on request, mung beans. At present, I am told that there is approximately 1800 t of this year's crop unsold: 1200 t of sorghum and 600 t of maize.

We heard the Leader of the Opposition tell us that assurances had been given that the whole of the 1981-82 crop would be sold. I have to rack my memory for many of these details for the simple reason that negotiations had been completed, according to ADMA, for the sale of the entire 1981-82 crop. The Leader of the Opposition castigated the minister, which is fair enough, because the sale of the crop did not take place in its entirety. I am told that the reason why the entire crop was not sold was simply because the purchasers who had indicated their agreement to purchase failed to accept delivery of the amounts they had contracted to accept delivery of at the times when they were supposed to draw these amounts. It is a fact that, unfortunately, there has not been enough good support from the major purchasers of grain in the Northern Territory for the efforts of ADMA to sell the local crop. There have been at least 2 major egg producers who have continued to draw all or the bulk of their supplies from Kununurra.

Whilst nothing has ever been said to me, I know that egg producers in the

Northern Territory are attempting to exert a great deal of pressure on the government to introduce egg industry legislation which would protect all the growers and drag the Territory into the doomed CEMA scheme in relation to egg production. In fact, I am not quite sure that there is no connection between those 2 matters but I can assure you, Mr Speaker, that the Territory government does not propose at this stage to get involved in a scheme that everywhere else in Australia is recognised as being utterly and completely irrelevant to the real needs of the consumers and the industry and is keeping egg prices at an artificially high level.

There is concern in the industry about the marketing of grain by ADMA and there will always be dissatisfaction by farmers at prices received. The whole purpose of the Grain Marketing Bill is to try to minimise that concern. I am quite sure that the growers who are elected to the grain marketing authority will soon be turned on by fellow producers because this is the nature of the industry. You can see it on the Wheat Board, the Barley Board and all manner of boards to which growers are elected - the rest of the industry turns on them. Unfortunately, on matters of pricing, you never seem to be able to quite convince farmers that they should not have received more. I would have to second the remarks of the Minister for Primary Production about asking for substantiation of any of these allegations.

I am quite prepared to accept what the Leader of the Opposition said about ADMA newsletters. If it was so way out in its predictions of sales, then whoever runs that newsletter certainly needs a hurry up. As soon as the minister and I first met with the ADMA farmers, we learned that the main burden of their concern was that they had not received what they considered were the top prices. You have to take into account the circumstances of the ADMA farmers at present: they have had a bad season and they are having trouble with their banks because of that. All the circumstances at the Douglas-Daly combine to produce at the moment a less than optimistic feeling amongst these farmers. A few of them are having a very difficult time financially. If they had not received the money that the member for Fannie Bay talked about, I doubt that they would have been able to have carried on. Indeed, I would like to tell the Assembly that those are only interim payments. Of course, these interim payments again produced bad blood between the farmers themselves because they received differing amounts. I have said to ADMA that it must produce an objective formula by which these subsidies can be granted - an objective formula that cannot be questioned by anyone.

Mr Speaker, there are many other apsects surrounding the whole matter. When we had the meeting with the farmers, I said to them: 'The grain marketing authority is on the way but let us not wait until it is set up by statute. Let us have an ad hoc grain marketing authority. Please elect 3 members from your number and someone from Katherine and we will market grain with the ad hoc grain marketing authority'. I hope that that is working. At least, they will be in on the secrets and they will all be part of it. That has been going since some time in July. I hope that it has taken some of the tension out of the problem.

It is also fair to explain that these fellows down on the Douglas-Daly have signed what amounts to a share-farming agreement for 5 years and some of them are getting a bit toey. As time goes on, they realise that 5 years is a long time and they do not know the price of their farm yet. That is another thing that is pretty hard to wrestle with. If you charge them the full market value of their farm, that might be unjust and inequitable. By how much do we depreciate the cost of their farm if we do not charge them the Valuer-General's valuation?

There was so much glory and trumpeting in the first year. Everyone wanted to go down there to watch them and drop the grain in the furrows. This year, the season has not been as good so there is concern amongst them. The government

wants it to be known by everyone that it will not abandon these farmers. The grain industry and farming in the Northern Territory is solidly supported by the government and we propose to continue in a determined fashion with our objective of establishing viable agriculture and horticulture in the Territory.

Before I sit down, Mr Speaker, I think I should say a word or 2 for ADMA. I would rather that someone else spoke in defence of ADMA because, considering it has been going a relatively short time, I think it has done a pretty good job. You cannot be perfect every time; mistakes will be made. Maybe there should have been a stockfeed mill established sooner. Certainly, the NTDC, for which I am the minister responsible, has been working determinedly to try and get a mill but you have to secure someone to operate it. We have had a couple of interested people. That brings me to Kevin Hickey, a farmer in the Katherine area. I have often spoken to Mr Hickey. In fact, when I want some advice on agricultural matters, I usually have a talk to Mr Hickey because he strikes me as a bloke who has his feet on the ground. Furthermore, he is not in receipt of any money from the government. He is farming on his own resources and, to my mind, he is probably one of the most successful farmers in the Northern Territory. Certainly, he is the best set up and most successful farmer in the Katherine area.

Perhaps it is worth saying that, in harvesting some of the crops down at Katherine with equipment borrowed from either DPP or ADMA, some of these farmers managed to wreck a header just by pulling it through their crop. What quality of crop would that have been? The sort of material that is coming off some of these farms is incredible. The honourable member for Fannie Bay must realise this. Perhaps she had better check some of these things before she says that the cropping subsidy scheme should be extended willy-nilly. There have to be some standards imposed. If these people are not going to produce a crop that at least looks commercially viable, I do not really feel that taxpayers' money should be extended to prop them up.

Kevin Hickey says to me every time I see him: 'Don't let them knock ADMA. If we did not have ADMA, I do not know where we would be'. I wish that the establishment of agriculture in the NT - and it has been up until now - was an apolitical exercise. Whilst I recognise mistakes will be made, I hope that this does not set agriculture on the slippery downward slide of becoming a heavily-politicised subject where people are trying to score cheap points by the mistakes which will occur. I confidently predict that there will be more mistakes in marketing after today and there will be more complaints about marketing. I believe that everyone associated with the project in ADMA has done his best. I have had no evidence placed before me, despite meetings myself with the farmers and the sending of 2 people to carry out assessments by individual interviews with the farmers on my behalf, that better prices could have been obtained.

PLANNING AMENDMENT BILL
(Serial 350)

Bill presented and read first time.

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

The amendments contained in the bill were foreshadowed in an announcement which I made in March concerning the introduction of the Building Bill. At that time, I said that the Department of Lands was reviewing the Planning Act with the objectives of removing duplication with the building legislation and to provide, between the 2 sets of legislation, the most progressive land-use controls in

the country. I am confident that the results of that review, contained in this bill, will achieve those objectives.

The Planning Act of 1979 came into operation largely as a result of the confusion and dissatisfaction that existed in the community in regard to the urban and regional planning proposals which were implemented by the Darwin Reconstruction Commission before self-government. During the 4 years in which the present act has been in operation, I am sure that the Territory's planning system has proven to be much more effective, flexible and equitable than the controls which it replaced. It was not just in Darwin that the planning controls were found to be oppressive and unnecessarily complicated. It was in Alice Springs and other Territory centres as well. Experience gained over the last 4 years has shown that further improvements can and should be made, particularly with regard to streamlining some of the procedures involved in the administration of development control and in simplifying the act wherever possible so that it is easier for everyone to understand. It is against this background, and the government's continuing and overriding commitment to the development and expansion of the Territory's economic base, that this bill is being introduced.

One of the most important changes provided for in this bill is to reduce the time taken to implement a draft planning instrument to rezone land. Under the present system, such rezonings take as long as 7 months. The government feels that delays of this magnitude must be reduced so that worthwhile development proposals may proceed. There are a number of key areas where streamlining is proposed. The first is by eliminating the mandatory requirements for consultation with the council and prescribed persons. In theory, this procedure would appear to be desirable but, in practice, it has proved to be an administrative obstacle which serves no useful consultative purpose whatsoever. This is because the councils and prescribed person, who is the Secretary of the Department of Lands, acknowledged that they had been consulted only for the purpose of satisfying the provision in the act that says they must be consulted. Both bodies acknowledge that real and effective consultation occurs before and during the preparation of a draft planning instrument. They are able to, and often do, make representations during the public exhibition period and, furthermore, the council itself has a majority of local members appointed to the Planning Authority.

I agree, however, that there may be instances where there is a genuine need for some form of consultation to take place before the draft planning instrument is exhibited publicly. The present act contains such a provision to the extent that the minister can direct the authority to consult with any person during the preparation of a draft planning instrument.

The second important area where time can be saved is at the stage of public exhibition. The bill proposes to reduce the present 3-month period, which is far too long for minor rezonings, to 28 days. However, a provision will be incorporated so that this period may be extended for the more important and or significant draft planning instruments. This amendment effectively reverses the current procedure whereby the mandatory period is 3 months, with the discretion to reduce this to 28 days. Experience has demonstrated that the vast majority of draft planning instruments are for minor rezonings of single lots. For these situations, a 28-day period is quite sufficient. In conjunction with this amendment, the bill will make it necessary for persons applying to have land rezoned to erect a sign on that land indicating the fact. The sign will have to be displayed in a prominent position on the land so that it is clearly visible to nearby residents who are, after all, the people most likely to be affected by any rezoning proposal. It will still be necessary to publish a

a notice in the local newspaper, as is done at present, but the number of times which such a publication appears in the press will be reduced from 4 to 2. That will no doubt sadden the press barons. Overall, I feel this method of public exhibition will be far more effective and convenient than at present and, combined with the reduced period of public exhibition, should further streamline the rezoning process.

The third area where efficiency can be improved is in respect of the role of the Executive Council in the final making of planning instruments. The bill proposes to eliminate the role of the Executive Council altogether so that the minister will be the person who actually makes the planning instrument. My own personal experience since taking responsibility for the administration of the act has shown that this stage can add quite a considerable period to the rezoning process, a period which may be crucial to a developer who may know that both the Planning Authority and the minister support the proposal but that it is dependent on the formal sanctioning of the Executive Council.

Compulsory pre-appeal conferences is a further initiative contained in this bill. Put simply, such conferences will require both the applicant and the consent authority to try to resolve outstanding differences under the chairmanship of Appeals Committee chairman prior to the matter going to appeal. The pre-appeal conference would be conducted in an informal manner and without regard to legal forms and technicalities so that the need for expensive legal and other expert advice would not be required at that stage. Experience in those states where this procedure has been operating indicates that a good proportion of appeals can be avoided by the adoption of this preliminary procedure. I hope it works.

Another change to the planning appeals system, but one which is not likely to be exercised very often, concerns the power of the minister to appear at an appeal for the purpose of presenting the committee with such government policy as may be relevant to the appeal. In reaching its decision, the Appeals Committee would be required to have regard to the evidence submitted by the minister. This amendment will ensure that determinations of the Appeals Committee are not inconsistent with stated government policy.

Sections 51 to 58 of the act, which concern the hearing of submissions in relation to reserve land, are to be deleted. These provisions were originally inserted in the act in anticipation of land acquisitions and rezoning proposals ocurring at the same time. In practice, this has not happened, possibly because any land that may have been acquired by the Territory has been appropriately zoned. It should be noted also that, in the 4 years that the Planning Act has been in operation, these provisions have never been exercised. Moreover, the government believes that it is both confusing and inappropriate that land acquisition matters which concern land tenure should be contained in legislation which is concerned principally with land use. The Planning Act will be much simpler to comprehend if these references to land acquisition are deleted.

Without an effective and efficient system of enforcement, the planning control and policies which have been prepared for the various areas throughout the Territory would tend to be ignored. Unfortunately, the present legislation involves authority staff in much time and effort in successfully proving that a contravention of the act has occurred and then in subsequent prosecutions. By way of example, there are many backyard caravan parks scattered throughout Darwin and other centres which have almost certainly been set up without any planning approval. They are therefore classified as illegal uses. However, the magnitude of the problem, together with the amount of time taken to investigate each illegal use, means that the backyard caravan park problem is likely to be with us for some years.

The bill proposes to streamline the enforcement procedures so that persons suspected of using land in contravention of a planning instrument will have the onus of proof placed on them to demonstrate why action should not be taken against them. It is pointed out that this is an important amendment but it is one which has been brought into operation in both New South Wales and South Australia. I should also add that the Territory's new Building Act 1983, which will come into operation shortly, will employ a similar procedure by way of the issue of 'show cause' notices.

Finally, the act is being amended as a consequence of the passing of the Environmental Assessment Act. The bill includes amendments which will remove from the Planning Act requirements for an environmental impact statement.

Other amendments are being made to ensure that subdivision and development applications, which may be made the subject of an environmental impact assessment, are not dealt with under the Planning Act until such time as they have been given an environmental clearance in terms of the administrative procedures under the new Environmental Assessment Act.

The package of amendments contained in this bill should result in further significant improvements to the Territory's planning legislation, especially in terms of greater streamlining and simplification. I am confident, Mr Speaker, that the changes will be welcomed by the community generally. I commend the bill to honourable members.

Debate adjourned.

COMMUNITY WELFARE BILL
(Serial 351)

Bill presented and read a first time.

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

This bill repeals the Child Welfare Act and the Social Welfare Act which were commenced in 1958 and 1964 respectively. Both acts have been widely criticised as being totally outdated in their concept and operation. The review of welfare legislation has been a high priority in the post self-government legislative program. I should point out that the complex social and legal issues which come within the scopeof this legislation have made it imperative that the government proceed slowly so that the final product will be attuned to the present and future needs of a young and developing Territory.

Mr Speaker, the government's first step in this process was to set up a board of inquiry into the welfare needs of the Northern Territory in 1978. The board consulted widely throughout the Territory and presented its report in 1979. In 1980, a legislative research program was initiated and a thorough review conducted of comparable legislation, both in the states and overseas. At the same time, further public forums were conducted to encourage public input into the new legislation. Subsequent to the initial research project, the framework for legislation has been developed in conjunction with continuing, widespread consultation. This has involved ongoing interdepartmental consultation as well as a close liaison with the Australian Law Reform Commission, in particular Dr John Seymour and Professor James Crawford. The commission is in charge of the child welfare and Aboriginal customary law references.

In addition to the assistance received from these sources, my department engaged the services of a legal consultant, Dr Foreman, an academic lawyer who

is a leading authority in the fields of criminology and family law. Recently, Dr Foreman took up the post of Director of Policy for the Victoria Police. Her contribution to the development of this legislative package has been invaluable.

The review process culminated in the tabling of the draft Community Welfare Bill and Juvenile Justice Bill in the Assembly in March this year. At that time, I invited public comment on both bills and, subsequently, about 400 copies were sent to organisations and individuals, both within and outside of the Territory. The responses received to the call for comments have been most heartening and a number of very detailed comments have been received. Generally, the comments have been highly favourable about the overall direction of the bills. However, a number of the submissions suggested changes to various parts of the bills, many of which were most constructive and have been incorporated in the final drafts.

Mr Speaker, I consider it worth while to outline the consultation which has taken place in developing this bill and the Juvenile Justice Bill so that honourable members will appreciate these bills are not the product of haste, but of a very lengthy process of research and consultation. I believe that the Community Welfare Bill will provide leadership to the rest of Australia in a number of important areas. The fundamental intention of the bill is to support the institution of the family, particularly in relation to its responsibility for the care of children. In keeping with this aim, the bill has restricted severely the circumstances in which the state may interfere in the care of children by their families. However, at the same time, it has sought to strengthen and streamline the legal machinery which is necessary to respond to those few cases where the protection of a child is an overriding concern.

The recently introduced provisions for compulsory reporting of child abuse have been retained. Powers to investigate such reports are given to authorised officers, including police, as well as the power to take a child into custody in certain circumstances. However, the time a child can be held in custody without further authority has been reduced from 14 days to 48 hours. The bill provides for the establishment of child protection teams in various locations. These will comprise representatives of welfare, police and health as well as other relevant bodies who will consider the action required by each department in relation to every investigated report of child abuse. The purpose of these teams is to ensure that the work of the relevant departments is properly co-ordinated to provide a comprehensive response to cases of maltreatment of children.

Mr Speaker, another important innovation in the bill will be the establishment of a Family Matters Court to hear applications that children be declared in need of care. Unlike the present Children's Court, this will be solely a court of civil jurisdiction and its proceedings will be entirely separate from criminal proceedings involving juveniles. Hearings in the Family Matters Court will be in private and the procedures will be of a less formal nature in keeping with its central purpose. That purpose is to decide how a child's welfare can best be protected, with the least possible disruption to important family relationships. The range of orders which the Family Matters Court may make also deserves special mention. It includes the power to direct the parents regarding the future of the child with a further option of supervision by the minister. A unique provision in this section allows the court to place a child under the joint guardianship of the parents and the minister for up to 12 months. In all other jurisdictions in Australia, parents lose all rights in relation to a child placed in the guardianship of the minister. This provision will allow an equal partnership between the minister and the parents, with the court deciding who shall have custody and what conditions should apply.

As a final option, the bill provides for a complete removal of guardianship from the parents. This is intended to be used only when all hope of restoring the child to his family has been lost and the issue is one of providing secure, alternative care for the child on a long-term basis. Where sole guardianship is transferred to the minister, this will be subject to court review at least every 2 years. The provision is intended to ensure that there is accountability back to the court in cases of long-term guardianship.

Another option, designed to provide greater security for children in long-term care, allows the court to transfer sole guardianship to some other person, possibly a relative or foster parent. The current situation, both in the Northern Territory and elsewhere, is that children under the guardianship of welfare authorities can never really belong to the families who are caring for them even though that care may span most of their growing years. This causes a great deal of insecurity and resentment to many children in this situation and the proposed provisions will allow such permanent care situations to be given full legal status.

Mr Speaker, an issue of growing concern throughout Australia has been the history of welfare departments in the care of Aboriginal children. There is a growing consensus that, in the past, welfare authorities have been far too ready to remove Aboriginal children from their families and bring them up in a Euorpean environment with little or no contact with their own people. The heartache and the cultural dislocation which this has caused to large numbers of Aboriginal people is one of the great tragedies of Aboriginal society today. This bill seeks to redress the situation by including a range of special provisions designed to ensure that, in considering the care of an Aboriginal child, full consultation will occur with the appropriate Aboriginal people and every effort will be made to preserve the important links between Aboriginal children and their families and culture. Furthermore, the bill enables the minister to enter into agreements with Aboriginal councils or associations to undertake child welfare functions. This will allow an opportunity for real participation by Aboriginal people in the child welfare system. It is worth noting that these provisions have been described by the Australian Law Reform Commission as a distinct advance on the Australian legislation in this field. This section entitled 'Aboriginal child in need of care' has been cited as a very important model for Australian child welfare law and is currently being examined by other states as a basis for uniform legislation.

Mr Speaker, I have tried to give a brief summary of some of the more important new provisions contained in this bill. In addition to those I have outlined, there are a number of standard provisions which include provision of welfare assistance and programs, registration of foster parents and licensing of homes and child care centres. Honourable members will appreciate that the bill covers a wide range of matters which I have been able to describe only briefly. However, I hope that a few important things have been clear in what I have said: that the first priority in providing for the welfare of a child is to be supportive to the family; that effective and appropriate legal mechanisms are essential to provide proper protections for the small number of children who are seriously at risk in the situation in which they are living; that a number of checks and balances are necessary to ensure that those systems we set up for the care and protection of children are held accountable and have strict limits placed on their powers over families and children; and that the past history of child welfare systems, as they affect Aboriginal children, are so tragic that special provisions are necessary to ensure that this history is not repeated.

In conclusion, I believe that this puts the Northern Territory at the forefront in relation to child welfare legislation and I trust that it will be

welcomed by Territorians generally. If members feel it would be helpful to have a workshop, as we have done in the past, on aspects of the bill, I will be only too pleased to consider that proposition and hear their views. I commend the bill to honourable members.

Debate adjourned.

JUVENILE JUSTICE BILL
(Serial 352)

Bill presented and read a first time.

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

This bill is introduced in conjunction with the Community Welfare Bill. The introduction of a separate bill for juvenile justice heralds a significant change in philosophy from past approaches to laws relating to juvenile offenders. In the past, the issue of dealing with young people who break the law has been lumped together with those laws relating to the general welfare and protection of children. The theory behind this was that young offenders were really only victims of their circumstances and required care and treatment rather than punishment.

I have no doubt about the noble intentions of people who framed those laws. However, the reality is that, throughout the western world, this welfare approach to juvenile justice has proved to be to the detriment of offenders and the community alike. I shall refer to some of the consequences which these provisions have had. Because the dispositions provided for young offenders are welfare rather than justice oriented, the consistency of the law in dealing with the offenders can be lost. The system is not geared to hold juveniles accountable for their actions in such a way that there are predictable consequences for breaking the law.

Welfare dispositions often result in guardianship being removed from the parents. This is a totally unjustified outcome and the issue is the juvenile's own behaviour not the standard of the parental care he has received. Welfare dispositions are often of indefinite duration and therefore do not represent a just penalty for a particular offence. I am pleased to be able to say that these 2 criticisms of the welfare approach to juvenile justice do not reflect the current state of play in the Northern Territory. As a result of cooperation between the Police Force and welfare officers, the existing provisions have been implemented in such a way that a consistent model of justice is applied to juvenile offenders. This bill will provide legislative backing to current practice in the Northern Territory as well as continuing a widely enhanced range of provisions for dealing with juvenile offenders.

The bill creates a Juvenile Justice Review Committee. This committee will be chaired by the Chief Magistrate and will comprise representatives of the relevant government departments and non-government organisations which play a role in the juvenile justice system. The function of the committee will be to review constantly the operations of the juvenile justice system and, if appropriate, make recommendations for change.

The common law has recognised for some time that additional protection is needed to be built into the criminal system in its application to certain categories of people, including juveniles. These protections, the most significant of which is the presence of a parent or another independent adult

during police questioning, have been clearly spelt out in the bill. In general, the bill seeks to establish a consistent framework for dealing with offences committed by juveniles from apprehension through to disposition in accordance with the due processes of the law.

The bill establishes a Juvenile Court to deal with offences by juveniles. This replaces the present Children's Court but does not include its civil jurisdiction which will be exercised by the Family Matters Court established under the Community Welfare Act. The Juvenile Court will be a court of summary jurisdiction and will be concerned with the dispensation of justice to young offenders. Unlike the existing Children's Court, it will not be closed automatically to the public but the magistrate will have the full discretion regarding the opening or closing of the court and the publication of its proceedings. At the lower end of the dispositionary scale, the bill allows the court to discharge a juvenile without penalty either immediately or after an adjournment of up to 6 months. These dispositions are designed to allow the court to deal with the first offenders in such a way that they are left with no blemish against their character.

Other more serious penalties include fines, good behaviour bonds, community service orders and probation. It is intended that these penalties will provide the court with a wide range of options by which juveniles may be held accountable before the law without removing them from the community. However, at the top end of the scale, for serious or persistent offenders, the bill provides for periods of detention. In the case of juveniles under 15 years, this may only be in a juvenile detention centre. However, the additional option of imprisonment is provided for those 15 years or over. The bill also provides that, in extremely serious cases, where the penalties available to the Juvenile Court are inadequate, juveniles may be referred to the Supreme Court which has at its disposal the full range of penalties available for adults. Hopefully, the use of this provision will not be frequent.

Although the Juvenile Court may only deal with justice matters, there will be cases where juveniles who appear before the court appear to be living in circumstances where their welfare is in danger. In these circumstances, the court will be empowered to direct that their circumstances be fully investigated and appropriate action taken. Any resultant proceedings will be in accordance with the Community Welfare Act.

The bill contains detailed provisions for the establishment and operation of juvenile detention centres. In institutions of this sort, it is very important that the law clearly outlines the powers of the authorities and the limitations upon those powers. These are basic safeguards of the rights of detainees. The bill also provides for the appointment of magistrates as official visitors to juvenile detention centres.

In recognising the need for these provisions, the government is in no way voicing concern about the current operation of juvenile detention centres in the Territory. In fact, Giles House, which is at present the Territory's only secure juvenile facility, provides a very high standard of operation which is equal to any other in Australia. I am sure honourable members would concur with that view.

The bill contains detailed provisions for the interstate transfer of detainees. It has been necessary to draft rather complex provisions on this subject in order to safeguard the rights of the detainee and cater for the wide variation in legal provisions between the states. I am sure that honourable members will be interested to know that the principles adopted in this bill

relating to interstate transfer arrangements have recently been endorsed by the Council of Social Welfare Ministers, and the Northern Territory provisions have been presented as the model for other states to follow.

In conclusion, I believe that this bill will provide the Northern Territory with effective machinery for holding juvenile offenders accountable before the law in a way which balances the rights of the juvenile against the need to protect the community. However, it should be recognised that legislation such as this forms only part of an overall strategy to reduce juvenile crime. This includes preventative measures, such as support services to families and general programs for youth. It also includes such diversionary procedures as police warnings and early intervention by welfare authorities which attempt to address the problems of juvenile offenders without recourse to the formal justice system.

Mr Speaker, as I said a moment ago, if honourable members would like to have discussions on this bill in the committee room at some stage before the next sittings, I would be only too pleased to join with them. I commend the bill.

Debate adjourned.

APPROPRIATION BILL
(Serial 342)

Continued from 30 August.

Ms D'ROZARIO (Sanderson): Mr Speaker, on Tuesday we heard the honourable Treasurer outline the government's economic strategy for the forthcoming financial year. We were informed by the Treasurer that it is the responsibility of the Northern Territory government to maintain a careful balance between revenue-raising efforts and expenditure. He did not say 'revenue raising' but 'revenue-raising efforts'. We were informed further that the Northern Territory government is confident that it can maintain real growth without raising government taxes. This is welcome news indeed for the Northern Territory population. The Treasurer further stated that, because the Territory had achieved real growth, providing extra revenue for Territory programs, there is no need for an additional burden on Territorians. We were also informed in passing that this achievement had been brought about without the necessity to index existing taxes.

Mr Speaker, I suggest that the Treasurer should look again at his budget figures. The increase in Territory revenue between 1981-82 and 1982-83 was only 7.8% in money terms. I point out that these are last 2 financial years. That was a time when the inflation rate was running at around 12%. A closer look reveals that growth in revenue from stamp duties, which was predicted to be in the order of 25% in 1982-83, in fact increased by only 13.5%, just over half the projected increase. More importantly, we should look at payroll tax because that is the largest single item of Territory-type taxes in the revenue statement. When we look at payroll tax, we see the prediction was that it would grow by 14.4% in the 1982-83 financial year but the actual increase, as measured by the publication of public accounts, was only 9%. The Treasury predictions for the rate of growth in Territory revenue over this financial year paint an even worse picture. Overall, there is expected to be an increase of only 5% in total Territory revenue and receipts. Further, payroll tax revenue is expected to increase by only 5.7% in money terms.

I asked a couple of questions this morning as to why the rate of increase was so small, given the expected rate of growth in the Northern Territory. I

cannot say I am satisfied with the answers. The Treasurer seemed to think that I was advocating an increase in taxes and charges. That was not the thrust of the question at all. The question called for an explanation as to how Treasury came by its estimates when the Treasurer himself seems to think that growth will be over and above the 5% indicated in revenue budget paper No 2. Payroll tax indicates the rate of growth in both wages and the number employed. It is a tax which is struck at a fixed percentage of the wage bill. If we are talking about economic growth, we should be talking about growth in jobs. If that is the case, then I suggest to the Treasurer that payroll tax is a growth tax. The estimates certainly do not show that it is growing at the same rate as economic growth is supposed to.

Mr Speaker, there are 2 points to be concerned about with respect to the real decline in Territory revenue, I would like to deal with each of them in turn. Firstly, it presupposes a continuing recession. I would suggest that, if that is the proposition, then it is an incorrect one. Therefore, the estimates are incorrect. Given the injection of Commonwealth funds into the Territory for the 1983-84 financial year, there is very little doubt that the Territory will show strong economic growth over this period. I have to stress that 86% of total revenue has come direct from the federal government. Given that sort of commitment, I have no doubt in saying that there will be increased economic growth. What I am questioning is the Treasury estimate of the increase in Territory revenue, a matter which apparently passed the Treasurer by in question time this morning.

The second possible explanation for the apparent decline in Territory revenue is that this government is deliberately understating the figures. The only conclusion that we can draw on this side of the Assembly is that the Northern Territory government is understating its revenue-raising capacity and, as a result, will massively increase its charges if it is re-elected at the next election. Just by way of historical example, I would like to remind members that, in the first budget after the 1980 election, Territory charges rose by 18%. This first election bonus, if it can be called such, gives the clue as to what can happen if this government is returned at the next election. If that happens, I suspect the Territory charges in the first budget following the 1984 election will rise in the order of 25%.

I make this point simply because the Treasurer seems to confuse economic growth with population growth. He tells us that economic growth will be strong but the Treasury estimates of revenue, as presented to this Assembly in budget paper No 2, do not indicate the same view. In fact, we have a mere 5% increase in money terms in Territory revenue presented to us in this budget paper.

The Treasurer has informed the Assembly that the level of economic activity, as indicated by construction and the rate of increase in number employed, has been maintained at a consistently high level. On the other hand, the budget papers suggest a very poor performance with respect to Territory revenue collections. One of these statements must be incorrect: either the Treasurer's statement or the statement in budget paper No 2.

I would like now to turn to the government's level of capital works expenditure for the 1983-84 financial year. In his budget speech, the Treasurer referred to economic stimulus from the budget. I will be the first to say that economic stimulus should be the objective that any state or territory government should pursue. We were told that in 1983-84, the government's roads program would be worth in the order of $68m. We were told that, within this figure, there would be $48m worth of new road construction. I would like to make 2 points with respect to road funding. The first is that the federal government, through its bicentennial road grants and other road funding, has provided

$35.98m for Territory roads this financial year. We also see a carry over of about $10.46m from the 1982-83 construction program. The point is that the Northern Territory government's roads program has been decided by the generosity of the federal government - something we have great difficulty in getting this government to concede. The impact of this generosity will be determined by the ability of the Northern Territory government to spend money on it roads program. I will be turning to the ability of this government to expend money allocated to it in a little while. It also adds that, of the $58m worth of roads currently under the government's program, expenditure for this financial year has been set at $46m.

Mr Speaker, we were further told by the Treasurer on Tuesday that new capital works to be commenced in 1983-84 will total some $277m. This is made up as follows, if I may quote some figures from the budget papers: Department of Transport and Works - $143m; Northern Territory Electricity Commission - $70m; Northern Territory Housing Commission - $54m; Northern Territory Conservation Commission - $6m; Palmerston Development Authority - $3m; and the Darwin Port Authority - $1m.

If we are to appreciate the impact of the capital works expenditure in terms of employment, we need to look at the actual allocation for 1983-84 rather than the total program. If we look at the Treasurer's allocation for capital works to be undertaken by the Department of Transport and Works in the current financial year, we see that it is expected that $103.74m will be spent. I would like to point out that this is an increase of only 5.3% over last year's figure. That is also presented for comparison purposes for members and they will see that that figure is $98.53m. This percentage increase does not take into account the effect of changes in prices of inputs in construction and, if that were taken into account, we could certainly say that there is a real decline in the level of capital works expenditure in this key area of the Department of Transport and Works. I must say that I find this quite disappointing, given the significant injection of federal funds in this first Hawke budget. The capital works program for the Conservation Commission this current financial year is only $900 000. Capital works spending through the Palmerston Development Authority shows an increase of only 9% in money terms and I suggest that there is very little prospect of real growth in that area.

I turn now to the key area of the Northern Territory Electricity Commission and its capital works program. Principally, this relates to the construction of the Channel Island Power-station. It is anticipated that expenditure of $18.6m will occur this financial year in this area. I feel constrained to make 2 further points in this respect. The first of these is that there is an agreement with the Commonwealth government that provides for a grant of $124m at 1980-81 prices towards the construction of stage 1 of the Channel Island Power-station. Provision has also been made to allow the Territory to raise whatever loans it might require to complement this very significant contribution. Secondly, I must express some concern at the ability of the Northern Territory government to undertake the construction of this vital facility within the time frame allowed. I understand that preliminary work, at this stage, is about 8 months behind schedule and, of the estimated $15.8m budget allocation for the financial year 1982-83, only $7.1m was expended.

According to Commonwealth budget paper No 7, which we must read in conjunction with all other budget papers, for the financial year 1982-83, there was an allocation for the Channel Island Power-station of $8.6m According to the Commonwealth budget paper No 7 for that financial year, only $2.53m of this allocation was drawn upon. The allocations are one thing but, in order to provide the stimulus required, these funds must be epxended within the time frame which is planned. I would ask the Minister for Mines and Energy to provide,

as soon as possible, a detailed breakdown of progress made with respect to the Channel Island Power-station. This is a very expensive project and we rely upon it heavily to provide the economic stimulus that is sought.

Capital works expenditure for this financial year by the Darwin Port Authority shows an increase of some $500 000 while increased capital spending by the Northern Territory Housing Commission shows a quite dramatic increase in funds from $37.27m to $55.85m. This significant increase in funds for housing is largely explained - again despite the reluctance of the minister to admit it - by the very generous federal allocation in this area which was in excess of 40% more this financial year than funds provided last financial year. As well, there is a carry over of $17.5m from 1982-83.

With respect to the cash allocation for capital works for the 1983-84 year, it would have to be described as disappointing with the exception of the key areas of roads and housing where significant tied capital funding has come from the federal government. Those 2 factors are what has made the difference to this Territory budget, and let us have no nonsense spoken about that.

The Treasurer announced what he described as 'a major initiative to generate new works for contractors and their employees'. He told the Assembly that this has become even more important as a result of the disappointing level of Commonwealth capital works expenditure in the Territory. I think I put paid to the fallacy of that statement. The Treasurer has attempted to mislead this Assembly and the Territory community and I ask you to consider the following. The federal allocation for capital expenditure under both the general and specific purpose payments categories or, put more simply, the funding that originates from the federal government that is spent in the Territory on capital works projects, has this year increased from $187.2m to $217.8m. This is an increase of 16.3% in money terms or, in inflation adjusted terms, of about 8%. Certainly, in the 5 previous budgets that I have sat through, I have never seen a comparable funding in the time of the Fraser government. Federal capital works allocations under the former federal government - and again I point out that these are federal funds that are spent in the Territory for capital works in the Territory - increased from $158.46m in 1980-81 to $187.2m in 1982-83. This was an annual average increase of only 6% and represented a significant decline in inflation adjusted terms. I would also ask the Treasurer to explain more clearly how he has reached the conclusion that the level of capital assistance to the Territory, both through direct federal spending and Commonwealth assistance through the Memorandum of Understanding, has declined in this year relative to last year.

Because so much has been made of it, I would like to return to the government's initiative in the area of capital works financing. On Tuesday, we heard an announcement in the Treasurer's budget speech that the government would undertake a system of deferred payments with respect to the financing of capital works and this would see another $33m worth of capital works brought forward in the Territory economy. He said: 'In all, private financing will allow the commencement this year of an additional capital works with a total value of $33m'. That is on page 18 of the budget speech. He continued: 'Under these arrangements the Territory government has been able to bring forward the construction of an all-weather road from Pine Creek to Jabiru. Work will commence immediately on stage 1 to cost $7m'

I ask honourable members to note these quotations because they are really quite important. Quite fairly, I assumed that the government had its deferred payments capital funding program all ready to go. We have been told that $33m worth of work would start this financial year and there would be an immediate start to a $7m road between Pine Creek and Jabiru. Yesterday, I asked the Treasurer a series of questions about the scheme so that not only I but the

the industry could better understand how it would operate.

One of the questions I asked was what evidence the Treasurer had that prime contractors would be interested in participating in such a funding arrangement. In response, he said that he had evidence. His evidence was that he would advertise as soon as possible for expressions of interest and that, further, he thought he had received 2 calls either in Treasury or in his own office seeking more details about the proposal. The Treasurer then proceeded to read from the submission to the National Economic Summit Conference put together by the Australian Federation of Construction Contractors. I also had a copy of that submission and I was reading it word for word while the Treasurer was reading his. What I was attempting to get rather than a lesson in the Treasurer's capacity to read was some information from the Treasurer with respect to the unanswered questions left by that paper. Indeed, even the sponsors of that paper, the AFCC, have said that some matters need to be resolved before the scheme can become operable.

I then asked the Treasurer what administrative procedures had been adopted with respect to the operation of the deferred payment scheme such that the government was able to establish a total level of deferred liability that it could incur this financial year. The reason for that question, which the Treasurer could not answer, was because that is the very point made in the AFCC submission. The submission says: 'The government would need to make suitable administrative arrangements to decide the total deferred liabilities it is prepared to incur in each financial year'.

Apparently, the Treasurer has made no such arrangements. You will recall, Mr Speaker, that we have been told in the budget speech that there would be starts on projects worth $33m in this financial year. To my amazement, the Assembly was informed yesterday, in answer to my question, that there were no particular administrative procedures set up, but that the system would cope if it were required to. The Treasurer's budget speech did not talk about 'if the system were required'; it talked about the system being used to initiate $33m worth of capital works. What about the impact of the $33m worth of projects? The Treasurer's comment was: 'I do not see that there can possibly be a problem.' He is the only one because even the industry sees the problem. I suggest to the honourable Treasurer that there is already a problem.

The Treasurer then listed 7 projects which would be commenced under these arrangements, projects which, he said, would be started this year. For the information of honourable members, the projects were not only the $7m road from Pine Creek to Jabiru but also the Mt John residential subdivision stage 1, the Berrimah police complex single quarters, the juvenile detention centre, the Marrara sports complex stage 3, the Katherine and Tennant Creek fire stations and nursing accommodation at Nhulunbuy. Those were the 7 projects listed in this budget paper which the Treasurer said would be initiated by the introduction of this scheme.

When I asked him whether this budget made arrangements to accommodate the interest payments which would accrue, the Treasurer indicated that these projects may not be financed under this scheme. He feigned to be a little confused by my question which I would have thought for a treasurer would have been one which he would have expected. I do not know whether the Treasurer was suggesting to you, Mr Speaker, that lenders are now becoming so generous in this climate of economic boom that they are prepared to make their money available at no cost. I suggest that is pie in the sky.

I persisted with my question about interest payments and I was given the answer that the projects to be undertaken by this particular arrangement have not

been decided. This is in answer to a question about how interest payments on these projects were to be financed. The Treasurer told us in his budget speech and made much of the fact that these 7 projects are listed to go. I quote from his statement relating specifically to the deferred payments plan: 'Under these arrangements, the Territory government has been able to bring forward the construction of an all-weather road from Pine Creek to Jabiru. Work will commence immediately on stage 1 to cost $7m'. That is the last paragraph on page 17. On page 18, it says: 'Other projects to be started this year under these arrangements will include . . . '. It then lists the 6 projects that I mentioned. When I pressed this point about how these projects were to be paid for ultimately, the Treasurer informed me: 'Projects have not been decided upon to be undertaken under this particular arrangement'. A project currently on the works program, such as the construction of the $14m court building in Darwin, could be financed under this arrangement. It was not mentioned in the budget speech but, nevertheless, that was one that he said could be brought forward.

I read further from the notes I made of the Treasurer's answer at the time. This was very telling indeed: 'Honourable members need to be mindful when reading the budget papers that the list of items which are seen to be capable of commencement under the scheme are not necessarily those which will be financed under the scheme'. Mr Speaker, which of the statements is right - the answer to the question in question time yesterday or the printed speech of the Treasurer on Tuesday? I think the industry would dearly love to know as well. In my view, the Treasurer has misled the Assembly. Either the statement in his budget speech is correct or the statement given to me in question time is correct. Those 2 statements are definitely at odds. The least value project listed on page 18 of his budget speech is nursing accomodation in Gove at an estimated value of $150 000. The Treasurer, unfortunately, picked that very project in trying to illustrate his answer, which indeed needed not only illustration but illumination. He said: 'I think the $150 000 nurses quarters in Nhulunbuy, for example, was listed among those projects being advanced. There was never any intention that we would necessarily finance that. It is not necessarily a project that we would seek to have financed privately'. This is an answer to a question I asked yesterday.

I also pursued the question of the interest payments because the whole merit of the scheme is that construction works can be commenced prior to their projected dates in order to provide some particular economic benefit. But the costs that I would have expected the Treasurer to take into account are the interest payments which would accrue on these projects. As I mentioned, the Treasurer quoted to me from the AFCC submission, of which I have a copy, that there would be certain benefits which would offset carrying charges. He listed exactly the things that I listed here: high employment; taxation revenue would increase, including payroll taxes; idle resources would be put to work; and public works would become available for use earlier. I do not disagree with any of that. But what I was asking for is where in this budget the eventual payment for those projects had been accommodated. That was also the thrust of the question as to whether deferred liabilities had been taken into account. We are saying that these projects would be paid for later.

Mr Speaker, I have done a few calculations on this. I can inform the Treasurer that the impact of the scheme could be quite severe in future budgets. In fact, that was the whole thrust of the question relating to deferred liabilities. What I wanted from the Treasurer was a statement of the budgetary impact of deferred liabilities. The question passed him by because he does not understand the submission. He was reading from it. I can read too.

Assume for a moment a $1m project which would take 2 years to construct. Using the interest rate of 14.5% which is the current prime rate of interest

being offered by the Development Bank - and I advise the Treasurer that the prime rate means the rate for the best customers - and calculated quarterly, the cost of the project when interest payments become due will have risen to $1.7506m. Let us remember that the Treasurer advised us that the projects would be paid for at the conclusion of the construction. The cost of a $1m project, which has taken 2 years to construct, using the current prime rate offered by the banks, will have increased the cost of that $1m project by 75.06%.

Mr Speaker, the reason I asked him whether an administrative arrangement had been set up to decide the impact of the total liability was because that liability must be picked up in future budgets. In his enthusiasm to embrace the scheme, the Treasurer has given no thought whatsoever to this. He tells us that the system will cope if it has to. Let me be a little more generous. Let me assume for a moment that there is some lender out there who will lend at 13% on a $1m project which would take 2 years to construct. In that case, the eventual cost at the end of 2 years when the interest payments become payable will have increased by 65.5%. I would have thought that that would have been a matter which would have exercised the mind of any Treasurer.

It is quite clear that the government has promoted this deferred payments scheme without having any real understanding of how it will operate or what the potential problems are. On that basis alone, the government's capital works program is subject to question, both in terms of the level of funding to be provided and what the ultimate cost to the Northern Territory will be. Let me say that one would have expected the AFCC to promote such a scheme. The construction and engineering industries have been in a recession in the last few years. Many contractors within the industry have faced very severe cash-flow problems from the construction sector to a lending sector and it appears that no one on the government side has approached the capital market - the potential lenders - to see whether it will embrace the scheme with the same enthusiasm as the AFCC. If I were a constructor, I too would be looking for someone who would carry the can whilst I made some money on a high value project.

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

Mr LEO (Nhulunbuy): Mr Speaker, I move an extension of time be granted to the member for Sanderson.

Motion agreed to.

Ms D'ROZARIO (Sanderson): Mr Speaker, I am indebted to honourable members.

Mr Speaker, the Treasurer then went on to inform us that small business is the backbone of the Territory's commercial industrial activitity and that small business comprises about 98% of all Territory business. I do not argue with that fact; it is one of the few facts the Treasurer presented. He then stated that a sum of $1m had been allocated specifically to assist small business in the Territory. I suggest that that amount of money is an insult to the small business community in the Territory given the fact, as conceded by the Treasurer, that this sector accounts for 98% of employers. That is what we are talking about: the number of employers. To earmark $1m, out of a $1160m budget, is just beyond belief. In my view, that amount is totally inadequate for the task.

The major failing of this budget is its lack of assistance to the Territory's small business sector which is in an extremely disadvantaged position in several ways. There appears to be a lack of finance for either initial establishment or expansion of operations in the small business sector. Secondly, the cost of commercial accommodation is extremely high and, thirdly, small business is extremely concerned by the degree of penetration being achieved by large southern operations in the local market.

A major thrust of the Northern Territory Labor Party's program for economic development is vigorous promotion of the small business sector and a key feature of this development strategy is the establishment of a Northern Territory bank. At the moment, the banking system does not serve Territory business well. It is rigid in its application to Territory businesses and extremely conservative. When we add capital emigration from the Territory to this - that is, the application of Territory householders' deposits to projects outside the Territory - I think the problem can be easily seen. One has only to look at the banking statistics. The solution to this problem will be found in the establishment by the Labor Party of a Territory bank which will be given a specific charter to assist the small business community. In South Australia, the state bank has a special charter to assist primary industry, particularly the fishing industry.

Mr Speaker, a further problem is the penetration of local markets by large southern operations and this would be addressed immediately by a Labor government in the Territory. It has long been the case that local businesses suffer badly at the hands of southern firms. I think this has been borne out by employer organisations' representations to the Territory government. It is the intention of the Labor Party to introduce an effective system of preferences for locally-based tenders for government contracts. This will lead to a more secure market being available to the local manufacturer.

Mr Speaker, it needs to be stressed, and it is also the AFCC's submission, that those people who will be able to avail themselves of the deferred payments plan will be - and I quote from the submission - 'the sound, experienced contractors who would be in a position to command the required finance'. That suggests to me an invitation to large firms from down south to avail themselves of our capital works projects. There will be little assistance for those people who, as the Treasurer conceded, form the backbone of Territory employers: the small business sector.

Further, an incoming Labor government will make funds available via the Small Business Advisory Unit, to engage consultants to assist local businesses to resolve their problems and to introduce changes that will improve the efficiency and long-term viability of the operation and, in the process, improve the quality of management in the small business sector. Anyone who knows anything about small business will realise that the improvement of management ability is a key way of improving the performance in that sector.

It is not the intention of our proposed scheme to prop up any firms which do not have long-term prospects of success. Grants will be made only where the required advice is not readily available from other organisations or it cannot be funded reasonably under other schemes. Grants will only be made if the businesses do not have adequate resources to fund the services without adversely affecting their own programs. The use of the Small Business Advisory Unit and the Consultancy Grant Scheme will allow improved efficiency in the local business sector and, hence, improve its competitiveness. The preferential system for government contracts will reinforce the position of the local manufacturer in the Territory economy.

The role of the Small Business Advisory Unit within the Northern Territory Development Corporation will involve the development of 2 specialised areas. Firstly,there will be a concentration of expertise in the area of financing which will provide advice on budgeting, sources of finance, taxation,preparation and application for finance. Secondly, there will be a concentration on expertise in marketing, with specific skills to be developed in market research, selling, distribution, retailing and wholesaling. Mr Speaker, the main function of the Small Business Advisory Unit obviously will be to give advice and to act as a referral centre. The unit will assist small business to identify problems and discover the options open to resolve them.

If we talk about employment in the Northern Territory, we must talk about the small business sector. That is where the jobs are; that is where 98% of employers are. But, it must be remembered that, in addition to its job-generating capacity, the small business sector also has other merits. One of these is that, historically, it has been an important source of innovation. I think that anyone who has looked at some of the innovations and advances that have been made will see that the small business sector has been their source. Secondly, small business provides specialised services and products to the community.

Mr Speaker, we believe that the Territory is very dependent on the strength of the small business community. Such a community has to preserve competition and thus ensure efficiency and quality. What we are talking about is a program for sustained growth. If we are talking about employment opportunities, we must talk about the small business sector. Small business is not as vulnerable to labour shedding because it lacks those scale economies which make labour shedding possible in larger firms. If there is one criticism, and a severe one, to be made of this budget it is that it has neglected small business by making a measly $1m available for special assistance.

Debate adjourned.

GRAIN MARKETING BILL
(Serial 271)

Continued from 1 June 1983.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition has been for a long time a firm supporter of agricultural development in the Northern Territory. In the past, the record of the Territory, unfortunately, has been appalling. The schemes of the past have shown that we are able to produce grain without too much trouble but the big problem has always been handling it afterward and, indeed, selling it. Some would recall the huge quantities of grain that had been grown by the Tipperary scheme. That grain sat on the wharf and eventually germinated on the wharf.

When ADMA was set up in July 1980, one of its key functions was to be the development of an orderly marketing system for Territory produce. This legislation comes in to take up that responsibility. I am pleased there has been a board structured such that growers have equal membership. In our view, the introduction of this legislation will ease, to a great extent, some of the problems that have been experienced in the past in grain marketing.

The opposition will never neglect the opportunities it has so infrequently to raise matters of concern in the Assembly. Mr Speaker, as you have indicated on many previous occasions, this Assembly is indeed a place of debate. Despite the totally predictable comments on every occasion that this is raised, the opposition will continue to use this Assembly as a place of debate. The intimidation of the government will fail to be successful in that regard. On every occasion when the opposition raises a matter of concern in this Assembly in a constructive manner - and sometimes a constructive manner is not always warranted but we usually do try to be constructive about these things - whatever we say or however we say it, the government will say that, if we had written to it privately, we could have fixed it up behind closed doors and no would have been any the wiser.

That is a line that is trotted out regularly by the Minister for Primary Production. Indeed, it is very much in line with the thinking of many ministers on the front-bench of the government. That was exemplified only too clearly in that very interesting study on them called, 'Team at the Top'. They would much

prefer it if there were no parliament at all. In fact, they would prefer to be a permanent executive or a superior form of public service. They would prefer it if this Assembly never convened and they dealt with any matters that we had to raise privately by way of correspondence or a telephone call. They would fix it up without anyone being the wiser. We will not be intimidated by these predictable statements from the Chief Minister - for example, this morning - of making these things political. If we have matters to raise in this Assembly, and we only meet for 23 days a year, which is not a particularly onerous burden for any of us to bear, we will not hesitate to do so.

It does have a practical and positive side even it it is only for the benefit of those people who are interested in watching the Assembly or, indeed, politicians. The debate this morning showed again only too clearly how often it is that the Chief Minister has to rescue his colleagues. Once again, there was a fairly classic example of that in the debate on this matter this morning. There was a truly pathetic contribution from the Minister for Primary Production and, I have to concede, an excellent one from the Chief Minister who does not have the portfolio. I do not know if the Minister for Primary Production was listening to the contribution of the Chief Minister but he could have learnt a thing or two from it.

I was disappointed that all of the matters I raised in the discussion on this very matter this morning the Minister for Primary Production dismissed in his opening paragraph and then proceeded to deliver a prepared statement. He disposed of them all by saying that he did not have those answers with him. He then went on to make an even more extraordinary proposition which indicates the attitude of these people towards parliament and towards their responsibilities as ministers and their performance or lack of it. He said: 'If you write to me on these occasions where you have concerns, I will have my department answer you in detail'. It indicates that these ministers do not see themselves as having any role to play at all except some super executive on top of the public service. The reason for debate in this Assembly is that members of the opposition or members of the government are expected to perform as ministers or potential ministers and their performance is on test. Sometimes they pass and sometimes they fail. This morning, the Minister for Primary Production got 0 out of 10 in my book and the Chief Minister once again demonstrated how often he has to come to the rescue of his colleagues.

Mr Speaker, I hope that the establishment of this organisation will solve some of the problems. In fact, I am sure it will because it will have direct grower representation on it. Ultimately, that must be the case because the Territory's grain industry does have marketing problems. Ultimately, it is the man on the land who has to get the return on his investment. If he does not, then the industry and he are doomed. Initially, it is also the Territory taxpayer who rightly wants to see a return on his investment in agricultural development. It is the government, through ADMA and soon the Grain Marketing Board whose resources come from the community, that has the responsibility to ensure that this agricultural program succeeds. This will involve both a commitment to succeed and also the provision of adequate resources.

The concept of a marketing board has general support within the agricultural industry. This faith in the concept will well and truly be put to the test because the future of the Territory's agriculture will largely depend on the board's performance. As has been illustrated quite recently, the need for financially responsible management is vital in such an organisation because of the potential disasters that can occur and the industry-wide ramifications that can result. Of course, the reason I must mention that is that it is very topical. What I am referring to is the collapse of the Queensland Graingrowers Association which came as a profound shock not just to Queenslanders but to

everyone connected with primary industry. The Queensland Graingrowers Association found itself in a financial mess as a result of its involvement in foreign currency hedging. We have also another example in the New South Wales Grain Marketing Board. The board contracted to forward sell sorghum, a seed crop normally used for stockfeed and one of the major crops being produced in the Northern Territory. Because of the crop failure and the farmers' reluctance to supply the board with the crop, the contract could not be met.

Mr Speaker, there are recent examples where organisations like this can get themselves into trouble. The problem is that these boards are a virtual catch-all so far as marketing is concerned. When they collapse, the results are catastrophic because they take many other people with them. I trust and am confident, particularly because of the small size of the organisation in the Territory, that these problems will not occur here. The lessons in New South Wales and the recent one in Queensland are useful for Northern Territory ministers to pay regard to in respect of ensuring that the operations of these organisations do not run into similar troubles. I am confident that the grain marketing organisation that will be set up in the Territory will result in a definite increase in performance in this vital area of selling the crop. It is certainly a very good thing to have grower representation on boards such as this because it is perfectly true, as the Chief Minister pointed out this morning, that farmer representation on all of these boards eventually comes in for the same degree of criticism as the boards had earlier. At least, the industry cannot claim that its views have not been directly taken into account. I certainly wish the grain marketing organisation every success and the opposition has a great deal of pleasure in supporting this legislation.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, at the outset, I bow to the rules of current thinking regarding the orderly marketing of grain crops. Philosophically, I am probably one of the last of the free traders. I also realise that current thinking determines that large-scale marketing has to be undertaken and the days of individual marketing of farm commodities, in most cases, has gone.

This grain marketing legislation has been pre-empted a little by the work undertaken by ADMA in the past couple of seasons in marketing the crops from different farms down at the Douglas-Daly area. It has been almost a dummy run for this legislation. Unfortunately, I was not in the Assembly this morning to hear the opposition put forward its criticisms of the government in connection with ADMA but what little I did hear I found to be rather ineffectual.

In establishing a grain marketing board in the Northern Territory, we can draw on the experience of commodity marketing boards in Queensland. At the moment, I believe there are 18 commodity marketing boards empowered by legislation in Queensland and most of them have had a chequered early history. I hope that this legislation does not follow in that way but gets off the ground and works efficiently. In Queensland, there was a review of the legislation governing the grain marketing board even before the collapse of that board when a deficit of some $17m was discovered in its operations. That occurred probably because of the vast size of its agricultural development; I understand there are 900 statutory authorities in Queensland alone.

I recognise the reason for the introduction of this legislation. Not everybody in the farming community agrees wholeheartedly with this legislation. Many of the smaller farmers find it to be rather heavy-handed. It was interesting that the Leader of the Opposition did not mention this because he would have us believe that he has the ear of the small farmers. Perhaps he is not as close to them as others may be. I think that the fears of the small farmers will prove groundless. If legislation is implemented to the benefit

of the grain marketing industry in the Territory, it will encourage the small farmers to think a little differently and, if possible, subdivide properties so that they will have greater acreages under cultivation and gradually increase their turn-off of grains.

The government has introduced this legislation also with a view to protecting its multi-million dollar capital investment in the encouragement of agriculture in the Northern Territory. It is only common sense that, if a government has spent this money in the development of agriculture, it should have some say in how the capital investment will be used over the years.

The legislation is relatively easy to understand. The board declares a certain grain to be a commodity. It is declared before the growing season starts. The crop goes to the ADMA depot and becomes the property of the board. The board then endeavours to sell it to the best advantage of the farmer. Whilst I would be first to say that the farmer must not be disadvantaged at all by this legislation and his welfare must be considered, primarily because he produces the grain, I feel that the end user of the grain must also be considered. The farmer and his produce cannot be considered in isolation. It is my hope that, in the not-too-distant future, the grain produced in the Northern Territory will find its end users if not wholly in the Territory, then mostly in the Territory.

At the moment, there are 4 possible end users of grain handled by this board. The 4 main end users would be 3 poultry farms and 1 pig farm in the Top End. As I understand it, 1 poultry and the pig farm are getting their grain from Western Australia and 2 poultry farms are getting their grain from within the Northern Territory via the ADMA marketing organisation. I think that one of the results of the implementation of this legislation will be to pep up the marketing of Northern Territory grain within the Territory. It is my hope that the 4 main end users in the Northern Territory would use the grain grown in the Northern Territory.

The latest figures that I have from one of these end users is that maize from Western Australia costs roughly $140 per tonne while Northern Territory maize costs $170 per tonne. I am assuming these figures are correct. If they are, that is a $30 difference between grain from the Ord River area and grain from the Douglas-Daly area. I cannot comment on the quality of the 2 grains but, everything else being equal, I cannot see why the grain from the Northern Territory cannot be marketed advantageously to the users in the Northern Territory.

The chain would begin when the farmer grows the grain. It then goes through the mechanism outlined in the grain marketing legislation and reaches the main users in the Top End. The grain would be fed then to the pigs and poultry and the final products, the bacon and the eggs, would go to Mr and Mrs Housewife in the suburbs. There is some use by people in the rural area; they buy it to feed their animals. However, most of this Northern Territory grain would go to the 4 main users.

The legislation is not very extensive. I am expecting swags of regulations. I only hope that the regulations do not sit heavily on the producers but rather allow a free flow of marketing between the producer and the end user. I was pleased to see that there will be 3 grower members instead of 2, as first envisaged. It will now be 3 and 3, although the chairman will have the casting vote, which means that the government will still have the majority of votes on the board. Nevertheless, it is an improvement on the draft legislation.

I was pleased to see an amendment introduced which will affect the eligibility of voters. Originally, growers with less than 50 ha could not vote. This has been reduced to 40 ha. I understand that the northern farmers'

organisation wanted to see it reduced even further and the Katherine farmers wanted to see it reduced further still. I will go along with the amendment. I will be very interested to see how it works. Whilst we do not want the small graingrowers, who perhaps are not growing grain as their sole source of income, outvoting the larger graingrowers who have as their main source of income the growing of grain, nevertheless, I do not think that they should be completely neglected.

I found it rather interesting to read about the occasion for elections. On the one hand, how the minister declares the occasion for the election seems a little vague. It goes into some detail, mentioning even times of day when nominations must be in. It could take 4 months from the time that the minister declares the election until somebody is actually chosen. I hope that this does not prove too long in practice. It does seem an inordinate length of time. First of all, the minster declares an election. He notifies the board which notifies the Chief Electoral Officer who calls nominations over 3 weeks. Then the ballot takes place over 4 weeks. Then there is another 3 weeks to count the votes. I will be very interested to see how that works in practice. It was interesting to see in this legislation a provision similar to that in the legislation relating to the Jabiru Town Development Advisory Council. In the event of a vacancy on the board, the person with the next number of votes is declared elected.

In clause 16(2)(g), the word 'cooperate' is used: 'cooperate with persons or bodies in the marketing of agricultural produce'. This is what one of the powers of the marketing board will be. I agree with the term 'cooperate'. I hope that is carried out not only in spirit but in actuality. Clause 16(2)(m) says that the board shall do all things reasonably associated with or incidental to trading in commodities and other agricultural products. I do not have any argument with the trading in commodities because commodities are declared in clause 19. That is the whole purpose of this legislation. But I am rather concerned with the word 'cooperate' in paragraph (g) and 'trading in other agricultural products' in paragraph (m). If we are not careful, we could end up with active competition between the board and free enterprise - such as LMPA, Delaneys, NT Stockfeed and Rural Traders. We must not have competition to the detriment of the individuals who have already set up to service primary industry.

I was concerned from the insurance point of view about the board declaring a certain seed to be a commodity. I have been told that the farmer is responsible for the commodity until it reaches the board's depot. From then on, the insurance is taken over by the board.

I am rather concerned with the 'prohibition on sale' provisions. Clause 24 says: 'The board may, by notice in the Gazette or, in a particular case, in writing, on such terms and conditions as it thinks fit, exempt from the operation of this part - (a) such growers of a commodity...'. I would hate the situation ever to arise where we had a Hitler-like attitude whereby the board directed that every single grain would be handled by the board. In my view - and I would say in the view of every farmer in the Northern Territory - that would go strictly against the very nature of their being. Farming, by its very nature, relies on individuality. If the board is ever in a position of shortage and insists on a particular farmer sending his seed to the board without leaving him any option to dispose of it either as food for his family or his animals or for bartering, then things will become pretty hard for agriculture up here. There must always be a certain amount of leeway allowed for the bartering system to operate in a small way. Especially in times of shortage, the farmer must never be forced to sell grain to the board to the detriment of a future seed crop or food for his family or for his animals.

I found clause 27, payment to growers, rather hard to unravel. No doubt, it is written in the correct legalese. As far as I can work out, the farmer will be paid on a pro rata basis depending on the quality of the commodity and the amount of it delivered at a certain time.

Clause 35 says that the board may require growers and holders to furnish returns in that it may require, from time to time, a grower to furnish, in the prescribed form, the quantity of a commodity grown or held by a farmer. Again I hope that common sense will prevail because one of the commodities that can be declared is mung beans. Mung beans are eaten by many people. Whilst I feel sure that it is not the intention, I hope that mung beans stored by a farmer for consumption by himself and his family will not be included as part of the quantity of the commodity held.

Like other honourable members, I am rather concerned about clause 46, search and seizures, where an inspector can enter without warrant. It has been stated before that even the police cannot do this. Again, my money is on the farmer every time. I know what many of them think about bureaucratic inspectors. If an inspector becomes officious or pursues his duty with unnecessary vigour, he may well be given short shrift by a few farmers that I know. I think the trend to authorise inspectors to enter people's homes and premises to look for things is getting a little bit willing lately. Soon the only people who will need a warrant will be the police. It seems that, if I were a farmer with 40 ha planted with mung beans, and I have a kilo of them - worth about $5 - in my cupboard and an inspector wanted to inspect my property due to some irregularity that he thought I had been indulging in, he would not get very far. A bit of common sense will have to apply there.

Mr Speaker, I have had to read through this legislation, not with a great deal of charity, but with the profound hope that the people who administer it will exercise goodwill.

The only question I have for the minister concerns clause 55(2)(b) which says that a levy can be made on the growers by the board to provide for insurance. I assume that relates to insurance on the installations controlled by the marketing authority because the farmer insures in the paddock. However, I am uncertain if that would also include insurance on goods in transit. That clause talks about insurance against fire, pests, hail, flood or other calamity. Hail would only affect a crop in the paddock. That would probably be the only time hail would do any damage. But I have been told that insuring a crop in the paddock is the farmer's responsibility.

I hope that this legislation sits lightly on the shoulders of the farmers. It is the only legislation we have to govern the marketing of agricultural produce. This has been one of the shortfalls of agricultural development in the Northern Territory ever since things have been grown up here from the time of the Batchelor Experimental Farm about the mid-1880s. If one reads the old Resident's records, produce was grown at Batchelor and out at Delissaville - sugar cane, coffee, palm oil seed. Anything could be grown but the big obstacle was in the marketing. If this sits lightly on the shoulders of farmers and if the farmers can express their views clearly through this grain marketing legislation and it works to the betterment of agricultural development in the Northern Territory, I support it.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, as I see it, the only justified purpose for a grain marketing board is to guarantee better returns for growers and add to the general wealth of the Northern Territory. Allied to that is the full use of the infrastructure which the government is putting in place to handle the grain. A considerable amount of taxpayers' money has gone into that and we have a real interest as a government to see that it gets that use.

However, I would like to think that the board will be competitive. I would hate to see a situation where people in the Territory who can buy grain from Western Australia at $130 per tonne are forced to buy at $170 a tonne locally. I hope that would never happen. It certainly would be an infringement upon liberties. As our quantities increase, I trust that we will be able to compete at least within the local area.

It is pleasing to note that, in spite of a bad season, there has been a 30% increase in the amount of grain grown in the Territory. Predictions are that next year there will be about 300% increase on the season before last. That is a brave prediction. If we have a seasonable season, we could bring in 15 000 t of grain. It is not a large quantity compared to the states, but it is increasing and the steady development is welcome. I think the NT government has much to be proud of by assisting this industry in the Territory. Generally, it seems that the board has acceptance. There is some concern. To an extent, I share that concern. It appears that the freedom to deal as they wish with their products will be greatly reduced.

I wish the board well in its endeavours. I am pleased that there will be considerable grower representation. I am pleased to see that the government has its share of representation too because it has the interests of the taxpayers to look after. The purpose of the board is to guarantee the best return by using its bulk-bargaining power. Basically, that is its strength. It has the capacity to supply and even to help out a farmer who has a bad season and who cannot fulfill his contract. I hope that the growers will support the board and treat it as their board. As was mentioned this morning, if a grower obtains information about a new market, that information should be given to the board. I hope that the board would be flexible enough to respond to that information. Sometimes that response will need to be a fairly quick response.

One might think that central Australia would not be affected by this bill. There is not much potential there. However, some years, we could have grown a million hectares of produce down there without any problem. With a rainfall of 750mm in 1973, we could have had a great season if we had had the infrastructure. During the drought years, there would have been very little potential. A couple of farmers have grown quite successful grain crops at odd times.

I was tempted to ask for some sort of line to be drawn across the Territory where the Grain Marketing Board's authority does not come into play, perhaps around Elliott. This is basically because of the problem of transport to storage, which is a cost to the grower. If grain was produced in central Australia, it would be very expensive to transport it to the Top End where the facilities are. I raise a point which I know is of concern to the member for Port Darwin. The grain could be rejected after it is delivered to the receival depots if it were not of an acceptable standard. I would like the quality of the grain checked before being transported. If there is any likelihood that it will be rejected, it should be rejected on the spot. That would eliminate much unnecessary transport costs. We know that transport will not be any cheaper. We do not have a train to transport large quantities of grain. Of course, the cost of fuel is rising all the time. I rely upon the board to use its wisdom and market grain in the local area wherever possible to reduce the cost of transport. I agree with the member for Tiwi: if goodwill is exhibited by both the board and the growers, there is no reason why everyone involved with the marketing of grain in the Territory should not benefit.

Mr TUXWORTH (Primary Production): Mr Speaker, I thank honourable members for their support. The member for Tiwi referred to clause 55 which mentions insurance and the ability of the board to levy a charge. I undertake to obtain a detailed response on that.

I would say to the member for Alice Springs, who raised the question of quality control on behalf of the honourable member for Port Darwin, that this issue is being pursued very vigorously by the board. It is adhering generally to the standards and procedures that are used in other marketing authorities throughout the country. It is intended that this procedure become very firmly adopted. Whether it is practical to do the sampling on the farm, at the depot or wherever, I cannot comment. I will obtain some information for him on that point.

I think it would be remiss of me to overlook some of the comments of the Leader of the Opposition. I noted his remarks with interest. I feel that I should point out to him that it is a matter of perception as to how things are dealt with. He obviously had a very high regard for his efforts in the debate this morning on the matter of public importance that he raised. So far as I am concerned, it was a token effort. He sees himself as the opposition spokesman on agriculture. He had been here for 6 days and had said nothing so he thought he had better have a run on the last day just to get a column in the paper and keep the pot bubbling. As it turned out, there was nothing to debate. He had nothing to offer.

Usually, when the Leader of the Opposition is gushing and blushing, he takes a paragraph from an annual report, quotes from Countrywide or AM or After Eight, puts in a couple of lines from an ADMA circular, grabs 2 statements from last year's press releases, applies his perception of what it all means, jumbles it all up and then gives a version of what is going on as he sees it. In this case, he perceives problems that no one else can identify. Everyone is happy to listen to him if he can produce some evidence.

From my experience with the honourable member, I have to say again that I have seen him play this game so often and I have become so wary of him that I know he is incapable of telling the truth about anything. Whenever he does this sort of thing, I like to take it away and have it researched by the officers concerned so that I can respond to it in writing. It is not an unreasonable proposition given the tendencies of the Leader of the Opposition. As we go along, we find statements out of context. The way they are put together is never in the interests of promoting the truth. As I have said before, the honourable Leader of the Opposition could not lie straight in bed if we paid him to.

Mr BELL: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr BELL: What the honourable minister is saying at the moment is tantamount to a suggestion that the Leader of the Opposition has been misleading the Assembly. If he wants to make that suggestion, then he should do so.

Mr SPEAKER: I would ask the honourable Minister for Primary Production to be more moderate in his speech.

Mr TUXWORTH: I will be more moderate, Mr Speaker. As usual, the honourable member made his statement and then disappeared out of the Chamber so he would not know what was said this morning by myself...

Mr Bell: He won't be interested in what you have to say.

Mr TUXWORTH: ...but he will know tomorrow when he gets his Hansard and he reads it.

Mr Bell: Get on with it.

Mr TUXWORTH: Mr Speaker, I am sorry that I have incurred the wrath of the honourable member for MacDonnell.

I will just finish off by saying that the pattern of the honourable gentleman is so well known to us all: when he has nothing to say, he goes on with all this tripe. Then, he finsishes off by attacking 'the one-man band of the government'. He does that every time. Then, he denigrates the ministers. Then, he always throws out the line about how this government as an executive has no concern or intention of addressing itself to the parliament and wishes the parliament would just go away. Mr Speaker, there is a pattern. You can tick them off on a check sheet. His pattern is consistent when he has nothing to say.

As I said before, I am grateful for the support of honourable members. I would foreshadow that there are 2 amendments. I look forward to this bill proceeding through the committee stage now and being read a third time this afternoon. I thank honourable members.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 9 agreed to.

Clause 10:

Mr TUXWORTH: I move amendment 168.1.

As has been outlined by the member for Tiwi, it is the government's intention to reduce the size from 50 ha to 40 ha regarding voting qualifications.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14 agreed to.

Clause 15:

Mr TUXWORTH: Mr Deputy Chairman, I move amendment 165.1.

This removes the term 'other produce of the soil of the Territory' as it can be interpreted as being all-embracing and outside the definition of 'commodity'. The clause will now have inserted the words: 'a produce referred to in sub-section 19(1) grown or produced in the Territory but not declared under that section to be a commodity'. This amendment clearly defines the board's role as an agent for sales of grains - that is, such items as mung beans, millet, peanuts etc - which are not planned to become vested commodities at the moment. This amendment will avoid the potential criticism that, from trading in crops other than the defined commodities, growers of other crops would be precluded under the bill from electing grower members to the board. Growers of these crops other than grain will have no cause for complaint if the board has no power to trade in their crops.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 60 agreed to.

Bill passed remaining stages without debate.

LOTTERIES AND GAMING AMENDMENT BILL
(Serial 313)

RACING AND BETTING BILL
(Serial 312)

Continued from 30 August.

In committee:

Racing and Betting Bill:

New clause 21A:

Mr PERRON: Mr Deputy Chairman, I move amendment 167.1.

This inserts a new clause 21A. The government has agreed that the racing and gaming inspectors shall be issued with identification cards and this particular clause compels the commission to issue each inspector with such a card. Later amendments will deal with the actual use and production of those cards.

New clause 21A agreed to.

New clause 135A:

Mr PERRON: Mr Deputy Chairman, I move amendment 167.2.

The honourable member for Nightcliff raised considerable objection to the powers given to racing inspectors in proposals formerly before the committee. Upon subsequent investigation, it has come to light that the giving of inspectors powers of search and entry under various acts which are, in fact, beyond police powers as far as warrants are concerned is not at all uncommon. I quote, for example, the Fish and Fisheries Act of the Northern Territory:

> *If a fisheries officer is satisfied that there are reasonable grounds for suspecting that an offence against this act has been, is being, or is about to be committed, he may, without warrant, and with such assistance as he thinks necessary, enter with such force as is reasonably necessary at any time any premises, vehicle, vessel, aircraft or place and, for that purpose, stop and detain any vehicle, vessel or aircraft.*

Other clauses indicate that he can then search, break open cupboards, drawers, trunks, cages, packages etc. Very wide powers are given under that act to the extent of stopping any aircraft in the Northern Territory.

Under the Liquor Act:

> *Where an inspector is satisfied that there are reasonable grounds for suspecting that an offence against this part has been, is being, or is likely to be committed, he may, without warrant, and with such assistance as he thinks necessary, enter with such force as is reasonably necessary at any time any premises, vehicle, vessel, aircraft or place and, for that purpose, stop and detain any vehicle, vessel or aircraft.*

Again, he may search, break open cupboards, drawers, chests, boxes, etc. In the Territory Parks and Wildlife Conservation Act inspectors have extensive powers, without warrant, to 'enter with such force as is reasonably necessary at any time any premises'. In that particular case, there is a section saying: 'not being premises that are principally residential premises'. Those words are not in either of the acts I menioned before. Obviously, the Assembly, at the time, felt that, for the relevant offences against that act, it could reasonably be said that an inspector need not have urgent access for search purposes to residential premises. That is a situation which we will be contending is not the case in regard to illegal gambling.

Mr Deputy Chairman, I would like to indicate to the committee that, with its concurrence, on page 2 of the schedule, I would like to change a couple of words. Currently, proposed subsection (4) of proposed section 135 refers to: 'a betting inspector who enters privately-owned premises'. I propose to take out the words 'privately-owned' and insert the words 'premises or place', which means that a betting inspector would have to show his card when he enters premises or a place in pursuance of this proposed section. In other words, in relation to all premises or places an inspector proposes to enter, he should be required, upon request, to show his card. Currently, proposed subsection (4) only says where it is 'privately-owned', and I agree. The honourable member for Nightcliff indicated to me privately that she felt that amendment would suffice: 'who enters any premises or place'.

Ms LAWRIE: Mr Deputy Chairman, I seek defeat of the honourable minister's proposed amendment and wish to replace it with another amendment. This amendment says a betting inspector who enters privately-owned premises cannot remain until he produces a card if so required. My amendment will pick up the point that an inspector should have to produce his authority, when challenged, when entering any premises in pursuance of his duties under this act. In that regard, we have no dispute at all. Dispute remains between the minister and myself as to whether an inspector authorised under this act should have the right to enter without a warrant the domestic dwelling house of a person. The honourable minister explained that, under certain acts, licensed persons had that power. I would have thought that it would have been more correct for the minister to explain that amendments will be introduced in the near future to remove that power of entry without warrant. As the honourable minister himself explained, the acts vary as to their administration and as to the power given to authorised officers. There is no consistency. What the committee should be looking at is what is best for the people of the Northern Territory to preserve their rights and to uphold the law of the land.

I put it to the honourable minister that the amendment that I shall propose, if he allows me to by withdrawing his, is the better of the 2 propositions. Certainly, it gives the right to licensing inspectors and gaming inspectors to enter all premises, under certain conditions, the difference being that I designate a private-dwelling house, which is capable of interpretation by the court, as a place where a warrant ought to be obtained before entry.

The minister may be aware that the Minister for Health introduced a Food and Drugs Amendment Bill yesterday, which refers to a place which certain authorised persons may enter. In that bill, the definition of 'place' includes: 'an aircraft, vehicle, vessel or premises, other than a private dwelling house where food is not prepared for sale'. That is an admirable precedent. If an inspector wishes to enter a private dwelling house where food is not prepared for sale, it would be necessary to obtain a warrant to do so. That is all that I am suggesting. I appreciate the honourable minister's concern that his gaming inspectors will have to stage what is commonly called 'a raid' in certain circumstances. But I put it to the honourable minister

that, if there is suspected illegal gaming in a private dwelling house, this would not be a decision taken on the spur of the moment. I am trying not to use American cliches but officers of the commission would have cased the place. They would have gathered their information, laid the traps and called for people to be stationed at the various exit points so that miscreants could not dive through the back window and escape. The minister will be aware of this. If one is to raid a gaming house, be it a private dwelling house or any other, for the purposes of detecting breaches under the act, the plans must be laid most carefully and well in advance. There is ample time to put this information before a justice and obtain a warrant. Therefore, the urgency which he expressed is not likely to arise in the case of private dwelling houses.

I have not sought to extend this provision to other places. That would be foolish and would probably mean that the act would become unworkable. I am fully aware of the need for inspectors to be able to enter licensed premises, clubs, hotels or any other such places without warrant in pursuit of their duties. I am not seeking to exclude those places. I ask humbly that the minister appreciate my concern is that the issue of warrants be related only to a private dwelling house. It is almost inconceivable that inspectors should wish to enter a private dwelling house on the spur of the moment without foreknowledge of presumed, illegal gaming activities. Therefore, they would have ample time to obtain a warrant.

Mr Deputy Chairman, I conclude by saying to the honourable minister that there is extreme community concern at the granting of powers to a variety of people to enter private dwelling houses without warrant. As the honourable minister is aware, by and large, this is not a power given to policemen who can be licensed inspectors under the act and, in fact, are. In the normal pursuance of their police duties, they do not have that power. If they do not, I cannot contemplate that it is in order for betting inspectors to have that power.

Mr PERRON: Mr Deputy Chairman, the honourable member for Nightcliff does not have to 'humbly' beg for any particular action from me or the government. I am sure that we can assess such matters on the argument alone.

If it is true that inspectors will have adequate time to plan such raids well ahead and to gather the necessary evidence to place before magistrates, then those arguments should surely apply in the fish and fisheries and liquor areas, where the powers go quite beyond what we are seeking here. It must at least be conceded that, under the amendment proposed here, we are still not seeking powers for gaming inspectors to search people. Yet that power exists under the Fish and Fisheries Act, the Liquor Act and the Territory Parks and Wildlife Act. The latter act is the only one which says that premises used principally for residential purposes cannot be raided without a warrant. Of those 3 acts, however, the wildlife act would be the one in my mind that would probably rate such powers having regard to the fact that it deals with live animals. If fast action were required, it would seem more important in that situation than in the case of liquor. However, that is getting off the subject.

The situation in regard to illegal betting is such that it may well be an activity that is conducted from a private home. Going back a few years, the little that I used to hear about illegal betting operations indicated that they were conducted from private homes, quite well-known ones in the community and...

Ms Lawrie: That is not the point. They have time to get a warrant.

Mr PERRON: That is not always the case as I understand it. The activity may not have been tracked down and staked out as the honourable member outlined.

There may well be need for quick and urgent action. Under the Racing and Gaming Act, there are not dozens of inspectors. Certainly, there would not be as many as there are wildlife inspectors. The size of the operation in the Territory at present is quite small and I guess it will stay that way for some time to come. It is not the type of thing that is liable to get out of hand in any way. There could possibly be a need for instant action by inspectors. Illegal betting is taken very seriously by criminal elements. It is not simply a matter of revenue lost to government or poor odds being offered to punters. Eventually, if not initially, it attracts organised, serious crime and syndicates and such. There have already been indications of connections between activities in the Northern Territory and interstate activities as a result of investigation into such matters in Victoria. We need not think that we are right out of the limelight in that regard.

I do not see that the honourable member's arguments can be supported totally, particularly as it must have been debated during the passage of other legislation and, no doubt, will be again. It has been proposed to us in this form by the police and the Racing and Gaming Commission, both of which are far more familiar with the intricacies of organised illegal betting than I am. I have to take the views of those bodies.

Mr DOOLAN: My concern is that a betting inspector may without warrant and with such assistance as he finds necessary and if necessary by force, enter any place on or in which he suspects illegal practices are occurring, and this includes dwelling places. In my opinion, this is a shocking invasion of privacy in what is supposed to be a democratic country. It sounds like something out of USSR. I have never been in favour of granting power to enter without a warrant under any circumstances. I know that it is well and truly established in the Territory now. The Treasurer gave examples of wildlife officers and fisheries officers entering without warrant. In 99% of cases, they would not be entering a private dwelling. One would not keep a lot of stinking crocodile skins in one's house. It would be in a shed down the back. Breaking into a shed would not be the same as breaking into a place where a family is housed.

Mr Perron: How about a bunch of finches?

Mr DOOLAN: They could be down the back too. Fishing gear etc would be kept in the shed in the back. It would be an extraordinary circumstance where you kept all your dirty fishing gear in the house. It would be a pretty rough house. If inspectors have a reasonable suspicion that there is gambling taking place in a private residence, the betting inspector should go to the police and inform them of his suspicions. He should let the police assess whether it is a good case or not. He should obtain a warrant. I suggest that the police should do the job. They are better equipped to do it. They have received training. I would imagine that they would be more responsible. I do not know of any facilities available for a betting inspector to be instructed in this kind of work, unless he attended a police school.

The other thing to which I object is that he can call on somebody to assist him. Some of the most honest citizens in the land are very much interested in racing. I am not criticising the racing fraternity but, on the fringes of the racing fraternity, there are some pretty tough characters. The racing community normally has more that its share of tough men and standover men. If the betting inspector intends to forcibly enter a dwelling, and he suspects that he may have difficulty getting in, he would not take some little weakling to assist him. He would take the biggest and toughest guy he could find. If he has any sense and wants to protect himself, he would probably pick up a bouncer to take in with him. I do not think that would be right. It is wrong that he can call on practically anyone to assist him. I do not think that he should

enter without warrant. I suggest that the matter be handed over to the police for their assessment. A warrant could be obtained and the police could do the job rather than the betting inspector.

Mr B. COLLINS: Mr Chairman, I want to indicate opposition to the amendment. We have done this in other debates. The reason that I want to reiterate this briefly is that the sponsor of this bill has indicated that he does not see anything wrong with this particular provision because it exists in other acts. That is correct. We have made these same objections about other legislation. This amendment will add to the plethora of individuals who can charge into one's house at will. It is becoming quite a list now. The sponsor of the bill has foreshadowed that this will come up again. We are getting very close to the situation that existed in the state of Georgia where they had what was known as a police warrant. When Jimmy Carter was Governor of the State of Georgia, he delivered an address to a meeting of the Georgia Law Society. He said that a police warrant was where 2 police officers go to your home. One stands at the front door and one runs around to the back door. The policeman at the front door knocks on the front door and the policeman at the back door calls out 'come in'.

We simply wish to place on record our continuing concern at the ever growing list of people who are not members of the Police Force, but who are being given powers that transcend those of the uniformed police, particularly uniformed police in the Northern Territory.

Mr DONDAS: I support the honourable Treasurer. We are not talking about a small game. We are not talking about a game that we would call 'penny poker'. I do not really think that the inspectors will worry about a game of penny poker or an occasional game of crib where maybe a couple of dollars might change hands. We are talking about organised games such as baccarat, the Chinese gambling game and last card manilla. These games have $5000 and $10 000 pots. They are the kinds of games that we are talking about. They are floating games. They do not play at 27 Wanguri Terrace every Friday; they move around. That is the problem. The important thing is that there are suckers around. The people who organise these games love suckers with plenty of money in their pockets because they can cheat them and there is no recourse. Believe me, a lot of cheating goes on in these organised games.

I do not know how many members play games of cards in legal establishments for large amounts of money, but I have seen cheats work and you would never know that they were cheating. Nevertheless, they have ripped people off for thousands and thousands of dollars. I believe this amendment will allow the inspectors to stop these floating games - to use the American vernacular, floating crap games. It stops the cheating. It stops the organisation getting in. It is very well organised.

I take the point of the honourable Treasurer who said that there are provisions in other legislation that allow persons other than police to raid certain premises. But they are there for very good reasons. Likewise, this amendment is there for very good reasons: to stop the organisation of illegal gambling and to stop organised cheating.

Ms LAWRIE: Mr Deputy Chairman, there seems to be little disagreement on the need to stop illegal gambling and illegal betting. No one is arguing about that. I remind honourable members of my remark that gaming inspectors worth their salt would have ample time, if it were necessary, to raid private premises, to put the information before a justice, as so many other people must do.

Mr Perron: That is an assumption.

Ms LAWRIE: As the honourable minister said, the acts vary as to the necessity or otherwise for warrants and as to the powers for entry into private property or otherwise.

Mr Perron: Only one of them does.

Ms LAWRIE: The honourable minister interjected that it is an assumption to say that they will have time to obtain a warrant. It is also an assumption that they will only operate in large games and that every time a raid will be necessary. These are all assumptions. We are weighing in the balance the concern of the community for its right to privacy against the very real need to enforce the provisions of the act. I am aware of that as is the honourable minister. We are weighing and balancing community concerns.

It is my opinion that the right to privacy in one's own home is still regarded as very important by the community at large. If a person leaves the privacy of his dwelling and goes to a betting shop, racecourse, a club or hotel, he then places himself in the position that he is in a public place and liable to be inspected or called upon to account for himself by a variety of people such as police, licensing inspectors and gaming inspectors. That is a knowledge we all have if we deliberately go to these places. A betting shop shares the same building as my electorate office. I could walk in there and place a bet knowing that, at any time, a betting inspector could arrive. He could ask for my name as a bettor. He could ask the proprietor to produce certain documents. I am aware of that and I approve of it. I go to the casino, to the racecourse and to betting shops because I happen to love gambling.

But, I will not say that the right of entry applies when I am within my own home, minding my own business. I think that, if a person wishes to enter my domestic dwelling, he should be called upon to give cause to a Justice of the Peace who, on the facts presented, may or may not decide to issue a warrant. There is a vast difference between being in one's own home and placing oneself in the public eye by going to any of these other places. That is the concern of the community. I am surprised that the honourable minister is not aware of that concern. People do not wish legislation to be passed giving the right of entry to domestic dwelling houses to large numbers or large classes of people.

Mr CHAIRMAN: The question is that new clause 135A be inserted.

The committee divided:

Ayes 9	Noes 8
Mr D. W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mrs Padham-Purich	Ms D'Rozario
Mr Perron	Ms Lawrie
Mr Robertson	Mr Leo
Mr Steele	Mrs O'Neil
Mr Tuxworth	Mr Smith
Mr Vale	

Bill reported; report adopted.

In Assembly:

Mr LEO (Nhulunbuy): Mr Speaker, I think that it is worth while to point out to the minister that this should be brought into operation only after an aggressive advertising campaign to ensure that persons are well and truly aware of their right to see an inspector's card before they agree to his demands. It should be well and truly advertised what an inspector's card looks like. We are likely to see instances where persons walk in with almost any type of card and insist that they are betting inspectors or gaming inspectors.

Bills read a third time.

LEGAL PRACTITIONERS AMENDMENT BILL
(Serial 348)

Continued from 24 August 1983.

Mr SPEAKER: Honourable members, pursuant to Standing Order 153, I declare this bill to be an urgent bill on the grounds that it could cause hardship. Therefore, it may proceed through all stages at this sittings.

Ms LAWRIE (Nightcliff): Mr Speaker, I have no problem with the bill itself. I have circulated 6 copies to various people within the legal profession, 2 of whom I have spoken to. They have been surprised. They said that they would study it and give me their comments in due course. Of course, we are seeing this bill proceeded with as a matter of urgency on the grounds of hardship. What hardship, and to whom? We have done without it for the last century. Since it was introduced only last week, why must it be passed this week?

Honourable members will be well aware that I am very much against, except in the most extreme circumstances, legislation being introduced and passed at the one sittings. In his introduction to the bill and his second-reading speech, the sponsor gave no indication that he was asking for this bill to be passed as a matter of urgency. Had he done so, I would have advised the recipients of my copies that I would like their comments as a matter of urgency. Whilst I have no great problem with the bill as printed, I am clearly annoyed and upset that, without any foreknowledge, this bill is to pass through all stages in the one sittings. It is a matter of principle.

Mr B. COLLINS (Opposition Leader): Mr Speaker, had the Attorney-General intended to proceed with this bill through all stages under a suspension of Standing Orders, we would be opposing it for precisely the same reasons. However, if we opposed the bill passing through as a matter of urgency, it would require us to move a dissent to your ruling, Mr Speaker. We certainly do not intend to do that. I am quite happy to advise the Assembly that the Attorney-General gave me some prior notice that he was seeking urgency. It did surprise me as no indication had been given last week. The bill is certainly not a controversial one. I do not think that it could be described in any shape or form as controversial.

We certainly do not oppose the provisions of the bill. They are simply to provide a system of pupillage to be established in the Northern Territory, to which we have no objection at all. We will not be opposing the bill from that point of view. But, I must confess to being a little surprised, considering that we will be sitting again in such a short time, that urgency is necessary for the bill.

Mr SPEAKER: To clarify the situation somewhat, the application for urgency is dated 10 August 1983. I treat applications for urgency by the Chief Minister as genuine. I will read part of the application for the edification of honourable

members:

> *As indicated earlier, there is presently an application for pupillage. Delay in the passage of the legislation could result in the applicant's loss of earning capacity to a considerable degree. Although the applicant is currently receiving remuneration for research work and would presumably receive remuneration for the period of 3 months of pupillage during which he could not accept briefs, that remuneration is considered inadequate for an extended period. If legislation was not passed until the October sittings, it could be late in January before the pupil would have the capacity to earn adequate wages. Even at that stage, the pupil's earning capacity could be somewhat limited, given that the more experienced barristers would obviously receive the majority of briefs.*
>
> *Delay in passage of the legislation would also delay the eventual date at which the pupil could receive an unrestricted practising certificate. It seems the candidate would be considerably disadvantaged by the current inadequate state of the legislation which does not allow for pupillage.*

Honourable members, that satisfied me. I accept that it might only affect one person but I think my decision was correct.

Mr ROBERTSON (Attorney-General): Mr Speaker, I will try to be brief in reply. The fact that there was no mention in the second-reading speech of our desire to seek a certificate of urgency from yourself was an oversight for which I accept entire responsibility. I do apologise to the Assembly for that. The reason I did not do it - which I now believe to be wrong - was in consideration of the very matters that you have just outlined: it may have been seen by you and by the Assembly as an attempt to put undue influence on the decision you had to take. Quite obviously, every member in this Assembly is of the view that I ought to have raised it. Therefore, I should have raised it and I apologise for not having done so. I did allude, in my second-reading speech, to the single applicant for pupillage under the independent bar system. It is in Hansard. I noticed the Leader of the Opposition looking it up just a moment ago. The reason for seeking it was before honourable members; my mistake was not letting honourable members know it.

Might I say that when this thing was first put before me with a request for its passage through this sittings, for the very reasons outlined by the member for Nightcliff and Leader of the Opposition, I flatly refused. Nonetheless, being somewhat compassionate, I was worn down over a period of time. I considered it would be improper to suspend Standing Orders but, if the Speaker thought it could be reasonably considered within his discretion of hardship, then I was pleased to let that happen. Like the honourable member for Nightcliff and other members here, I believe that, wherever possible, unless it is absolutely urgent, we should properly consider legislation. Be that as it may, I am grateful that you have given your decision in favour of the person affected by it. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Attorney-General)(by leave): Mr Speaker, I move that the bill be now read a third time.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I thank you for the advice you gave the Assembly. I am sure you noticed that the honourable member for Nightcliff and myself were somewhat taken aback when you read out the date on

the letter as 10 August. Indeed, I am surprised at the explanation of the honourable minister because it is well established procedure. To my knowledge, when introducing bills into the Assembly for which urgency is being sought, it is on every occasion said that that is being done.

Mr Robertson: Do you want me throw myself on my sword or some darn thing?

Mr SPEAKER: Order!

Mr B. COLLINS: It is amazing the things that occupy people's minds.

Mr Speaker, I simply wish to make it clear for your sake, not the honourable Attorney-General's sake, that I was not casting any reflection on your decisions. I thank you for the advice that you have given us that this in fact was brought to your attention some time ago. The impression that I certainly gained from the Attorney-General when he advised me of the decision was that the decision to ask for urgency on this bill was taken only in the last few days. Not surprisingly, that annoyed both the honourable member for Nightcliff and myself. I thank you for the advice that it was asked for on 10 August. That changes the situation entirely. Indeed, it is a matter of common practice that, when a minister introduces a bill into the Assembly for which urgency is being sought - and the form or words that are used is the same on every occasion - the minister simply says that he is advising the Assembly that it is the intention of the government to seek urgency for that bill. That is done time and time again. I do not hesitate in raising with the honourable Attorney-General the fact that it is a strange explanation that, on this occasion, he did not do so because he did not want to place untoward pressure on you.

Mr Robertson: I had never brought one in before. I never will again either.

Mr SPEAKER: Order!

Mr B. COLLINS: If he cannot handle the heat, then he should move out of the kitchen.

Mr Robertson: You are an utter hypocrite, that's what you are.

Mr B. COLLINS: One could be forgiven for thinking that this bill was of some substance.

Mr SPEAKER: Order! I request the honourable Attorney-General to withdraw the word 'hypocrite'.

Mr ROBERTSON: Mr Speaker, most certainly, but could I have your ruling first, Sir, that the word 'hypocrite' is more unparliamentary than 'puerile'?

Mr SPEAKER: My ruling is that 'hypocrite' is unparliamentary.

Mr ROBERTSON: In that case, Mr Speaker, I will withdraw the word.

Mr B. COLLINS: As far as 'puerile' is concerned, obviously the honourable Attorney-General is trying to give us all a practical demonstration.

Mr SPEAKER: Order! I appreciate that it is late in the day. I ask members to restrain their tempers before I lose mine.

Mr B. COLLINS: I have never felt more calm or relaxed, Mr Speaker. I wish to make it clear to the Assembly that it is normal practice for the government to indicate, as the Hansard will show, that it is its intention to seek urgency for a bill. I did not wish any imputation to be left in the Hansard that I

considered your ruling on urgency for this bill was in any way improper, Mr Speaker. As the honourable member for Nightcliff and I had both expressed some surprise at what we thought was a very recent decision, I am grateful to you, Mr Speaker, for advising that the request was made to you as early as 10 August. Under those circumstances, Mr Speaker, I am perfectly happy to support both the bill and its urgency.

Ms LAWRIE (Nightcliff): Mr Speaker, I would simply ask the sponsor of this bill to consider that he had known for some time that he wished this bill to pass through at one sittings. Many bills are passed in the Assembly which need subsequent amendment. Sometimes, the amendments are substantial and sometimes they correct simple drafting errors. Other than the honourable sponsor of the bill, members have not had the time to have a close look at it to ensure that it is all it is made out to be. I will be interested to see if we introduce an amending bill in the future to tidy up errors which could militate against its orderly conduct.

Perhaps the honourable member could have advised others with an interest in these matters, such as the Leader of the Opposition, the honourable member for Fannie Bay and myself, on 10 August that he wished to introduce this bill and have it passed at the one sittings. It would not have been a novelty for him to have forwarded us the copy, together with his notes, asking us either to keep it confidential or otherwise, to give us the opportunity of proper scrutiny of the bill to ensure that it does not need amendment. I have not had time to do more than glance through it and see what it purports to do. I would suggest to all ministers that, if they wish to adopt this procedure for the introduction of bills and their passage, they could pay honourable members on this side the courtesy of forwarding us a copy together with the reasons for its urgency.

Mr ROBERTSON (Attorney-General): Mr Speaker, as I said earlier, I do not know what I am supposed to do - fling myself on a sword or what. I apologised to the Assembly for an error I made. Mr Speaker, I sought to do no more than help someone who came to me. I put the proposal to you,Sir. You accepted that proposal and for that we have this. There is no doubt at all, Mr Speaker, that my very reason for not doing this through a suspension of Standing Orders is exactly what honourable members have said. Of course we ought to have time to consider legislation; that is what it is all about. Mr Speaker, I would indeed be very embarrassed to have to come back here to alter any error which may be in this piece of legislation. But, we have been through exercises like that associated with the Criminal Code. I provided considerable information in my section of the handling of that code - which, incidentally, received not one ounce of recognition from either of the people who have complained here today, not that I expected it. Under the circumstances, it was perfectly reasonable to provide whatever information we could. I do not do business the way that I have been accused of doing it.

All I can say, in conclusion, is that I apologise for my oversight in not letting the Assembly know that, for the sake of one person, I was asking you to consider a letter from the Chief Minister. I am not prepared to go further than that, but I have learnt something about what happens in this place when one goes out of one's way to help someone.

Mr B. Collins: I accept that apology.

Motion agreed to; bill read a third time.

STAMP DUTY AMENDMENT BILL
(Serial 329)

Continued from 31 August 1983.

Mr SPEAKER: Pursuant to Standing Order 153, I declare the Stamp Duty Amendment Bill (Serial 329) to be an urgent bill.

Ms D'ROZARIO (Sanderson): Mr Speaker, as spokesman for the opposition, I am happy to support not only the matter of urgency, but also the content of the bill. I am prepared to concede that this is a matter which has caused hardship to a great many people over a great many years, in fact since the stamp duty exemptions were first introduced. It has taken this long for anything to be done about them.

Mr Speaker, I think that members will recall, and particularly the honourable member for Tiwi will know, that many members in this Assembly have persistently brought to the attention of this legislature the inequity that exists between those people who buy houses on rural residential land and those who buy them in the urban centres. I give unreserved credit for persistent and vigorous representation on this matter to the honourable member for Tiwi. This question has been hanging around since 1979, and it is only now being corrected. In addition to the honourable member for Tiwi, I recall the honourable member for Victoria River who has a large number of constitutents in this category, the honourable member for Millner, the Leader of the Opposition and myself having brought to the attention of the Assembly the discrepancy in treatment that these people have received. I hope that I am being sufficiently generous in my remarks to suit the Attorney-General.

Mr Speaker, I now turn to the bill itself. The bill will insert a new section which will remove the distinction between descriptions of residential land and simply afford a stamp duty exemption to all persons who buy land for their personal occupation. It has to be said that this does relate to residential land. The terms used in the bill are 'dwelling house' and 'personal occupation', which gets around this question as to whether land is residential or rural land, which was the precise problem facing the Commissioner of Taxes who has the responsibility to administer the Stamp Duty Act.

Mr Speaker, the problems that were faced have been well recited by the honourable members previously referred to. Those people who were buying their first home on lots over 2 ha were not afforded any exemption on stamp duty by the existing act. This bill has the effect of extending the exemption to that class of persons and I wholeheartedly support it. The exemptions are prescribed in section 6 of the act which, of course, has a further reference to schedule 2. I refer honourable members to item 8 of schedule 2 which contains reference to 'residential lot'. The exemption was afforded to persons who were buying a residential block of land for personal occupation and who previously had not owned residential land in the Territory. The clear intention of the principal act was to afford an exemption on the conveyance of residential properties to first-time house buyers in the Territory. Proposed new section 8B has removed the reference to 'residential lot'. What we have instead is 'dwelling house', which means that a person can erect a dwelling house on any land and, provided it is for his personal occupation, this exemption will be applied to him.

Mr Speaker, one matter which I must address is the question of the limit on value. The act did not have a limit on the value of the conveyance. A person was not limited in the value of the property being transferred. In this bill, a limit of $80 000 is imposed, and the effect of this will be that stamp duty will be exempt on the first $80 000 of a transaction and, if the conveyance

of the property is over $80 000, then the person purchasing it will be required to pay duty on the difference between $80 000 and the value over $80 000. Whilst we have afforded the same exemption to a class of persons not previously covered, at the same time we may well have excluded a class of persons who were previously covered: persons who would be purchasing a house for their own occupation the value of which was over $80 000. Looking around at the house prices that are being offered in the real estate pages of the Northern Territory News and other journals circulating in the Territory, some people will now have to pay stamp duty on properties over $80 000. However, I am prepared to say that the majority of persons buying their first house will be accommodated.

The Treasurer has made this legislation operable from 30 August, and for that I commend him. He is taking immediate steps to cover this class of persons not previously covered. I would have gone one step further and afforded a retrosepctive application of this legislation to persons who had bought their first home for their personal occupation and who had not been covered between 1979 and the operation of this legislation. I think that those people were always intended to have been covered. We are taking action belatedly to cover them but we are not affording any retrospective operation at all. I would ask the Treasurer to investigate the possibility of including those people who should have been covered but have not been.

Mr Speaker, I had a concern with paragraph (e) of proposed subsection (3) which has now been resolved. It says that the commissioner should be satisfied that, if a vacant lot is bought, a dwelling house is proposed to be constructed within a reasonable time after the date of transfer. I thought that this perhaps asked the commissioner to have some discretionary power and we might well have found ourselves in the same position as we did with the interpretation of the phrase 'residential lot' which currently appears in schedule 2 of the act. That is where the problems arose. The commissioner regarded that a residential lot was one of 2 ha or under. On closer reading of this bill, this matter may not present a problem because the stamp duty exemption applies to the first purchase. If a person, for example, were to sell the land without having constructed a dwelling, he would lose all further rights to claim duty exemption for any subsequent block of land that he may buy for the same purpose.

Mr Speaker, I am quite pleased to support this bill. It addresses those problems which other honourable members have raised repeatedly and gives effect to the intention of the Stamp Duty Act as we passed in this legislation some years ago.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, it gives me great pleasure to support this legislation without any reservations whatsoever. Since the end of 1981, I started to make representation to the Chief Minister and other ministers regarding relief for my consituents in the rural area from paying stamp duty on first home purchases. I wrote the first letter in January 1982. Everything comes to he who waits. I have not waited quite as long for legislation regarding stamp duty as for another piece of legislation earlier on in this sittings.

Mr Speaker, my constituents were disadvantaged to a greater extent in this regard than other members of the community. When a person is setting up home for the first time, every $100 counts. If relief is extended to the first home buyer to the extent of $80 000, it will display generosity on the part of the government to the tune of about $1350. I made some inquiries on how the duty is levied on home purchases: up to the $50 000, 1.5% is paid; from $50 000 to $100 000, 2% is paid; from $100 000 to $250 000, 2.5% is paid; and over $200 000, 3% is paid. I understand that this scale of duty is not particularly onerous when compared to those in the rest of Australia. In fact, it may even be a little more generous. As well as this benefit, a Commonwealth benefit is also

extended to first home buyers.

I took the trouble to work out how much duty would be payable on a home over $80 000. Although $80 000 for a house and land in town might sound reasonable, land in the rural area does not come cheaply. A 5-acre block of land in the Howard Springs area sold recently for about $64 000. There are ordinary home blocks, serviced with electricity and water, selling in that area for about $40 000. There is a corner block on the Arnhem Highway, a couple of miles from the Stuart Highway, being offered for sale at a perfectly reasonable figure of $45 000. Blocks further into the Humpty Doo area are selling for $25 000. If we add to the value of these blocks, the value of a modest house, the figure could be over $80 000, perhaps even $90 000 or $100 000. That would not be a luxurious house.

Let us take the example of a property - that is, house and land - worth $200 000. The ordinary duty on $200 000 is 1.5% on the first $50 000, 2% on the next $50 000 and 2.5% on the next $100 000 which makes the total duty payable $4250. If we apply the benefit in this legislation, $1350 for the first $80 000 will be saved. Thus, the duty to be paid on this property, if it is a first home purchase, will be $2900 instead of $4250.

Mr Speaker, I am pleased to see that this stamp duty benefit applies not only to fully-built homes but also to partly-completed dwelling houses. I like the term 'dwelling house' because it implies a certain amount of individuality in the home. Out in the rural area, there is considerable individuality in the places in which people live. It could also apply to a block of land as I was told this morning when I made inquiries of the Commissioner of Taxes. That would happen if the intention of the purchaser of this block of land is quite clear. The commissioner must be completely satisfied that it is the intention of the person buying the land to live on it.

The legislation mentioned certain criteria that had to be fulfilled before a person could apply for this loan. Firstly, the applicant must intend to live on the block of land. Secondly, he must not have owned land or held a Crown lease previously in the Territory. A person can also obtain this loan to buy a partly-completed dwelling house. It also takes into account different forms of ownership. It takes into account ownership by joint tenants and ownership by tenants in common. I hope that the figure of $80 000 is borne in mind by the commissioner so that, if the values increase, the figure of $80 000 can be increased.

One of the injustices regarding stamp duty for first home buyers occurred when the commissioner decided that a business could be conducted on a rural block and, therefore, it was not wholly residential. He forgot completely that a business can be conducted on an urban block just as easily as on a rural block. Some of my constituents who have made inquiries regarding relief from paying this stamp duty have been given some hope because there will be a degree of retrospectivity introduced by this legislation. The Treasurer said in his budget speech that the stamp duty exemptions would operate from budget day. I would seriously ask the Treasurer to make it retrospective to at least 1 January because the home buyers who have approached me were given some hope that some retrospectivity would be provided for.

Mr PERRON (Treasurer): Mr Speaker, I would like to touch briefly on 2 points. The first one has to do with the figure of $80 000. The government has taken the view that one can buy a reasonable dwelling house and land package in the major centres of the Northern Territory for under $80 000. It is true that very many transactions take place for above that figure. It is true that some houses sell for hundreds of thousands of dollars. It has to be remembered that the principle behind the exemption of stamp duty is to

encourage people to settle into their first home in the Northern Territory. That is why the government exempts people from stamp duty. It is to assist people with their first home purchase. If people can afford to purchase dwellings for over $80 000, so be it. If they choose to go to the rural area and buy 500 acres and live on it, so be it. The exemption applies to sales of $80 000 or less. That is the cost of a reasonable house and land package in an urban centre. They have the option.

The other matter was retrospectivity. The honourable member for Tiwi raised it. I appreciate that a number of her constituents have been living in some expectation that there might be a change to the stamp duty provisions because, at some stage, it was announced that the matter was being reviewed. Those words alone have given some hope. The difficulty is to decide where to draw the line. No doubt, wherever it is drawn, some people will be just over the line. We decided to take the fairly traditional position of announcing that it will apply from the date of the budget. I thank honourable members for their remarks.

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.

ABORIGINAL SACRED SITES AMENDMENT BILL
(Serial 315)

Continued from 31 May 1983.

Mr B. COLLINS (Opposition Leader): Mr Speaker, no doubt I am about to incur the further wrath of the honourable Attorney-General in this matter. Before each sittings of the Assembly, we contact the Leader of the House as to the government's intention in respect to its legislation so that some degree of order can be applied to the proceedings of the Assembly. This is normally done to everyone's satisfaction so that everyone knows what everyone else is doing. I must advise the Assembly that we were advised by the Leader of the House that the government would not be proceeding with this legislation at this sittings. I was only told yesterday, to my complete surprise, that it will pass through at this sittings.

Mr Everingham: We won't proceed then. There is no urgency.

Mr B. COLLINS: Is that all right?

Mr Everingham: We'll do it next time.

Mr B. COLLINS: If that is fine by you, I'll sit down.

Debate adjourned.

MOTION

Racing and Betting Bill (Serial 312)

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that the adoption of the report and the third reading resolution on the Racing and Betting Bill (Serial 312) be rescinded and that the bill be recommitted to the committee of the whole Assembly for consideration of proposed new clause 144A, proposed by amendment 164.8.

Motion agreed to.

RACING AND BETTING BILL
(Serial 312)

In committee:

New clause 144A:

Mr PERRON: Mr Chairman, I move amendment 164.8.

This inserts a new clause 144(A) which relates to its being an offence to hinder inspectors under the Racing and Gaming Act. The penalty is $500.

New clause 144A agreed to.

Bill reported; report adopted.

Bill read a third time.

MOTION
Retirement of Clerk

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I move that, on the occasion of the retirement of Raymond Chin from the position of Clerk of the Legislative Assembly of the Northern Territory, this Assembly place on record its appreciation of the long and valuable service rendered by him to the Northern Territory and convey to him good wishes for many happy years of retirement.

Ray Chin, the Clerk of this Assembly, is due to retire in 6 days' time after 32 years of public service. He was born Chin Pak Jing in Canton in 1923. He came to Darwin from China with his mother and brother in 1928 where the family was reunited with Raymond's father. In 1933, Ray was sent back to Canton to continue his schooling. He was still in Canton in 1937 when the Japanese air force launched its bombing attacks on the city. Ray left Canton and came back to Darwin where he was able to continue his schooling. In 1942, the Japanese caught up with him again in Darwin and Ray joined the Royal Australian Air Force. He served for 4 years in the RAAF as a leading aircraftsman.

After being demobbed, Ray worked for himself until 1951 when he entered the Commonwealth Public Service. He studied at night school and, in 1953, was appointed as a base grade clerk. He worked in various Commonwealth departments until 1968 when he transferred to the staff of the then Legislative Council. Ray rose steadily in his profession. In 1970, he became Clerk of Records and Clerk of Committees. In 1974, he became Clerk Assistant. In 1977, he was a recipient of the Queen Elizabeth II Silver Jubilee Medal. In 1978, he was promoted to Deputy Clerk. In 1982, when Ray was promoted to Clerk of the Legislative Assembly, as head of the Department of Legislative Assembly, he also became a Chief Executive Officer with departmental head status.

Raymond Chin has been extremely active in community affairs. He has been secretary of the Darwin RSL and is a life member. He has been treasurer of the Legacy Club in Darwin for the past 4 years. He has been associated with Legacy itself, though, for 21 years and has held the positions of honorary secretary, chairman and president. He was president of the Chung Wah Society and has been a life member since 1981. He was honorary secretary of the Darwin Bowls Club for 5 years to 1980 and he is still actively involved with the club and, no doubt, probably will become even more actively involved in the near future.

The Chin family has a long association with the Territory. Ray's father, Sam Chin, was born in Darwin in 1901 and died here in 1968. Ray's mother, Sue Wah Chin 83, is a substantial property owner here and is a very active woman still. Mrs Chin has 11 children and 35 granchildren and 9 great-grandchildren in Australia and the United States. Ray has 3 grown-up children himself who, in turn, have produced 3 grandchildren for him. He also has a step-daughter who is at present attending school in Darwin.

Ray will retire following this sittings and will continue to live in Darwin - more power to him - at his home in Stuart Park. I am sure, Mr Deputy Speaker, that everyone in this Assembly supports me in wishing him every success in his retirement.

Members: Hear, hear!

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, it is with a great deal of pleasure that I second this motion and pay tribute to Ray Chin. I will not go over the historical material. If everyone is talking about the same thing, it is very difficult not to be repetitious. It is a fact that Ray Chin has devoted 32 years of his life to the public service. The position of Clerk at the Table is not one where rapid promotion can normally be expected because Clerks at the Table normally spend - and the Northern Territory's Assembly is no exception - very long terms in office in those positions. With Ray's departure we see a second distinguished occupant of that position retiring within a short time.

The last 15 years of Mr Chin's 32 years of service have been spent serving this legislature. I know I speak for all members of the Assembly when I express gratitude for the dedication he has given to the smooth working of parliament during that time. I was very interested to read a profile of Mr Chin in a recent issue of the Northern Territory News. I was pleased especially to see that his significant contribution to this community was publicly acknowledged. As that article and the Chief Minister pointed out, Mr Chin's family has had long connections with the Territory and, like other long-time Territorians, has remained committed to the community despite experiencing adversity such as the bombing of Darwin and Cyclone Tracy.

Mr Chin has been in the fortunate position, in my view, of having worked for the Assembly during its most exciting and challenging period of growth. He was here when another highly-respected Chinese resident of the Northern Territory, Harry Chan, became the first elected President of the Legislative Council, as it then was. He was able to view, at close quarters, the battles that other dedicated Territorians fought to win finally a fully-elected Legislative Assembly, leading eventually to self-government for the Northern Territory. There is no doubt that the dedicated behind-the-scenes role which Mr Chin and his Assembly colleagues played during that time contributed in no small way to the progressive achievements that have been made in the Northern Territory's constitutional development.

Mr Chin has served this Assembly as Clerk of Records, Clerk of Committees, Clerk Assistant, Deputy Clerk and finally Clerk of this Assembly. Mr Speaker, I know I speak for all members of this Assembly when I say that, in whatever capacity he has served the Assembly, Mr Chin has displayed an attitude of cooperativeness and dedication which has been greatly appreciated by all members of this Assembly.

It is with regret as well as gratitude that we mark his retirement from this Assembly and from the public service. We have no doubt, however, that he will continue to make a significant contribution to the Territory community in

his capacity as a private citizen. His record in community activities is of course already substantial and we pay tribute to the contributions he has made to improving the Territory way of life.

Mr Deputy Speaker, I thank Mr Chin for his service to this Assembly and for the assistance that he has always given to members of this Assembly. I hope that he may find the time in his retirement to record, in some form or other, some of the Territory history he has observed - and indeed, helped to make - during his 32 years in the public service. On behalf of the parliamentary Labor Party and, I am sure, on behalf of all members of this Assembly, I pay tribute to the service of Mr Chin to this Assembly and assure him that he not only carries with him into his retirement our good wishes, but also our affection.

Members: Hear, hear!

Ms LAWRIE (Nightcliff): Mr Speaker, this debate marks the pending retirement of our Clerk, Mr Chin, and I join with other members in expressing my appreciation of his service to this parliament. He has upheld the highest ideals inherent in the positions he has held. When I first came to Darwin 24 years ago, Mr Chin was a respected and well-known public figure, particularly identified with 2 organisations: the RSL and the Chung Wah Society. I remember the sterling work he did for that society after the cyclone in the gathering of money and assistance for the rebuilding of the Chinese temple.

We may be marking the retirement of Mr Chin from his life as a public servant but I am quite sure we are not marking his retirement from all public life. He is a Darwin identity who is respected right throughout the community. He has worked for many people and he is not unknown and unappreciated even though he is an innately modest man.

I was fortunate enough to serve on a parliamentary committee which travelled around Australia with the late Dick Ward as chairman. Mr Chin travelled with us as clerk to that committee. It was the first time I had been on such a mission and I was amazed at the amount of work which Mr Chin was able to handle under strange and varying circumstances in various capital cities, given the nature of the inquiry where we tramped through some 29 prisons. Mr Chin's never-flagging good humour and attention to detail enabled the committee to fulfil its work well.

Mr Chin, I wish you and your family all the best and I thank you for the years of service you have given, not only to this Assembly but to the Darwin community.

Mr ROBERTSON (Leader of the House): Mr Speaker, it is in my capacity as Leader of the House that I wish to address a few remarks through you to Mr Chin. It is in that capacity that I seem to have had a particularly bad day. Perhaps my sense of humour has been lacking. Nonetheless, Mr Speaker, I want to extend my appreciation to Mr Chin for the tremendous amount of assistance he has given me in my capacity, firstly, as a fledgling member of this Assembly in 1974, secondly, as Deputy Speaker and Chairman of Committees, thirdly as a minister and Manager of Government Business and, finally, as a minister and Leader of the House.

Unfortunately, Mr Speaker, we do not always heed the advice of Clerks such as Mr Chin with their talent and experience and get ourselves into trouble as a result. Nonetheless, that advice was always impeccable. It was the interpretation of it by people such as myself that occasionally allowed the proceedings to go somewhat astray. The other way, of course, is when one does not seek the advice of the Clerk, notwithstanding that Mr Chin was always available to tender that advice to myself and any other honourable member here.

Mr Speaker, notwithstanding that, on occasion, I have not sought the advice

of Mr Clerk, he was always the first person to assist in bailing out myself and other members who, through inaccurate knowledge of procedural matters, got into trouble. The Clerk was never one to allow us to persist in these errors but was always willing to come forward and assist in the recovery of the situation.

May I say, Mr Speaker, that Mr Chin, in leaving this Assembly, will no longer have us to advise. I have no doubt that he is admired as the doyen of his family and he will now have more time to spend advising the young people of the Chin clan. As a leader of the Chinese community, he will be able to spend more time with that community. No doubt, this arduous task has deprived him of that opportunity and he will now be in the position to hand on his knowledge and advice to those whom he will live with in retirement.

Mr TUXWORTH (Barkly): Mr Speaker, may I add briefly to the comments made by honourable members on the occasion of the retirement of the Clerk. I would very simply say, Sir, to the Clerk through you, that I have met some very fine, gentle and courteous people in my life. I would have to list the Clerk of this Assembly as one of them. I believe his retirement is very well deserved. I hope it lasts for 30 or 40 years.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, when we first came to Darwin, because of my membership in an organisation, Mr Chin and I touched tangentially in our everyday life. Darwin being such a small place, I have only heard good spoken of Ray Chin in the community. I think this is borne out by his honest, modest and quiet demeanour. I think the modest, quiet demeanour of Mr Chin goes against him on such an occasion as this because this is the time when people bring up interesting anecdotes about the person in question. Because of Ray's modesty, he does not talk much about himself. I was unable to find any interesting and amusing little anecdotes to mention this afternoon.

I would like to say that I have always found Mr Chin cooperative and helpful in the few years that I have been in the Assembly. When I have asked for his help, he has always been most cooperative. I can be certain that he will spend his retirement in Darwin. I think it is very good to see somebody of his standing in the community continuing to live in Darwin.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I wish to join all honourable members and, I am sure, all members of the community in thanking Mr Ray Chin for his very many years of service to the people of the Northern Territory and wishing him well in his retirement. As other honourable members have said, Mr Chin is a man of exceptional propriety. He does not say much about the many things that he has done and the many interesting experiences that he has had in his long life. Certainly, they were much more dramatic than some of the experiences which we have had because he spent some of his formative years in China. He was there when it was invaded by the forces of another country. He served in the forces of this country during the war. He has been in Darwin since that war and has witnessed many dramatic events, such as the cyclone.

Mr Speaker, perhaps we can be happy to think that, when Mr Chin does retire, he will give us more of the benefit of his long and wide experience. Certainly, his service within the Assembly has been exemplary. It is the fate of Clerks to sit and listen and not have a chance to get up and speak on these occasions. Nevertheless, once Mr Chin does retire, I am sure we will all look forward to the opportunity to watch him and admire him as he works for the good of all people of the Territory.

Mr SPEAKER: Honourable members, I wish to associate myself with your remarks. Mr Chin has had a long career in this Assembly. He was here before I came in 1968. I have had the good fortune to travel with him, the Minister for Transport and Works and the honourable Attorney-General around part of Australia on a

committee of this Assembly, the recommendations of which were responsible for the carpeting and tiered system of desks that we enjoy today. One day, Mr Robertson, Mr Chin and I went to a Chinese restaurant, the Rickshaw, in Melbourne and, because I believe in horses for courses, I asked Mr Chin to order the food. Luckily, Mr Robertson had ordered the wine because Mr Chin, in an expansive mood, asked a young Chinese man in a dinner jacket for chop suey. The waiter denied all knowledge of this plebian dish and, judging us as peasants, retired and would not serve us. Mr Chin aggravated the injury by explaining 'chop' meant 'made small' and 'suey' meant 'everything', so that 'chop suey' meant, in effect, 'little pieces of everything'. It took more than half an hour and another bottle of wine before we again received the attention of the waiter whom Mr Chin described as a university student and it was much longer before we got our meal.

Ray has been a faithful, loyal, efficient officer and has always been courteous and helpful. He has followed the high tradition set by Clerks everywhere the Westminister system prevails. He followed in the footsteps of Mr Fred Walker and Mr Keith Thompson. Above all he is a gentleman.

Mr Horace Guy Smith will take over a Clerk on 8 September. I wish him well. After 25 years of observing the antics of Senators, he will have no trouble in this Assembly. Mr Chin has left a first-class staff to support him.

I wish Mr and Mrs Chin well. He is known to be the richest member of the equivalent of the Chinese Smith family and I hope he builds on his riches and becomes a wealthy tycoon and lives to a great age. He has land in China, but no land rights.

Motion agreed to.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that the Assembly, at its rising, do adjourn until 10 am Tuesday 11 October 1983 or such other time and date as may be set by Mr Speaker pursuant to sessional order.

Motion agreed to.

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

Motion agreed to; the Assembly adjourned.

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