MACS PARK BLAZE: ANY VICTIMS COULD HAVE SUED GOVERNMENT. Report by ERWIN CHLANDA.

Would the NT Government have been liable for damages if members of the film crew and tourists trapped in the recent Western MacDonnells National Park bushfire had been killed or injured?

A spokesperson for the government claims it would not have been, but the question can't be dismissed that easily, says NTU law lecturer Meredith Day, when asked by the Alice News for a comment.

While not speaking specifically about the fire (Alice News, Nov 27), she says the government, like any occupier of land, has duties towards people on it.

In addition, there could be possible legal action for negligence or breach of statutory duties, but "policy, budgetary and financial considerations can come into whether or not a duty of care is owed in a particular situation".

A 15 year old girl, Nadia Romeo, sued the Conservation Commission, the forerunner of Parks and Wildlife, after falling six metres off a cliff in the Casuarina coastal reserve and becoming a paraplegic.

Ms Day says the action, which went all the way to the High Court, failed. The courts, while finding the authority had a duty of care, took the view that "it was too much to expect a government to fence all of the coastline of the Northern Territory".

"Where do you stop?"
"People have to be reasonable in their expectations."
Ms Day says: "It depends on what, if anything, can be done.
"What is it the Government could have done, should have done, but didn't do?"
"What would a reasonable person have done in response to a foreseeable risk?"
"There has to be a foreseeable risk of injury.
"The particular danger has to be foreseen."

The government could have done quite a lot, it seems, when these principles are applied to the West MacDonnells fire.

It had been burning for some days before the film crew and the tourists were trapped, luckily escaping death and injury.

The bushfire danger, a result of high fuel loads following several good rainfall seasons, had been predicted about two years earlier.

There are well known precautions Ð mainly "prescribed" burning.

The parks service says it did not have the resources for comprehensive precautionary burning, with only nine rangers in the park.

But there were some 80 more staff in the region, including 40 at the nearby Desert Park.

Above all, the "West Macs" park could have been closed earlier than it was.

Says Ms Day: "Once the fire was burning the question would have to be asked, would a reasonable land owner have closed the park?"

"That's an obvious measure that is cheap and immediate, and the gravity of the risk was high.
"If they let people go into the park knowing that there was a fire burning in there, that could have been very serious indeed."

GROUP DUMPS DESERT PROJECT.

Minister for Central Australia Peter Toyne has expressed his disappointment in the Institute of Aboriginal Development's decision to withdraw from the Desert People's Centre consortium, but says he remains confident in its
IAD says there has been "increasing tension" with the other consortium parties — Batchelor Institute and the Centre for Appropriate Technology.

IAD claims aims of the Memorandum of Understanding were "being deviated from".

IAD cites as its reasons the continuation of culturally appropriate delivery of education and language; the relationship of trust between Aboriginal people and IAD; and IAD’s responsibility for holding cultural property as trustees.

SEA CHANGE FOR TOWN PLANNING. COMMENT by ERWIN CHLANDA.

It was a bit like the moon landing: a small step for Kon Vatskalis but a giant leap for town planning.

The Lands Minister, using his powers under the Planning Act, last week told the Development Consent Authority (DCA) not to allow former wine maker Denis Hornsby to create a subdivision containing blocks smaller than the statutory minimum of two hectares.

There was a huge collective sigh of relief from people in the town's rural area: a rotten system had clearly reached its use-by date.

For more than 10 years, dozens of "blockies" had written hundreds of submissions, held countless meetings, spent thousands of dollars and fronted the town planners on several occasions.

They were fighting to protect the character of their neighbourhood, and their lifestyles, from the effects of Mr Hornsby's various development schemes.

The common objective south of The Gap had always been the integrity of the block size requirements, enshrined in the town plan, governing the population density in the rural subdivisions.

Yet time and again the blockies had to fight to protect their chosen environment.

Some battles they won, some they lost.

Prominent amongst the defeats was an application for five small blocks adjacent to the winery, approved by then Lands Minister Max Ortmann.

It caused an unprecedented controversy that raged in Parliament and the media for months.

Mr Ortmann later made a name for himself by strangling a journalist, on national television, before fading into obscurity.

Mr Vatskalis' decision last week, which has the full support of Opposition MLA for MacDonnell John Elferink, did more than just fix a single problem: it heralded a sea change in the administration of land in the Northern Territory.

Former alderman Daryl Grey once said that under successive CLP governments, town planning was the "last great chook raffle".

It was an opportunity for the movers and shakers to do a buddy a good turn. It was the back room, nasty, greedy end of politics.

A nod and a wink could make the difference of a few hundred thousand dollars for developers.

The system was D and still is, until changes come in D heavily stacked in their favour.

But the last raffle ticket has now clearly been sold.

Early next year a public review of the Planning Act and the drafting of a new NT Planning Scheme will get under way, a key undertaking by the Territory's first Labor government.

Under the microscope will be the big, bottom line issues:-

Should town planning become a local government function, as it is in other states, and as the councils around the NT have been demanding for years?

Should exemptions from zoning provisions be granted only if there is a public benefit?

Or should they also be given if a developer just wants to make a fast buck, while his scheme is flying in the face of people with a reasonable interest?

Should the decision-making process be transparent?

Should changes to the town plan be subject to an orderly and open process or should there continue to be avenues for ad hoc and arbitrary decisions?

Should there be a third party appeal right?

At present, if an applicant doesn't like a decision, he can appeal.

There is no such right for objectors.

They can take the issue to the Supreme Court but it cannot make a decision on the merits of a planning decision.

The court cannot deal with questions such as was the decision fair? Was it in the public interest? Did it reflect the
wishes of the majority? Did it make sense?
In the five blocks application approved by Mr Ortmann, Mr Hornsby had claimed that the development had no neighbours.
In fact it clearly did: its entire 200 metre southern boundary was shared by a two hectare block owned by an objector.
Mayor Leslie Oldfield presented a letter of objection signed by about 80 people.
It was counted as just one objection by the Planning Authority at the time, headed by Jim Robertson, a former CLP Minister.
Yet when these issues were put before the Supreme Court by objectors, they found that under NT law the court couldn't pass judgement on them.
All it could judge was whether or not the administrative processes had been followed properly.
The court found they had been, and the case was lost.
In all this Mr Hornsby has become something of a bogeyman of real estate development.
In fairness to Mr Hornsby it needs to be said that he was just exploiting the opportunities offered by the system.
His latest application is a great example of how it works.
His winery is five hectares.
That means Mr Hornsby is entitled to subdivide into two lots, neither of them smaller than two hectares.
Mr Hornsby asked for four blocks.
The DCA was obliged to receive the application.
The DCA advertised it for two weeks, inviting submissions from the public. Very few people saw the newspaper advertisement but neighbours noticed the pink signs on the fence.
A by now well established network sprang into action, producing 19 objections in the very short amount of time allowed.
Mr Hornsby was given access to these objections.
After the deadline for submissions had passed, the DCA received 14 expressions of support for the application. These late submissions were accepted.
Although objectors get an opportunity of addressing the DCA at a hearing, they were denied access to the 14 submissions in support, and so had no chance of commenting on them. At this stage the objectors, people with job and family obligations, had studied the application, conferred with fellow residents, in some cases attended a meeting of the Alice Springs Rural Area Association (ASRAA), written an objection and sent it off.
Their reward, if they succeeded, would be blocking an unreasonable threat to their lifestyle.
The reward to the applicant if he succeeded would be a very large amount of money.
NEXT: On November 28 the futile ritual of the hearing unfolds.
[Declaration of interest: The author of this comment is a rural resident, a long time member of the ASRAA and an objector to Mr Hornsby's application.]

BLACK TRAINING SCHEME: NOT SHAME THEM? Report by ERWIN CHLANDA.

Tangentyere Council will not disclose the attendance records of 20 Aboriginal building trainees in an 18 months program receiving $1.2m in government funds.
The program, with a target participation of 24 people, will cost $50,000 per person to bring them to a level where they can enter a "full apprenticeship".
At the moment 20 are employed and program manager Peter Strachan says it is planned to employ four more next year.

He says three of the 20 trainees who started in July this year have left.
The four working in Laramba (an excision from Napperby cattle station) have the strongest attendance record of "nearly 100 per cent".
But Mr Strachan says he will not disclose the attendance records of trainees in Hermanns-burg, St Teresa, Yuendumu and Papunya because he does not wish to "shame" them, except to say that the record "varies strongly".
The trainees in each community are working with a tradesman.
Currently five houses are under construction, the one in Hermannsburg nearing completion.
The target is to complete 12 houses by the end of June 2003.
Centralian College in Alice Springs is also providing training.
The houses are being paid for Ð under additional grants Ð by the Indigenous Housing Association of the NT. The $1.2m budget comes from the Federal Department of Employment and Workplace Relations, ATSIC and the NT Government. Mr Strachan says after six months participants have reached 25 per cent of competency in the Level Two course.

ALICE'S ALLAN GETS TOP AWARD.

Alice Springs cinematographer Allan Collins has won the country's top prize in his field, the Australian Film Institute's Best Cinematography Award for his work on Beneath Clouds, directed by Ivan Sen.
The award was announced on Saturday night at a gala presentation, televised nationally.
It follows Collins' victory at the IF awards, voted on by the public, also for Beneath Clouds.
Collins had also received a nomination for the Film Critics Circle of Australia awards.
In a triumph for Indigenous film-making talent, Ivan Sen was awarded Best Direction for Beneath Clouds at the AFI, and renowned Top Ender David Gulpilil, Best Actor in a Leading Role for his work on The Tracker.
Indigenous themes were also acclaimed, with Rabbit Proof Fence taking out Best Film, and Aussie Rules, Best Screenplay (adapted from another source).
(See Alice News, Oct 30 for KIERAN FINNANE's report on Collins' work and aspirations for cinema in the Territory.)

FEDERAL POLICE PROBE VOTING ALLEGATIONS. Report by ERWIN CHLANDA.

The Australian Federal Police says it has received "certain allegations in relation to voting irregularities within elements of ATSIC" but would release no further details.
A police spokesman says the reports had come from the Australian Electoral Commission (AEC).
This follows allegations of vote buying and other misconduct in Central Australia during the recent ATSIC elections (Alice News, Nov 13).
Meanwhile the AEC's Bill Shepheard has written to Russell Bray, who was elected as a councillor of the ATSIC Alice Springs Region, and who has made a complaint to the AEC.
In his reply to Mr Bray Mr Shepheard says: "You allege that certain candidates for the ward of Alice Springs (Ms Eileen Hoosan, Mr Daniel Forrester and Mr Des Rogers) promised potential voters food, alcohol and money in exchange for their vote."
Mr Rogers was elected and is now the chairman of the Alice Springs ward. Mr Forrester is his deputy.
Mr Shepheard says: "These activities allegedly took place over a period of time during the election period."
"In particular, you mention the Ms Hoosan was seen offering food in return for votes on Thursday 10 October 2002, and Mr Forrester was heard to offer money and beer in exchange for votes on Monday 14 October 2002."
RULESMr Shepheard quotes ATSIC election rules and says: "A person must not, with the intention of influencing or affecting any vote of another person, give or confer or promise or offer to give or confer, any property or benefit of any kind to that other person."
"As these allegations appear potentially [to] fall within the behaviour described É the AEC will consider these allegations further," says Mr Shepheard.
The Federal Police would not name the people against which it has received allegations.

Just plonk it down anywhere. COLUMN by STEVE FISHER.

If there is anyone out there who reads this column regularly, you may have noticed that Queensland has a big influence on the content. I am certain that this will change once I have experienced more of the delights of other places, such as South Australia, for example.
In fact, a man recently invited me to Adelaide by extolling the virtues of the local finger food. This is not an enticement to make me phone McCafferty's for a standby ticket on the next bus south. But I'm sure that there are many more attractions to South Australia than the sausages on sticks.
Queensland is full of surprises. A few weeks ago, I went to Machans Beach. Supposedly a dog-eared suburb lurking
just off the end of the Cairns airport runway, Machans is actually a unique community with shovel loads more character than the more salubrious beach locations farther to the north.

While I was there, a street party was held to unveil a work of public art. The design was a concrete slab about three metres across. Equally spaced around the outside were five poles, each one around four metres high.

Each pole had a different texture to represent the elements of earth, atmosphere, water and another two (it was dark). The artist stood up to make a speech in which she pointed out that she was an installation artist and that her work was not "plonkart", but a place where people could come and "interact".

Plonkart. There's a neat expression. On the one hand, there's art that you put somewhere and people come and look at it. Like statues of famous people with pigeon do-do on their head.

And on the other, there's art that offers space and interaction. To someone whose pinnacle of visual creativity was a game of noughts and crosses in 1983, such a concise summary of different types of art was a valuable advance in my knowledge, to say the least.

And, like all good summaries, it gives you the chance to sound worldly when talking about art to other people who know even less than you do.

Sitting in Machans Beach, inspired by the slish-sloshing of the waves, the soothing sight of the planes coming in to land, the wide night sky and two mouthfuls of light beer, I started thinking about my own community of Sadadeen.

What if we organized some community public art and had a street party to open it. Would anybody come along? Would anybody even care? Would we have to schedule the event to fall outside AFL games and hospital dramas on TV?

In Machans Beach, one of the elder citizens made a short speech about how the place had changed since he was born in a humpy on the beach. We could do that too.

But then again, maybe I was getting a bit carried away. It's like when you go to someone else's Christmas Party. Everyone is cheerful and hugging each other and you wish that your own family or workplace were the same. But underneath, there are seething tensions and unhappy relationships, just like anywhere else. So why aspire to the imperfections of somebody else when you can have your very own.

Not only that, but the Alice already has inspiring examples of "non-plonkart". My favourite is the "Grand Circle Yeperenye" in the Cultural Precinct. Then there's the Silver Bullet CafŽ, a piece of interactive art in itself. And what about the big painting on the side of Coles, which might not be walk-through but it's interesting all the same.

Getting over-excited again, maybe we could add to these with public artwork about the afghan cameleers coming to Sadadeen? Or how about something themed on the struggle for harmony in an isolated and diverse town, located south of the Gap?

Gather a few people, a mellow atmosphere and a dose of creativity and before you know, Alice Springs could be chock-a-block with bright ideas that are far better in the imagination than in reality. Or works that are always in development and never arrive. Let's call it pipeline art.

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Outback bereft? COLUMN by ANN CLOKE.

In the Weekend Australian, November 23/24, Frank Campbell reviewed "The Ice and the Inland: Mawson, Flynn and the Myth of the Frontier" by Brigid Hains. The piece was headed "Outback, Out of Mind".

The review itself is excellently written, however the content and quotes, such as John Flynn's assessment that "the inland and the north is a permanent social catastrophe...[that] economically, apart from mining, it is as barren as it was in the 19th century", followed by the grand finale, the closing sentence: "Australians have never needed the outback less" left me feeling a bit bereft. They say that the truth hurts - whose truth? When it's there, in black and white, whether it IS the truth or someone's skewed version of it, it can cause pain, and it may be damaging. Is there still an air of the last frontier, the romance, mystique and magic out here or not?

Molly Clark, Alex Sherrin, Sara Henderson, Terry Underwood and most of my friends would say certainly - possibly
qualified by "and Territorians have to be tough, hard-working, strong spirited, gutsy, survivors". Every so often I work with Steve, outback photographer: his studio, apart from being filled with wonderful images, boasts hundreds of magazines, Outback and others, to which he has contributed over the years.

At a quiet time, I started to flick through a few. The red centre features regularly, whether it's articles about local identities, historical pieces, St Phillip's College, the Last Camel Train expedition, journeys on the Ghan, station life around the centre and up the track, natural events. It's evident that there is still a great fascination with this special part of Australia.

Tim Flannery, scientist, and author of the much acclaimed "Future Eaters" and other works, in his Australia Day address this year, lamented the fact that there is a growing gulf of misunderstanding between the city and the country. It was perceived by many of us living in the outback that in this, the Year of the Outback, many issues would be addressed, that there would be greater opportunities and better efforts to introduce the urban to the outback. We gravitate to cities every so often for a variety of reasons. It was thought that the matter of how to entice our city cousins into the country would suddenly resolve. In the "Outback" magazine (Aug/Sept issue) Tim Flannery reiterated that "people in cities have no understanding of the outback" and that there is a need to develop a positive population policy for the much under populated heartland, to be "based on recognition of environmental constraints of our land, economic needs and social desires of its people". It brings to question again how people living elsewhere, both in Australia and overseas, really do perceive the outback in general and the Northern Territory in particular.

Last Friday night my brother Norm, owner of Kwikcon, and Lee hosted a Christmas party for their employees, partners and friends on the Old Ghan.

It was a fabulous evening thanks to Norm, the Poole's and their staff and a super way to celebrate the spirit of Christmas in the "Year of the Outback". We have to hope, regardless of what the media dishes up, that when people think about taking holidays in 2003, they'll observe the catchphrase "see Australia first", and that a trip to the centre of the outback is foremost on the itinerary.

FAIRY TALE END TO DAY AT THE PARK. Report by PAUL FITZSIMONS.

Pioneer Park held a five event card on the weekend, fare welling veteran hoop Steven Burrows, who alas had to wait until the last race of the day to finally salute the judge, and look back on an illustrious career. The pipe opener for the day was the December Class Five Handicap raced over 1200 metres. From the jump top weight He's Tough and Bowen Special took each other on and kept the pace honest in the front running. Consequently Be Strong enjoyed the sit with newly returned apprentice Danielle Lockwood calmly waiting her time. In due course she took advantage of the running to hit the lead then kick again to hold off the strong finish by Bowen Special. Be Strong in starting at 3-1, got the nod by a short half head from Bowen Special at 4-1, with 5-4 favourite He's Tough Enough a further two and a half lengths away third.

In the second, the 1400 metre Summer Open Handicap, Palooka played the field at their own game by predictably going to the front and dictating the terms. The Anthony Player trained galloper had little pressure applied in the running and when 5-4 equal favourite Star Damsel drifted wide on the turn in sailing for home it was a matter of all over red rover. Palooka scored by a handsome four and three quarter lengths, from Star Damsel with 10-1 chance Itaipu picking up the third place cheque.

The 1400 metre Bulldust and Bough Shades Class Three proved to be made to measure for the 7-2 priced winner Sir Romeo. Ridden by Barry Huppatz for Kevin Lamprecht, Sir Romeo sat on the rails and allowed Gerrard to do the hard work at the lead. In time Gerrard ran out of gas, eventually tailing the field, which allowed Huppatz to make every post a winner, withstanding a spirited effort by 7-4 favourite Shadow Boxer by half a length, with a close up 9-4 chance Queen's Image filling the minors.

Dark Lindt probably displayed the performance of the day, winning the 1100 metre Todd River Class One Handicap. The Vince Maloney trained rising star missed the start and travelled towards the rear of the field for most of the race. Bottom weight Ilkara took up the running and at 20-1 odds gave his supporters plenty to cheer about. But when the race mattered Dark Lindt lived up to his 5-4 favourite price tag and ran to the line a two and a half lengths winner.

In third place was 7-2 pop Kenny's Idol who tracked Dark Lindt in the race to the line. For interstate jockey Adrian Robinson the win provided him with a riding double, having mounted Palooka earlier in the day. The finale of the day appropriately belonged to Steven Burrows. He was perched aboard the 8-1 chance Snow Key,
who was making her debut. The Greg Carige trained entry wasted no time in mixing it with the more experienced field when Burrows forged her to the lead from the outside barrier. The retiring hoop gave his charge the command at the 400 metre mark and she responded with a sound win by a length. Impressively the 5-1 chance Wolf Trap made up ground from the rear of the field in the run home to take second money. The well backed Sancay at 3-1 finished third.

RULES: TIME TO DECIDE! Report by PAUL FITZSIMONS.

Just as at AFL level, the off season for Australian Rules followers is not a time of hibernation in Alice Springs: Decisions have had to be made through the ranks by the Central Australian Football League. Rovers who were at the knife edge, held their AGM and came up with a committee for 2003 headed by Russell Naismith. The other club battling to survive were Federal and, at their second attempt for a quorum, they were able to amass the required numbers (15) and elect Robby Rolfe as President. The CAFL also held their AGM, interestingly without Souths being represented, and have signalled that a new Football General Manager will be appointed, along with a new look board significantly influenced by AFLNT appointments. The fact that Rovers and Federal have again elected committees and at this stage seem prepared to field A Grade, B Grade and Under 18 teams in the CAFL, may herald good. However one must still look at the reality of the situation within the CAFL, and its five club, three grade competition.

All the good intentions of a few loyal supporters of both Rovers and Federal may go down well in this the festive season, but the long hard grind from April until the end of September is still ahead. Many players in all clubs still (and will) play two or three games of a weekend to make up the numbers. There will still be precious few running the water and supplying the week in, week out support at the grass roots. And in this day and age it is not cheap to field the club colours at three levels. The challenge is huge! For the CAFL a $39,000 plus loss was reported for 2002. This was despite the fact that of a Saturday, for the Country League, the turnstiles clicked away in four figure numbers week in, week out. A summit was held early in 2002 to address the problems of the league. It came and went with no follow up. Many who know and love football, and appreciate the state of play in the Alice at this time are making the situation clear. Change is needed! But it seems for yet another year the status quo will be retained, with the Country League financially carrying the CAFL, while being whip lashed for violent behaviour and alcohol abuse. The traditional CAFL clubs will continue to flounder, and Sunday football will become another long, long season for most. The Saturday games will be the ones to watch, but will they still be treated as simply the dollar dazzlers? The time for meaningful change is well and truly upon our doorstep!

GETTING OUT OF UNIFORM. Review by KIERAN FINNANE.

The only thing close to a uniform in the Women in Uniform show at Araluen is a bridal gown. I was expecting something from the National Archives about women in the defence forces, but the "women in uniform" of the title are in fact Araluen's gallery attendants, some of whom will be showing you into the gallery where their own works are on display. That is the first pleasing thing about this show, the way it opens a door onto unsuspected creativity. The next pleasing thing is its beautiful hanging, which is also down to an ex-woman in uniform, Charmaine Kik, who has just started work as the visual arts technical assistant at Araluen. Kik has found clever ways to hang things on walls, making excellent use of a series-style presentation and of the gallery space itself. The works assembled are wide-ranging: the "wearable art" bridal gown by Brigette O'Brien; the delightful colours and patternings of beadwork by Megg Kelham; the idiosyncratic woven forms by Diana Stubbings; the well-realised, humorously suggestive ceramic sculptures of Sandra Lancaster (now ex-Alice Springs); the striking graphic qualities of paintings by Jeannette Cook; the black and white simplicity of landscape photographs by Effie Kordic (also a past resident).
To quote Vicki Hersey, who opened the show, the works are brought together by "a strong sense of texture and sensuality" and of "contemplation".

Another beautifully hung show has opened without fanfare in the adjacent gallery. Cloth Culture draws on textile works held in the permanent collections of the Alice Springs Cultural Precinct and makes the most of the large uncluttered gallery to give each work its own viewing space.

The Art Foundation's decision to purchase Anna Eggert's Renee, the gown missing its body, sculptured in stainless steel mesh and recently shown in the Alice Prize, has allowed a fortuitous more conceptual dimension to the exhibition.

Every piece here is worthy of a long and detailed look, from the dazzling mark-making and colouring of the silks by Aboriginal artists to the subtle patterning of Philomena Hali's Gossamer, which ripples like water in a sunlit pool as you stir the air on approach.

Curator Tim Rollason has also taken this opportunity to exhibit the prize-winning creations of the inaugural Wearable Art Awards held at this year's Alice Springs Festival, so if you missed that terrific event, here's your chance to see a sample.

Return to Alice Springs News Webpage.