DEBATES

Wednesday 30 April 1980

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

Vehicle Access to Oasis Shopping Centre

Mr STEELE (Ludmilla): Mr Speaker, I present a petition from 72 citizens of the Northern Territory expressing their concern of the traffic hazards and dangers to children created by vehicle access through the Narrows near the Oasis Shopping Centre. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the citizens of the Northern Territory respectfully showeth that the residents in the Narrows area adjoining the Oasis Shopping Centre are subjected to traffic hazards and dangers to children in the area created by vehicle access through the Narrows via the shopping centre to Bagot Road or to the Stuart Highway and lack of landscaping and gardens and insufficient sealed car parks in the shopping centre area. Your petitioners humbly pray that the ministers of government in the Legislative Assembly act to ensure that the owners of the Oasis Shopping Centre and the Darwin city council fulfil their obligations in regard to land under their control and request that Narrows Road be closed with the Oasis Shopping Centre entrance or the Bagot Road entrance as a permanent solution to this longstanding problem, and your petitioners, as in duty bound, will ever pray.

PETITION

Conveyance Allowance for School Children

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I present a petition from 39 residents of the rural area adjacent to Darwin expressing their concern at the reduced conveyance allowance for school children. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned residents of the rural areas adjacent to Darwin respectfully showeth that the reduced conveyance allowance for school children is quite inadequate to maintain a vehicle for the purpose of ensuring the attendance of children at school in areas not served by school buses. Your petitioners are concerned that the allowance should have been reduced with very little notice and at a time of escalating fuel costs. Your petitioners therefore humbly pray that the government of the Northern Territory restore the allowance to its previous level.
and make provisions for automatic increases as future increases in fuel costs occur, and your petitioners, as in duty bound, will ever pray.

MINISTERIAL STATEMENT

Policies for the Improvement of Aboriginal Communities

Mr EVERINGHAM (Chief Minister) (by leave): I seek leave to table 3 draft reports outlining policies and measures which the government would propose to take over the next 5 years to bring about a significant improvement in the environmental conditions of Aboriginal people in their remote communities in the Northern Territory. The reports I refer to are: a discussion paper called 'Development of Aboriginal Rural Towns'; a 5-year development plan for essential services at remote communities - a preliminary consultation paper and cost advice on which quite a deal more work is required; and, thirdly, a proposal to improve housing conditions for Aboriginal communities in the Northern Territory.

My purpose in tabling these documents is to enable comments to be made by members of the Assembly and to allow for feedback from the electorate. The World Health Organisation defined 'good health' as 'complete physical, mental and social well-being' and this is the goal we would be seeking to achieve for Aboriginal people in the Northern Territory. In the run-up to self-government in late 1977 and early 1978 and during the period since the commencement of self-government, there have been many issues to which this Assembly and the Northern Territory government have had to devote their time and energy which have inhibited the extra effort which the government would have liked to devote to the upgrading of environmental conditions in remote communities. The constitutional matters which had to be sorted out, the development of sound financial arrangements with the Commonwealth, the consideration of domestic internal financial measures, the enormous legislative program which we have had to encompass, the transfer of Commonwealth functions and departments and the setting up of important new statutory bodies are some of the areas to which a new self-governing Northern Territory has had to devote its first attention. In addition, I believe the consolidation of land rights, the recognition of title to land, control of their own futures as well as the right to recognition as a distinct ethnic group have been uppermost in the minds of Northern Territory Aboriginal people generally to the extent that any consideration they may have given for the improvement of their environmental conditions have been peripheral during this time.

It is evident that many of these early responsibilities of government have been or are close to being resolved as have the priorities which Aboriginal people have set for themselves and the time is right for us all to think in more definitive terms about policies for the improvement of Aboriginal communities and for the Northern Territory government to enter into a firm commitment. Anyone who has travelled around the communities will know that, while large sums of money have been spent on their development over a number of years, they still lack the standard of services which we enjoy in Darwin and the other major towns in the Territory. Power and water supplies are not as reliable as they should be nor is their distribution adequate in many places. Water-borne sewerage systems often do not exist and, in many places, the alternative means of human waste disposal, especially in view of the congregation of large numbers of people in one location, are downright dangerous. All people should have access to adequate, reliable and safe water supplies and a safe waste disposal system in or near their dwellings if preventive health
measures are to be more effective. Sealed roads are non-existent within built-up areas and many places lack reliable all-weather access.

The discussion paper prepared by the Northern Territory Department of Health on the development of Aboriginal rural towns is a positive proposal for policies to make an impact on the backlog of needs within a time-scale of 5 years. It restates many well-known facts about the establishment of Aboriginal towns within the Northern Territory. It makes the point that, while there has been, over the last decade, a move back to a more traditional way of life by many Aboriginals, such a move has not been complete and is unlikely to be. The towns themselves are wanted by many Aboriginal people and will continue to exist as resource centres. Therefore, the needs are real and the proposals to upgrade them to a more reasonable standard can be justified on a financial basis if no other.

A 5-year development plan must take account of the number of changes which have occurred during the last decade. The policies of self-determination, self-management and self-reliance have meant that Aboriginal communities have reduced the number of specialist employees resident within the communities and therefore the operation and day-to-day maintenance of essential services are becoming increasingly the responsibility of the local community councils. Any policy to upgrade these should insist that there be standardisation and that plant and facilities be kept as uncomplicated as possible. It is also important that the development of a 5-year plan be undertaken with communities themselves to ensure that the plan reflects the needs and the priorities as they see them. This approach will also help to ensure that communities are conversant with proposals and are themselves committed to them.

Such community commitment is as important as government commitment if the final products are to be accepted and used in the manner intended. Indeed, these documents, and particularly document B which sets out the various allocations of funds under the heading of the particular types of work to be engaged in, have taken about 18 months in the preparation because of the degree of consultation that has gone on with the various communities involved. I understand that officers of the Department of Community Development and the Department of Transport and Works have, to their credit, visited virtually every community in the Territory and have sought written feedback as well.

Self-management and self-reliance for Aboriginal communities is meaningless unless Aboriginal people themselves are being given skills to bring about the state of affairs and the employment opportunities to enable them to attain a greater degree of independence. A 5-year development plan provides an ideal opportunity for training in many skills and for direct employment. The opportunity should be afforded to Aboriginal organisations to undertake as much of the work as they are able and willing to undertake. The discussion paper covers vocational training and employment in some detail.

Whilst on the subject of employment, I take the opportunity to inform honourable members that the Northern Territory government will aim to raise the level of employment of Aboriginal people in the public service and statutory bodies by improving programs to enable Aboriginal people to be eligible for such employment. Furthermore, it will urge the Commonwealth government and the private sector to follow suit. In addition, it will examine government works programs and activities with an Aboriginal content to see how vocational or in-service training can be applied to ensure a greater degree of Aboriginal involvement and to promote the aboriginalisation of employment in Aboriginal towns whilst providing strong administrative, professional and technical support.
Our target at these places will be to reach an overall average of 95% aboriginalisation of such programs as general administration, health, housing construction and maintenance, education and in other relevant areas. The achievement of these objectives in employment will require a commitment on the part of the Aboriginal people themselves to accept such employment and to make every effort to ensure that their young people undertake measures to equip themselves for employment of this kind.

The discussion paper draws attention to the need for an innovative and effective administrative system to be set up to ensure that a 5-year plan will, in fact, reach fruition on target and, in the process, it will involve Aboriginal people in the decision-making processes and ensure that departmental resources are fully utilised and properly coordinated. To this end, I propose to set up a high-level taskforce to implement the plan. It will consist of the Secretaries of the Departments of Community Development and Transport and Works under the chairmanship of the Coordinator-General in the Chief Minister's Department who will be established at the top executive level of the service in recognition of the importance of the task and in the expectation of its being properly performed. The Secretaries of the Departments of Health and Education will be seconded to that committee as and when required as will other people who may have information to contribute at relevant times.

The paper on the 5-year development plan for essential services at remote communities is a progress report on the stage reached in the development of such a plan. An essential part in the preparation of the development plan is the involvement of the communities concerned in its preparation. Remote communities have been visited, their requirements have been documented, their priorities taken into account and draft proposals have been sent back to them for their consideration. Responses are still being sought from the majority of communities involved. I am sure that honourable members will understand why the plan has taken so long to complete and appreciate the very necessary consultative processes which have had to be undertaken.

You will note from the attachments to the report that the development plan provides for the construction and upgrading of electricity supplies, water supplies, sewerage works, public toilets, air communications, roadworks and drainage, cyclone shelters, barge landings and camp improvements. The highest priority will be given to the provision of water and electricity with the provision of a sewerage system next in the order of priority. In the provision of powers to remote communities, the Northern Territory government will be looking closely at the applicability of new technology being developed in the use of natural energy sources. Solar or wind energy may be ideally suited to some of the small communities, especially outstations, and may well become an economic reality during the time-span of this development plan.

At this stage, the cost of the undertaking is becoming clearer for each location although I stress that these figures represent cost advices and more accurate figures will emerge as the actual program becomes firm with priorities established, specifications provided, design and costing undertaken. It is evident, however, that the plan will cost at least $120m at today's costs which represents a commitment of at least $25m per annum over the next 5 years by this government. The question will no doubt arise in the minds of honourable members as to where these funds will come from. The Northern Territory government already undertakes a civil works program in these areas in the order of about $10m a year. It considers that, in assuming responsibility for these functions in remote communities, it was left with the situation which would represent a serious disability for this section of the population when compared with other parts of Australia and it therefore has grounds to
justify a special approach to the Commonwealth to reduce this disability. It is expected that this will be the source of portion of these funds and, in any case, it will have to re-examine its own priorities to ensure that the needs of these people are given proper consideration.

Any scheme to upgrade the environmental conditions of remote communities will be incomplete if it is not related to and coordinated with the scheme to ensure that the residents of these communities are properly accommodated. It is a well known fact that the backlog of housing needs for Aboriginal people throughout Australia is astronomical and the cost of rectifying the situation makes governments blanch. Even in the Northern Territory, it is probable that 2,400 houses would be needed to lift housing conditions to a satisfactory level. In addition to this, there is an ongoing requirement as young Aboriginal people marry and new families are formed. This requirement in itself is quite demanding. While community housing in its present form commands a large budget both from the Commonwealth and Territory government sources and many of the schemes specifically designed to meet Aboriginal needs are making some impact and can be said to be successful, it is a sad fact that a substantial portion of these funds could be utilised to far greater effect. Monetary losses through damage and inexperienced landlord management techniques are also quite high.

The paper, 'Proposal for Achieving Improved Housing Conditions for Aboriginal Communities in the Northern Territory', produced by the Northern Territory Housing Commission is aimed at rationalising community housing without disruption to the principle of self-management enshrined in the Aboriginal Housing Association scheme. It has in it these elements which I believe make it attractive and it is certainly a very good discussion paper on the subject. I have not seen better. It offers the expertise in design, building construction and maintenance, contractual arrangements and management techniques which the Housing Commission has been able to build up over many years. It recognises the diversity of design which Aboriginal communities will want to consider in any scheme which is devised to overcome housing shortages. It offers suggestions to involve Aboriginal people in the many matters which a housing organisation has to face on a day-to-day basis by way of advisory and management committees. Policies for allocation, rental, repairs, occupation, purchase and tenant counselling are but a few of the issues which will be required to be resolved and which will have to take into account local mores. It takes note in a positive way of the ideal opportunity that these schemes present for vocational training in a wide range of skills and the employment which will be possible in these locations of scarce employment opportunities.

The proposal also deals with the problem of the provision of departmental housing on Aboriginal land, especially for Aboriginal government employees who have a right to such accommodation. This is a sensitive issue which, in some places, has caused division between Aboriginal councils which wish to control Aboriginal housing and allocate housing in accordance with rules which they have developed and Aboriginal employees, such as teachers and health workers, who consider they should exercise their right to departmental housing. It also recognises that land tenure for any departmental housing initiatives in these areas is a matter which must be worked out with land councils which have a responsibility for the administration of Aboriginal land and which, in negotiations of this sort, act for traditional owners and communities.

The Housing Commission points out the functional and financial roles which the Territory and Commonwealth governments have in the provision of community housing in its various forms and recommends that negotiations be undertaken to reach agreement on arrangements which it considers will provide
optimum results for the Territory. It suggests that its services should be not only available to the Territory government but it should be offered on an agency basis to the Commonwealth government and to community councils in its areas of expertise in community housing.

The Northern Territory government, in December 1978, approved the provision of 20 positions within the Department of Community Development on the basis that the positions were outside the Northern Territory Public Service and on a contract basis of no longer than 3 years. The object of the community worker program is simple: to enable Aboriginal people maximum opportunity to do things for themselves in their own way rather than have other people provide services for them. This means Aboriginal people gain employment opportunities and training in areas that previously were not open to them. After one year of operation, it is clear that there are 3 separate complementary categories of Aboriginal personnel that make up a balanced community worker program.

Firstly, there is an Aboriginal community work unit. Officers of this unit would be located in Darwin and Alice Springs and would have administrative, policy coordinating, training and support functions for community workers. Secondly, departmental community workers would be involved in the work of the department in so far as it relates to the community in which they live. Thirdly, grant-in-aid community workers would be employed by and responsible to the community councils and would work to achieve objectives set by the community councils. The establishment of grants-in-aid workers could be considered as the second phase of the program. Forty Aboriginal communities have been consulted about this program and the response has been most favourable. Eighteen community workers have been appointed and have been trained to complete a wide variety of departmental tasks from probation supervision to assisting the development of appropriate town camps in the Darwin area.

The Northern Territory government accepts its responsibilities to its citizens for the full extent intended when it was granted self-government on 1 July 1978. It has worked conscientiously towards identifying its responsibilities, developing policies about them and has not shirked its responsibility to grasp the nettle even where it is known that it would suffer the sting. The 3 papers which I seek to table deal with an area of need which will be an indictment upon a Territory or Commonwealth government if it is not recognised, considered and dealt with in a courageous and positive manner. It is an area which another government might want to redirect back to the Commonwealth on the grounds that the Commonwealth has some special responsibilities as a result of the 1967 referendum. We do not intend to do that. We have asked for these matters to be considered. We have sought advice on initiatives which we might take to deal with the backlog in works and we are seriously considering the information and the recommendations which we have before us. We are prepared to play our part and ask the Commonwealth to do its share. There are still aspects to be negotiated with the Commonwealth and with Aboriginal communities but we are well along the way and it is the intention of this government to undertake commitments to formulate a definitive plan to bring about a significant improvement in services and facilities for Aboriginal communities over the next 5 years. Mr Speaker, I move that the report be noted.

Mr COLLINS (Arnhem): I think it goes without saying that the opposition welcomes the statement just made by the Chief Minister and certainly the implementation of this 5-year plan. It is, of course, the second forward-looking and soundly-based-on-socialist-principles plan we have had from the government in 48 hours. The opposition supports it. It is also a plan which transcends governments of the day.

The opposition is aware that discussions and negotiations in respect of
this plan have been going on for some considerable time. Communities that are going to be involved in the plan have had community leaders brought into Darwin by the Northern Territory government and have had week-long discussions with officers of the Department of Community Development. The degree of community involvement in the preparation of this plan has in fact been considerable.

I would like to commend the officers who have prepared the discussion papers that are attached to this plan. They are extremely thought provoking and they are very soundly based. I am sure they will result in a great deal of positive feedback from communities as copies of these documents are circulated. Certainly, a great deal of extremely hard work has been put into preparing this paper.

Aboriginal communities have been subjected to a bewildering variety of experiments over the 15 years that I have been involved with Aboriginal communities in the Northern Territory. The wheel seems to be turning at considerable speed these days. Certainly, communities' priorities are becoming more paramount and the totally paternalistic way in which Aboriginal communities were administered years ago seems to be a thing of the past and that is good.

One of the communities with which I was closely involved is Maningrida. At the time that I first went there - this is something which received considerable report and is well documented - there were somewhere in the vicinity of 250 to 300 European staff present in the community. The ratio at the time was 1 European staff member to 2 Aboriginal residents. It was an absolutely nonsensical arrangement and was under the administration of the Welfare Branch of the day and its director. That situation eventually resulted in a massive and, at one point, violent reaction from the community which considered itself to be smothered in wise advisers and community workers. It culminated - in what has now become a historical fact - with the superintendent of the day taking a rather courageous stand and dismissing all of the employees of the department who were resident in the community. It was the turning point in the provision of services in Aboriginal communities. At that stage, it was never considered - and I do not use the word loosely - that Aboriginal communities should administer themselves. It was a real turning point in the life of Northern Territory Aboriginal communities.

This brings me to the point I wish to discuss. The 5-year plan which the opposition fully supports will result in a great deal of activity involving numerous non-community personnel. The success and the acceptability of this plan perhaps could be compared with random breath tests. The success or failure of random breath tests received considerable comment from many members in this House that it depended very much on the people on the ground who were going to administer it. This particular scheme, admirable as it is, will depend to a very great extent on the attitudes and behaviour of the numerous people who will administer and implement it over the next 5 years. Although there are many Aboriginal people in the Northern Territory for whom the Aboriginal (Land Rights) Act 1976 provided no relief and little possibility of their ever obtaining any, it is becoming the norm in the Northern Territory to regard those people whose traditional country lies within the boundaries of the Northern Territory Aboriginal reserves as being the winners. At least, we are comfortably telling ourselves now that those people have received the simple justice that Justice Woodward talked about in the preamble to his report on land rights. From my own personal observations over a long period of time, the reality of land rights in practice is a much tougher game which is played at a local community level and is far removed from the dignity of the rules, if you like, of a court room, the Legislative Assembly, press statements or,
indeed, any symposium on land rights. In this respect, I would like to turn
to one paragraph of the statement itself: 'In addition, I believe the consoli­
dation of land rights, the recognition of title to land, control of their own
land and the right and ability to determine their own futures as well as the
right to recognition as a distinct ethnic group have been uppermost in the
minds of the Northern Territory Aboriginals generally to the extent that any
consideration they may have given to the improvement of the environmental
conditions have been peripheral during this time'.

It is patently obvious that the success or failure of practical land
rights goes hand in glove with improved living conditions in Aboriginal com­
munities. The major impediment to practical Aboriginal land rights in the
Northern Territory lies entirely in white Australians' perceptions of Abor­
ginal land use, particularly in the perceptions of those who are responsible
for the preparation and delivery of services such as education, health care,
housing and basic communications in Aboriginal communities. The Aboriginal
people's relationship with land and particularly their desire to re-occupy
the land -'to be on top of the country' as the Mudbra people so succinctly
put it - remains a total mystery still to many white Australians.

In the early 1970s, I remember very well when the so-called outstation
movement began to gather momentum at Maningrida where I was living. The
reactions of many of the white service personnel, the people on the ground
in the community, were negative in the extreme. In fact, despite the clear
fact that there was a genuine Aboriginal desire to do this, the scheme was
frustrated and opposed almost entirely by the people delivering services
within the communities. Their reactions ranged from a moderate stance of,
'They'll be back when the mossies come' to absolutely ferocious opposition
which was expressed in terms such as, 'Why should anything be done for them?
Let them live in the bush or starve'. The irony was that the people making
these comments, who lived at the end of an umbilical chord of supply, com­
munication and services which stretched back to their temporarily transposed
cultural source in Darwin, disappeared to escape the critics.

For many of these people, and Maningrida was certainly no isolated case,
the fact that Aboriginal people were moving back to their land represented a
nuisance and a vexing one at that. This demographic untidiness of Aboriginal
people doing their own thing, if you like, cut across the grain of an orderly
school program, an orderly housing program, the opening hours of the health
clinic and the stock control of the local store. It was the living proof,
if you like, of the walkabout syndrome - that cyclical behaviour attributed
often, very wrongly, to Aboriginal people which provides a satisfactory
explanation to whites for a multitude of failed cross-cultural experiments.
I certainly hope that the implementation on the ground of this 5-year scheme
will not be another one of these. It was extremely difficult in those days
to run the argument that Aboriginal Australians had every right to demand the
small and simple infrastructure of services which 30 to 100 white Australians
would demand as a right should they form an isolated community anywhere else
in Australia. Coming as I do from an extremely isolated tiny rural community
in north-western New South Wales, I know perfectly well the things that white
Australians demand as of right in these communities. Indeed, although there
had been improvement with the establishment in communities of resource centres
for homeland groups, and reassuring statements such as this one from govern­
ment about service deliveries, housing, improvements in health and so on,
there is still, most definitely, a lack of positive philosophy of commitment
on the ground to the support of those Aboriginal people who want to make land
rights a practical and persisting reality.
I do not wish to denigrate in any way the many dedicated and selfless people who have given a great deal and, in some cases, their entire lives over the years to Aboriginal communities. However, we would be deluding ourselves if we thought that land rights are achieved with the simple handing over of a piece of paper or the signing of a bill. It might be salutary to remind ourselves regularly that land rights in practice in the Northern Territory are very often more a function of a health sister's attitude and workload than of legislation, more a function of a headmaster's timetable and attitude and a housing association's manager, attitude and staff ratio than a land council's stewardship.

In commending this statement, I say again, and with great feeling, that at this time and at this level heads and hearts in the Northern Territory must be changed.

Mr EVERINGHAM (Chief Minister): Very briefly in reply, it is interesting as a matter of historical note - the honourable member for Arnhem had his back to the gentleman or otherwise I am sure he would have noted the fact - that Colonel Sid Kyle-Little, who first established a post at Maningrida many years ago, was here to hear the debate on this particular subject in which the honourable member for Arnhem referred to his experiences at Maningrida. I think that the vein of the member for Arnhem's contribution to this debate was that he was not questioning that the government will allocate the funds but how the services will be delivered and the sincerity of the people who will be seeing that the job is done.

Mr Speaker, I cannot vouch for anyone - and I do not really like to name names because to name one person and not name another is perhaps invidious - but there at al least 2 people whose commitment to the achievement of these objectives has very much impressed me in the time that I have been dealing with them over the last couple of years. Indeed, if my enthusiasm for getting this program on the road has ever flagged, then those people have pressed me on. It is not that one's enthusiasm really flags, it is just such a mammoth task and there are so many other mammoth tasks to be undertaken. Ray McHenry, the departmental head of the Department of Community Development, is very committed to this particular program and I am certain that he and the staff of his department will see that, from their side, everything is done sympathetically and sensitively and that there will be the maximum consultation and Aboriginal input into the realisation of the program. On the other hand, Dr Charles Gurd, the head of the Department of Health, has greatly helped me on a philosophical level because I have found Dr Gurd a person of great depth with whom I enjoy batting around philosophical points in trying to put together a program such as this. Also, Don Darben, the head of the Department of Transport and Works, has one ambition and that is to get things done. I believe that he will get things done and the other 2 gentlemen will see that he gets them done as sensitively as possible.

On the other hand, it was necessary to put somebody over the top as it were - not really over the top because they are all partners - and also because I have a particular interest in the program and in maintaining a direct access to it to see how things are going. Therefore the Coordinator-General, whose office is a very important one, has been raised in status so that he can deal with departmental heads on the same basis. He will provide the input from the Chief Minister's Department and also endeavour to see that everything operates smoothly. I am sure that those people will see that the people lower down the rungs are approaching their task with sympathy and sensitivity.

Motion agreed to.
MINISTERIAL STATEMENT

Dhupuma College

Mr ROBERTSON (Education) (by leave): Mr Speaker, since the Northern Territory government took over responsibility for education last year, a constant concern has been Dhupuma College. There is no need for me to tell members of the nature of our concern. It is clear to anyone who visits the college that we have inherited from the Commonwealth government what could at best be described as temporary facilities. I have already stated publicly the need to redevelop from the ground up and I think the time is right to indicate more specifically the government's intentions in carrying out that work.

The college will be rebuilt on its present site in 2 stages with detailed planning for this reconstruction to commence immediately. This will mean that the first intake of students into the new college facilities will occur at the beginning of the 1983 school year. I believe members would agree that there are some short-term needs at the college which are already overdue. The most pressing need is to improve staff accommodation and I take the slightly unusual step of committing the government, even before budgetary considerations, to providing on-site accommodation facilities for teachers in the next financial year. In addition, the government will provide funds for the purpose of maintaining and, where necessary, improving student accommodation. By that, I mean to include the maintenance and improvement of learning accommodation at the college.

An important part of the redevelopment of Dhupuma College must involve the communities from which students come. In that regard, I can assure honourable members that the community leaders from surrounding areas will be consulted on the major decisions on the college's future. As a matter of interest, the college presently takes students from 10 communities. There is a total enrolment of 21 males attending technical and further education courses and some 8 females studying pre-vocational and short-term courses. Secondary education is provided at the college for 94 students of which 56 are girls. The communities providing students to the college in order of number of enrolment are as follows: Maningrida 17, Elcho 14, Yirrkala 13, Milingimbi 10, Lake Evella 9, Umbakumba 9, Ramingining 8, Numbulwar 3, and Angurugu 2. It is the sincere hope of the government that the declared intention to redevelop Dhupuma will see increased enrolments in the new college.

I have already made a statement on the government's intention in relation to Dhupuma College. I think it would be appropriate if I also put on record some of the major initiatives of the government in Aboriginal education over the past 10 years for members' information. It is my view that, in the past, the key area of advice has been lacking in studying the whole question of Aboriginal education. The key area about which I am speaking is the availability of advice from people with grassroots knowledge of Aboriginal expectations. To a great extent, the increasing role of the Northern Territory Aboriginal Consultative Group is providing this level of advice. The group had its first meeting in October 1978 and, although established at the time of Commonwealth responsibility for education, was formed with the full support of the Northern Territory government.

The 13-member, all-Aboriginal group, which has adopted the name Feppi, which I understand means rock or foundation, meets 4 times per year. The government will be looking to Feppi as a major input of advice on the development of policy on general Aboriginal education matters. More importantly,
Feppi will provide to the Education Department direct feedback on the success and effects of policies and programs already implemented in Aboriginal schools. The group, by nature of its composition, provides a direct link between Aboriginal communities and the department and this means the government is able to judge community response to its programs in the field of education. A concrete example of the increasing influence of Feppi is the establishment of a subcommittee of the group to recommend on the composition of the board of governors for Batchelor College.

A special program in education administration is being established at that college for senior Aboriginal teachers. The program, commencing in June, should provide opportunities for senior Aboriginal teachers so that they may take an active part in education administration. We expect about 20 people to attend for the first 4 or 5 week course which will continue over a 2-year period.

Not specifically related is a further development at the Batchelor College which will provide for a fourth year of teacher education for Aboriginal teachers. The Darwin Community College is seeking national accreditation of a 4-year course. Aboriginal teachers who successfully complete the course will receive, upon course accreditation, their Diploma of Teaching. On-site teacher training which provided over the last 2 years the same level of training as the first-year course at Batchelor is also being expanded. This follows a survey of individual schools carried out by the department and my office which showed a need for additional staff and resources at some schools for a more effective program. I know that this move will be welcomed by most teachers at Aboriginal schools.

At another level of post-secondary education, I was pleased to be able to announce last week that the government is finalising negotiations for the purchase of the so-called Sportarama building in Priest Street, Alice Springs. Senior staff of the Community College of Central Australia, the Technical and Further Education Branch and the Education Department and an architect of the Department of Transport and Works have inspected the building to see what modifications are necessary for expanded trade courses to be taught there. I realise that there have been protracted negotiations for the purchase of this building but these were unavoidable. Finalisation of the purchase of this complex will allow expanded trade and apprentice training which will include Aboriginal vocational training and pre-employment courses for students from Yirara College to commence at the start of third term this year. Community councils are now actively involved in identifying employment needs within their communities and, through liaison with the residential colleges and the Community College of Central Australia, courses are now being tailored that will train students to fill these needs.

Lastly, and particularly in view of the question from the opposition spokesman on education, it is worth mentioning that bilingual education in Aboriginal schools is to be put on a firmer footing following evaluation presently being carried out. As members will be aware, the bilingual education program has been operating on a pilot basis for some 7 years and the time is now appropriate to assess and, if the program is to be successful, accredit bilingual education in a number of schools. Honourable members may be interested to know that the program is now conducted in 13 departmental and 2 mission schools in Aboriginal communities and has an annual budget of $1.1m. This is a fairly large commitment of money to a restricted area within the educational responsibility. However, the government believes the program to be very worth while. As evidence of this, a program was expanded this year with the addition of 11 staff and now includes 7 headquarters staff, 13 teacher linguists, 5 field linguists, 8 literacy production
supervisors, 16 literacy workers and a number of part-time field staff. Additional specialist staff are employed by the 2 mission schools.

Some schools are likely to achieve accreditation in bilingual education this year while others can expect accreditation by the end of 1982. Accreditation will lead to a permanent allocation of staff in schools carrying out the bilingual program. This program is designed to establish literacy skills in a child's own vernacular language. These skills are then used to allow effective transition to English, the major language of instruction. However, literacy in the vernacular is emphasised even after competence in English is reached. As part of the program, traditional arts, crafts and skills are taught. It is hoped that, in this way, Aboriginal school children are given the advantage of education in preparing for entry into the wider Australian community without losing the all-important sense of identity and understanding of cultural values of their own community. It is a maxim of success within any chosen lifestyle that it should be built on a solid foundation of home cultural values, a principle obviously recognised by the Aboriginal consultative group in its choice of the word 'Feppi' as its adopted name.

I move that the statement be noted.

Mr COLLINS (Arnhem): Mr Speaker, the opposition welcomes the absolutely categorical statement of the Minister for Education about the location of Dhupuma College and I am well aware that it is not an entirely popular decision in certain quarters. A year or so ago, when discussions were being held in Aboriginal communities on the possible closure of Dhupuma, the minister is well aware that this received an extremely strong reaction from Aboriginal communities right across my electorate and, I dare say, many other places. I personally attended a number of the discussions that were held between communities and officers of the Department of Education and listened to the arguments that were being put.

The one that came across consistently was that many parents approved of Dhupuma and wanted their children to go to Dhupuma rather than Kormilda because of the isolation of the college, the fact that it was in the bush and the fact that it was completely separated from the problems of alcohol, particularly. This is not to be considered, in any way, as a denigration of Kormilda College which is a very fine institution but many parents of Aboriginal children who see their kids go away for the year were concerned about the proximity of Kormilda to the Berrimah Hotel. I am merely reiterating the arguments which were voiced again and again and again in communities right across my electorate. One of the features of Dhupuma that appealed to Aboriginal parents was the fact that it was a contained community where proper supervision would be easily applied and children would not be subjected to the problems of alcohol.

I know that there are a number of options being considered for the location of Dhupuma College and I suppose, on a pure bricks and mortar economic level, these alternative sites would have been justified. I think it would have been patently obvious that it would have been very false economy indeed if the college had been located, at the desire of the planners, in the most economically viable area totally against the wishes of the Aboriginal people whom it was serving. One of the problems that Dhupuma has is that of falling attendances. I concur with the minister's wish that this new upgrading of facilities will correct that problem. This has nothing to do with any lack of educational standards at Dhupuma but has been significantly affected by the very poor facilities that have existed for some considerable time. Certainly, from a bricks and mortar point of view, the location might not be the ideal place to have the college, but in the perception of the Aboriginal parents who
send their children there, it is. Therefore, the opposition supports the minister's decision, which must have been a difficult one, to locate the college where it is.

I know there will be significant problems, for example, with the reticulation of electricity to the college. I know that there will be problems associated with access to the college along the road. As the minister is also aware, Nabalco has plans eventually to mine the current location of the airport which is situated on some very rich deposits. That will result in a complete relocation of the current roadway and therefore the maintenance of that road, from a purely economic point of view, will also be a problem. There are many problems associated with having the college where it is but they pale into insignificance and are nonsensical problems when one considers the educational results and the social results of locating the college positively where Aboriginal people did not want it put. We support the decision.

The minister referred to the fact that I had made some comments recently on the question of bilingual education programs in the Northern Territory. In February, the Department of Education published a new set of guidelines to these programs which many Aboriginal people perceived as a threat to the continued viability and success of the program. One of the positive feedbacks was the very reaction that this perceived threat provoked. The minister would be aware that there were large meetings held at 2 places at which this bilingual program is demonstrably effective: Milingimbi and Galilwinku. Many professional educators believe that the bilingual program at Milingimbi is one of the most successful in Australia; in fact, it could be of international standard. The community reacted very strongly to the prospect of losing the bilingual program.

I want to have some discussion on this question of bilingual education because it is true that the scheme could be said to have been operating for 7 years but it had very small beginnings. In fact, the scheme has only received any significant strength in the last 3 or 4 years and the ultimate goal of the bilingual education program as far as staffing is concerned is to have an academic to develop the language skills and be able to translate them into a form that teachers can use, a teacher-linguist to apply these skills and a literature production centre and supervisor to be able to produce the absolutely essential printed material in the language. That level has only been achieved in 3 schools. There are 13 schools where bilingual education is given to Aboriginal people. Out of those 13 schools, only 3 have achieved this optimum level of staffing. Whilst it is easy to say that bilingual education has been going for 7 years, it is a little simplistic to make that statement; it does not stand up to close examination. The majority of schools in which bilingual education is taught have not yet achieved the optimum level of staffing to efficiently provide those services.

One of the developments of bilingual education – and I have been a very close observer of the program administered in both Milingimbi and Galilwinku – is that its original concept was simply to teach literacy skills to Aboriginal people in English. It was considered as a vehicle to transpose Aboriginal children from being skilled in the vernacular to being skilled in English. But over the last few years, an aspect of the bilingual program has developed that I consider to be an admirable one; that is, bilingual schools are not simply teaching literacy in the vernacular and there is a very distinct difference there. Aboriginal children are not simply taught literacy skills but are being taught in the vernacular.
One of the positive results that I have seen from the bilingual program has been the blossoming of confidence and skill in Aboriginal teaching aides. I can remember the administration of Aboriginal schools in Welfare Branch days when there was no such thing as an Aboriginal teaching aide; they did not exist. Aboriginal people were taught and it was not considered that Aboriginal people could possibly have any part whatever in the teaching process itself. We then went to a stage where Aboriginal teacher aides were employed. I consider that the teaching aide program is the most positive and successful one in which to train Aboriginal teachers - giving them experience in close cooperation with and support from a European environment. In many cases, they were not comfortable about teaching in a language which was indeed a second language to them. I do not think the scheme developed or was in any way particularly successful. What has made it a success has been the implementation of bilingual programs in Aboriginal schools. It is a very rewarding experience to spend half a day in a classroom watching and listening to an Aboriginal teacher teaching a class of Aboriginal children in an Aboriginal language.

The bilingual education programs are not unique to Australia by any means. They are applied internationally. In many countries of the world, bilingual education programs exist. There is not the slightest doubt that we, in the Territory, with our demographic situation, are in a position to become world leaders in this particular field. In order to do this, it will be necessary to spend large sums of money. I believe that the results of the bilingual program, purely in the encouragement of initiative and confidence and pride in Aboriginal people, certainly equal the positive results achieved in a purely educational sense. The bilingual education program certainly goes far beyond a simple education process. It has given Aboriginal people a pride in their culture. It has given them a pride in their ability to teach their own children in their own language.

However, Aboriginal people have had a great degree of concern at statements - again, I am not in the habit nor will I be of banding names around in the Legislative Assembly - from many senior education officers within the department who have held quite legitimate views totally opposed to bilingual education. People considered it to be quite a waste of money. In fact, people have considered it to be positively harmful, from an educational point of view, in that it held back the progress of students. One of the things that has always concerned me about these statements, and they are statements that have filtered back down to Aboriginal communities, is that they have never been based on any research. Nobody can ever come up with any hard and fast educational data that will justify these statements and yet people have what you would have to call gut reactions. They have never been based on any hard data or research. One of the positive things that I hope will come out of this new assessment is that there will be some hard data which I am sure will show the success of the program purely from an educational point of view. I hope also, although I can see the problems of being objective about it, that there will be some method devolved by the department in this assessment program of investigating the benefits to the community of the bilingual program outside the strict education application of the scheme because this is just as valid a point and it has to be looked at.

The Department of Aboriginal Affairs conducted some research into the administration of the bilingual education program quite recently in the Northern Territory. The report that was prepared by their researcher was rather disturbing. It included references such as:

I feel, therefore, I have a fairly good overview of what is happening in the education field as it affects Aboriginal people and
it is apparent that, in many communities, there is cause for grave concern. My work with the IYC Aboriginal subcommittee indicated that Aboriginal people viewed the current education system with misgivings and, in fact, saw the school as the single, most alienating factor in many Aboriginal communities. Most of their criticism was levelled at the failure of the Education Department to extend bilingual education programs to all schools as part of the process of cultural strengthening and identity reinforcement. From several other sources, I have received similar indications that bilingual education, which is a policy commitment of both DAA and the Education Department, is labouring under serious difficulties not related to the value of the program itself but to a failure by education authorities to support it.

I have mentioned before in this regard that, in most Aboriginal communities, the school is in fact the single biggest bloc of non-Aboriginal, non-indigenous community people in any community. If it is handled sensibly by the people on the ground, the school can be a positive benefit to the community. If it is not, it can be certainly the single most destructive factor in an Aboriginal community.

'Deficiencies in support for bilingual programs can be identified in the following areas ...'. It goes on to talk about structural failures and the lack of staff. I am aware that this report is dated. It is 12 months old. I am aware that significant staff increases have occurred since this report was written. It goes on to talk about technical failures: 'The Education Department currently has 5 linguists, 11 teacher-linguists and 6 literacy production supervisors servicing 12 schools in 14 different languages'. There has been an update of that. 'A viable bilingual program, to be effective, requires a full staff complement of a linguist, teacher-linguist and literacy production supervisor. This can be seen from the attached table. The only communities which have a thriving dynamic program are Yuendumu and Yirrkala'. There is now a third that has joined that list out of 13. 'Another aspect of technical failure is the fact that insufficient positions are available to employ SIL graduates in bilingual programs - an incredible waste of Aboriginal talent. I want to concentrate in conclusion on that last point. There is still a grave need of funding in the Northern Territory Department of Education's program for the employment of Aboriginal informants. It is necessary, for any program to be viable, that at least 400 hours a year need to be allocated in any community for Aboriginal informants to provide the raw data for the linguist, teacher-linguist and literature production supervisor to turn into an educational program. There is certainly still insufficient funding for this very vital area in the bilingual program'. I am pleased to see that this assessment will take place. I am pleased to see the reaction from Aboriginal communities to the publishing of the new guidelines which are perceived as a threat to the program. I believe that is one of the healthiest signs of the success of the program so far. I hope that the Education Department will be able to accredit a number of bilingual schools fairly early in this assessment program to allay the fears of those bilingual schools that see themselves as being under threat.

Mrs LAWRIE (Nightcliff): I wish to speak to the statements made by the honourable the Minister for Education and some of the points made by the honourable member for Arnhem who is opposition spokesman on education affairs. I have a particular interest in Aboriginal education which I have had since I was first elected in 1971. I have this belief that education does not do any harm to anybody; it does only good. To give people an appreciation of the world around them can only advance those people. There is of course a train of thought which says that educating people and raising their expectations太
high can be quite harmful. To leave people in sublime ignorance of the complex world in which they live is not the answer. I appreciate the efforts of the Department of Education, the obvious impetus coming from the minister for bilingual education, to make the education system as relevant as possible to the people whom it is serving. In the context of this debate, that is the Aboriginal people.

Some years ago, I visited coastal Aboriginal settlements and spoke with the people in the teaching services. By and large, they were disappointed with the drop in attendance numbers when the students reached secondary school age. They felt strongly that it was not the students wish to give up the education service being provided but it was the community wish because the community did not see the relevance of continuing education for these teenage children. Quite obviously, the community wishes have to be considered but I would hope that, in the 1980s, the communities begin to appreciate the necessity for the education of their young people, not the nicety but the necessity.

How often do we see press reports, particularly from the northern part of Queensland and WA, where politicians and others complain about white people stirring up Aboriginal people, particularly on land rights or the entrance of mining companies? They talk about these Aboriginal people and their 'white advisers' as if, in dealing with land matters, we do not have white advisers. Of course we have lawyers and other professional people. Aboriginal people should have the same recourse to the same advice, but the tragedy of it is that they are, of necessity, white advisers. How many black lawyers have we in Australia? In particular, how many fullblood black lawyers, how many fullblood black medical practitioners and how many other fullblood professionally qualified people do we have? For them to be able to obtain those professional qualifications to assist their own people, they must first go through the primary and secondary school courses. Before they can have advisers of their own race and ethnic origin, this system of Aboriginal education and training has to be brought into play. Any government which assists that happening will have my full support in that regard.

It is tragic that secondary school students who happen to be Aboriginals leave school and do not complete studies which will allow them to continue into the tertiary education field. It is too simplistic to say that we do not need to educate them to that extent but should train them to be mechanics, home economists etc. All those things are nice and, of course, not all European people become doctors or lawyers or members of other professions but a percentage of us do, and a percentage of fullblood Aboriginal people should and could. I would ask if the minister or his department have taken any steps to put this point of view to the Aboriginal communities so that, instead of having European advisers in matters of a highly complex nature, be they medical or legal or whatever, that expertise could come from within their own ranks. Indeed, I look forward to the time when the Europeans consult Aboriginal advisers of professional status on matters in which they are competent.

I think there is a clear analogy with other developed countries which have aboriginal minorities, such as Eskimos or the Indians of America. Again, in the African continent, it took quite a while for people to realise that it was a necessity for their children to obtain primary and secondary school education so they could go on to the higher qualifications. We have, particularly from African countries, black jurists of international fame, medical specialists and technologists. I see no reason why, in 20 years' time, we could not have the same highly-trained people who happen to be of Australian Aboriginal blood.

I ask the minister to take account of a particular plea for Aboriginal
girls. There is a series of pressures on these fullblood girls to leave school, most of which come from their own community. I think it is a waste of talent. Perhaps some criticism could be levelled at me as a white middle-class European woman presuming to say what is best for Aboriginal girls living in their own community, but I am taking a longer view and asking why shouldn't all Aboriginal children who have the wish and skills have the right to obtain the further qualifications which will enable them to serve their own community and to gain for that community additional status in the contemporary world.

The points I have raised are most important. Because of the lack of people with professional and semi-professional skills presently in Aboriginal communities, I hope that the honourable minister will take some note of my comments and that other members who come from electorates which have an Aboriginal component will consider carefully my remarks and perhaps use their good offices to point out to the Aboriginal communities whom they represent the desirability of continuing education for their children.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would like to say a few words on the statement delivered by the minister. It pleases me very much to hear of the decision on the Dhupuma College which we all know has been unsure, for the last 3 or 4 years, about where its future lies. Two years ago, there were some doubts about whether it would be continued in 1979 but, through the efforts of the then federal minister, Senator Garrick, and people in the Northern Territory Education Department who spoke to the communities which expressed their concern about its proposed closure, a decision was made to keep it open and undertake a review of its future as a college. I believe it has a future. I believe that the decision that the honourable minister has made is the right one. As the honourable member for Arnhem said, there will be some concern in some quarters, but I think that the most important thing is that there will be no real concern among the people in my electorate, particularly the Aboriginal community and the Aboriginal students themselves. They have expressed all along the view that they want to keep Dhupuma where it is. A very well-known Aboriginal in that area, who has since died, expressed the wish that that school should remain there.

I thank the minister for that decision which was very prompt. Only 2 weeks ago, we were speaking to the teachers, principal and the students of the college. I compliment the minister on this very swift action because it has been a concern in recent days to the teachers and moreover the students. There have been many problems with accommodation because the school was never built as a school in the first place. It has just been a patchwork of spending money on upgrading the facilities as they continually broke down. The place is in a terrible state. When the federal Minister for Education, Senator Garrick, first went to Dhupuma he shook his head and said, 'This is disgraceful'. Some of the buildings are quite substantial. The classrooms are quite good. Some of the housing leaves a bit to be desired but can still be used.

The only thing that I would say with regard to rebuilding the school there is that we should look at the type of school that would be best suited to those students. In the past, we built schools with air-conditioning, carpeted areas and all that sort of thing. I do not really believe that that is the type of school that is needed in some of these Aboriginal communities for Aboriginal education. The type of building I envisage would have a cross-flow ventilation which is a system assisted by fans. I think also we could adopt the idea of the Minister for Mines and Energy and look at putting in solar systems for hot water because it is an isolated area. We could also look at a solar system for illumination not so much for power. It does need many units to illuminate a place. Perhaps the existing power-station could
be upgraded for the interim period. There is no need for a great deal of power because no large machinery or heavy duty motors are used. If you introduced air-conditioning systems which need 3-phase motors, that is where the power will be used.

There will be a problem regarding the access as the honourable member for Arnhem said. That is one that we have to overcome in Katherine or in Nhulunbuy township. We have to make that decision now and I think this can be worked out with the Nabalco organisation with regard to where they are going to mine in the future. I am sure that this can be done without upsetting any access. We must have access out there. It is the only way you can get into the place.

It was first mooted that this building would be placed in town near the golf course and the airport but I stood steadfast and said it should be where it is. I am pleased that that decision has been made. I am really happy about the whole thing. But I would like to give that warning to the minister in looking at the type of building and the type of facilities which are to be provided. I thank him for including that section in his statement about the accommodation for the teachers. They have had all sorts of interim measures. They have 5 caravans at Dhupuma and the annexes have absolutely had it. They have problems with toilets and security lights which can be overcome with proper thought. I hope that the staff can be given better accommodation, if not at Dhupuma College, perhaps in the town in the interim period. I would like to see that as one of the first priorities: upgrade the accommodation.

Aboriginal education is of great concern to everybody. The type of curriculum and the type of streams in which Aboriginal people can be educated are just 2 concerns. The bilingual program is not a very big program but it can be in conjunction with English lessons. I know that the work that is being done out at Yirrkala is excellent. They have developed many books and they have used Aboriginal people to write the stories and do the diagrams and drawings. The way in which the work is proceeding is to their credit. They have produced a tremendous amount of work which is recognised by the academics and the linguists. We have a very good set of books at Yirrkala.

There is probably room for more staff. Naturally, when you first start up a program, it is pretty hard to know just how many people you want. You might be tripping over each other if you have too many. I think they have had enough staff there in recent times but, prior to that, it was a little bit hard to obtain equipment. The correct typewriters for this particular language were not available. They now have a typewriter which can print out the correct lettering.

I believe that the special program for education administration is a very important one. It is one way that the trained Aboriginal people can have a better understanding of their future and Aboriginal teaching. If this continues, it will give a better insight into what their role as Aboriginal teachers is. Mind you, we do not have a great many teachers trained in some areas. There is a lack of trained teachers. There are quite a few being trained. In the outstation movement, there are many problems relating to qualified teachers, semi-trained or assistant teachers. We had a problem earlier this year at an outstation known as Windhawuy with regard to a teacher but this has now been resolved.

To see those children being taught in the outstation schools is really a delight. They do not have much in the way of facilities but they have enthusiastic teachers. The Yirrkala school supplies all the information to them as a base school and these young kids are very bright-eyed and healthy.
being taught the 3 Rs. The main thing is that these schools have the kids for only a few years. You cannot take the big schools to those areas. You can only teach them there for a certain time but it does give them the basics. Eventually, they come into the major areas like Yirrkala and later on to Dhupuma College and finally to Nhulunbuy area high school for their further education. Many people are doubtful about the future of outstation teaching schools. I believe that, at the present moment, they are needed.

Most of the other points on the bilingual program have been covered by the honourable member for Arnhem. I believe in many of those ideas and expressions. There is a question mark on bilingual programs in the long term but I believe that we have to continue to make sure that the work continues from where it started. I believe that the only way to go is to continually revue the whole thing and look at it from a positive point of view.

Motion agreed to.

LOCAL GOVERNMENT BILL
(Serial 438)

Continued from 24 April 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, this bill seeks to do 3 things: to ensure that all local government elections are held on the same day; secondly, that they are held every 4 years; and, thirdly, that they are held on a specified day, the last day in May in that fourth year. These are 3 principles which the opposition wholeheartedly endorses and we welcome the opportunity to debate this matter on this occasion.

When the Local Government Associations made a public statement about the matter in February of this year, the member for MacDonnell, the shadow minister for local government, indicated his support for their desire to have their elections held on the one day and, secondly, for them to be held every 4 years. The matter of 4-yearly elections is receiving some debate generally around Australia. I would like to indicate my personal support of the notion of 4-yearly elections and that elections ought to be held at a specified time so that governments cannot call an early election at whim. The bill will enshrine principles which the opposition wholeheartedly endorses.

However, I put to the minister one problem which I see in this bill being passed at this time. The intention is to have the Alice Springs election run for 4 years so that the next election will be in 1984 and for each of the other local government elections to be held in 1981 and 1984 thereby synchronising them in 1984. This is a most laudable objective which was arrived at very sensibly and very practically. The difficulty is that the nominations for the Alice Springs council closed on Saturday and those nominations were called under the existing legislation which was for a 3-year term. We are now going to pass legislation which will say that the election will be for a 4-year term. It may well be that there is a problem at law that people have nominated for an election which was to be for 3 years and now we find that, by a decision of the legislature, we will make it 4 years. It may well be that people have nominated for the wrong election.

The election has to be held on 24 May this year and nominations close on the 28th day prior to that election. We will have a problem if we want to recall nominations which probably would be the most sensible thing to do. We cannot do that because we have a fixed date for the election. It may well be - and perhaps the draftsman and our legal advisers will have to attend
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to this - that we will have to pass yet again some validating legislation with regard to local government elections. Frankly, I am sick and tired of that and I guess members opposite are as well.

I do not raise that point to be churlish or to be obstructive - quite the contrary. I would like the procedure to take place whereby the local government elections are synchronised and where the principles enshrined in the legislation are in fact able to be put into effect. It does worry me that, having called for nominations and closed nominations on the basis of a 3-year election, we are now changing the term of office from 3 years to 4 years. I would like the minister to assure me that there will not be a legal entanglement with regard to the validity of this election.

Mr DONDAS (Community Development): I thank the Leader of the Opposition for his remarks in support of the bill. He has quite rightly stated that it was in February that we spoke to the Local Government Association in relation to this particular legislation. It has taken us some considerable time to prepare the legislation for this Assembly. The common thought is that most of the candidates would know that it was for a 4-year term because it has been discussed at their level. We were hopeful to get this legislation through the Assembly this week on an urgency basis to enable us to inform in Thursday's Advocate not only the candidates who may not have known it was a 4-year period but also the electors. They are the important people to notify because they must elect those particular aldermen to the council. It was felt that, if we did seek urgency and suspend Standing Orders which I have foreshadowed that I would like to do today, then it would give us enough time to at least advise the electors of Alice Springs that a 3-year term would be extended to a 4-year term to bring it in line by 1984 with all the other local government elections. It is generally felt that a 4-year term will strengthen the operation of local government. The aldermen are moving into a new area where they are taking on more responsibility. The Northern Territory government is devolving more responsibility to local government. That is one of the main reasons why we are also anxious to ensure a 4-year term be installed. Nevertheless, the government's view is that we would have enough time to notify the electors of those candidates that the term for aldermen would be extended by 1 year to make it a 4-year term.

I move that so much of Standing Orders be suspended as would prevent the passage of the Local Government Bill (Serial 438) through all stages at this sittings.

Mrs LAWRIE (Nightcliff): Mr Speaker, I wish to speak to the motion for the suspension of Standing Orders. Whilst I appreciate that there are certain difficulties for the government if the suspension of Standing Orders is not carried, I think it would have been far better for the minister to have appraised the people weeks ago that it was the government's intention to increase the length of office for aldermen from 3 years to 4 years. This should have been done long before nominations were called in Alice Springs and before those nominations closed. The minister has made a couple of interesting statements concerning this legislation and the need for suspension of Standing Orders. He has indicated quite clearly that it is admirable, if the suspension is to go forward, for the electors to know prior to the elections that the length of office will be 4 years. One can hardly deny that.

If this Local Government Association put this proposition to the government in February and it accepted it, why was it not made public at that time? It is common practice for ministers to foreshadow legislation to obtain a
community reaction. One does not have to wait until the precise terms of the legislation are available and the bill is presented in this Assembly. If we are dealing with things as fundamental and as important as the length of tenure of elected representatives, surely in February the government's intention could have been made known.

I appreciate the difficulties in which the government finds itself but I am critical of the procedure which allows nominations to be called and closed before anybody else in the community is aware that that length of tenure is to be extended by one year. There was some criticism of our Electoral Bill relating to members of this House when our length of office was extended from 3 to 4 years but at least the people of the Northern Territory had some weeks in which to have a look at that idea and voice their opposition to politicians having that extended length of tenure. It was because of the self-government act that people were aware that our length of office was likely to be extended from 3 to 4 years. I think the government could have made a similar policy in relation to local government elections known in February rather than having the bill introduced last week and passed this week without the people having that foreknowledge.

The minister said before that nominees for election had been made aware of this proposed legislation. I would ask him in reply to my debate on the suspension of Standing Orders to outline to the House precisely how were they made aware. Following the receipt of nominations by the returning officer, were they called in and told that it will not be for 3 years but for 4 years? Obviously, it was not by public advertisement because the public do not know about it. Precisely how does the minister make the government's intended policy made known to those persons who have nominated?

Mr Speaker, as events have been put in train, it will be necessary apparently to pass this legislation at this sittings. I am fairly critical that the government did not make this policy decision known in February. It would not have been setting a precedent. Policy decisions of this nature have been foreshadowed prior to the tabling of bills in the Assembly.

Mr DONDAS (Community Development): I have made a public statement alluding to the fact that council elections would be in future for a 4-year term. I also made an announcement at the opening of the Alice Springs Civic Centre in March. That particular opening was attended by some hundred people. The press were there and I issued a copy of the statement that I read at the inauguration of the civic chambers. It is quite clearly indicated in that statement that the Alice Springs elections would be for a 4-year period. We did run into some problems. There were negotiations with the Local Government Association, especially the Alice Springs branch, as to how we would overcome the timetable to incorporate all the local governments to run at the same time because Alice Springs is out of kilter. Its elections are in May this year and the other corporations have their elections next year. It will take up to 1984 when all the councils through the whole Territory will have the common term of 4 years and a common election date. There were some problems that had to be sorted out. I am not going to apologise to the honourable member for Nightcliff that it has taken so long but I can assure the House that it is important that this legislation be passed today.

Motion for suspension of Standing Orders agreed to.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.
PRISONS (CORRECTIONAL SERVICES) BILL
(Serial 365)

Continued from 23 April 1980.

In committee:

Clauses 1 and 2 agreed to.

Clauses 3 and 4:

Mr DONNAS: I invite defeat of clauses 3 and 4 so that new clauses may be inserted.

New clause 3 provides for amendment to the original act. The original clause 3 wrongly proposed repealing that act as part IIA of that act will continue. The new clauses provide for an amendment of the act. New clause 4 makes savings and transitional arrangements so that people who were appointed as prison officers or visiting medical officers shall continue to hold those positions and the visiting justice will now become an official visitor. Subclause (3) of the new clause 4 provides that any visiting justice who was a magistrate shall be appointed as a visiting magistrate. By subclause (4), only those prisoners who have earned remission prior to the commencement of the new act shall retain that remission. Subclause (5) means that a prison or police prison currently existing will continue.

Clauses 3 and 4 negatived.

New clauses 3 and 4:

Mr DONNAS: I move amendment 178.1.

Amendment agreed to.

Mr DONNAS: I move amendment 180.1.

This is really an amendment to the amendment. It will omit from subclause (2) of clause 4 the word 'person' and substitute the words 'subject to subsection (3) a person'.

Mrs LAWRIE: I ask the honourable minister to explain the purpose of his amendment. I understand that he has just moved amendment 180.1 to the amendment 178.1. I would ask the purpose of his amendment to clause 4 omitting from subclause (2) 'a person' and substituting 'subject to subsection (3) a person'. It would appear to be stating that a person who was subject to clause (3) will be now considered a visiting justice. Is he saying that persons who, prior to the introduction of this bill, were visiting magistrates shall be, for the purpose of this legislation, visiting justices or is he saying that visiting justices who were appointed under the old act which is to be repealed and replaced by this legislation are to continue as visiting justices?

Mr DONNAS: When the schedule of amendments was drawn up, an error was made. This is to correct an error. It should have read 'subject to subsection (3)'.

Mrs LAWRIE: I am not being facetious. I am asking the minister if people who were appointed as visiting justices, not visiting magistrates, under this
legislation are to continue to hold such an appointment or are we referring specifically, because of the amendment 180.1, to persons who were appointed as visiting magistrates and shall continue in that position?

Mr DONDAS: My understanding is that the people who were appointed as visiting magistrates are now the people who will be subject to that section.

Amendment agreed to.

New clauses 3 and 4 agreed to.

Clause 5:

Mr DONDAS: I move amendment 178.2.

This clause is basically self-explanatory but includes definitions. The amendment ensures that the director is also an officer under the terms of this act.

Amendment agreed to.

Mr DONDAS: I move amendment 178.3.

This allows for the insertion of the definition of the 'Ombudsman'. This is necessary because of the later amendment to clause 42 suggested by the member for Nightcliff and the opposition to include the Ombudsman as a person who may visit a prison at any reasonable time.

Amendment agreed to.

Mr DONDAS: I move amendment 178.4.

This provides for the deletion of the definition of 'prisoner' and the insertion of the definition of 'prison offences'. This insertion is necessary due to a later amendment which takes away category 1 and category 2 offences and leaves only prison offences. The new definition of 'a prisoner' which is also inserted makes provision for people held in prisons under provisions of the Commonwealth Migration Act.

Mrs LAWRIE: I welcome some attempt to define what will be prisoner offences and we see here in this fairly important amendment that prison offences will be defined by being specified in the regulations. Of course, we have a Subordinate Legislation Committee and certain procedures have to be followed. At least, this is one step forward in providing some form of clear definition of what is to be considered a prison offence. Previously, as the bill stood, a category 1 offence would be determined from time to time by the minister. It certainly does not go all the way to meet my objection that there should be any differential in offences for which a prisoner held in custody may be punished. I shall expand on that philosophy when dealing with other clauses. I think it is a matter of such importance that it must be publicly recorded but I think this is only the lesser of the 2 evils.

Amendment agreed to.

Mr DONDAS: I move amendment 180.2

This omits the definition of 'repeal date' as the act is not repealed but
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amended.

Amendment agreed to.

Mrs O'NEIL: I would like to advise the committee that, in the absence of the member for MacDonnell, I will be undertaking the carriage of amendments on schedule 174.

Mr Chairman, I move amendment 174.3.

The purpose of this amendment and subsequent amendments on that schedule is to omit the definition of 'visiting magistrate'. The intention of the member for MacDonnell was to ensure that all hearings before magistrates were held in open court. As a consequence of a number of amendments which will be moved by the Minister for Community Development, a visiting magistrate will, I believe, have only 2 functions. One will be to hear matters relating to prison offences which have been referred to him by the director or his delegate relating to prison offences. I do not think anyone could speak more eloquently to this than the Chief Minister. In his second-reading speech, he said: 'It is a matter of logistics. Why bring the magistrates to the prisoners when the prisoners could just as easily be brought to the magistrates?' He pointed out that prisoners have been brought daily to the court by vehicle.

The purpose of this amendment is to effect the removal of that definition of 'visiting magistrate' so that all matters heard before a magistrate - which we can assume, as a result of amendments to be moved, will be contentious matters and matters which are being appealed - will be heard in an open court.

Mr DONDAS: I cannot support the amendment. It is not this government's view to delete the definition of 'visiting magistrate'. The member for Nightcliff also suggested such amendments. It relates back to a matter of government policy on category 1 offences. For the time being, all offences other than prison offences will be heard in the court, but category 1 offences must be heard within the prison because they are only minor offences. Visiting magistrates - later on in the bill we will see that there are 3 appointed to each prison - will at least be given the opportunity to speak with the prisoners who have complaints or wish to make an appeal against any decision of the director. Consequently, the government opposes that amendment.

Mrs LAWRIE: I do not see why the government should propose an amendment which states that, where a prisoner appeals against a decision of the director, it cannot be dealt with by a magistrate in the normal manner in a court. Why must the magistrate visit the prison. The Minister for Community Development just said, 'Oh, it's only a minor matter and there are only minor penalties under what were termed category 1 offences but are now called prison offences'. If we look at clause 8 of the bill, which is necessary if this debate is to proceed with any coherence, we see the penalties provided for being found guilty of an offence against prison discipline are not as facile as the minister would lead us to believe. The director can order the forfeiture of any amenities of the prisoner for a period not exceeding 30 days, order the exclusion of that prisoner from working etc or caution the prisoner. If the prisoner feels deeply enough to appeal, why should that appeal be held in the prison?

Mr DONDAS: Mr Chairman, if a prisoner fails to obey an order like getting out of bed or refuses to get dressed or go to the toilet, are we going to clog up the courts with small offences like that? Is that the honourable member for Nightcliff's intention?
Mr ISAACS: There is a very simple answer to the minister’s question. The answer is no. I understood the members for Nightcliff and Fannie Bay to be talking about the visiting magistrate and his responsibilities in regard to the hearing of appeals or matters referred to him by the director. I do not recall there being any other matters which the visiting magistrate will deal with now that there will not be category 1 and category 2 offences. The question is whether or not these matters are such they they ought to be heard by a magistrate in a court. It is not a question of clogging up the courts with minor matters. The question is whether or not appeals or matters referred to the magistrate by the director ought to be dealt with in a court. With regard to the matters referred to the magistrate by the director - the director I suppose will have a number of reasons for wanting to refer them to the magistrate - one that would bear upon him would be the importance of the matter. Obviously, the director would not be thinking that it was a trivial matter to be dealt with by the magistrate. That would answer part of the minister’s question.

With regard to appeals, certainly it is possible for a prisoner to frivolously appeal against any decision of the director. I guess that we will have to deal with those sorts of situations as they occur. I do not think that is the position normally. People do not make a habit of appealing. I do not think that is the position in the current situation.

Mr Everingham: Come on!

Mr ISAACS: Perhaps the Chief Minister has the statistics to show that there are some people who habitually appeal. I do not think that is the position. We are talking about matters of appeal and matters referred to the visiting magistrate. It seems to me that the case made out by the members for Fannie Bay and Nightcliff is substantiated. The minister perhaps might consider the matters raised by them and not matters raised by himself which are not at the base of it at all. The trivial matters which the minister referred to are to be dealt with by the director.

The member for Nightcliff apparently has some problem with that but, so far as I am concerned, it seems to be a reasonable proposition that the director should deal with those trivial matters. Where it is a matter of some moment, the director himself refers to the magistrate and, where it is a matter of appeal, it ought to be heard by the magistrate in an open court.

Mr EVERINGHAM: I spoke during the second-reading debate to assure honourable members that the magistracy rather feels that it is capable of looking after itself in this matter, seeing that justice is able to be done and that it will not be told what it should do by the Director of Correctional Services or anyone else. As I see the situation, there are 2 particular categories of offences referred to in this particular bill and the amendments. They are offences against prison discipline, not offences against the law. These are dealt with by the director or his delegate and, on appeal, may be dealt with by a visiting magistrate or a justice. I see absolutely no reason why they should not be so dealt with. After all, are we imputing against the character of the visiting justice or magistrate that he will permit a hearing to take place when there are coercive influences which will ensure that an unfair hearing occurs?

The other side of it is the offences against the law which will be dealt with outside the prison. It is more than a fair arrangement and it is certainly far more fair to inmates of Northern Territory prisons than persons voluntarily joining Australia’s armed forces. I feel absolutely no embarrassment about putting forward to this committee that the arrangements proposed
here are absolutely above board and could not be bettered anywhere in Australia.

Mrs LAWRIE: That was a fascinating aside about the armed forces. How they got into the act, I do not know unless, in order to police the policy, we are going to call in the army. I thought for one glorious moment that the Chief Minister was going to interject and give me a lead on that aside but he restrained himself.

The Chief Minister is also Attorney-General and it is quite relevant and proper for him to defend the magistracy. I do not think there have been any unfair imputations upon their impartiality whatsoever emanating from this Assembly. However, the Chief Minister did say that justice would be done through, in this case, a visiting magistrate. I accept that, but it would be nice for justice to be seen to be done. It is very difficult for the public and the press, if it is interested, to attend hearings which are held within the confines of the prison. The Attorney-General is well aware of that fact.

Amendment negatived.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mrs LAWRIE: I move amendment 182.1.

Clause 7 deals with the director's power of delegation. He had a general delegation power. My amendment would insert in subclause (1) after the words 'other than' the words 'his power and functions under part VIII and'.

If we look at part VIII, we are dealing with the power of the director as it stands - and I will seek to amend that later - to hear prison offences, formerly called category 1 offences. The director has the right, if a prisoner is found guilty as charged of a breach of prison regulations, to order certain punishments, including forfeiture of not more than 3 day's remission of sentence, forfeiture of any amenities for a period not exceeding 30 days, the exclusion of the prisoner from working or working in association with other prisoners or a specified prisoner for a period of not exceeding 14 days or he may caution the prisoner. It seems most important to me that, if the director is to be given these powers of punishment, subsequent upon a prisoner being found guilty of a charge against the prison discipline, that power should not be delegated down the ranks of the hierarchy of the Correctional Services Division to somebody who might be intimately involved with the alleged commission of the offence. There is no limitation in clause 7 upon the powers of delegation. Because of the lack of such restrictions, I am extremely concerned to provide that, in dealing with prison offences, no such delegation can take place.

If a person is likely to have some punishment inflicted upon him on the basis of evidence, which may be hearsay evidence because the rules of evidence do not apply, he should be able to have some faith in the impartiality of the person who is making the order of punishment if he is found guilty. It seems totally inappropriate that there could be a provision where a person concerned immediately with the administration of the prison could be in a position to determine a charge against prison discipline. The further removed from the immediate subject, the better justice will be served. I would have preferred all offences carrying a penalty to be heard before a magistrate.
At the very least, I would think the prisoners charged with an offence against prison discipline should have those charges heard by a visiting justice. We find the government's policy is that these charges may be heard by the Director of Correctional Services, something with which I totally disagree. If we look at this clause, those charges may be heard by the superintendent of the prison wherein they occurred or the senior guard on duty at the time, all of which whittle away at the concept of impartiality of the person hearing the charge.

Mr Chairman, if I may have your indulgence, I will speak briefly to amendment 182.2 which is consequential. In discussions I have had with the minister, I appreciate the problems about 182.1 being carried - the problems which may eventuate with prisons remote from the director. Therefore, I have provided that the director may delegate his responsibilities to the hearing of a charge to a visiting magistrate. That is what 182.2 would provide. I cannot accept a concept which says that people can be judged and punished by persons immediately concerned with the alleged commission of the offence. If this bill goes through without this amendment, why bother to have a hearing?

Mr DONDAS: Mr Chairman, I cannot support amendment 182.1 as circulated by the honourable member. However, she was talking about 182.2 and I may be able to offer her some leeway when we get to clause 34. It is a matter of philosophy again. The philosophy that we have is that the director of the institution should have the power to delegate. That particular power of delegation is in all Northern Territory legislation. What amendment 182.1 would effectively do in relation to Gunn Point and Alice Springs is that, if a particular prisoner committed a minor offence, he would have to wait until such time as the director himself was in those areas before he could hear that particular charge. That could be several weeks and the prisoner would be disadvantaged. Nevertheless, the director must have the power to delegate all the way through the hierarchy to persons who do clerical duties within the institutions and private persons who are employed within the institutions. If he does not have the power of delegation, then I think we will be in all kinds of trouble. I think that the honourable member for Nightcliff, on this occasion, is just really making an attempt to stop the proper function of this act.

Mrs O'NEIL: Mr Chairman, I resent that imputation against the honourable member for Nightcliff and I know she is more than capable of speaking for herself. But the honourable minister well knows the great interest, involvement and expertise the honourable member for Nightcliff has in this sort of legislation. He would do well to listen more carefully to her arguments. The nub of the problem is this. We have a situation in the bill whereby a person who lays a charge against a prisoner can also be the same person who hears it. I am surprised that that has not even gotten through the head of the honourable minister. I would think that most people would find that offensive. The amendments that the member for Nightcliff moved overcome that problem. As she points out, the results of a charge can be quite serious for a prisoner. They can lose amenities for a period of a month. They can spend an extra 3 days in prison. All of that is quite serious, and it is most important that the person who is making such a decision is not a person who has been involved in pressing the charge in the first place. I think that the amendments of the honourable member for Nightcliff are eminently reasonable and the minister really should consider them more seriously.

Mrs LAWRIE: Mr Chairman, I am aghast at some of the comments made by the minister. He doesn't seem to understand the purport of my proposed
amendment at all.

Mr Dondas: You don't understand the powers of delegation.

Mrs LAWRIE: I don't understand the powers of delegation? Heaven help us, Mr Chairman. The honourable member for Fannie Bay supported my case admirably. Would honourable members suggest seriously that magistrates, hearing charges brought against persons, have the power of delegation to the officer in charge of the police station who held the prisoner or who perhaps arrested him on the spot because that is the perfect analogy. We are seeking to divorce the hearing of the charge and the impartiality, which of necessity in our hopefully democratic system is inherent, from the bringing of the charge by persons who feel aggrieved by the actions - in this case, the prisoner. It is as simple as that. The honourable minister said: 'If she takes away the power of delegation which he has to clerks and other people, the whole system will fail'. I am only seeking to limit the power of delegation in the one area and that is the hearing of charges against persons who are alleged to have committed breaches of prison discipline. It is not that they have committed them but they are alleged to have committed them. The whole basis of a hearing is to determine, upon the facts presented to the person presiding, the relevance or otherwise of the case.

Mr EVERINGHAM: I am waiting to hear of one instance from the honourable member for Nightcliff where breaches of prison discipline have been heard by the same person who preferred the charge against the prisoner. If the honourable member for Nightcliff can come forward with a few instances to that effect, then I would certainly be interested to hear about them rather than this theoretical exposition of what might happen. Quite frankly, a power of delegation is not unreasonable and it is presumed in this Assembly that the executive government will act responsibly and will not delegate to hear a charge to the same person who has preferred the charge. If that occurrence happened, then I am quite sure that a prerogative writ would lie without any further ado. I believe that the honourable member for Nightcliff is tilting at windmills as is her wont.

Mrs O'NEIL: Mr Chairman, I was interested to hear the Chief Minister ask the honourable member for Nightcliff for examples. But the Chief Minister, as the Attorney-General, well knows the current status of the law in the Northern Territory. The reason there are no examples of persons involved in hearing charges against prison discipline is that the present act does not allow it. They are all heard by magistrates. If the honourable member for Nightcliff had the right to speak, I am sure that is what she would tell the Chief Minister.

Mr ROBERTSON: The opposition has quite conveniently skirted over the principal point made by the Chief Minister. The existing clause 7(1) says 'any of the powers' not all of them necessarily at once. The point made by the Chief Minister and the point I would like to re-emphasise is that the director, being a responsible officer, will ensure that the power of delegation to hear offences would automatically go to the most senior officer available for the purpose. If he happened to be the person who was actually involved in the detection of the offence, the superintendent, a very senior and experienced officer, would not conduct the hearing himself but refer the matter back to the director. The Chief Minister implied that there is a Don Quixote act opposite. I think that that is precisely what we are getting.

Amendment negatived.
Clause 7 agreed to.

Clause 8:

Mr DONDAS: I move amendment 178.5.

This amendment to subclause (2) merely elaborates the responsibility of the prison officers.

Amendment agreed to.

Clause 8, as amended, agreed to.

New clause 8A:

Mr DONDAS: I move amendment 178.6.

Mrs LAWRIE: Mr Chairman, I resent the form in which these amendments are being brought forward by the minister. When opposition amendments are proposed, we put forward a case. Why is 178.6 necessary? Was it a drafting omission?

Mr DONDAS: The Chief Minister advises me that the prison officers need the same powers as police officers to carry out their duties.

New clause 8A agreed to.

Clause 9 agreed to.

Clause 10:

Mr DONDAS: I move amendment 178.7.

This clause specifies when a prisoner is in lawful custody. An amendment has been made to subclause (b) which broadens the effect of the clause.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12:

Mr DONDAS: I move amendment 178.8.

This clause states that any sentence that a prisoner receives for escaping shall be served at the end of any other sentence he was serving at the time of his escape. The change of the wording in the amendment is to give effect to the intention of the clause. As originally worded in the bill, if a prisoner was already serving a cumulative sentence, the clause would have the effect of ensuring that the sentence imposed for the escape would commence to the expiry of the first part of his sentence. The changed words ensure that it does not commence until he has served a total of any of the aggregation of the sentence that he was serving at the time of his escape.

Amendment agreed to.

Clause 12, as amended, agreed to.
Clause 13 agreed to.

Clause 14:

Mr DONDAS: I move amendment 178.9.

This clause establishes that, after sentencing by a court, a prisoner shall be taken to the nearest reception prison. It enables the director to specify which prison is a reception prison; for example, Gunn Point would not be a reception prison. It enables a prisoner who has a sentence of 28 days or less to serve his sentence in a police prison and that a police prison may be declared a reception prison. The amendment to subclause (2) makes it necessary for the declaration of a reception prison to be recorded in the Gazette. This is to overcome the problem of having to declare a prison or police prison to be a reception prison every time a prisoner is received in it.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clause 17:

Mrs O'NEIL: I move amendment 174.5.

The effect of the amendment is to ensure that a prisoner's property is not disposed of without his approval. There are provisions in clause 17 which allow for a prisoner to dispose of possessions which are not allowable possessions in terms of clause 16. He can either dispose of them or the director can arrange for them to be stored on his behalf. This is very reasonable but we do not believe that the prisoner's possessions should be disposed of without the prisoner's approval. If the prisoner does not want his possessions disposed of, then they should be stored on his behalf. The existing clause 17(2)(a) ensures that that shall be done at his expense. We feel that it should not be possible for the director to dispose of the prisoner's belongings without the prisoner's consent.

Mrs LAWRIE: I support the amendment but I think a simpler way would have been to dispose of paragraph (b).

I draw to honourable members' attention that it has been the concern of the prisoners that their personal belongings, which are held for them upon reception, be looked after and returned to them upon their eventual release. One prisoner who is presently serving a sentence at Berrimah gaol has a most serious complaint. When he was received into Fannie Bay Gaol, he had a cassette tape recorder and tools to the total value of approximately $400. They disappeared and he is extremely distressed by the disappearance. Because he is in custody, he feels the distress more keenly, if possible, than those of us who are free to go about our pursuits in an attempt to regain the property. It is very important that the possessions of prisoners be dealt with in a most particular manner.

Mr EVERINGHAM: I do not think the government would have any objection to this particular amendment if it were to relate only to the personal possessions of the prisoners but, as it stands, it relates to houses or furniture and so on.
Mrs Lawrie: It says 'in his possession'. He doesn't carry his house with him.

Mr DONDAS: Clause 17 already provides for personal possessions to be given to relatives or friends at the direction of the prisoner. The amendment says that the director or the person in charge of that institution cannot really dispose of those goods unless he has the prisoner's permission. However, I will accept the amendment.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 18:

Mr DONDAS: I move amendment 178.10.

The purpose of this is to identify the date on which sentences commence and it also gives power to the director to vary the time on which a prisoner is discharged on the last day of his sentence. This is an improvement over the present act which requires prisoners to be discharged at 10 o'clock in the morning. That has caused problems. Sometimes a prisoner is released at 10 o'clock and his aircraft has left at 7.30 or 8 o'clock in the morning. This amendment will allow the director to release him at a time convenient for him to depart.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mrs O'NEIL: I invite defeat of clause 19 with a view to moving amendment 174.6.

This relates to the transportation of prisoners on their release. As we heard in the second reading, prisoners who might be imprisoned in a place remote from their normal place of living can be stranded in Darwin or Alice Springs or wherever they are released unless definite arrangements are made for their transportation back to their home. If clause 19 is defeated, my amendment will ensure that that is done.

Mr DONDAS: I cannot support the proposal to have this clause defeated and a new clause inserted. It is hoped that, when prisoners are released, that it would be in conjunction with Prisoners Aid. If we were to take the responsibility away from the director to arrange transportation for released prisoners and accept the new clause, we might be faced with the problem of having to transport interstate prisoners back to their homes if we were not careful.

Mrs Lawrie: I have some difficulty with the defeat of clause 19 and the proposed amendment. I understand the intention of the amendment but the way in which it is drafted is a little too wide. His proposed amendments say that the officer in charge of a prison shall ascertain whether a prisoner requires transport when he is discharged from prison. I guess he would because, if you have been discharged from Berrimah gaol, it is a bit of a nuisance.

Mr Everingham: If you want to go on an interstate trip ...
Mrs LAWRIE: The honourable Chief Minister does himself little justice in interjecting because subsection (b) of the proposed amendment specifies clearly that the officer in charge 'may' arrange for transport to a place outside the Territory but not 'shall'.

In 1972, I was visited by a person who had just been released from custody in Fannie Bay and who was in some distress. He had been extradited on a police warrant from Perth to Darwin on a charge of uttering a valueless cheque. The reason for uttering the valueless cheque was to fly down to visit his family who were ill in Perth. When he was released, he wanted to get back to his family who were desperate to receive him back. The department told him to find his own way back. He had about $1. I asked him what he would do and he said that he would write another cheque and fly back. At that stage, I made direct approaches to the Director of Correctional Services and he gave him the means to get back to Perth. It was a bus ticket. This shows that reason must prevail. It was quite ridiculous to release him and tell him to find his own way back to the family.

The way to get around clause 19 is that, if one is dissatisfied with the service being provided to people who are in need upon release, one should approach the minister. The minister is busy shaking his head; he does not like the sound of that. The director is subject at all times to the direction and control of the minister. If I had a person coming to me in distress and who needed to get back to his domicile outside the Territory, I would have no compunction in pressuring the minister to provide such transport. I think that clause 19 is not quite as bad as it appears. I can appreciate that the government is likely to defeat the amendment proposed by the opposition, notwithstanding its good intention, because it is just a little too wide.

Mr COLLINS: If the clause is a little too wide, could I ask the minister to report progress on this. I am not asking him to defer this clause until the next sittings, not that there is likely to be one. I would like him to consider the fact that this involves a very difficult problem for many of my constituents and the honourable member for MacDonnell's constituents. It is a problem which is regularly visited upon my doorstep.

Where a prisoner is an old lag and knows the ropes and requests transportation 14 days prior to his release, there are no problems at all. He gets a ticket. However, in numerous cases where the prisoner is perhaps in prison for the first time and is unaware that he is entitled to this provision and does not ask for it, it is not provided. I can assure the minister that I have numerous prisoners coming to me and asking me if I can pay for their tickets back to Maningrida, Milingimbi or wherever. On many occasions, I have done so because I knew they would be back in gaol within 48 hours if I did not do so.

I would suggest to the minister that if he believes this coy arrangement - if a prisoner knows the ropes, he gets a ticket and, if he does not, he doesn't - is some sort of cost saving, he is wrong. It is false economy of the worst kind. Perhaps the minister could consider the dilemma an Aboriginal person - particularly a young one and, very sadly, the majority of Aboriginal prisoners are young prisoners - who is dumped outside the prison gates in Darwin with a fairly crippling expense to get back to his community. I do not think I have to tell the Minister for Industrial Development the cost of Connair airfares these days. He is up for anything between $120 or $130 to get back to his own community. He has no money to buy food and most of these prisoners are not given any advice or assistance by the prison authorities as
to how they might redress this situation. I am asking the minister to make it mandatory, in these cases, to provide the prisoner with the ticket. Perhaps the minister might suggest that we overcome this by ensuring that Aboriginal prisoners are told of all these requirements when they go into prison. Let me assure him that that is not a solution because most of that simply goes over the heads of young people who are put into gaol for the first time. The problem is that they are left in Darwin with no means of support and an urgent desire in most cases to get back home.

Mr DONDAS: I would like to tell the member for Arnhem the advice that all Aboriginal prisoners are asked before their release whether they require transportation. That is the advice that I have and I am prepared to accept that advice over the advice that some of the prisoners may be giving him. I have been advised that all Aboriginal prisoners are asked if they have any transportation needs. Clause 19, as it stands now, gives the director the discretion to provide transport to a prisoner to a place within the Territory or, if special circumstances require it, to places outside the Territory. In some cases, we have prisoners from Mt Isa who were arrested just inside the border, dealt with in the Territory courts and put in a Territory prison. It would be far better for them to go back to Mt Isa and our clause does give the discretion to the director.

I have been informed that Aboriginal inmates of the prison are asked if they require transportation. If the member for Arnhem can elaborate further and write me a letter indicating where that has not been done, I would be quite happy to investigate the matter.

Mr ISAACS: If that is the case, surely the minister will not object if perhaps we redrafted the amendment to the effect that the director shall ascertain whether a prisoner requires transport on his discharge from prison within 14 days of such discharge. The minister says that that happens anyway and obviously endorses it. There is some question as to whether or not it does happen. He does not oppose it and, if we are all agreed on that, it would tighten up clause 19. It would ensure that whether or not they require transport is ascertained and, if so, the director can make up his mind whether or not he will provide the transport. It will allay the fears of the member for Arnhem that prisoners will not be asked whether or not they require transport. I am not suggesting anything which the minister already does not agree with. He says it happens.

Further consideration of clause 19 postponed.

Clause 20:

Mr DONDAS: I move amendment 178.11.

The purpose of this clause is to allow the minister to transfer juvenile offenders sentenced to a prison to a child welfare institution if it is felt to be in the child's best interests and there to serve the remainder of his sentence until he reaches the age of 17 years when he must be returned to an adult institution. This is merely a machinery amendment.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21:

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Mr DONDAS: I move amendment 178.12.

The purpose of this clause is to make arrangements whereby persons outside the prison system may provide a critical overview of activities within institutions. They can also act as a prisoner's friend and provide means of bypassing the hierarchical system that exists in most prison organisations. Clause 21 specifically gives the power to the minister to appoint such persons. It also defines the length of the appointment and gives the visitor the right to resign his office in writing. The Australian Crime Prevention Council suggested that, instead of official visitors and other persons being given access to prisons, a prison advisory committee should be formed in the general community to give advice directly to the minister. I stated in my second-reading reply that I did not feel that it was necessary to form such a group because there are quite a number of community organisations that are involved in prisons at the moment. There is access to the Ombudsman, members of parliament and their legal advisers. The amendment 178.12 omits subclause 21(4) and substitutes a new subclause. This subclause gives a minister the power to make payments and allowances to official visitors.

Mrs LAWRIE: Mr Chairman, I have no quarrel with the proposed amendment to clause 21 but I do rise to express certain opinions that have been put to me, and with which I concur, about official visitors per se. The concept of official visitors is welcome in one sense: the more outside contact prisoners have, the better for the prisoners and the whole system. The more people who can get into the prison and promote that contact, the more relevant the whole system becomes. But the prisoners themselves have viewed the official prison visitors with a certain amount of derision. I fear that they will be viewed in the same category as the visiting justice. I cast no aspersions at all upon the visiting justices; I am talking now about how the prisoners see them. I think that, whilst it is an admirable concept, it is not going to have quite the degree of success which this legislature probably hopes for. The prisoners themselves have expressed to me clearly their preference for individual visits by people and view with a degree of derision official visitors. Because they are official visitors, they are seen as belonging to the system and having no great relevance to the prisoners' needs and problems.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22:

Mr DONDAS: I move amendment 178.13.

This clause requires the official visitor to submit a report in writing after his visit on the conditions in the prison. The original bill proposed that this report be made in writing to the director. The honourable member for MacDonnell proposed that this report should be completed within 7 days of the official visit. In my second-reading speech, I did point out that it was anticipated that many of the official visitors would have excessive demands on their time and it would not be practical to impose time limits. However, what we would like to do is encourage the early submission of reports and the amendment requires the official visitors to submit a report as soon as possible after each visit.

The new subclause additionally requires the report to be addressed initially to the minister rather than the director unless the minister determines otherwise.
Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23:

Mr DONDAS: I move amendment 178.14.

This clause originally proposed that 3 official visitors would be appointed to each prison. It was considered that, under certain circumstances, this might be restricted; that is, extended illness of one or more official visitors or their absence on extended leave. It was thus felt desirable to make it: 'Not less than 3 official visitors to be appointed'.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mrs LAWRIE: Clause 24 states: 'Prisons shall be visited by an official visitor appointed to the prison at least every month'. Now in the preceding clauses we have seen that official visitors shall inquire into the treatment, behaviour and conditions of the prisoners in the prison in respect of which he is so appointed. The honourable minister has obviously given considerable thought to the provision of official visitors and the way in which they shall conduct themselves within the confines of the prisons. I asked the honourable minister if he will indicate to the House the manner in which he expects the official visitors to ascertain for themselves the matters which are their concern - the treatment, behaviour etc of the prisoners. Are they to sit in the room and interview the prisoners one by one? Are they to have the freedom to go through the prison talking to the prisoners as they go about their various duties? What is the manner envisaged by the minister which will enable the prison visitors to carry out their duties? It is a very important point.

Mr DONDAS: Mr Chairman, it is a very difficult question that the honourable member for Nightcliff poses. I would assume that each of the 3 visiting officials would presumably talk to one another so that they all do not arrive on the doorstep of the prison at the same time. They would be given the same facilities as a visiting medical officer, a visiting school teacher, a visiting member of the Legislative Assembly or the visiting Ombudsman. Facilities will be made available for official visitors to be able to undertake duties in the prison in the correct manner.

Clause 24 agreed to.

Clause 25 agreed to.

Clause 26:

Mr DONDAS: I invite defeat of clause 26.

In my second-reading speech, you will no doubt remember that I said that we would delete clause 26 in its entirety but, as the honourable member for Nightcliff has already criticised me for not giving proper expression as to why I do things, I will read out my notes.

Mrs Lawire: You mean your policy!
Mr DONDAS: My policy. The bill proposes in this clause that an official visitor shall record, in the official visitors book provided at each prison, the time of his arrival and departure and any matters he wishes to bring to the attention of the officer in charge of prisons. The same clause prevents any person other then the minister or the director having access to this book. The honourable member for MacDonnell raised this matter in the debate in the House suggesting that other persons as well as the official visitor and the director and minister should have access to the book. The honourable member for MacDonnell carried this attitude through and his amendment would give effect to his previous expression but, given the fact that clause 22 makes it necessary for visiting justices to report to the minister in the first instance, I had decided to delete the clause in its entirety.

Clause 26 negatived.

Mr DONDAS: I move amendment 178.15.

This is a machinery amendment and it does not alter the effect of the clause proposed in the bill but alters its phraseology in accordance with the advice from the Department of Law.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clause 28:

Mr DONDAS: I invite defeat of this clause. The amendment as circulated invites defeat of the clause and inserts a new clause. This clause gives a power to the director to require a visiting medical officer to perform certain duties. The amendment was initiated on the request of the Department of Health and it is felt that the original bill enabled the director to specify matters which were properly the concern of the medical profession.

Mrs O'NEIL: Mr Chairman, it is normally customary to discuss why it is intended to defeat a clause. I found the minister's explanation inconsistent. The existing clause 28 requires a visiting medical officer to examine the prisoners and that seems reasonable enough. The clause which, if clause 28 is defeated, the minister proposes to insert requires that a visiting medical officer will go a step further. He shall perform actions at the direction of the director and I feel that is expanding the authority of the director over the visiting medical officer rather than the other way around.

Mrs LAWRIE: Mr Chairman, the notes of the minister are 100% in disagreement with his proposed amendment. The minister said that this amendment was put forward by the Department of Health so that the director would not be in the position of medically directing the visiting medical officer. Clause 28 does not in fact give such a direction; it only says that it may require a visiting medical officer to visit and examine the prisoners. The proposed new amendment says that a visiting medical officer shall perform such medical duties as the director may specify. That is totally against medical ethics and it is quite unacceptable to the profession. I think that there is a gross error in drafting here.

Mr DONDAS: I would be quite happy to postpone this clause until I receive further advice.

Clause 28 postponed.

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Clause 29 agreed to.

Clause 30:

Mr DONDAS: I invite defeat of clause 30.

This clause was necessary whilst it was proposed to continue to classify offences as category 1 or category 2 offences. As this provision has been deleted by the government and other offences against the law other than prison offences will be heard in normal courts, the clause is no longer required.

Mrs LAWRIE: It is not quite that simple. Clause 30 states: 'A visiting magistrate shall hear complaints relating to offences alleged to have been committed by prisoners in the prison in respect of which he is appointed'. We could leave that clause in and delete the reference to the director hearing prison offences and all honour would be satisfied so the honourable minister's notes are again somewhat deficient. I agree that, if criminal offences are going to be heard in open court, we could in fact leave clause 30 in and use that for the visiting magistrate to hear complaints against alleged breaches of prison discipline. I believe it would be better left in.

Mr DONDAS: The member is saying that a visiting magistrate shall hear complaints relating to offences alleged to have been committed by a prisoner in a prison. It relates back to the original philosophy. Category 1 offences have now been stipulated as prison offences and category 2 offences as senior offences which will be heard in the court. We would just be covering old ground regarding the philosophy of 1 and 2 offences.

Clause 30 negatived.

Clause 31:

Mr DONDAS: I invite defeat of clause 31.

Clause 31 negatived.

New clause 31:

Mr DONDAS: I move amendment 178.18.

This new clause deals with the classification of prison offences. The intention of this clause is to divide prison offences into 2 categories. Category 1 will be minor offences that occur in the day-to-day running of a prison; for example, the refusal of a prisoner to get out of bed in the morning or a refusal to obey the order of a prison officer. Category 2 offences, which will be heard by a visiting magistrate, would be of a more serious nature. The provision was an attempt to ensure that the majority of cases where prisoners were charged with offences would be heard within the prison with subsequent savings in time. However, there has been considerable opposition to the proposal by the members for Nightcliff and MacDonnell. They both stated that there appeared to be a conflict of interest in the director hearing charges under the category 1 offences. The honourable member for Nightcliff felt the director need not be a lawyer, which is quite right, and would be unable to bring impartiality to this consideration of cases. I do not agree. The member for Nightcliff also felt that the offences must be heard initially by a visiting magistrate although she would have preferred to
have all offences heard by a magistrate but, through the other earlier clauses, we now have a visiting magistrate.

Further criticism in the area of prison offences came from the Australian Crime Prevention Council which also expressed concern about the director having the power to decide the form of the inquiry by deciding if a person would be charged under the category 1 or 2 offences. Well that does not exist any more because we do not have category 1 or 2 offences. There was also concern expressed about the lack of definition in possible offices. It was stated that, although a visiting magistrate may refer any matter before him to court, there is no guarantee that he would do so. Similarly, there is no guarantee that legal aid will be granted or that a prisoner shall receive representation. It was suggested that charges should not be laid in writing and, because the charge would be determined by hearing, there was a failure to provide for the rules evidence or to give an indication of the amount of time after a prisoner is charged that will be taken before the inquiry commences. In this part, the member for MacDonnell suggested the government invite defeat of clause 31 and insert a new clause which has the effect of ensuring that the regulations define what the offences are.

The member for Nightcliff produced an amendment which suggests the government invite defeat of clauses 31 to 40 inclusive and insert the new clause which ensures that any offence committed in prison by a prisoner under sentence is heard by a court and gives the court the power to sentence him to a term of imprisonment of up to 2 years together with the power to order forfeiture of up to 30 days' remission, forfeiture of amenities up to 90 days, forfeiture of wages for the same period and prevention of a prisoner from working up to 30 days. It also gives the power to the court to order a prisoner to pay compensation for malicious damage to property.

After due consideration of the representations and discussions with the Chief Minister, we have agreed to delete all references to category 1 and 2 offences. Therefore, I invited the defeat of clause 31 with the hope of inserting a new clause which states the regulations shall declare what shall be a prison offence and gives power to include in the regulations such things as specific offences against the act or the regulations which is really failure to comply with the orders or instructions made by the director or any other nominated officer.

The effect of this amendment is to ensure that all minor offences will be dealt with by the director or his delegates. Serious breaches of the law—for example, assault, stealing and conspiracy to escape—will be dealt with in a normal court of law. I am hoping that this amendment will satisfy the members opposite and take away the concern that they expressed with the original clause.

Mrs LAWRIE: Mr Chairman, it has not taken away one of my concerns. It would be very surprising to this committee if it had. The minister has quite rightly said that now we are going to deal with a lower category of offences: prison offences. To the prisoner, it is still a fairly serious thing to have the prospect of a penalty for alleged offences hanging over his head. I think that his hearing should be seen to be totally impartial. We still have the power of delegation under clause 7 which allows the hearings to be conducted by persons other than the director. There are persons in the Correctional Services Division hierarchy who feel that prison offences transcend the hearing of offences. Remember, we are not bound by the laws of evidence under this new bill. I will give such an example now. There is a prisoner in Ward 1 of Darwin Hospital who was supposed to attend Berrimah.
Prison today to hear charges of breaches of prison discipline, not criminal offences, and medical opinion was expressed that he was not fit to plead. He was too ill. Some officers of the Correctional Services Division stated they would attend the hospital today and 'physically and forcibly remove him from the hospital to the prison to have those charges heard'. I rang the minister last night and told him what was going on. I gave him full credit because he apparently responded. I was sick to the stomach at the thought of this kind of procedure being allowed to be even thought of let alone carried out. As events transpired this morning, Correctional Services Division apparently had another thought about it. When the magistrate attended Berrimah Prison, they said that the prisoner was not well enough and the hearings were adjourned.

That should have been the opinion of those officers all along. Notwithstanding any denials which might come forward, that was not their opinion yesterday and I gave the names of the officers to the minister. When I heard that certain persons within his department had made statements that they would attend the hospital and remove the prisoner by force, I did the right thing and rang the minister.

If the minister thinks that these procedures are good enough, I do not share his view. Obviously, he took some action last night and the threatened procedure was not carried out. But these proposals were put to professional people who certainly took umbrage. It would be much better for this whole controversy to be removed from the department and placed in the judicial area which would allay all the concern none of which have been answered to my satisfaction by the minister. I do give him due regard for whatever action he took last night.

New clause 31 agreed to:

Clause 32:

Mr DONDAS: I move amendment 178.18.

This clause gives power to the director to hear charges relating to prison offences or, having heard them decide what, if any, penalty shall be imposed. It gives him power to order the forfeiture of not more than 3 days' remission, to take away any amenities from a prisoner for a period not exceeding 30 days or prevent the prisoner from working for a period not exceeding 40 days - this penalty means that the prisoner does not earn wages during that period and thus he is unable to purchase amenities - or, finally, gives him a power to caution the prisoner. The amendment, as circulated, provides for 2 minor consequential alterations to clauses following the dropping of category 1 and 2 offences.

Mrs LAWRIE: Subclause (b) reads: 'order the forfeiture of any amenities of the prisoner for a period not exceeding 30 days'. This is a fairly heavy penalty to a prisoner. Could the minister outline the amenities which are likely to be withdrawn upon the hearing of the charge and the prisoner being found guilty of the alleged offence?

Mr DONDAS: I would imagine such amenities as going to the movies, watching television, having a radio and various other small things. I have often heard the honourable member for Nightcliff explain to me that she has visited 29 prisons in various parts of Australia. I have not been fortunate to visit that many prisons but I have visited many and have spoken to various people
in charge of institutions. They tell me that they do withdraw amenities and
privileges from some prisoners if they misbehave themselves. It is done in
such a way as to encourage that particular prisoner to toe the line in the
interests of the good running of that particular institution. As far as
being specific about exactly what amenities would be denied, I am unable to
provide that information. However, I will provide it at a later date.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clause 33:

Mr DONDAS: I move amendments 178.19 and 178.20.

This clause gives the power to the director to determine the procedure
to be undertaken when hearing a charge against a prisoner in relation to a
prison offence and also provides that the director need not be bound by rules
to cross-examine anyone who gives evidence against him, call witnesses in his
own defence and to give evidence on his own behalf. These guarantees given
to the prisoner are not included in present legislation.

By amendment 178.19, it is proposed to omit subclauses (1) and (2) and
replace them with 2 new subclauses. These are merely machinery matters and
it is easier to insert the new subclauses rather than rephrase the present
one to delete category 1 offences and the use of the word 'complaint' which
has a technical meaning relating to charges laid before the court. Amendment
178.20 will allow a prisoner to call a witness and give evidence on his own
behalf.

Mrs LAWRIE: I take issue with the statements that 178.19 somehow
provides some amenities to a prisoner which do not exist at the moment. Remember
that we have just taken a step backwards and we are now saying that all these
offences which are categorised as offences against prison discipline will be
heard by the director within the confines of the prison and not in a court.
The minister has just said it provides something for the prisoner which he
does not already have. The present situation is that the prisoner has the
right of having Legal Aid defend him in charges against prison discipline.
That has just been removed.

Amendments agreed to.

Clause 33, as amended, agreed to.

Clause 34:

Mr DONDAS: I move amendment 178.21.

This is a machinery amendment which deleted reference to category 1 and
substitutes the word 'charged' for the word 'complaint'.

Amendment agreed to.

Mrs LAWRIE: I move amendment 182.2.

This will mean that the director may, before or at any time during the
hearing of the complaint relating to a prison offence, refer this matter to
a visiting magistrate for hearing. I can only assume that that will have the wholehearted support of the minister and everybody else.

Mr DONDAS: It does have the government's support.

Amendment agreed to.

Mr DONDAS: I move amendment 178.22.

This merely tightens up the wording of the subclause.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clauses 35 and 36 negatived.

New clause 35:

Mr DONDAS: I move amendment 178.23.

The new clause gives the authority to the court or to the director to impose compensation orders on people convicted of offences and to require them, in the event that they do not pay the compensation, to serve a period of imprisonment equal to 1 day for each $25 of the amount imposed.

Mrs LAWRIE: This proposed new amendment absolutely appals me. We will have levels of compensation set by persons, not by courts, and the person does not even have to be the director; it can be his delegate or the chief guard. He could say: 'You have just done $30,000 worth of damage and, since you are earning a couple of dollars a day, you will be here for the rest of your natural life'. This is the sort of provision that allows someone to go into prison for non-payment of a parking fine and never be seen again. It has attracted the ire of many people - lawyers, lay people, anyone who has the slightest idea of the manner in which a prison works.

I would not mind if the level of compensation for damage caused was to be set by a court but it says, 'A court or person convicting a prisoner of an offence, including a prison offence, may, in addition to imposing a penalty, order the prisoner to pay ... the amount specified'. It does not have to be malicious damage but 'damage to any property or injury to any person caused by the prisoner in the commission of the offence'. The person ordering this compensation can be absolutely anybody in a hierarchy of the Correctional Services Division. That is absolutely appalling. I have expressed my total opposition to that concept to the minister and I would ask him again to consider my objections. If he will concede that, following the conviction for an offence, there is a likely case for compensation for damage to personal property that shall be referred to a court, I would have no objection. It does not say that. Anybody who found the prisoner guilty can set the level of compensation. I am only asking that that level of compensation be set by a court.

Mr DONDAS: I have had discussions with the honourable member for Nightcliff regarding this particular clause and I brought to her attention amendments proposed in clause 39 which would allow a prisoner to lodge an appeal in writing to the director not later than 14 days after his decision has been made. There was a further amendment proposed to clause 39 which would allow the visiting magistrate to hear the appeal and to vary the penalty
imposed by the director if it was so necessary. If a particular prisoner feels that he has been treated unjustly or fined unjustly, he still has 2 avenues of appeal, one to the director and the other to the visiting magistrate.

Mrs LAWRIE: Members of this committee perhaps do not quite appreciate what I feel is a very important principle: that a level of compensation can be set for damage, which does not have to be malicious, by other than a court. It does not matter whether it is set inside a prison or outside a prison. What this legislation is saying is that persons who have no legal training and no idea of precedents can set a level of compensation. I am extremely disturbed - and so are other people who have legal backgrounds - at the implications of what we are doing. Honourable members will be aware that there is no limit on this compensation. We are saying that the person who convicts a prisoner of an offence against prison discipline can determine the degree of compensation required for some act done by that prisoner in the commission of the offence. I believe it is totally undesirable for this legislature to say that these people, who may be senior guards or assistant directors of correctional services or the director, shall have the power to order an unlimited amount of compensation. That must be left to a court.

Mr DONNAS: The purpose of the legislation and the new amendment is to ensure that people who commit wilful damage ...

Mrs Lawrie: It doesn't say 'wilful'.

Mr DONNAS: I am saying 'wilful damage'.

Mrs Lawrie: The legislation doesn't.

Mr DONNAS: It will ensure that these people can be held responsible for their actions. By clause 39, a prisoner can appeal to the director within 14 days and he can appeal to the visiting magistrate. The visiting magistrate can reverse the decision of the director.

New clause 35 agreed to.

Clause 37 agreed to.

Clause 38:

Mr DONNAS: I invite defeat of this clause with the intention of inserting a new clause 38.

The purpose of the clause is to ensure that a record of any conviction imposed shall be kept. This clause will not change the effect of the previous clause but will merely elaborate the details that must be recorded and kept in each prison.

Clause 38 negatived.

New clause 38:

Mr DONNAS: I move amendment 178.24.

Mrs LAWRIE: I have no quarrel with new clause 38 as presented; I think it is an improvement on the bill. I ask what is the purpose of this book. Who is going to peruse it? Is it to be tendered in evidence in the event of any appeal? Why have we got this clause?
Mr DONDAS: Originally, there were no records kept of any offences. Presumably, this will help from a statistical point of view to see what was happening with delegated responsibility. I cannot see why a proper record should not be kept of the offences.

Mrs LAWRIE: I cannot see why proper records should not be kept either but it is not good enough just to plonk clauses in legislation because they make the whole thing look better. This is a fairly important clause. Is this book to be called for as evidence in the case of an appeal?

Mr DONDAS: Yes.

New clause 38 agreed to.

Clause 39:

Mr DONDAS: I move amendment 178.25.

The purpose of this clause is to allow an appeal from any decision imposed by the director. The honourable member for MacDonnell suggested the deletion of the word 'visiting'. We dealt with that earlier. The Australian Crime Prevention Council commented that appeal provisions should be expanded to include any orders of compensation or imprisonment. This appears to be a reference to the inclusion of the appeals provision in clause 97(1) which permitted the director to recover money from a prisoner who damaged departmental property. As mentioned earlier, this amendment has been incorporated in the combining of clause 97(1) and the new clause 36. The power that the Australian Crime Prevention Council required is included under this clause. This is a machinery amendment which requires any appeal to be lodged in writing and addressed to the director not later than 14 days after the original decision is made.

Mrs LAWRIE: This is a very interesting amendment. We are dealing with prison offences heard within the prison on hearsay evidence if necessary. The procedure should be as determined by the director. If the prisoner so charged under this incredible set of circumstances is found guilty, the penalties are 3 days' remission of sentence, forfeiture of amenities and exclusion of the prisoner from working for a period not exceeding 14 days. If the prisoner has been excluded from working for 14 days, during which time he gives notice of appeal, the appeal becomes pointless because he has already suffered the penalty. The honourable minister is pulling faces and saying it is nit-picking. Mr Chairman, I can assure you that, if you were a prisoner within the confines of the prison, you would not think it is nit-picking at all because there is no way of giving back amenities which have already been withdrawn and which, upon appeal, were found not to be fitting. I would ask the honourable minister in drafting the regulations to ensure that, upon a conviction for an offence against prison discipline which is being heard by the director, every assistance shall be given to a prisoner to make an immediate appeal so that the withdrawal of privileges shall not apply until such time as that appeal is heard. That is not a small point if you are a prisoner.

Mr DONDAS: I agree with the honourable member for Nightcliff and would hope that it would be drafted in the regulations that those prisoners would not have their liberties taken away from them until such time as their particular offence has been heard.

Mrs O'NEIL: I thank the minister. Can I ask him to make that a bit stronger than hope. I think that the committee would like him to assure it
that the regulations will include a provision that the penalties are not imposed until after the prisoner has that chance to appeal. It occurs to me that one of the amenities which might be withdrawn is in fact writing paper which is needed to ask for an appeal.

Mr DONNAS: I move amendments 178.26 and 178.27.

These are machinery amendments that are necessary because of the deletion of the division between category 1 and category 2 offences. The subclause itself gives power to the visiting magistrate hearing appeals to vary the penalty imposed by the director if necessary.

Amendments agreed to.

Mrs O'NEIL: Mr Chairman, I have a question for the minister on clause 49 which deals with appeals. I note that earlier, when we were dealing with hearing of prison offences, we laid down the procedures that shall be followed either by the director or by a magistrate in place of the director. I cannot find, and I will be happy if the minister will point out to me how it is going to happen, what procedure a magistrate shall follow in the hearing of appeals. Obviously, it will not be according to court rules because it is not a court hearing.

Mr DONNAS: I would imagine that the visiting magistrates would have their procedures. We have to prepare the regulations.

Mr EVERINGHAM: Mr Chairman, I would suggest that a simple letter would suffice.

Mrs LAWRIE: I think it relevant to advise the Attorney-General in the context of this debate that this concern has been expressed to me by magistrates. There is no procedure laid down there and I think perhaps more than a simple letter might suffice.

Mr EVERINGHAM: There are many areas where procedures are not laid down and indeed some people see that as an advantage rather than a disadvantage. Many people's minds, especially legislators on the other side of this Chamber, are sequestered to the idea that everything should be spelt out in writing because they believe that is the only way that no mistake can be made. In fact, that is the way that most mistakes are made. The best legislation is the legislation that leaves a fair bit of discretion; it sets our policy and it provides avenues for people to do things. I certainly believe that there are no problems in people taking action in the circumstances by simply writing letters. Appeals to full courts from prisoners have been instituted by nothing more than a letter and, if there is need for procedures to be laid down in respect of appeals, then I am quite certain that provision can be made in the regulations for those procedures to be set out.

Mrs O'NEIL: The Chief Minister is entitled to his philosophy as to how legislation should be drawn. The trouble is that we have quite an inconsistency in this bill, which is not his responsibility but the responsibility of the Minister for Community Development, whereby we laid down procedures for one sort of hearing and not for another. If the Chief Minister wants to go back and recommit clause 33 and eliminate those procedures, I am sure we can.

Clause 39, as amended, agreed to.

Clause 40:
Mr DONDAS: I invite defeat of clause 40.

This clause gives power to a prisoner to appeal from the decision or order of a visiting magistrate and ensure that appeal under the clause would go to the Supreme Court. This was a safeguard while the division existed between category 1 and 2 offences. With the abolition of that division and the assurance that all major offences would be heard before a normal court, the necessity for this clause no longer exists.

Mrs LAWRIE: I would ask if this deletion of clause 40 would remove the right of a prisoner to appeal from the decision of a visiting magistrate who has just determined an appeal from the director.

Mr Dondas: No, it would not.

Mrs LAWRIE: Well it does. You are inviting defeat of clause 40: 'A prisoner may appeal from a decision or order of a visiting magistrate'. That is fine. I agree with that. Why not leave it in? We still have visiting magistrates determining the futures of prisoners' lives. We have just said so in allowing an appeal to him from the director and the little matter of compensation which is highly important.

Mr DONDAS: It is covered under clause 39 for which we have just accepted 3 amendments which relate to appeals by a prisoner to the director within 14 days and also to the visiting magistrate who can reverse the decision of the director. Therefore, clause 40 is not really needed any more.

Mrs O'NEIL: One of the reasons that I did not enter the debate on compensation before was because I was under the erroneous impression, having unfortunately missed that little amendment proposed by the minister, that if the compensation that was determined was unreasonable, then eventually through the processes of the act an appeal in a court would be heard. If clause 40 is removed, there will not be any appeal in a court against excessive levels of compensation awarded against the prisoner and that is quite horrendous.

Mr EVERINGHAM: As I understand the philosophy of this bill, offences against prison discipline are to be dealt with in an administrative fashion. Other than that, there will be an appeal against an administrative decision to the visiting magistrate. Offences against the law will be dealt with in the normal course; that is, by the courts with all the usual remedies. As for the damages, the decision of the administering authority is open to review by the visiting magistrate. If the visiting magistrate acted arbitrarily, there would still be a review available by way of prerogative writ. As I see it, administrative procedures are well catered for in respect of appeal to the visiting magistrate and criminal offences are dealt with in the normal course.

Mrs LAWRIE: I draw the Chief Minister's attention to the amendment 178.23 dealing with compensation which his Minister for Community Development put and passed. I am not sure whether the honourable minister was in the House at the time but it was pointed our fairly clearly that ...

Mr Everingham: I was and I have heard you ad nauseam.

Mrs LAWRIE: The honourable minister says he has heard me ad nauseam. Well that is bad luck for the honourable minister. We are dealing with very important legislation and, as Attorney-General, he should have the intestinal
fortitude to spend a little more time looking at the legislation that his minister has introduced and which is bringing disrepute upon that government. That clause dealt with unlimited levels of compensation which can be put upon a prisoner by a person, not necessarily a court, and appeals to a magistrate. Why is it so difficult to contemplate an appeal for serious things; for example, a $10,000 compensation order? Why is it so difficult to contemplate an appeal from a visiting magistrate to the Supreme Court. Why this talk of prerogative writs? If appeals are not considered necessary, why have them at all from the magistrate to the Supreme Court? They are part of our judicial system. I think it is imperative that the clause be left and not deleted.

Clause 40 negatived.

Clause 41:

Mr DONDAS: I move amendment 178.28.

This clause gives the power to the minister to appoint chaplains to prisons and then authorise chaplains to visit prisoners at the times and under the conditions the director allows. Because part X specifies certain persons who may visit prisons, it is necessary to include a machinery amendment which gives chaplains the right to visit notwithstanding specifications laid down in part X.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42:

Mr DONDAS: I invite defeat of clause 42 with a view to inserting a new clause.

This clause guarantees access to prisoners by specified persons; that is, judges of the Supreme Court, visiting magistrates, official visitors, visiting medical officers or other persons authorised in writing by the director. Both the honourable member for MacDonnell and the Leader of the Opposition commented in debate that the Ombudsman was omitted in the clause and should be included. Similarly the Ombudsman himself made representation for his inclusion. In my second-reading speech, I did agree to include the Ombudsman.

The honourable member for MacDonnell also suggested that members of the Legislative Assembly be able to visit prisoners at any reasonable time. I also agreed that they should be able to. The member for MacDonnell's amendment proposes that the members of the Legislative Assembly and the Ombudsman or an employee under his control be guaranteed access to prisons. It was suggested the government invite defeat of the clause and substitute a new one which would give effect to the request of the opposition and the Ombudsman and also assist with an amendment for the officers, within the meaning of the Criminal Law (Conditional Release of Offenders) Act, who need to go in and out of the prisons to deal with the various offenders in the course of their duty.

Mr ISAACS: I thank the minister for that but there is only one difference and that is that the amendment of the member for MacDonnell indicates that the Ombudsman or an employee, within the meaning of the Public Service Act, under his control is able to do there whereas the minister's own amendment does not. Quite obviously, an officer under the Ombudsman's control may well be in charge of a particular matter rather than the Ombudsman himself. From what the minister has said, I don't see any problem in inserting item (ba), suggested
in amendment 174.15, rather than item (d) in the new clause 42 as suggested by the minister.

Mr DONDAS: I think this would be picked up in (h): 'a person authorised in writing by the director'. If the Ombudsman was to have one of his staff attend one of the prisons, he would contact the director of that institution and request that his particular employee be admitted to that particular prison.

Mr COLLINS: I think that misses the point of the Leader of the Opposition's objection. In practical terms, an Ombudsman's inquiries would be carried out by an officer rather than by the Ombudsman himself. In most cases, it would be one of his investigative officers. It would be ridiculous if, on every one of those occasions, he had to obtain written authorisation under (h) when, in fact, (d) is there specifically to enable the Ombudsman to do this job.

Mr DONDAS: The honourable member for Arnhem is splitting hairs. We must respect that the director does have the responsibility of maintaining security in that prison and that nobody will deny access to Ombudsman's staff if the Ombudsman makes a direct application for his staff to go into that particular institution.

Mr CHAIRMAN: I realise that the new clause relates to clause 42 but we must get back to the motion which invites defeat of clause 42.

Clause 42 negatived.

New clause 42:

Mr DONDAS: I move amendment 178.29.

Mrs LAWRIE: Along with the clause to which I spoke earlier dealing with the procedures to be followed by official visitors, I think that this clause deserves a little closer attention. We have certain persons who may visit - judges, visiting magistrates, official visitors, the Ombudsman, field officers, members of the Assembly, medical officers or persons authorised in writing by the director. They may visit subject to such terms and conditions as the director thinks fit. Perhaps the minister would indicate the procedures which will be expected to be followed by those persons once they visit the place. Visiting per se means nothing; it is access to the prisoners which is important. Following my experience of last Sunday, I am wondering if we are going to be told that we can visit but we must not discuss anything.

Mr DONDAS: We have already defeated clause 42. I would like to obtain some information and advice from officers. I seek postponement of the new clause.

Further consideration of new clause 42 postponed.

Clause 43:

Mr DONDAS: I move amendments 178.30 to 178.33.

This clause prescribes the terms and conditions under which prisoners may receive visits whilst in prison. It gives the power to the director to determine the time, the number and duration of visits. It also specifies that
the director may refuse to grant visits if he so desires, gives power for him to have visitors searched, supervise visits, have their conversations monitored and terminate visits.

Several minor amendments are required in the clause. Amendment 178.30 makes an amendment that causes the operation of the clause to be subject to part XI which refers to legal representatives who have different rights. It is also proposed under this amendment to omit subclauses (2) and (3) and substitute 2 other subclauses. The substitute clauses do not alter the intent of the original subclauses but merely tighten up some of the wording.

Amendment 178.32 allows conversation between a visitor and a prisoner to be monitored and to be recorded.

Amendment 178.33 tightens the subclause to allow the termination of any visit or any direction given by the director or any determination as with the standing instructions issued by the director. That instruction is briefed and then the visit may be terminated.

Mrs LAWRIE: Does this refer to the people in clause 42 as well or does it refer to people other than those referred to in clause 42?

Mr DONDAS: This relates to a prisoner receiving general visitors.

Mr ISAACS: Clause 43(5)(b), as I read the amendment, will now read, 'The director may, if he is of the opinion that it is necessary for the maintenance of the security and good order of the prison or prisoner, order that a conversation between a visitor and a prisoner be monitored or recorded'. Is it the intention to inform either of the people that that will take place?

Mr DONDAS: In some particular circumstances, for security reasons, it would not be advisable to let people know that that is happening. It is a very difficult question to answer. If the director, in his wisdom, decides that a particular conversation should be recorded to stop an escape or to stop somebody being injured or to prevent a prison officer from being taken hostage, it certainly would be within the realm of the director to make that decision.

Amendments agreed to.

Clause 43, as amended, agreed to.

Clause 44:

Mrs LAWRIE: I move amendment 173.3.

This omits the words 'prior written' from clause 44. If prisoners wish to give a person such as myself letters or documents, it goes through a procedure whereby it is taken by a prison officer to the senior person on duty to approve the transfer. That seems to me to be a quite adequate procedure. If we talk about 'prior written approval' of the director before any document can be passed, that would involve him in a tremendous amount of quite unnecessary work. The purpose is served if the present provision applies: the person immediately in charge of the prison at that time may give the approval on the spot for the passage of the document or parcel. Certainly, the approval has to be sought. However, if we talk about prior written approval of the director, the procedure becomes very cumbersome and very drawn out.
Mr DONDAS: I do not support the amendment. Whilst I might agree with the honourable member for Nightcliff that the whole operation is cumbersome, it is the desire of the department that the prior written approval from the director be incorporated in the amendment for security reasons. This applies particularly to parcels. The requirement to obtain prior written approval is necessary because proper consideration would be given to the passing of any document or parcel. We have to take security into consideration. This is the desire of the department and therefore I would not support the honourable member for Nightcliff's amendment.

Mrs LAWRIE: I am not trying to do away with any security provisions at all. I am trying to assist the operations of the department, not hinder them. I ask if the minister would perhaps seek postponement of this clause to consult with his advisers. Quite clearly, if the superintendent of the prison had reason to suspect that the passing of the parcel required the director's approval, he would seek it. This clause is at variance with the general power of delegation given to the director earlier. It is reasonable for the director to say to the superintendent of the prison that, unless it appears suspicious, he has the delegation to approve the passing of materials between prisoner and visitor. This clause does not allow that because it requires prior written approval. I think it is cumbersome and works against the interests of the superintendent of the prison and the director and everybody else.

Further consideration of clause 44 postponed.

Clause 45:

Mr DONDAS: I move amendment 178.34.

This clause gives a prisoner the right to receive visits from his legal representative and interpreter as such times and under such conditions as the director permits. The Australian Crime Prevention Council suggests that this clause be amended to allow visits from legal representatives at all reasonable times. The suggestion is also picked up by the honourable member for Nightcliff in her amendment 173.4 which suggests that we omit 'at such times and upon such conditions as the director permits' and substitute 'at any reasonable time'.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clause 46:

Mr DONDAS: I invite defeat of clause 46.

The purpose of this clause is to ensure that officers do not overhear conversations between the prisoner and his legal representative. However, they are empowered to inspect and censor any package or documents passed between the prisoner and his legal representative. Subclause (2) stated that any information gained from the inspection of documents was not to be disclosed except to prevent a breach of law. This clause came under severe criticism by the honourable member for MacDonnell who stated that any censorship of messages between a prisoner and his legal representative should be abolished. The honourable member for Nightcliff pointed out that lawyers have their own code of ethics and felt that documents passing between a legal person and the
prisoner were to be trusted. The Australian Crime Prevention Council suggested that this clause would provide an excuse for a breach of the normal privilege that exists between a lawyer and his client.

In my second-reading reply, I informed the House that an amendment would be introduced placing the onus on the legal representatives to ensure any matters passing between them and their clients do not breach any law of the Territory and, as a result of this, the government now intends to invite defeat of clause 46 and to insert a new clause. This new clause provides that a visit shall not be monitored between a legal representative and a prisoner and that a document passed between the prisoner and his legal representative shall not be inspected or censored but places an obligation upon the legal representative to inform the Attorney-General should the document or the passing of the document constitute an offence against the law.

Mrs LAWRIE: Honourable members will be aware that, in the question time this morning, I asked the honourable minister if he had consulted the Law Society about this rather unusual subclause (3) and he stated he had not. My reason for asking was that, when we received these amendments last week, I read this proposed amendment to several private legal practitioners. They all had a fit and said, 'Good God, what does the Attorney-General say about that?' The Attorney-General at the moment is busy reading a magazine and I do not know whether he will make a statement or not. They found it highly offensive and, as I said in my second-reading speech, they have their own code of ethics. If someone passes a note to his legal representative which says that he will shoot the Minister for Community Development, the lawyer is bound to take certain actions to prevent that happening. The members of the legal profession whom I have been able to contact took particular exception to subclause (3) and I ask the minister to withdraw that subclause leaving the 2 previous subclauses.

Clause 46 negatived.

New clause 46:

Mr DONDAS: I move amendment 178.36.

I had some private discussions with the member for Nightcliff yesterday and explained the reason why I had decided to incorporate this provision in this particular clause. The government will stick to its guns on this particular clause as far as legal representatives are concerned. The onus would be on the legal profession to report to the Attorney-General if there are any breaches of Territory law in such documents. We are not dealing with normal people in most cases. Prisoners get up to all kinds of tricks to achieve their aims. In prisons in other states, they cut their ears off, they cut their noses off, they mutilate their bodies and do all kinds of funny things to make a point. If they will go to such extremes to mutilate themselves to get out of prison, why should they not try to put something through the system and hope that nobody picks it up.

New clause 46 inserted.

Clause 47 agreed to.

Clause 48:

Mrs O'NEIL: I invite the defeat of clause 48 with the intention of inserting a new clause.
The effect of the amendments of the honourable member for MacDonnell are to simplify the whole question of management of mail and parcels to prisoners. In fact, there seems no good reason for prohibiting a prisoner from writing letters. If there is some detrimental material contained therein, the director is able to have access to it. That is provided for in his proposed amendment.

Mr DONDAS: Clause 48 gives the director the power to prevent the sending and receiving of letters or parcels by a prisoner when the security or the efficient operation of the prison may be affected or the prisoner may be adversely affected by the receiver sending that information. Amendment 174.17 really does not do anything for me. As it stands now, clause 48 reads: 'The director may prohibit the dispatch or the receipt of letters or parcels by a prisoner where, in the opinion of the director, it may be prejudicial to the security or good order of the prison or prisoner or may have a detrimental influence or effect on the prison or that prisoner'. I just find that the amendment as circulated really does not do anything that clause 48 does not already do.

Clause 48 agreed to.

Clause 49:

Mrs O'NEIL: I invite defeat of clause 49.

The question of censorship was discussed in the second-reading stage as was the question of the specific matters referred to in clause 51. I draw honourable members' attention to the provision which still exists whereby a letter written in a foreign language can be destroyed by the director for no reason other than that it is written in a foreign language. This seems to be entirely undesirable and that is the purpose of defeating this amendment.

Clause 49 agreed to.

Clause 50:

Mr DONDAS: I invite defeat of clause 50. This clause allows a prisoner to send letters to the minister, the Ombudsman or the director without them being opened or inspected. The Australian Crime Prevention Council pointed out that, in my second-reading speech, I said letters between legal practitioners and prisoners would not be subject to censorship but that has not been incorporated in clause 50 as it presently stands. The member for Nightcliff also proposes an amendment which has the effect of allowing the prisoner's legal representative to receive and send uncensored letters to his client.

Clause 50 negatived.

New clause 50:

Mr DONDAS: I move amendment 178.37.

This new clause not only allows a legal representative to receive uncensored mail dispatched by a prisoner but also puts an obligation on the correctional administration to assess whether letters addressed to a prisoner come from the office of the minister, the director, the Ombudsman or the prisoner's legal representative and, if that is assessed to be the case, allow them to come into the prison uncensored. However, provision is made so that, where the officer in charge of the prison believes the incoming mail may not have originated from the office of those specified people, although the out-
ward indication is that it did so, he may open and inspect the letters. If he does this, he must advise the director in writing of the action taken and why he did it. This is a substantial advance on any suggested amendments by the opposition or by the civil libertarians.

Mrs O'NEIL: All I can say is that the administration of the prison services has become even more paranoid than I thought. It seems that we are now writing into legislation - and we heard before from the Chief Minister of the desirability of keeping legislation simple - provisions which anticipate that somebody is going to go to the trouble of stealing the Ombudsman's envelopes in order to write an otherwise non-approved letter to a prisoner. I just find the matter quite incredible.

Mr DONDAS: With respect, officers of the Correctional Services Division, not only in the Northern Territory but right throughout the other parts of Australia, come across things that we would not believe.

Mrs Lawrie: Oh!

Mr DONDAS: How can the honourable member for Nightcliff deny that?

Mrs LAWRIE: The honourable member for Nightcliff feels that the point made by the member for Fannie Bay is perfectly valid. To stand up in reply and say that people all around Australia see things that you would not believe and then sit down really strains the minister's credibility.

Mr Dondas: I am very sorry about that.

New clause 50 inserted.

Clause 51:

Mrs LAWRIE: I move amendment 173.7.

This is to omit paragraph 51(1)(k). This is where a letter or parcel is intercepted and inspected under clause 49 by the officer in charge of the prison. The whole clause deals with many things that the director or the officer in charge may do. Clause 51(1)(k) says that, if a variety of things are applicable - it is written in a code, foreign language, illegible - it can be censored by the director and then forwarded as addressed, returned to the prisoner, retained by the director or destroyed by the director. I see no reason for the destruction of this letter. Certainly, if it is totally prejudicial to the good order and discipline of the prison, it can be retained by the director, but why destroyed? The inference in the legislation is that, if it is written in a foreign language, it can be destroyed. I believe there would be no security risk if we delete the proposal for destruction.

Mr DONDAS: I have no objection to that amendment.

Amendment agreed to.

Mr DONDAS: I move amendment 178.38.

This clause sets out the condition whereby letters may be censored then forwarded the addressee, returned to the prisoner, retained by the director or destroyed. It also ensured that, where any such action is taken under the clause, the officer in charge of the prison shall inform the prisoner that
the action has been taken. Any of these actions - that is, censorship, return, retention by the director or destruction - may be taken if it is considered that the contents may affect security, contain subject matter that breaches the act or the regulations or any determination made by the director, contain grossly incorrect or distorted allegations, are threatening or insulting to anybody, may have a detrimental influence on the prisoner or that the letter is written in a code, foreign language or is illegible.

The honourable Leader of the Opposition commented in the debate that this clause stated that, if a prisoner wrote a letter in his own language, it would be destroyed and referred also to 51(1)(c) where he asked who was to determine whether the allegations are grossly distorted or not. His comments regarding the subject have been accepted and paragraph 51(1)(c) will be deleted in its entirety. The other amendment proposed under this clause places the onus on the officer in charge of a prison to make a decision as to what action will be taken about letters or parcels intercepted, opened or inspected. There may be some confusion originating from the reference of the Leader of the Opposition to the deletion of 51(1)(c) which refers to grossly incorrect or distorted allegations about conditions in the prison and the comments about letters written in foreign languages in 51(1)(f) and (k) which give the power to the director to destroy letters or parcels. I have assured the House in the second-reading speech that procedures already exist whereby letters written in a foreign language are not destroyed. If they are not capable of translation, they are returned to the author or placed in the addressee's property. It is important that the power of destruction be retained by the director for dealing with cases where dangerous or unhygienic matter is conveyed by mail; that is, explosives and some instances of unpreserved food.

Mr Chairman, I seek postponement of clause 51.

Mr COLLINS: If the clause is going to be postponed, I want to raise another matter in relation to the clause which may be able to be considered at this time. I have a problem with 51(1)(f) and, if it is going to be postponed, perhaps this problem could be rectified at the same time. I would like to obtain from the minister a definitive reply. I would like to find out from the minister if (f) will remain as it is or if it may be necessary to amend it to read: 'If the letter is written in a code, a language other than English or is illegible'. I would like to know from the minister if an Aboriginal language is a foreign language. I do not believe that it would be. Some discussion ensued in this House this morning on the success of the bilingual education program in the Northern Territory. If the minister would like to see a letter written in an Aboriginal language, I have a file full of them. I receive numerous letters written to me in Barada from Maningrida. I can remember one occasion in Fannie Bay prison where I was prevented from speaking in Barada to a prisoner. I was asked by a prison guard to desist and to speak only in English because he could not understand the conversation.

Aboriginal people are now routinely writing to each other and certainly to me in an Aboriginal language. I do not believe an Aboriginal language could possibly be considered to be a foreign language and perhaps that clause would need to be amended.

Mr DONDAS: I have taken note of what the honourable member for Arnhem stated and it will be considered after the clause has been postponed.

Further consideration of clause 51 postponed.
Clause 52 agreed to.

Clause 53:

Mr DONDAS: I invite defeat of clause 53.

Clause 53 negatived.

New clause 53:

Mr DONDAS: I move amendment 178.39.

This clause will not materially alter the previous clause except to include the provision that the director not disclose information he receives whilst recording what goes on between a visitor and a prisoner except for the purposes previously specified.

New clause 53 agreed to.

Clause 54 agreed to.

Clause 55:

Mr DONDAS: I move amendment 178.40.

This makes the necessary adjustment to this clause in order that a female prisoner may give birth to a child in hospital otherwise the clause would be in conflict with clause 57. Further, it requires the director to provide adequate accommodation for the children of a female prisoner when they are allowed to stay with her in prison. This clause allows the female who gives birth to a child or has children under the age of 5 to have that child or those children with her in prison.

Clause 55, as amended, agreed to.

Clauses 56 and 57 agreed to.

Clause 58:

Mr DONDAS: I move amendment 178.42.

The operation of this clause is subject to clause 76 which gives the power to the visiting medical officer or the court to override the opinion of the director. In such cases where, in the director's opinion, the security of the prisoner or the prison will be affected by her being moved to a hospital to give birth to a child, then the director may retain her within the prison to give birth. The amendment does give the visiting medical officer or the court the opportunity to override the opinion of the director.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clauses 59 and 60 agreed to.

Clause 61:

Mr DONDAS: I move amendment 178.43.
This clause gives power to the director to order the search of a prisoner, his belongings and his person. The director must give directions as to the manner in which the search is carried out and ensures a male prisoner shall be searched only by a male officer and a female prisoner only by a female officer. The amendment adds the requirement for the director to approve any search.

Mrs LAWRIE: I do not see where the amendment differs greatly from the contents of the bill. The director does not have to give all of the directions because he has the same general power of delegation.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64:

Mr DONDAS: I move amendment 178.44.

This amendment proposes to ensure that the clause does not affect the operation of the Firearms Act. An officer is not able to use firearms or weapons or articles of restraint except in the performance of his duties as a prison officer.

Amendment agreed to.

Clause 64, as amended, agreed to.

Clause 65 negatived.

Clause 66:

Mr DONDAS: I move amendment 178.45.

This gives power to the director to grant leave of absence for various reasons. The original clause stated that 'the minister may grant' and this is amended to 'the director may grant'. The amendment came into being because of severe criticism by several members on both sides of the House.

Amendment agreed to.

Clause 66, as amended, agreed to.

Clause 67:

Mr DONDAS: I move amendment 178.46.

This is much the same as the previous amendment.

Amendment agreed to.

Clause 67, as amended, agreed to.

Clause 68 agreed to.
Clause 69:

Mr DONDAS: I move amendment 178.47.

This is a machinery amendment by which is proposed to make the director's power dependent upon the other clauses in the part which relates to the prisoner's health and remand prisoners.

Clause 69, as amended, agreed to.

Clause 70 agreed to.

Clause 71:

Mr DONDAS: I move amendment 178.49.

The amendment requires prisoners to work on essential hygiene projects; that is, cleaning themselves and their cells. This clause allows prisoners who have not been convicted of an offence not to work unless they wish.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clause 72:

Mr DONDAS: I move amendment 178.50.

This clause allows the director to pay prisoners money for their work subject to their good behaviour. The amendment adds to the clause 'at rates determined by the minister'. This means that the minister can determine or alter rates payable to prisoners, thus overcoming the effects of inflation.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 76 agreed to.

New clause 76A:

Mr DONDAS: I move amendment 178.51.

This new clause ensures that a prisoner moved to a hospital is still a responsibility of the officer in charge of the prison or police prison from which he was removed. It gives him authority to make such arrangements regarding the security of the prisoner whilst in hospital as is felt necessary and also ensures that any prisoner discharged from hospital before the expiry of his sentence shall be returned to prison.

New clause 76A inserted.

Clause 77 agreed to.

Clause 78:

Mr DONDAS: I move amendments 178.52, 178.53 and 178.54.
This clause gives power to the director to order a prisoner to be forcibly fed when his life or health is likely to be in danger. The purpose of the clause is to ensure people who go on hunger strikes do not kill themselves. The Leader of the Opposition said that it was his view that the clause ought to be eliminated in its entirety. The honourable member for Nightcliff suggested amendment 173.8 to add at the conclusion of the clause the words 'under direct medical supervision'. The honourable member for MacDonnell suggests the government invite defeat of the clause. The Department of Health has also made representation that such suggested amendments should be included making it obvious that it is the opinion of the visiting medical officer that must be taken into consideration in assessing if a prisoner's life or health is in danger. The opposition's proposed amendments have been taken into consideration. However, the honourable member for Nightcliff's amendment has been incorporated in the government's amendments.

Mrs O'NEIL: The amendments certainly improve the existing clause if it has to be there at all. However, I find the concept of force-feeding of prisoners totally barbaric and I cannot support the clause in any way at all. I do not believe it is necessary. I note the minister does not have a clause in the bill saying it is an offence for prisoners to kill themselves. If he wants to put than in and a prisoner wants to starve himself to death, it will be an offence. From history, we know that the process of force-feeding of prisoners is undertaken usually in the most offensive way, certainly on people who consider themselves to be political prisoners. It is extremely painful, almost torturous; it is something that I cannot support in Northern Territory legislation.

Mr ISAACS: Mr Chairman, I have a question of the minister. Can he give examples where prisoners have had to be force-fed in the Northern Territory? That is, where hunger strikes have taken place.

Mr DONDAS: The honourable Leader of the Opposition opens up a completely new area of debate. However, there has already been an instance at our own Berrimah gaol where a particular prisoner went on a hunger strike for about 21 days. I believe that someone else has already commenced one but I do not know whether he is still on it or not. I am still waiting for a report. There are instances whereby prisoners do take extraordinary measures to gain attention and hunger strikes are not unusual in prisons. We have a responsibility to ensure the prisoner does not harm himself by refusing to eat.

Mrs LAWRIE: I am glad that the question of a prisoner on a hunger strike has been raised because the particular prisoner who was removed to hospital from Berrimah and who was in quite an emaciated condition has been assessed psychiatrically and there is a report recommending that he be transferred south. This particular prisoner is a federal prisoner and I have written to the minister about him in no uncertain terms. It is quite correct, as the minister states, that prisoners go on hunger strikes to draw attention to their claims because it is the ultimate procedure; there is nothing left to do to draw attention to what they feel very strongly should happen but to starve themselves, in some cases, to the point of death.

I feel a great deal of sympathy for the honourable member for Fannie Bay's view and I agree that force-feeding is barbaric and horrible. Honourable members will note that my suggested amendment differs from that of the minister. My amendment proposed the addition of the words 'under direct medical supervision' and the honourable minister's proposal is 'under medical supervision'. There is a big difference by the omission of the word 'direct'.

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In the debate which took place about dental therapists some time ago, it was pointed out in no uncertain terms by the then Crown Law Officer that, when medical supervision was not specified as direct medical supervision, it could be over a distance of hundreds of miles. Medical supervision merely means in legislative terms that a medically qualified person has given permission for the procedure to be carried out and has given certain guidelines as to how it is to be carried out. I was very careful to say that force-feeding must only be undertaken under direct medical supervision which means that a medically qualified person must be in attendance. I would assume that the minister was not aware of the difference because he has stated on 2 occasions now that he agrees with my proposed amendment and has incorporated it. I ask him to take cognizance of the statements I have made and to accept a formal amendment to include the word 'direct'.

Mr Collins: Mr Chairman, it has occurred to me at this point of the committee stage that perhaps the government would have been very sensible to swallow its pride and do the same thing with this bill that it did with the Mining Bill.

I would like to rise in support of the honourable member for Nightcliff. However, it is my opinion that the first part of the government's amendment is an improvement on the honourable member for Nightcliff's amendment: the insertion of words 'in the opinion of the visiting medical officer'. As the honourable member for Nightcliff has pointed out, and I believe she is absolutely correct, the term 'medical supervision' does not put into effect what the honourable minister wants to put into effect: that a medical practitioner will be physically present.

I have fairly strong views about this subject because a number of years ago - and certainly I am not disclosing the circumstances under which I saw it - I saw a black and white 8mm movie film of a person being force-fed. I have never forgotten it; it is an absolutely horrific spectacle. I do not know how the operation is performed these days but, in this film, the person had his head stretched backwards over the backrest of a chair and a metal funnel had been inserted over the top of his tongue down his throat. A semi-liquid mixture of soup or stew was being forced down his neck and he was gagging on it. I certainly have very mixed feelings about force-feeding because there is considerable documentary evidence to show that this particular procedure has been used as a method of torture in prisons around the world, not just in the banana republics but also in democratic societies such as the United States of America where there are many documented instances.

As the members for Nightcliff and Fannie Bay have pointed out, where a person starves himself to point of death, he would certainly be a person requiring psychiatric assistance of some sort. However, could I suggest once again that this clause be deferred and that the government's amendments 178.52 and 178.53 be retained but we amend 178.54 by the insertion of the word 'direct'.

Mr Dondas: I cannot accept that advice from the honourable member for Arnhem. We have picked up what the honourable member for Nightcliff was endeavouring to bring to our attention in amendment 178.54. If I could elaborate on the honourable member for Arnhem talking about people having their necks on the back of chairs and funnels being stuck down their throats, I would presume that the type of force-feeding that we are talking about in this particular piece of legislation would be intravenous feeding. The honourable member for Stuart was telling me a few moments ago that he was in hospital for a couple of weeks and that was how they kept him alive. It is up to the medical authorities to decide the best way they would be able to keep a person alive.
With regard to a question that was raised by the member for Fannie Bay, my parliamentary draftsman advises me that suicide and attempted suicide is a felony so the authorities are permitted to take such steps as are necessary to prevent the felony at common law.

Mr Collins: So you don't need the clause.

Mr DONDAS: You do need the clause because otherwise we will have the honourable member for Nightcliff saying that it is not being done under medical supervision. We agree with her that it should be. I do anyway. I suggest that the chairman put the question that the amendments be agreed to.

Mrs O'NEIL: I will take up 2 points of the minister because he is getting himself into more trouble than he was to start with. He has just pointed out that we do not need the clause because suicide is unfortunately a felony. Secondly, I refer to the method of force-feeding. I have made inquiries about this. Perhaps the Minister for Health, if he takes any notice of his health portfolio, might also inform his colleague that, while intravenous feeding of mixtures is definitely likely to happen in earlier stages, it is not really force-feeding. There comes a time when force-feeding consists of inserting food in some form or another by a tube into the gullet of the person concerned. There is not really an intravenous option although I suppose we would all like to think that there was.

Mr COLLINS: Does the minister agree with the principle that a medical officer should be physically present when this operation is being carried out? If he does, then he should insert the word 'direct' into that clause. Medical supervision can indeed be carried out from some considerable distance. If he agrees with the philosophy that a doctor should be physically present, then I would suggest he make a formal amendment to that clause to insert the word 'direct'.

Mr DONDAS: Mr Chairman, I would be quite happy for you to put the question. If a prisoner in Berrimah or Alice Springs got to the stage where he was under medical supervision for force-feeding, I would imagine he would be pretty far gone and should be in hospital. Why would we have to insert the word 'direct'.

Mrs LAWRIE: The minister has spoken a great deal about his philosophy. I presume he means his government's philosophy. I am totally confused by his present philosophy. He seems to be agreeing that, when a person has to undergo this force-feeding, medical supervision is necessary and should be present. If he does agree with that, how can he then object to the formal amendment of the word 'direct' ensuring that such medical supervision of which he appears to approve is in fact enshrined in the legislation?

Mr DONDAS: To go through the exercise once more, the amendments ensure that the particular prisoner who comes under the auspices of that particular clause is cared for and that is what we have to take into consideration. I believe that this particular clause and its amendments do that job.

Amendments agreed to.

Mr ISAACS: I move a formal amendment that the word 'direct' be inserted between the words 'under' and 'medical' in the clause as amended.

Mr DONDAS: I will accept that formal amendment in order to appease the committee.
Amendment to amendments agreed to.
Clause 78, as amended, agreed to.
Clauses 79 to 83 agreed to.
Clause 84:
Mr DONDAS: I move amendment 178.55.
This amendment gives more flexibility than the current wording.
Amendment agreed to.
Clause 84, as amended, agreed to.
Clause 85:
Mr DONDAS: I move amendment 178.56.
This clause ensures that articles made or produced by the prisoner out of property of the Northern Territory, in particular articles made by prisoners during regular working time, can be sold and the moneys obtained from their sale can be used for the purchase of hobbycraft, garden, industrial or educational material to be used by prisoners or former prisoners both inside or outside a prison. Articles made by a prisoner during his leisure time can also be disposed of by the director and any money obtained after deducting the value of the materials can be held in trust by the director for the prisoner. The amendment will permit the use of money obtained from the sale of items produced by prisoners to be used also for educational facilities.
Amendment agreed to.
Clause 85, as amended, agreed to.
Clause 86 agreed to.
Clause 87:
Mr DONDAS: I invite defeat of clause 87.
This clause was proposed to ensure the director could establish terms and conditions about the use of amenities by prisoners. Discussions with the Department of Law reveal the clause is not really necessary and that the director has this power in any case.
Clause 87 negatived.
Clause 88:
Mrs O'NEIL: I invite defeat of clause 88 with a view to inserting a new clause 88 which deals with prisoners' attendance to religious duties.
This matter was raised by the honourable member for MacDonnell in debate and I think the minister misunderstood the objections he had to the clause as currently worded. The problem that the member for MacDonnell sees is in the possible interpretation of the words 'to attend religious services and other
religious activities'. This would exclude activities such as prayer at a particular time of day which would not be understood if 'attendance' was interpreted in its usual sense as 'being present at'. The new clause will ensure that a broader interpretation would be allowed than the one which is implied in the existing clause and certainly by the heading of part XXIII which specifically refers to services. There could well be religious activities which are not services.

Mr DONNAS: I don't think that I missed the point. However, the government will support the new clause.

Clause 88 negatived.

New clause 88 agreed to.

Clauses 89 to 91 agreed to.

Clause 92:

Mr DONNAS: I move amendment 178.57.

This clause ensures that the director shall allow prisoners any exercise prescribed by the visiting medical officer as well as any additional exercise the director thinks advisable. The amendment ensures that prisoners shall have the exercise prescribed by a visiting medical officer and any additional exercise authorised by the director.

Amendment agreed to.

Clause 92, as amended, agreed to.

Clause 93:

Mr DONNAS: I invite defeat of clause 93 with a view to inserting a new clause.

This clause gives the power to the director to give instructions regarding the running of the Northern Territory prisons. The new clause makes it necessary for any determination made by the director to be in writing and it also establishes that determinations made, under this subclause, can impose duties on an officer or a prisoner or confer privileges on a prisoner. The new subclause also makes it a requirement that the director publish such determinations in the manner he sees fit.

Clause 93 negatived.

New clause 93 agreed to.

Clause 94:

Mr DONNAS: I move amendment 178.59.

This clause places an obligation on the director to ensure that every prisoner coming into a prison is informed of his rights and responsibilities and his duties under the act and the regulations. The honourable member for MacDonnell, while agreeing that this clause is necessary, made the point that it was also important to ensure that reception prisoners understood their rights, duties, responsibilities and liabilities. He suggested that there may...
be a need to provide interpreter facilities for Aboriginal, migrant or illiterate prisoners. The honourable Leader of the Opposition also made a similar type of comment.

In my reply, I stated that I thought that it was important that the prisoners understood what these duties, rights, responsibilities and liabilities were upon admission to prison. However, I did point out that it would be quite difficult to provide sufficient interpreter facilities to cater for all possibilities.

The honourable member for Nightcliff suggested the government invite defeat of clause 94 and substitute her amendment that the director shall ensure sufficient numbers of copies of the act and regulations to satisfy that the reasonable requirements of prisoners are available at all reasonable times in the prison library or any other place that is open to prisoners and that copies of the act and regulations be available for perusal at all reasonable times by prisoners not able or not allowed to visit the library or other place. The amendment proposed by the government ensures that the director shall have a prisoner informed in a general way of his rights, duties, responsibilities and liabilities under the act and regulations.

Mrs LAWRIE: I have no objection at all to the amendment to clause 94 for which I was going to seek defeat but shall not seek defeat. I intend to move my amendment which will be to substitute a new clause. I want the minister to listen with some attention because what I am going to say is quite relevant. I approve of his proposed amendment and it has my backing. Clause 94 talks about what the director shall do upon a prisoner's reception into a prison and, as amended, it will be that, in general terms, the prisoner will be informed of his rights, duties, responsibilities and liabilities under the act and regulations. That has my full support but it is only dealing with what is happening when the prisoner is received. This is a fairly traumatic event for the prisoner and it is most unlikely that he will remember other than in the most general terms anything that was said to him at that time.

Mr Chairman, I am suggesting that my amendment would be clause 94A.

Mr DONDAS: After serious consideration, I would like clause 94 to stand as printed so that we can defeat it and then we can accept the honourable member for Nightcliff's amendment 173.9 when she proposes it. I seek leave to withdraw the amendment 178.59.

Leave granted.

Clause 94 negatived.

New clause 94:

Mrs LAWRIE: I move amendment 173.9.

This inserts new clause 94 which ensures that a sufficient number of copies of the act and regulations to satisfy reasonable requirements will be available at all reasonable times in all reasonable places. I appreciate the support of the honourable minister for this amendment.

Mr ISAACS: I just hope we realise that now, when a prisoner is received, he does not receive any general information at all.
Mrs LAWRIE: The prison procedures are not dealt with in quite that way. It can be done by regulation: 'Upon receipt in the prison, the prisoner will receive the information'. I believe that it is more important for the prisoner to have access to the act and regulations at all reasonable times.

Mrs O'NEIL: The member for Nightcliff is doing a good job of looking after the literate prisoners. It is not going to help the illiterate ones very much and I think that, if only the minister could have kept his amendments plus accepted those of the member for Nightcliff, everybody both literate and illiterate would have been better off.

Mr COLLINS: Mr Chairman, I am at a total loss to understand why the minister withdrew a perfectly good amendment. I would like an explanation why the amendment was withdrawn because now there is no requirement to tell them anything at all.

I suggest that further consideration of new clause 94 be postponed.

Mr DONDAS: The honourable member for Arnhem expressed a certain amount of concern that this new clause is really only going to look after those people who can look after themselves. The member for Nightcliff is quite right as it fulfills the responsibilities and liabilities under the act and the regulations. I do not know what he is worried about.

Mr COLLINS: Mr Chairman, on behalf of the considerable number of people in my electorate who cannot read or write, I would suggest that the original clause 94 was proper and the amendments of the minister were quite supportable. For the life of me, I cannot understand why he has withdrawn it because it would have in no way affected the honourable member for Nightcliff moving her new clause. I suggest that it is good and proper to have a requirement in the bill that people should be informed in general terms of what their requirements are when they enter a prison. I believe the minister's amendments to that clause are perfectly good amendments.

Mr DONDAS: I do not want to labour the committee's time. It was not an error; it was taken after due consideration of the needs of that particular section. I would be quite happy to postpone further consideration of the clause in order to clarify this with officers and to ensure that everybody is quite happy.

Further consideration of new clause 94 postponed.

Clause 95:

Mr DONDAS: I invite defeat of clause 95.

Clause 95 negatived.

New clauses 95 and 95A:

Mr DONDAS: I move amendment 178.60.

These new clauses specify that a prisoner serving a term of imprisonment of more than 28 days may earn remission in accordance with the regulations relating to remission and good behaviour. They also give power to the minister to grant partial remission to a prisoner where the prisoner exhibits bravery, heroism or other conduct meriting such a partial remission. This applies.
whether a person is a prisoner or on parole. Finally, the clauses will give the director the power to grant a period of further remission of no more than 7 days per year of sentence under such circumstances as the director sees fit. The purpose of this latest section is to allow for discharge before Easter and Christmas, to allow early discharges for people whose parents or relatives are dying and for other special reasons. The original clause appeared clumsy and, after consideration, we are inviting defeat to make a determination specifying the amount or amounts of remission that may be granted to a prisoner at any time. This proposal gives much more flexibility to the minister who may vary under certain circumstances the rate of remission for a prisoner or classes of prisoners. The same remissions apply as previously proposed in that a prisoner must be serving a sentence of more than 28 days and the remissions can apply to people whether they are in prison or on parole. The minister also has the power previously granted to him to grant remissions for special circumstances such as heroism, bravery or other reasons.

New clauses 95 and 95A agreed to.

Clause 96:

Mr DONNAS: I move amendment 178.61.

The clause refers only to people who are not prisoners and thus any breaches are heard in court outside the prison according to the undertaking that I gave to the House.

Amendment agreed to.

Mrs O'NEIL: I move amendment 174.21.

The purpose of this amendment is to ensure that a person may not loiter in the vicinity of a prison after having been directed not to do so. There seems no point in making it such a serious crime that fines up to $2000 may be imposed simply for loitering in the vicinity of the prison when there may be no reason for a person not to loiter in the vicinity of the prison. Obviously, once the person is directed to move and does not do so, that is a fairly serious offence and that would be the effect of the amendment.

Mr DONNAS: I have a problem here. The clause specifies an offence that a person who is not a prisoner might commit in relation to the operation of the act. The honourable Leader of the Opposition felt that clause 1(c) was superfluous. It appeared to him that a person should not be considered to be loitering until he has been urged to move on. The honourable member for Nightcliff also supported the honourable Leader of the Opposition's attitude and she recommended amendment 173.18 be omitted. I gave an undertaking in the House in my reply that we must maintain this clause as a security measure in order to be able to prevent people encroaching on a prison property. It is to stop people approaching the walls of prisons with the intention of throwing either weapons or other illicit materials over the walls to be picked up by prisoners that would cause damage to themselves.

Further consideration of clause 96 postponed.

Mr ROBERTSON: Mr Chairman, I think it might be in the interests of the legislation that we postpone further consideration and move on to something else. I move that the committee report progress.
AVIATION AMENDMENT BILL
(Serial 415)

Continued from 20 February 1980.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 9 agreed to.

Clause 10:

Mr STEELE: I move amendment 179.1.

This is just a minor drafting change.

Amendment agreed to.

Mr STEELE: I move amendment 179.2.

Clause 12(b) originally defined 'prohibited inter-Territory operations' where these are part of interstate services. The amended wording is aimed at tightening the definition to secure it from legal attack.

Amendment agreed to.

Mr STEELE: I move amendment 179.3.

This new clause provides for the minister to determine licence applications and to enter into agreements relating to his decisions. In addition, the minister may determine that the licensee has exclusivity over defined RPT routes.

Amendment agreed to.

Mr STEELE: I move amendment 179.4.

The clause, now to be omitted, is included in clause 12B and relates to the minister's power to enter into agreements.

Amendment agreed to.

Mr STEELE: I move amendment 179.5.

This clause, now to be omitted, is included instead in 12B and relates to the minister's power to grant exclusivity over RPT routes.

Amendment agreed to.

Mr STEELE: I move amendment 179.6.

This amendment provides for the word 'timetable' to be deleted in favour of the words 'frequency and capacity'. This is necessary because the Territory has no legal power to issue approved timetables. This power remains a Commonwealth prerogative. To ensure that these issues are fully examined and
approved by the Territory, the substitution of 'frequency and capacity' will be an effective alternative.

Amendment agreed to.

Mr STEELE: I move amendment 179.7.

This is a minor correction to delete 'section 14' and substitute 'sections 14 and 17'.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 13 agreed to.

Clause 14:

Mr STEELE: I move amendment 179.8.

This amendment inserts a new section 17B relating to the responsibility of the minister to apply to the court for an injunction. This clause will afford the Territory the opportunity to quickly take action against any offender under the principal act in advance of or instead of moving directly to prosecution.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

MINING BILL

(Serial 423)

Continued from 23 April 1980.

Mr COLLINS (Arnhem): Mr Speaker, I will not speak at length on this bill for the simple reason that, as has been pointed out by both the minister and myself, the bill does not differ philosophically to any great degree from the original bill which was withdrawn from the House. There is very little point in going over again all of the provisions that the bill encompasses. The bill before the House is the result of an enormous number of amendments to the original bill. I do feel it necessary to take up some of the comments, and one in particular, of the honourable Minister for Mines and Energy when he spoke on this matter.

The honourable Minister makes a practice - and I dare say that he has good political reasons for doing so - of attempting to paint any word of caution or any note whatever of delay sounded by the opposition as resulting from the Labor Party being, to use his words, 'an anti-mining party'. I hope that it would not be necessary to refer the minister to the speeches I
have made in the House on this very subject of mining, particularly the subject of mining on Aboriginal land and the examples we have in the Territory of successful cooperation. I do take considerable offence at this continual attitude of the Minister for Mines and Energy on this very point. I would like to point out once again that the opposition of the Labor Party in this House to the procedures adopted was not directed at all at the Mining Bill itself or the amendments that were so necessary, but to the way in which the proper parliamentary procedure of this House is treated by the government. We have just had another perfect example of the mess they make of it.

The original Mining Bill was the subject of a considerable amount of work on my part and subject of a considerable amount of research and amendment by people whom I consulted. I received from the people who were advising me a literal raft of amendments. It reached the point where I explained to the minister that I could not see how, with the resources at my disposal, I would be able to draft amendment schedules to deal with them. Of course, the minister saved me the trouble by dealing with them himself.

In no way can it be construed that this opposition opposes the bill. We support it, as we supported the original bill with all its failings and faults, on the broad philosophies that it contained. In fact, I remember a headline in the Northern Territory News, of all papers, to that very effect. What does concern me about this bill currently before the House is that there has not been time for me, as the minister knows full well, to subject the bill to the same scrutiny that I gave to the original bill. I think the minister would be the last one in the House to say that that original bill should have been proceeded with. What concerns me as the opposition spokesman on mining is that there may very well be similar failings in this new piece of legislation before the House.

I make this explanation because the opposition will not be moving any amendments whatever to this bill during the committee stages for the very good reason that we do not oppose any of the broad philosophical concepts contained therein. Our only objections were to the horrendous number of legal problems that were thrown up by the original bill and may well be contained in the current bill. Had the minister dealt with this bill in the manner that it should have been dealt with - time for proper consideration of this completed bill should have been given - as I did with the original, I would have obtained advice from experts in mining and perhaps their assistance in the scrutiny that I myself would have been able to give it over a period of at least a month. That could well have resulted in a better piece of legislation to safeguard, regulate and assist the mining industry of the Northern Territory. That is the sole objection that, the opposition has to this piece of legislation before the House.

As the minister knows full well, should there be failings in this piece of legislation before us now, because very few people apart from the minister and the people consulted by his department have had time to consider this substantial piece of legislation and because it is going through under a suspension of Standing Orders in a single sitting, those failings may well have to be a matter for the courts to pick up later on. This would be most unfortunate because, again as the minister knows, there are few pieces of legislation in any state in Australia which attract more litigation than mining legislation. That is an indisputable fact. It would be unfortunate if this piece of legislation has to be corrected in that manner. It may be necessary. I can assure the minister that I will be seeking advice on this piece of legislation even after the event so that, if it is necessary to correct any possible errors in this legislation, we may be able to do that at a subsequent sittings of the Legislative Assembly.
I conclude by reiterating again - and I don't particularly enjoy labouring the point or being tedious but it doesn't seem to make any difference how many times you say it; it doesn't seem to sink through to the Minister for Mines and Energy who obviously has as much trouble in that regard as his colleague, the honourable the Minister for Community Development - the opposition in this House is not, as the minister suggests, an anti-mining opposition at all. We believe that the rules of this parliament are put there for a very good reason and that the suspension of Standing Orders should only be carried out in the most important circumstances. As the minister knows full well, there is adequate provision in Standing Orders for dealing with urgent bills. As do all members of the opposition, I dislike operating this parliament without any rules which is what the suspension of Standing Orders involves. I certainly dislike such a substantial piece of legislation which, with 392 amendments to a 190 clause bill, is a substantially revamped piece of legislation in a legal and legislative sense. It would have been the proper course for the government to have allowed this piece of legislation the time for proper scrutiny. With those remarks, the opposition supports the bill itself.

Mr TUXWORTH (Mines and Energy): I guess I can take the honourable member for Arnhem's remarks in 2 ways. The first one would be that he agrees with the contents of the bill and the second one is that he does not want it to go ahead right now. For the honourable member's benefit, I would just like to go over again the point of consolidating this particular piece of legislation. It will be unnecessary to go through the committee stages as we have just done with the Prisons Bill. It has always been the intention of myself and my colleagues with legislation of this sort to obtain as much consultation as we can from the community, particularly the people who will be involved with the operation of the legislation every day.

For that reason, we introduced the legislation on 30 September last year and let it lie for 2 sittings. We went to a great deal of trouble to obtain advice and comment from all people who had a contribution to make and we had quite an open mind about where we obtained it. We listened to everybody and compiled a sheet of amendments. The 2 courses open to the government with the amendments were to introduce them and go through them one by one, as we have done this afternoon with another bill, or to point out that they are really technical amendments so far as we are concerned. We do not have any dispute amongst ourselves. Our approach was to consolidate the amendments into one bill, suspend Standing Orders and put the bill through in a session and achieve the same end.

I am not particularly concerned one way or another whether we do it piece by piece or whether we consolidate it. If the honourable member had said to me earlier in the session that he was not happy about it, we could have gone back to the principle of doing it clause by clause. In all fairness, I think it is reasonable to say that the honourable member for Arnhem was aware of this legislation and our proposals as far back as 21 March. I am pointing out that the honourable member was approached on 21 March and advised of our intention. I approached the honourable member for Fannie Bay and advised her of our intention. It is not as though there was any conflict. All they had to say was that they did not like it and we could have done it clause by clause. What am I to assume, Mr Speaker? So far as I am concerned, he changed his stance when the bill came into the House and said he does not like the suspension of Standing Orders. Am I to assume that that is a pro-mining stance? There is no logic or reason in what he is saying. I can only assume that he has an anti-mining stance because that is the one that comes through loud and clear. What other logic is there for delaying the bill at all? I am not going to pursue the issue. So far as I am concerned, the right things has been done by all parties and, if the honourable member feels put out about it, I am sorry.
I would like to conclude my remarks by making a comment of gratitude to many people who have been involved in this legislation since 1975 or 1976 when it was first mooted. There is one particular gentleman in the Department of Mines and Energy who has virtually had the thing under his wing all that time. I refer to Mr Higgins and I am particularly grateful for his efforts because he has been untiring in so far as consultation and communication with the wider community is concerned. There have been many officers within the department who have helped and I am very pleased about that.

The drafting section has been very cooperative. The difficulty with compiling legislation of this nature is that it takes so long that you generally finish up with 2 or 3 draftsmen pouring over it in the course of time. However, we have maintained continuity and we have maintained the theme of the bill so far as its proponents in the Department of Mines were concerned and that in itself is very satisfactory.

Mr Speaker, there were people in the community who were constructive, helpful and cooperative in the forums and debates we held and in the statements and submissions that were made about the legislation. I am only too pleased to say that their contribution was most productive. The member for Arnhem suggested that, if we had considered the legislation for another 8 weeks, it would have been perfect and we would not have had any reason at all in the future to amend it. I take the view with all the legislation that I handle that it is always helpful to review the whole thing after the first 12 months in order to iron out any mechanical flaws or problems. I take the same approach with this bill. I believe that, after 12 months, we should review the legislation from the point of view of the consumers, the department and any other parties that have a vested interest in it. I would be only too pleased at the end of that period to consider any amendments that the member might like to put forward as a result of his considerations.

I thank honourable members for their contributions to this bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ADJOURNMENT

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

This morning, I tabled a petition on behalf of 72 citizens of the Narrows area of Darwin and I rise now to speak on their behalf. Their complaint is over the use of their suburb, which should be a quiet, orderly, residential neighbourhood, as a major arterial traffic thoroughfare. In the years I have spent as their representative in this House and as a minister of the Northern Territory government, trying to correct this situation on behalf of the residents of the Narrows has been the toughest assignment I have ever taken on. The petition quite clearly calls on ministers of the government to cause the owners of the Oasis Shopping Centre and the Darwin city council to take action that would make life more pleasant in the Narrows.

A monumental and unfortunate town-planning blunder caused the Narrows to become an island suburb. The Narrows has been an unfortunate shortcut between Bagot Road and the Stuart Highway for too long. Traffic in volumes well in excess of what would normally be expected in a residential area just pours through this suburb. My main concern is that the children on the way to school
are in constant peril. In a recent survey, I found that 230 vehicles used Narrows Road 5 days a week between 7.00 am and 9.00 am.

The petition has asked for the banning, on a restricted or permanent basis, of left hand turns into Narrows Road. Most of this traffic leaves the Narrows via Shear Street onto the Stuart Highway. Another suggested solution takes us to the other end of the Narrows where the Oasis Shopping Centre is located. Some years ago, the Town Planning Board failed, in granting a lease for this property, to prevent through traffic over that private property and into the Narrows. This problem is at its worst in the afternoon peak periods. Surveys in August last year showed that some 40 vehicles traversed the Narrows from this direction in each of these peak periods. The spokesman for the Oasis Shopping Centre had displayed precious little sympathy for the feelings and welfare of local residents. They have erected a boom gate to prevent through traffic in the morning - a hopeless non-solution. There are motorists who, from time to time, have readily found ways around it while motor cycles and small cars can cheekily slip beneath it. The gate is open during the afternoon peak period. No end of remonstration and negotiation has managed to stop this and so journeys through the Narrows, many at excessive speeds, are unfortunately regarded by some of the motorists as their right. The second suggested solution is to completely close off access on a permanent basis. There should be no gate at all but a continuous impenetrable fence.

Mr Speaker, problems concerning the Oasis Shopping Centre go further. I suppose it takes the name 'Oasis' because it is surrounded by a lot of dusty red earth and about 3 coconut palms. That might define 'Oasis'. The owners have miserably failed in their obligations under the lease to properly landscape the area and to seal their carpark. The result is that the traffic I have referred to constantly whips up dust which pours into and through all the homes in that vicinity. Litter from this shopping centre is yet another of the problems.

This is not the first petition concerning these matters. Incredibly, it is the fourth. The first of 2 to the Corporation of the City Darwin was lodged 3 years ago. That and the second, 17 months later, achieved absolutely nothing. The next was to myself as the member for Ludmilla and it ran into blank walls with every turn. What seemed at one stage my last resort was to introduce a private member's bill to change the provisions of the Oasis Shopping Centre lease. I was strongly advised against this.

I believe that common sense can eventually prevail in this matter. The residents of the Narrows are almost at their wits end in believing that a resolution will finally occur. I warn the company and the authorities involved that they must provide a solution in rapid time.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I have 2 consumer matters to raise in the adjournment debate. I was pleased to hear the minister state in reply to a question this morning that date coding of perishable foodstuffs will be introduced in regulations under the Weights and Measures (Packaged Goods) Act by this government. I ask the minister when he is going to do that. It has taken me 12 months to get the regulations for the Motor Vehicles Dealers Act. I hope the regulations for the dating of perishable foodstuffs will not take another 12 months. I pointed out in this Assembly 2 years' ago, when we had the debate on the Weights and Measures (Packaged Goods) Act, that it was customary in other states to use regulations under that act to enforce the dating of perishable foodstuffs. The government at that time ignored that suggestion. I do not think the minister replied to it at all and 2 years has since gone past in which the consumers of the Northern Territory have not had the benefit of that information on the perishable foods that they buy.
Only last week, one of my constituents brought to me an example of why this is necessary. It is a package of coffee beans which was purchased in Darwin last week. The alert consumer noticed that there was a pen mark which has been put on the package which obscured the 'use by' date on the package. When that mark was removed with a solvent, it was discovered that the 'use by' date was November 1979. That date had been deliberately obscured and those coffee beans were being sold in Darwin in April 1980.

I will not say where the parcel was bought because I do not know whether it was the shop concerned which put that mark on, whether it was the Darwin distributor or whether it was the southern distributor. It is a well known fact that southern distributors have capitalised on the fact that we do not have legislation up here by dumping on the Northern Territory market goods which would otherwise be out of date in other states. I hope that we do not have another long delay before we benefit in the Northern Territory from dating regulations. I hope the minister will ensure that is undertaken as a matter of urgency.

The other matter I want to speak about today is the Darwin Gymnasium which has operated in Darwin for some time. I understand it was run by the Tregoning Trading Company. However, I am now told that business has ceased operation. It had the practice of charging people an annual membership fee of $100 which entitled them to use the facilities of that business for 12 months.

Mr Collins: They didn't get my $100.

Mrs O'NEIL: They didn't get the member for Arnhem's $100. I don't think we need to be told that; it is fairly evident. The problem is that other people did pay $100. Darwin Gymnasium was accepting $100 from people until quite recently. On 15 April, it accepted $100 from one person and, on 20 April 1980, it accepted $100 from another person to use the services of that place for 12 months. The next day, on 21 April, it went out of business.

Mr Speaker, it is very hard to believe that the management of that Darwin Gymnasium did not know on 20 April that it was in financial difficulties when it entered into that contract to provide services for that person for 12 months. I am not a lawyer and I would not like to say that it is fraud but it has been suggested to me that it is. Certainly, the company has apparently breached its contract with those people in accepting the payment of $100 to provide services which it is no longer providing and which it did not bother to advise anybody that it would not provide. It is a legal decision as to what shall happen. Certainly, the matter has been brought to the attention of the Commissioner for Consumer Affairs who is investigating it. I understand it has been brought to the attention of the Companies Office and I know members of the police force are aware of it because some of those unfortunate people have paid their $100 within the last few months and now will apparently lose it.

I bring it to the attention of the Assembly because, while we all accept that the failure of any business is unfortunate for those people who run it, the business people must accept their responsibilities to the people for whom they are providing a service. They must realise that they cannot just close their doors and leave their clients in the lurch and break their contract. I further bring it to the attention of the Assembly because it is most important that, if there are more people, and I am sure there are, who have lost money in this way, they be urged to visit the office of the Commissioner for Consumer Affairs so that officers can properly investigate it and find out exactly the extent of the problems and so that appropriate action can be taken.
Mrs PADGHAM-PURICH (Tiwi): This evening I would like to speak in support of the petition that I presented on behalf of 39 people in the rural area. Some of the signatures on the petition represented families so it was in excess of 39 people. These people in the rural area were objecting to the conveyance allowance being reduced to 7 cents per kilometre. The honourable member for Arnhem has spoken on this before. The people who collected the signatures for this petition started some time ago. It has been rather difficult collecting those in the rural area because of the state of the roads and the distance apart of people. This is why it has taken quite a deal of time from the time they started until today when I presented it.

I would like to present some information to the House in support of my reasoning that this 7 cents per kilometre is ridiculously low. Public servants have a conveyance allowance of 11.3 to 18.1 cents per kilometre depending on the type of car. They receive this allowance when they are working using their own car or when they are on holiday. The public servants receive 11.3 to 18.11 cents per kilometre but parents of children receive only 7 cents per kilometre. Recently, I had occasion to read a publication from the Education Department. They seem to send out so many that I cannot keep track of all the titles but this particular one mentioned that teachers on leave in other states could avail themselves of hire cars, cabs and taxis through certain official channels. The teachers are able to avail themselves of this means of conveyance while the parents of these children only receive 7 cents per kilometre.

It was put to me that this 7 cents per kilometre barely pays for the petrol. It is a flat rate and it does not vary with the number of children. It does not take into consideration the deterioration or the insurance costs of the car at all. If any honourable member has driven over the roads in the rural areas in the wet, he would be aware there would be quite a bit of deterioration of vehicles taking children to school. In fact, some people down at Acacia Hills area, which is about 33 miles down the highway and about 8 miles in, could not take their children to school some days because of the bad conditions of the road. This was repaired, to a certain extent, by the Department of Transport officers when I made representation to them.

If these children are to be considered isolated children, they must live more than 16 kilometres or 10 miles from a government school or 4.5 kilometres from the nearest regular transport to school. That is the definition of an 'isolated child'. I will take the Acacia Hills people as an example. I will not speak about the people down Adelaide River way and further down who send their children to Batchelor because I have more information about the people at Acacia Hills. They live more than 10 miles from a government school. Their nearest school would be Berry Springs and they certainly live more than 4.5 kilometres from the nearest regular transport to school. It seems to me that these children could be considered isolated children.

I have worked it out. Sixteen kilometres from school means a round trip in the daytime of 32 kilometres. At 7 cents a kilometre, that comes to the grand total of $2.24 a week that the parent could be allowed to take their child to school. Assuming that each term is a term of 12 weeks and there are 36 school weeks in the year, that brings the total to $80.64 which is the sum allowed to a parent who takes his child to school. Compare that sum with the sum of roughly $1,000 for a receiver which the child could be entitled to if the parents wanted to avail themselves of correspondence classes for the child. That is $1,000 for a receiver to the Education Department. As well as that $1,000 that this receiver costs the Education Department, the child would have to be supervised by one or either parents. Perhaps the
parent may not have the time or the necessary qualifications to supervise the child's schoolwork. If the parents avail themselves of correspondence classes for the child, that entails more public servants on the payroll of the Education Department and more work for everybody. Do not forget that we are considering the sum of $80.64 per year.

A further thing to be considered is that, if the child goes away to school as an isolated child, the return fare to Adelaide for a child is $204.70 and they get an allowance of 3 trips a year which again brings a further sum of $614.10 into consideration. If we add that to the $1,000, it adds up to quite a bit. Compare it again to the $80.64 that the parent is getting. I will not labour the point any more but it seems to me to be ridiculous in the extreme, when it is compulsory for parents to have their children educated, to only give them the miserly sum of 7 cents per kilometre conveyance allowance.

The second subject on which I would like to say a few words this afternoon is a continuation of what I said yesterday about caravan parks and the apparent lack of communication between tourists and the Tourist Commission in the Northern Territory. Yesterday, a tourist from Katherine turned up at the Darwin Rural Caravan Park. This morning, Mrs Gorman, who is a co-manager and co-owner of the Darwin Rural Caravan Park, asked a tourist if there were many tourists on the road. He said that there were hundreds - he might have even said thousands but I will be conservative. She said: 'Where are they?' He said: 'We were told there were no tourist facilities in Darwin so these tourists have left their caravans in Katherine. They have travelled up here by car and they will be availing themselves of hotel accommodation'. As I said yesterday, that does not give the tourists with caravans a very good view of Darwin.

Mrs Gorman rang a tourist agency in Katherine and she was told that this particular tourist agency had received no figures for this year from the Tourist Bureau up here. It was operating on last year's figures. It has no up-to-date caravan park information for the Darwin area. It was told that the caravan parks were full and so this tourist agency in Katherine has been advising the tourists with caravans that there is no accommodation for them in Darwin.

I rang the Tourist Bureau at an inconvenient time and I was unable to obtain information. As far as I am concerned, that is where the matter rests. I think it is a very unsatisfactory state of affairs when everybody is saying that tourism is a great industry for the Northern Territory. It seems that there is a gross lack of communication between this particular tourist agency and other people connected with caravanning up north because they do not know the true picture of caravan park accommodation in Darwin.

I heard also today that a very odd situation has arisen. Perhaps it is not irregular in one sense but it seems to me a bit irregular in another sense. The Health Department is inspecting the places in town where people have caravans on their private premises. They are adding insult to injury to the acknowledged caravan parks by issuing certificates of compliance to these places which indicate that they fulfil all health standards. These people with 5 and 6 caravans, by the very fact that the Health Department is saying that they are quite healthy places by the issuing of certificates of compliance, may erroneously believe that everything is okay and that they can go ahead and keep their caravan park.

It seems to me that the people who invest a lot of money in caravan parks should be considered. I understand there was a meeting some time ago between officers of the Department of Health, the Lands Branch and the Tourist Bureau. They may have had a couple of meetings. It seems to me that it is well after
the time that these groups of people ought to get their act together because we must support private industry, especially small private industry, because that is the backbone of the Northern Territory. Unless these people receive a bit of constructive help from officialdom, I cannot see them setting out to do what they would like to do and what we as a government would like them to do.

Mr ROBERTSON (Gillen): Mr Speaker, I will not keep the House more than a minute. I have listened to what the honourable member for Arnhem has said in particular to the petition which the honourable member for Tiwi has presented in relation to the conveyance allowance. Before proceeding with that, I might advise the honourable member for Tiwi that, if my arithmetic is different from hers, one of us needs remedial help. The department does provide that as well as arithmetic. Nonetheless, I do take the point in principle. I will be having a meeting with my officers in the morning on this subject and I will report to the House at the first possible opportunity as to what adjustments the government can make.

Mr COLLINS (Arnhem): Mr Speaker, let me assure the honourable Minister for Education that the honourable member for Tiwi's arithmetic is wrong. The member for Tiwi did pre-empt me. I was going to discuss this matter at some length this afternoon. I also have been collecting figures. I will not discuss the subject now because there is little point. Since the minister has given that assurance to the House, I accept it. It did seem to me to be again a question of lack of communication, I suppose, when you have a government which is introducing legislation to encourage small farmers and to encourage people to live on the land on the one hand and cutting isolated children's allowances in half on the other. Certainly, it would be ridiculous for anyone to think for a minute that 7 cents a kilometre is a sufficient amount of money. To cut the allowance in half at a time when the costs of running a motor vehicle are escalating through the roof and when the government has a stated policy of encouraging people to live on the land is quite ridiculous.

I would like to raise again the matter of the condition of the Umbakumba Road. Certainly, if parents of children in Umbakumba had to transport their children to the school at Angurugu, $100 per kilometre would not be too large a sum of money to pay them for travelling along that road. I have travelled along that road during the last wet season. Umbakumba is, without any doubt, the most isolated community in the wet season in my electorate, I would suggest very strongly to the Chief Minister that, if the government were to spend more money on upgrading the Umbakumba Road rather than the Bartalumba Bay Road, it will receive a great many more thanks from the residents of Umbakumba than it received from Mr Kailis.

The road is in a disgraceful condition as it is every wet season. I took photographs of the road which arrived back today. As a matter of fact, I am having prints made of them at the moment and I will give those to the minister tomorrow. When the road is cut during the wet season at Umbakumba, that is it. There is no other access. There is no usable airstrip at Umbakumba. I do not want the minister to misunderstand me. I am not advocating that there should be an airstrip; I think the money would be far better spent on upgrading the road because it is such a short distance comparatively from medical assistance by road.

To stand on the road, as I have done every set season for the last 3 years, and to consider the quite horrific problems that would occur in a medical emergency at Umbakumba is quite horrendous. Because it has been raised in this House before, I know the minister is aware that such things have happened at Umbakumba in the past — transporting seriously injured people along that road.
at night and having to carry them across in waist-deep running water from one side of the bogs to the other in order to transfer them from a vehicle on one side of inaccessible areas of the road in order to get them to medical help. The residents of Umbakumba, the Aboriginal residents of Umbakumba, the school teachers of Umbakumba, the medical team at Umbakumba have great reason for trepidation every wet season. They have their hearts in their mouths at this time of the year when the road goes out and communication is cut between Umbakumba and Angurugu.

The erosion of the road again this year has been quite severe to the point where the road again was cut off for considerable periods of time. It was again necessary to transfer people from one side of the bogs to vehicles coming from the other end to pick them up. I was bogged on the road and the road in places is cut by huge gullies that have washed away the road surface.

The community does have a particular problem. Communities such as Maningrida, Oenpelli and any number of others that I could name always have the option of an airstrip. It is not the question of food supplies or social exchanges between Umbakumba and other places that concerns me greatly; it is the medical emergency aspect of the isolation of that community. In the past, they have managed to get away with it on a number of occasions by the skin of their teeth but there certainly will come a day when that road will cost someone's life by being cut off during the wet season. I hope the minister, once again, as he has on past occasions, will take the road into consideration for some major upgrading.

The other subject that I wish to discuss is one that touches on my responsibilities for education. The honourable member for Tiwi and I have covered the question of the cutting of the allowances for transporting isolated children. Another matter has come up which is of some concern, I would imagine, to the Chief Minister in his capacity as local member for the area concerned. I have a letter from Casuarina High School dated 22 April 1980. I will read this letter. It is directed to parents involved:

As you would probably know, this school has set up remedial classes to provide individual help for students with special educational needs. Such classes need to be small enough for the teacher to be able to help each student as soon as he or she finds that they cannot go on with the work independently. This provides good learning conditions for these students. To maintain these classes at a workable size, we must have enough teachers. Last term, with the staffing permitted by the Northern Territory Department of Education, we were able to make all remedial groups workable. This year, because of staffing reductions, it is not possible to provide the good learning conditions for remedial classes. We are keeping the department aware of this situation and the pressing need for additional remedial teachers. Where it has been possible your child has been placed in smaller classes to get the help that he or she needs. At present...

There is a gap to insert the name of the pupil and there 'is in a class of'. The following categories are listed: 'art, craft, English, maths, music, physical education, science and social science'. There is a space in front of each category to insert the number of pupils who are attending these classes and, in most cases listed, exactly double the optimum number of pupils are in these remedial classes. The letter goes on to say, 'your child should be in a class of', whatever the figure happens to be, 'to get the maximum value out of these lessons. If you would like to discuss this situation with me, please feel free to call in at the school or ring me at any time on 27-3155. Perhaps you would be interested in attending a future meeting of interested people to talk the matter over. It is signed by the principal and dated 23 April'.

3147
The second letter, dated 22 April, is directed to the Secretary of the Department of Education:

Attention: the Director North.

I attach for your information a copy of a letter that is being sent to parents of students in our survival skills classes. For your further information, I have to advise that this matter was brought before the executive of our school council on 16 April. The members of the executive, some of whom have had some experience with the educationally disadvantaged, expressed their immediate understanding of the problems and, further, their surprise and dismay that the provision of adequate staffing was not forthcoming. They are in full support of action being taken by the staff of the school to obtain additional staff. I sincerely hope that we might have your support for additional staff and that this request does not become another prolonged matter of submissions and delay. I believe, for example, that some of the funds flowing from the Commonwealth grant for transitional education could be attracted to this area. The minister, Mr Fife, has indicated that this is an area which could be considered for project funding. Perhaps you could nominate an officer who could assist us, if it seems necessary, in the provision of such a submission. Thank you for your attention.

It is signed by the Principal of Casuarina High School. Honourable members may recall that, not only did I ask the honourable Minister for Education a question the other day regarding allowances paid to parents of isolated children, I also asked a question on the disposition of the very funds that the principal is referring to in this letter. I had some qualms about the way in which they were being disposed of. It does seem perhaps that the matter might need some review in the light of this quite serious problem raised by this very responsible officer.

I must say also that I consider the principal a very brave man in penning these letters on behalf of his pupils because the track record of the department in respect of employees who write letters of this nature in staunch defence of the educational requirements of their pupils as they see it is not particularly inspiring. I well appreciate that that may be a debatable point but certainly many people within the Education Department perceive that, if a principal is prepared to stand up and fight for the educational requirements of his school as he sees it and even cast aspersions on the department, he is likely to be summarily transferred from his position as a matter of discipline. I therefore must take my hat off to the Principal of Casuarina High School for being concerned enough about this problem to attack it in such a forthright manner.

I have no hesitation, for obvious reasons, in discussing this in the Assembly because these documents are very public indeed. Unfortunately - and I mean it quite sincerely because the honourable minister beat me to my feet - the minister cannot speak on the debate again this afternoon but I look forward to hearing some comment from him on this matter tomorrow.

Motion agreed to; the Assembly adjourned.