NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

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PART I

THE DEBATES
Tuesday 3 May 1977

Mr Speaker MacFarlane took the Chair at 10 am.

DARWIN CYCLONE RELIEF TRUST FUND

Mr EVERINGHAM: I table the Darwin Cyclone Relief Fund reports for the months of July, August and September 1976. I do not believe that there are any subsequent reports.

Mrs LAWRIE (by leave): I move that the reports be noted and seek leave to continue my remarks at a later date.

Leave granted

Debate adjourned.

POISONS AND DRUGS BILLS

Mr TUXWORTH (by leave): I move that items of government business numbers 1, 2 and 3 relating to the Poisons Bill Serial 178, the Drugs Bill Serial 188, and the Prohibited Drugs Bill Serial 189, be postponed until Thursday morning of this week.

As honourable members will be aware, the Majority Party has been endeavouring for some time now to have these bills introduced as a matter of civic importance. On the last day of the previous sittings, I indicated that these bills would be introduced today. However, there has been a holdup with the printing of the bills and they will not be ready until Thursday. The holdup has been brought about in part by a change in policy in one respect and in another by amendments proposed by the Health Department. It was felt that these things should be included in one bill rather than have amendments floating around.

Motion agreed to.

WORKMEN’S COMPENSATION BILL

(Serial 171)

Continued from 3 March 1977.

Mr DONDAS: I rise to support the bill. It was instigated by the Government to conform with International Labour Organisation policy on standardising compensation for employees who die or who are incapacitated by diseases contracted during their employment. I find this amendment necessary if we are to accept the responsibility of having an ordinance to cover general injury by disease.

Upon studying the fourth schedule, I find it covers all the situations regarding contamination by dangerous substances which could cause distress in the event of an industrial accident or contamination. Clause 4 of the fourth schedule interests me because it makes provision for a mine worker to be compensated for any lung disease that he could contract during or because of his employment. The main purpose of this amendment, which is well overdue, appears to be to provide automatic liability against an employer where a worker contacts a prescribed illness or disease and has been engaged in a prescribed occupation. I support the bill.

Mr TUXWORTH: I would just like to stress a remark made by the honourable member for Casuarina concerning the importance of this bill to people who work in the mining field. As members of this Chamber would know, there is already in the Northern Territory legislation that provides for people who can be proven to have contracted silicosis in the Northern Territory to be catered for. However, one of the great difficulties in catering for these people over the years has been that establishing where and when a person contracted silicosis or tuberculosis has been extremely difficult. In some cases, it has been almost impossible to establish. Persons who moved out of the Northern Territory were never able to establish whether they contracted the disease here or had it before they came to the Northern Territory. Consequently, their claims for compensation have been disallowed or treated in a manner that was perhaps not fitting. I believe the proposals in the bill will enable the matter to be dealt with in a more humane fashion.

Debate adjourned.
NON-ASSENT TO NORTHERN TERRITORY  
DISASTERS ORDINANCE

Miss ANDREW (by leave): I move that this Assembly express its concern that the Northern Territory Disasters Ordinance passed by this House last December has not yet received assent and urge the Commonwealth Government to remove any obstacles to bring about the activation of this legislation as a matter of urgency.

In speaking to the motion, I would like to say that this is in no way a criticism of the actions taken last weekend by the committee which stood in the stead of the Counter Disaster Council. I would like to publicly commend the actions of the acting Police Commissioner and Mr Simmons who was acting in the capacity normally held by Mr Bob Phillips, that of Director of Emergency Services. The preparations which took place for Cyclone Verna were done quietly, without any emotionalism and they were done most efficiently. They led me to have great faith in the people concerned with preparation for the handling of disasters in the Northern Territory. However, these people were acting with virtually no legal backing. As it turned out, the fears that were held on Sunday night were not realised. By 11 o'clock on Monday morning, the whole operation was scaled down and even a white alert was no longer continued.

However, we had no legislation. As mentioned in question time this morning, the authority came from a letter written by the Minister for the Northern Territory to the Administrator. Now the legality of that authorisation can no doubt be questioned. Fortunately, it was not needed. It might have been; it could happen again tomorrow. Members of this House will recall the meeting which took place in here, with no lights, no airconditioning and very little of anything else, to ratify the action that had taken place in the week following Cyclone Tracy. We do not want to have to meet like that again and pass such legislation.

I assumed the responsibility legislatively for emergency services in about May of last year, some preparatory work had already been done by officers of the Department of the Northern Territory on this legislation. However, my first move was to implement discussions between the police, the Department of the Northern Territory and the Legislative Assembly and to prepare legislation. A review of all available state legislation, with special reference to Tasmania, was done and, in September last year, a set of principles for drafting was forwarded to the drafting office. This was done in full consultation with the officers of the Department of Northern Territory. They took part in the negotiations. Officers of the Department indeed prepared some of these principles. It was with full knowledge and consent of the Department that these principles of legislation were forwarded to the draftsman. We still do not have any legislation because it has not been assented to. The bill was passed in December 1976. On that occasion, I said that the bill was the result of long months of discussion and preparation by the Executive which had been concerned since the cyclone with the urgent need for disaster legislation so that actions would not have to be retrospectively legislated for as happened on 22 January 1975.

Since this ordinance was passed in December, officers of the Department of the Chief Secretary, officers of my department, the Director of Emergency Services and myself have been making constant inquiries about the ordinance. One government official referred to section 13F which gives the Director power to raise and train units and appoint persons as voluntary members of the emergency service. As I have already mentioned to the House, he said that the ordinance would not be assented to while such wide powers were extended to one man because it gave him an opportunity to raise and train his own army. This is the attitude of some officials towards a piece of legislation that could save lives because the organisation outlined in this legislation and defined by it could mean hastier action in time of disaster.
We discover now that they seem to have resolved their reluctance about section 13F. Now the problem is section 30 concerning compensation for personal injury. This legislation is in line with all state legislation. Surely, during that long period of negotiations between Christmas Day 1974 and December 1976, some officials somewhere should have discussed the compensation with the Treasurer. We are still waiting for the Commonwealth to accept responsibility in respect of the loss of life or injury to a person occurring while the person is engaged in counter disaster activity. Surely that is the whole crux of an emergency services bill. The bill was discussed in this House with special reference to that particular compensation section but we still do not have assent. I have personally appealed to higher officials of the Department of the Northern Territory, to Treasury officials, to the Administrator, to General Stretton and to the Department of Defence. Nevertheless, along comes a cyclone on 1 May and we still do not have legislation. The problems that arise as a result of this are very real for the people concerned in administration. Since Sunday night, I have had discussions with Mr Texter and Mr Simmons and they have expressed anxiety that, had Verna come, there would have been no legality. There is no definition in some areas of exactly the powers and responsibilities of the various people involved. Whilst all went smoothly because common sense was used by the people concerned, this may not have been so if mayhem had ensued as a result of a disaster.

There was no ratification of any of the plans. The plans existed but they had never been ratified. The council could not meet because it does not really exist until such time as this legislation is assented to. Possibly, there are certain points within those plans that could be vastly improved and round table discussions by the council could bring these out. Planning is being held up because of a lack of definition. The Director of Emergency Services has a responsibility to present all plans to the council under the new legislation whereas, under the old legislation, it was presented to the co ordinator. There is little definition of the regional areas. Finally, there is no definition of responsibility. When does the Territory co ordinator take over? Does he operate under the old plan or the new plan?

These problems are rather frightening and this has just been brought home to us over the weekend. Meetings were held left, right and centre on Saturday morning after the cyclone had reared its ugly head on Friday. Why could not these have taken place last January? People of the Northern Territory have been most fortunate that there have been very few cyclone scares this year. I am reluctant to say that I almost wish that there had been a couple. At least, it might have made people realise that, when you are living in an area prone to natural disasters, you need legislation to cover action taken and protect those people who are trying to protect the community.

I would like to draw your attention to a motion that I presented on 25 February 1976 regarding the non assent to the ordinance. In my remarks following the moving of this motion, I said "the Administrator shall declare according to his discretion". I ask members to note that the word "shall" and not "may" was used. This implies an obligation and a time limitation on that obligation which is defined in the words "upon the presentation of the ordinance". This is an emergency bill and we have waited during January, February, March and April; and we are now into May, I think that the contents of that motion should be borne in mind.

Dr LETTS: At the outset, I would just like to say that the wording of the motion does leave a little to be desired; I know it was done in a hurry. It seems to me that in the latter part of the motion, following the words "the Commonwealth Government", we should be saying either "to remove any obstacles to the activation of this legislation as a matter of urgency" or
"urges the Commonwealth Government to being about the activation of this legislation as a matter of urgency". The combination of the two phrases that are there is somewhat clumsy and ungrammatical. While other speakers are speaking to the motion, somebody might give attention to the words so that we can, in its final form, have something which will be in the records in a way we would like it to be. However, everybody in this Assembly sympathises with and agrees entirely with the spirit and the intention of the motion.

Let me say at the outset that the Administrator, I believe, has been un­tiring in his efforts to get some finality and assent to the ordinance. I imagine that the Administrator has found the delays quite embarrassing because he has always shown his keenness to act in the spirit of the motion which the Cabinet Member for Law referred to at the end of her remarks. Certainly the Administrator took his duties in relation to this recent crisis very seriously, to the extent that, at the weekend, he was unable to go to a very important engagement he had at Katherine. But some aspects of the events of the weekend resemble a Laurel and Hardy show. The calling together of the Counter Disaster Council on a couple of occasions, presumably to cope with emergency situations, is really quite foreign to what we intended the functions of that body would be in the legislation. Quite clearly the functions of the Counter Disaster Council is planning in the broad sense for the Territory. The functions are set out quite well in the bill: to lay down general guidelines and, where necessary, give directions to be followed by the director in counter disaster planning; and to examine and approve regional and Territory counter disaster plans. These are the functions of the Counter Disaster Council. It is obviously, from reading through those and other functions, a forward planning, advisory and review body. It is not the body which takes charge of an emergency on the spot as it occurs and thereafter. The ordinance sets up people to do that. Firstly, there is the Territory Co-ordinator, the Commissioner of Police, whose particular functions are to co-ordinate counter disaster activities during a state of disaster. Secondly, the Director of Emergency Services has a continuing role both in pre-planning and at the time of the disaster. These are the people, together with the Cabinet member for Law and the Administrator and the Executive Council, who have the action role in this situation. The fact that the machinery did not work is due in part to the fact that the legislation has not been commenced and in part to a misunderstanding of how the ordinance is put together and how it is supposed to work.

The Minister came here yesterday and he has now gone again. I commend him for having the interest to come here on behalf of the Commonwealth Government to see what was happening, even though I believe that he could have probably had some reassurance by virtue of some telephone calls yesterday morning before leaving that things were improving. But he came here. He made contact, as I understand it, with the Cabinet Member for Law, but he made no contact with me whatever. He came virtually unannounced; we had to hear it on the radio. The principal people who would be responsible for doing something if there was a crisis situation about us - that is to say, the Cabinet Member, the Territory Co-ordinator, the Commissioner of Police, the Director of Emergency Services - were all left in the dark about what was going on. Obviously, the Minister does not understand the machinery which we proposed to put into the law and did not know the people to whom he should have been talking. The chief point is that, whatever the reason, the Government has failed in its obligation to clear up problems which it may see, to negotiate with the representatives of this Assembly and to get this legislation off the ground. Last October, they wanted it in a hell of a hurry. It was brought in here treated as a matter of considerable urgency. Now they have sat around in typical bureaucratic fashion and have to be needled from time to time by ourselves or by the presence of a cyclone before somebody is prepared to take any action.
This is an extremely good illustration of government from Canberra. We have put up with this for years and years and this is particularly sad to see because the question of emergency services was supposed to be a transferred function as from 1 January. They will not give us the necessary machinery to make that function work.

I am glad that the Cabinet Member for Law referred to the earlier motion this Assembly passed dealing in general with the question of assent to legislation because it gives me the opportunity to also mention that, in respect of another transferred function - environment, national parks and wildlife - we have seen an extraordinary situation of delay by the Commonwealth Government. A bill which we passed 12 months ago, and admittedly amended a couple of times afterwards, has now been in their hands for well over 6 months. It creates the new Territory Parks and Wildlife Commission in the Northern Territory and gives us the machinery to discharge our obligations under the transferred functions.

On 9 March this year, I took the opportunity to see the Minister for Environment and Housing in person and to make very strong representations about the delays which had occurred in the assent to this bill. I was given the personal assurance of the Minister that they expected to be in a position to clear the way for assent within a couple of days. After a further 6 weeks nothing had happened although we had been inquiring weekly about the progress. I was going down to Canberra again so I sent a telex to the Minister's office. Back came a telex on 21 April, 6 weeks after the assurance had been given, saying "I am pleased that the way is now clear for us to support the Territory Parks and Wildlife Ordinance going forward for assent". The way is now clear. Just when we will get that assent, I suppose, will depend on Executive Council meetings. I will not believe it until I see it finally.

Both of these instances are completely disgraceful and certainly the emergency Counter Disaster Ordinance is more serious because it is something which could affect the lives of many people and the safety and well-being of the whole Territory. I support the motion.

Mr WITHNALL: I certainly support the motion and I rise to remark that I was not only astonished but completely dismayed to hear the answer given by the Cabinet Member for Law this morning. I was dismayed at the proposal that people should act as though the ordinance had been assented to. That is one of the most extraordinary concepts that I have ever heard. Since the ordinance has not been assented to, and since it is not law, the proposition apparently was that people should act without authority and that all the powers to be given to persons under the ordinance should be exercised unlawfully. I find that incredible.

However, my chief concern is to express again my dismay at the way in which the Commonwealth Government treats this Legislative Assembly and treats the ordinances which are made here. I complained at the last meeting about the Minister for Aboriginal Affairs who was so rude towards this Assembly as to say that, as far as his portfolio was concerned, only the laws that he wanted would be passed by this Assembly. However, the matter is far worse when one considers the history of the Counter Disaster Ordinance because one realises that it is a prime example again of the passing of so many opinions by the public service upon ordinances passed by this Assembly. This is the cause of the delay.

A most extraordinary thing happened in relation to a Crown Lands Bill which by the terms of the Administration Act must be reserved for the Governor-General's assent. When this Legislative Assembly passed a bill relating to Crown lands, the bill was sent to the Department of the Northern Territory so that department could consider whether or not to advise the Administrator to reserve it. This little exercise took about 6 weeks because the persons concerned happened to be in Brisbane at the time. Eventually, the persons in Brisbane said that the Administrator
could reserve the bill. When a bill is reserved, a much more frightening thing happens. It then goes around every department of the Commonwealth Government which could possibly be concerned about it. It does not go to the Ministers; it goes to the departments themselves. If there are any people to be employed under it, it goes to the Public Service Board; and if it involves the expenditure of any moneys at all, it goes to Treasury; if it is concerned in any way with industrial relations, it goes to the Department of Labour and Industry; and if it is concerned even remotely with the use of land, it will go to the Department of Primary Industry or some other department according to the land concerned. All these people do not receive the bill at the same time. It is shopped around and, if this is not a clear cut case of government and legislation by the public service, I do not know what is.

This Legislative Assembly has been completely ignored and treated as shabbily as it ever could be treated by the public service and by the Ministers who ought to know better. This is supposed, and I use the word "supposed" advisedly, to be a democratic form of government that we have here. It is not a democratic form of government as this instance now before this Assembly makes quite clear. It is a form of government by the public service. I do not even use the word "bureaucracy" because it is not the system, it is the people themselves. The legislature in the Northern Territory is completely under the hand of public servants in Canberra who know nothing about the situation here and who care less.

If this cyclone over the weekend had struck, it would probably have been a worse disaster than Cyclone Tracy because, on that occasion, everybody pulled together and got the organisation going. On this occasion, there would have been much more disorganisation because we had set up a system for the handling of this situation which, because of a number of public servants and a number of departments, just did not get off the ground.

The matter of assent to ordinances by the Commonwealth Government must be taken up most urgently by the Majority Leader and at the highest level. The fact that this Assembly's ordinances come under the scrutiny of so many unelected persons is a disgrace. I suggest to the Majority Leader that this is one of the most burning questions of the day. We should insist that, when bills leave this Assembly, they go directly to the Administrator and from the Administrator they go directly to the Minister concerned - not through public service departments, not through a number of public servants who are seeking to enlarge their own empire, and who enjoy telling people in the Northern Territory exactly what sort of laws they are going to have or not going to have.

There is a further matter that I would also like to draw to the Majority Leader's attention. This concerns what I regard as the most pernicious provision that any law relating to any constitution of a legislature can ever contain - the provision in the Northern Territory (Administration) Act that the Governor-General may refuse assent to part of an ordinance. That must be removed immediately. There is no precedent for this anywhere in the history of Westminster parliaments. That provision has been abused and one can fear that, in future, it may be abused even to the extent of not assenting to the word "not". It is an absurd provision and I commend to the Majority Leader the task of seeing it removed immediately.

I also commend to the Majority Leader that there should be some effort made to remove from the Northern Territory (Administration) Act another provision which enables ordinances to be sent back. If there is a mistake in an ordinance, it does not need to be sent back. If it is our mistake, we will acknowledge it and we will amend it ourselves. We do not need "big brother", we do not need a teacher to correct our exercises and send them back and say "Please do it this way". This is a responsible legislature and it is fully elected. It is about time
the Commonwealth Government woke up to the fact that it is fully elected, that it is fully responsible and is not to be charged with acting irresponsibly in the fashion which ministers and departments of the public service seem inclined to do.

I support the motion and I hope that the Honourable Majority Leader will take up what I have said with the Minister and with the Prime Minister and, as an urgent move, amend the Northern Territory (Administration) Act so that we can hold up our heads even amongst those people who particularly are looking to our downfall, that is to say the bureaucratic departments in Canberra.

Mrs LAWRIE: Probably all that needs to be said has been said by the former speakers, but I think it is important to indicate support for this motion along the lines that all shades of opinion in this Assembly need to say clearly to the Australian Government, and anyone else who is interested, that the non-assen...
is to provide for the training of counter disaster and civil defence personnel, the adoption of counter disaster or civil defence measures during natural or other disasters, and for other purposes. I find it disgusting that the Commonwealth Government cannot assent to a bill that is going to protect the rights of individual members of the community in the event of a disaster. The bill has a proper regard to those rights and the citizens of the Northern Territory need the assurance of this type of legislation and are entitled to it. Long months of hard work have been put in by Cabinet Members and other members of the community to provide this legislation and the machinery to enable the legislation to function. Cyclone Verna over the weekend proved that the machinery could be put into operation - yellow alert, white alert, radio broadcasts and so on. If they can prove themselves even before legislation is assented to, they must certainly be organised.

The legislation covers most contingencies; for example, Counter Disaster Council, a Territory Co-ordinator, a Director of Emergency Services, voluntary regional organisations, states of disaster and various other things. We must have this legislation if we are going to meet any day-to-day emergency which may arise. I call upon the Commonwealth Government to assent to this legislation immediately and to formalise arrangements which have been made since the bill passed through this house last December.

Other members have spoken on various areas pertaining to the bill. I am not going to go along the same line; I support the motion.

Mr ROBERTSON: In rising to support the motion, I note that all honourable members today have referred to the event or possible event of cyclones. I can understand how honourable members from Darwin think in terms of cyclones; certainly, anyone who was here during the 1974 one would not want to see a repeat of that event. But it is perhaps fortunate really this cyclone did show its ugly head off the coast of northern Australia and did catalyse this debate.

Mr Speaker, the types of disasters that we are likely to have in the southern regions are not so considerate as cyclones. It is difficult to detect a freak storm on radar. It is very difficult to detect a flash flood on radar. It is very difficult to detect a fire, an oil spillage, an explosion of a tanker or the spillage of a dangerous chemical, on radar. In other words, we do not get any warning at all. The fact that the cyclone was detected on radar sometime before it was expected to strike the Northern Territory coast allowed the Minister time to write his absolutely meaningless epistle to the Administrator and set a certain jumped-up mechanism into process.

If we in the south were to have a disaster, there would be no such lead-time whatever. That is why I find the prospects of the type of disaster we are likely to have in the southern area even more frightening than the prospects of a cyclone in the northern end. I would also remind honourable members from the northern electorates that a cyclone is only one of the types of disasters that they can face too. Darwin could share in any of those types of disasters which I have just outlined and without an operational mechanism. You too are not going to get any advance warning. You are not going to have the advantage of 2 or 3 days in which to act.

The net result would be a shambles and the awful spectre of exactly what happened in 1974: police officers from all sorts of places coming in and acting entirely illegally. That is what appalled all of us after the 1974 cyclone. It is the utter illegality of it that bothers me - people's rights of movement, their freedom, infringed upon by the state without any legal validity for those actions whatsoever. What if we had to get some sort of an ad hoc system going, and this would have been ad hoc, it would have had no basis of law whatever despite a letter from the Minister to the Administrator. What are
we expected as a legislature to do then? I suppose we would have had to do exactly the same as we were called upon to do last time: pass retrospective laws in respect of illegal actions or face the prospect of having our machinery, our bureaucracy, our police force, showered with writs of all kinds.

Perhaps, if it had happened, the most responsible thing that this legislature could have done would have been not to pass any retrospective legislation. Perhaps that sort of attitude will be the only way we will be able to get the message across to Canberra that we do not act flippantly or lightly in matters of legislation such as the Disasters Ordinance. It is enacted or ordained by this place to make provision in the event of an emergency. Perhaps this legislature should act as a "dog in the manger" on some occasions to get the message across to the community that these are serious matters and are not to be dealt with lightly. We have the mechanism under the act to have these pieces of legislation assented to and brought into operation. Not only are we risking imposing upon the community a series of illegal acts purported to have been done by the law, we are also asking that community to accept government by the public service. The legislation is there. It is no longer a bill; it is an ordinance of the Northern Territory. The only difference between it and formal law is a small matter of assent.

The areas of concern for this Assembly and the slights that have been dealt to this Assembly have been adequately dealt with by the member for Port Darwin, and I support everything he said. I support the motion and I support the Majority Leader's remarks, particularly those in relation to other pieces of legislation. Unless we take a stand on this particular one, the slights that have been perpetrated on the people of the Northern Territory will continue. I commend the motion and I urge honourable members also individually to bring their extreme displeasure to the notice of everyone from the Prime Minister down in the Federal Government.

Mr EVERINGHAM: I move that the motion be amended by deleting the words "bring about" in the fifth line.

Amendment agreed to.

Mr EVERINGHAM: Mr Speaker, you are not doubt approached by Cabinet Members from time to time with a request that you grant a certificate of urgency in respect of certain legislation presented by them to this House. It seems to me that these approaches to you are made in the best of faith and are usually made in respect of legislation which the Cabinet Member concerned would be presenting to this House on behalf of the Government. There have been a considerable number of requests for urgency from what I have heard and certainly there have been a good number of certificates of urgency granted. I may be wrong but I think a certificate of urgency would have been granted in respect of this piece of legislation because it was passed within a period of 28 days from its first presentation to this House. It was presented on 17 November and passed on 7 December so it would seem that you must have granted a certificate of urgency. We find ourselves in May 1977, five months later, haranguing one another and you, sir, with the
culpability of public servants in not having processed this piece of legislation sooner.

The second matter which I would like to draw to your attention - I know that the honourable Cabinet Member herself has already mentioned it in her remarks - is the resolution of this Assembly on 25 February 1976. I will read the last paragraph of that resolution:

Now therefore this Assembly resolves that the Clerk shall prepare with the least possible delay each ordinance made by the Assembly and shall forthwith present it to the Administrator in accordance with the Act; and in the event that the Administrator does not within a reasonable time declare his assent or otherwise, the Clerk shall notify Mr Speaker who shall, if the Assembly is sitting, inform the Assembly or, if the Assembly is adjourned, fix a sitting day in order that the Assembly may consider the matter.

Sir, I hesitate to criticise you, and certainly I must accept at least as much criticism as you because it had not occurred to me, between December and almost last weekend, to find out whether this particular ordinance had been assented to, but I feel that you may well investigate the position of other pieces of legislation at the present time pursuant to the terms of that motion which is more or less a standing fiat to you to act as watchdog on the swift passage of legislation from the Assembly through the assent stage and into force. Sir, I urge on you to consider with a great deal more scepticism applications for a certificate of urgency. I do not believe the Australian Government is being sincere when it makes these applications. I feel that we are being treated in a contemptuous fashion by the Government. I feel that it may well be a consideration that other members might like to take up, that the official responsible for delays should perhaps in the event of a repetition of lack of action of this nature, be brought before the Bar of this Assembly to explain his conduct or lack of conduct.

Finally, I do second most heartily the remarks of the honourable member for Port Darwin, although I do wish he would not get himself worked up into such a choleric state. I fear sometimes, at the height of his passion, that he will not be long with us; it cannot really be good for his heart at his delicate stage of life. He is a man who is very sincere in his desire to see real responsibility passed into the hands of the people who must wear the cap. It seems to me that in situations like this the people who have dragged the chain should be called on to explain themselves. One never hears of dismissals of persons for such laxity as has occurred in this situation. I would like to know what happens to these people that do nothing. Do they just keep on doing nothing for ever and ever? Mr Speaker, perhaps you could take up through your officials in the Assembly the investigation of what chastisement or punishment happens to the official who just lets a matter such as this, where human lives are endangered, go begging by default.

Mr SPEAKER: Honourable members, I, as Speaker, accept the blame for not complying with the terms of the motion passed by this Assembly on 25 February 1976. The Assembly itself might feel some guilt for not raising the matter at its March sittings. However, I would point out that, in relation to the presentation of ordinances generally, there is a difficulty in that prior advice is required from the Administrator as to his intention so that the correct certificate may be attached to the ordinance when it is presented. This a matter which needs to be resolved and I will discuss it with the Majority Leader with a view to devising a new procedure so that everyone may be informed when an ordinance is presented with or without result. I understand that this is the only piece of legislation outstanding.

Miss ANDREW: In exercising my right of reply in closing the debate, I would like to comment on a couple of remarks made by 2 of the honourable members. I thank members for their support of this
motion. I can assure the honourable member for Gillen that we have not simply been looking at the cyclone-prone top end in our concern about the assent to this legislation. All disasters come under attention of and are in the concern of the emergency services section which is of course in the Department of Law.

Regarding the matter of the Assembly not bringing to your attention, Mr Speaker, the fact that this particular ordinance had not been assented to, officers of my department and the Chief Secretary's department and myself have been untiring in the search for information regarding assent to this bill. We have constantly been assured that assent is really just around the corner and that no undue delays can be expected. For this reason, we have tended to live in more hope than was warranted. I thank members for their comments and I trust that Cyclone Verna plus the debate in this House will make somebody, somewhere, move.

Motion, as amended, agreed to.

BRANDS BILL
(Serial 168)

Continued from 16 March 1977.

Dr LETTS: I rise merely to say in the second reading that the Brands Ordinance is one which has served the Northern Territory faithfully and well for a long time. We have always had the advantage over many of the other states in that it is a statutory requirement to brand horses and cattle with a 3-letter brand. The origins of the bill go back to the early days of settlement when there were few fences and, in order to avoid disputes of ownership on boundary lines, some clear identification was required. It also relates to the days of droving. As recently as 20 years ago, nearly all of the Territory turn-off of 150,000 head moved down the stock routes, passing through many other stations in transit, and provided opportunities for the unscrupulous drover to build up the size of his travelling herd from the properties through which he passed. Because of these sorts of considerations, the Brands Ordinance was originally devised and it has served us well. Today, it puts us in the additional advantageous position of being able to use the system of branding for the identification of cattle for disease control purposes. Every beast going through the abattoirs has a Territory brand on it and any horse which is sampled for a suspected disease has a known brand on it and so the diseases can be traced back to the property of origin.

Having said those words in praise of the Brands Ordinance, we have found from time to time the need to amend it. I foreshadow that, in the near future, an additional amendment will be required because, as we found with the Stock Routes and Travelling Stock Ordinance, circumstances can change and make what was once a good piece of legislation somewhat absurd in the light of current circumstances. We found it necessary to change the Stock Routes and Travelling Stock Ordinance so that ponies travelling from a place in the suburbs or outer suburbs to a gymkhana a mile away did not have to be subject to the stockroutes and travelling stock permit system. With the great growth of equestrian sports in the Northern Territory, the placing of a three letter brand one and a half inches high on a foal which is only going to grow to a small pony size is rather disfiguring and somewhat unnecessary. It will be my intention to ask the Cabinet Member to examine this situation and bring in a further amendment so that special exemptions can be provided for other than station stock.

Mr POLLOCK: I thank the honourable member for his support. I can assure the House that this very matter is under some consideration by the branch. I too hope that, in the near future, we will see some action to bring the ordinance into line with the thoughts he expressed.

Motion agreed to; bill read a second time

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Bill passed the remaining stages without debate.

**PRISONS BILL**

(Serial 169)

Continued from 2 March 1977.

Mr POLLOCK: I rise to support this bill. It does provide a very important machinery alteration to the ordinance in its recognition of the Director of Correctional Services. In recent times, the appointment has been made and the office has been occupied. The bill before us covers only a small area of the operation of the prison service and it could deal with a great number of other aspects relating to the proper operation of that particular service. From my time as the Executive Member for Social Affairs, a number of officers of that branch did bring forward a number of matters in relation to the operation of that ordinance. I would hope that the work that was done then will be carried forward. I appreciate that there are some difficulties in relation to some officers who carry out this work. With the appointment of the higher position of Director, many duties which were carried out by the Administrator and the Executive Member responsible will fall to him and that will greatly assist in the general operation of the ordinance. However, there are still areas which can be further improved.

Mrs LAWRIE: I rise to support the bill and take up a couple of the points raised by the previous speaker and the sponsor of the bill. The first point is the cost, references to which we have heard twice in this House today, and the shortage of specialist staff to service these executives in the proper and correct revision of ordinances that already exist. The honourable member for MacDonnell has already spoken of the need to update the whole Prisons Ordinance and that is a need which all honourable members will recognise to be long overdue. It does seem that the Cabinet Members are being hampered in their efforts by a lack of parliamentary counsel specialists advising them, departmental staff in their own Executive. If this is so, I think it should be highlighted.

The administration of prisons in the Northern Territory, as the Cabinet Member mentioned in introducing this bill, is a history of disaster, of neglect, of being a century behind the times and the rest of Australia. This piece of legislation is at least one small step in catching up and making the Northern Territory appear to be on parity with what happens in the states. It is significant that, although it is a small amendment, at last we are going to have somebody within the system directly responsible to the Cabinet Member for the proper conduct of prisons in the Northern Territory, of the staff servicing those prisons, and of the legislation which enables the whole system to function.

The Cabinet Member spoke of various reports which were tabled in the Legislative Council dealing with this problem. The Ward Report, presented on 21 August 1974, was scathing in its condemnation of the system which has operated and which has meant that the person administering the prisons, a de facto Director of Correctional Services, although supposedly answerable to the Administrator, was in fact answerable to a number of Commonwealth public servants, although not himself required to be a Commonwealth public servant - in fact, he was supposed to be a Northern Territory public servant. However, the decisions taken at that time by a Northern Territory public servant, with direct responsibility to report to the Administrator, were constantly interfered with, overturned, ignored, put aside by a variety of persons in the Commonwealth Public Service. Their names are well known. I do not propose to repeat them because I do not think it is really necessary for them to appear in Hansard.

With this bill, we at last see a change in that ridiculous and iniquitous situation. We see someone directly responsible to this House through the Cabinet Member and who, hopefully, not only will push for the
updating of the physical prisons which are going to remain necessary for many years to come but will also, hopefully, be in a position to advise the Cabinet Member and to push urgently for a revision of the entire ordinance. In her reply, I hope that the Cabinet Member will say whether she is hampered in this worthy objective by a lack of specialist advice because it is the right of this House to know, and for pressure to be put upon the relevant Federal Government Minister to make such support staff available. I support the bill.

Mr ROBERTSON: At the outset, I would like to thank the honourable member for Nightcliff for her support. It is not often we hear it and it is very gratifying when we do. The point she raised in relation to expert assistance will be in the forefront of the consciousness of all honourable members. It is quite pointless to transfer executive functions unless we receive expert back-up for them.

There are a number of areas in this particular legislation which I would like to raise. Far be it from me to usurp the role of the absent Cabinet Member for Transport and Industry as the devil's advocate; however, it is rather extraordinary that we call gaols "prisons" and we call prisoners "prisoners" yet we call the director of this service "the Director of Correctional Services". When are we really going to accept the fact that gaols are punitive?

Mr Withnall: You could still whip them.

Mr Robertson: I would accept the honourable member for Port Darwin's words on this. If there was a whipping piece of legislation ever brought in, as Crown Law Officer in days gone by, he may have been responsible for it. Certainly, by his words, the honourable member scourges himself.

Mr Withnall: In 1884.

Mr ROBERTSON: I knew the member for Port Darwin was very ancient but I suppose cannot really attribute that particular statute to him.

The point is that the world society seems to be going over further into this pussy-footing around with the wrongdoer, with the person who transgresses against what is regarded as normal behaviour. We see words creeping into law such as "correctional services". For heavens sake, surely it is a prison first and foremost and a correctional institution second, the whole structure of penalties reflects that; and this is quite outside of the line I normally take.

Mr Pollock: You can say that again.

Mr ROBERTSON: The sergeant corrects me.

Having made that observation, I do support the legislation. It brings into being the recognition of the Cabinet Member's responsibility within the framework of correctional services. It is a recognition of the transfer of powers which have occurred and it is under her wing now that these functions shall be governed. There is one point I would like her to clarify for me. It is in relation to clause 10 which will amend section 22 of the principal ordinance. It is the clause which states that the director may cause all or any of the prisoners confined in a prison or police prison to be removed to any other prison or police prison. I am wondering how that is proposed to operate with people who are overnight prisoners and who have not yet been tried and not yet been convicted. Is it proposed that the Director of Correctional Services will have control over those people because, as far as I am concerned, those people are not prisoners. They are merely in detention pending the course of justice. I do apologise to the Cabinet Member for not having raised this earlier; in fact, I am somewhat remiss in only just having noticed it, but it does cause me some concern.

A Member: You can always put them in the Travelodge.
Mr ROBERTSON: I will admit some evil people after the cyclone did dwell in the Travelodge, myself included.

I would like clarification of that. The basic thrust of the bill is something that we can all support with some pleasure in that it does recognize the status of the Executive Member, it does recognize that the prison service is a transferred function and I think in its own way it is recognized as an Assembly responsibility to the community. For those reasons, with reservations, I support the bill.

Miss ANDREW: I thank honourable members for their support for this bill. In reply, I would like to make a couple of comments. In particular, replying to the honourable member for Nightcliff's question about the shortage of specialist staff, the Northern Territory Executive and the correctional services section of the Department of Law in particular, not only suffer from a shortage of specialist staff but from a wholesale shortage of staff. Reform of prison legislation in the Northern Territory is long overdue, but I think that there are a lot of other problems within the prisons system that are equally overdue for a solution. Work is being carried out on reform of prison legislation, hopefully to the point where we can repeal the current Prisons Ordinance and replace it with something more appropriate. However, when you get down to a situation where at times 5 prison warders are operating a jail accommodating 87 people, work such as reform in the legislative field cannot take priority. Secondly, we have a shortage of trained staff because, in the past, people have been taken off the streets if they have applied for a job. We have adopted a more enlightened attitude and, as from last year, potential prison officers are now having training, too short a training, but nevertheless training. We have to start somewhere. We hope that this will be increased. At the moment, with the incredible problems caused by a lack of staff, the time taken to train them could put security, which according to our legislation is of paramount importance, at jeopardy. I can assure honourable members that all steps have been taken in our efforts towards both the new jail in the Darwin area, improvements to the jail in Alice Springs, the prison farm at Gunn Point and the implementation of new legislation.

In replying to the comments from the member for Gillen, what we do have in terms of facilities in the Northern Territory could only be described as gaols. Indeed, Fannie Bay Gaol has been likened to some of those existing in more unenlightened areas of the world, for example, the Belgian Congo. In describing the director as a Director of Correctional Services, we are looking forward to a more enlightened approach to the treatment of criminals. New legislation and the design of the gaol have been aimed at weekend detention, community service, work relief programs as well as a series of rehabilitative programs. The Cinderella that we inherited leaves us an opportunity only to move forward and I hope that, in the not too distant future, we will be repealing this particular piece of legislation and replacing the entire ordinance in toto.

In answer to the question raised by the honourable member for Gillen regarding overnight imprisonment, it is my understanding that these do not come under the direction of the Director of Correctional Services unless the particular prisoner has been sentenced. It comes under the Police Commissioner.

I look forward to a whole new spectrum of correctional services programs in the Northern Territory and see this only as the very beginning. I commend the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

**DISPOSAL OF UNCOLLECTED GOODS BILL**

(Serial 179)

Continued from 2 March 1977.
Mr WITHNALL: When this bill first came before the House, I had some criticism to make of it, and I think the honourable member in charge of the bill took a good deal of notice of what I had to say. I now have one comment to make which relates to 2 clauses of the bill. Under clause 4(a), section 8(1)(c), goods which are required to be advertised in the Gazette now have to be advertised in a prescribed form, I have the very greatest objection. When you are advertising conditions for the sale of goods, to be circumscribed by a prescribed form means that you must limit what you have to say to that form. It may not only create difficulties, but provides a lot more control by public servants of the sale of goods under the ordinance and, frankly, the benefits to be achieved by putting this provision in seem to me to be entirely illusory.

I make similar remarks about the provisions of clause 7 of the bill relating to the record of sales or disposal. Again, it is now to be provided in a prescribed form. If somebody has to make a record, and the bill spells out the things he has to record, why is it necessary to make it in the prescribed form? I have looked at prescribed forms, and I generally find that they want a lot more information than the ordinance itself requires. I have a very great objection to the extension of bureaucratic control. If a man is bound to advertise the conditions as to the sale of goods, let him do so in his own words and let him be responsible. If he is bound to make a record of the sale or disposal of goods, let him do so in his own words. There is no need to prescribe a form. One of the difficulties about prescribed forms is that sometimes you find that you cannot get them. Then you have to go to all the trouble of getting someone to look up the regulations themselves and copy out the prescribed form or type it out yourself. Prescribed forms, if they are not going to be available at all convenient places, merely mean a lot more work for the person concerned in disposal of the goods.

It seems to me that no benefit can be obtained from the inclusion of clauses 4 and 7(a) and I object to any further provision that requires a person to rack the town for a prescribed form before he can do the things he wants to do. Somebody in Tennant Creek might want to take action over this ordinance and there will be no prescribed forms in Tennant Creek for sure. He has to put it all off until he can get a prescribed form from somewhere else and maybe even then finds that there is not a prescribed form available in Darwin. So he has to get someone to copy it out of the regulations book. The sections are clear as to the conditions that must be advertised and the things that must be recorded. Why cannot we leave it at that and not talk about forms?

Miss ANDREW: I accept the comments of the honourable member for Port Darwin who has been the only speaker on this bill.

Mr Robertson: That is because you rushed in.

Miss ANDREW: My apologies to the honourable member for Gillen.

I would like to point out that, in including clause 4 and clause 7(a), the intention was to assist the public. If someone has some goods and seeks advice about their disposal, the Disposal of Uncollected Goods Ordinance is thrust upon them but over half the population would need to seek the advice of a solicitor in order to interpret exactly what they should do. In this instance, if the prescribed form can be simply handed across the counter - and I do the people of Tennant Creek a greater favour than the honourable member for Port Darwin in thinking there would be a form there and, if there were not, they could at least get a copy of the regulations and type it out themselves - the gentleman can simply fill out the form and proceed. If indeed he did have to seek the advice of a solicitor who may or may not be available in order to interpret what this legislation says, that would be doing the public a greater disservice than simply providing them with the form. I see these as formal amendments tidying up
Motion agreed to; bill read a second time.

Committee stage to be taken later.

SEEDS BILL
(Serial 184)

Continued from 15 March 1977.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

SOIL CONSERVATION AND LAND UTILISATION BILL
(Serial 187)

Continued from 17 March 1977.

Mr MANUELL: The bill has been dealt with quite adequately by previous speakers. However, in my capacity as the member for Alice Springs, I feel compelled to offer my support to the proposed amendments. At an earlier stage, I raised a question with the Majority Leader as to the satisfactory conduct of some members of the community in relation to soil conservation and, in particular, those activities that were undertaken by people using off-road vehicles. I raised the question whether off-road vehicles were contributing towards soil erosion. Subsequent investigation by the Lands Branch tended to confirm the observations that I had made and, in that respect, I believe the present legislation caters for that requirement in that it preserves the interests of all people in what must apply to their natural heritage, their land.

The amendments proposed in this legislation are a little wider in application than simply catering for the interests of those who utilise land, in particular off-road vehicle drivers. It applies to soil conservation under circumstances where land is utilised in any way, whether it be leased land or whether it be vacant crown land. It is my strong feeling that the adoption of these amendments will not necessarily curtail the activity of those people who are interested in undertaking recreational activity with off-road vehicles. It will simply provide the law with the ability to control those who are perhaps not necessarily aware of the damage they may do by undertaking such activity.

It came to my notice at an early stage that, with the ready acceptance of off-road vehicles, not only 4 wheel drive but 2 wheel drive, and the application of some of these vehicles on the land by people engaged in sporting and recreational activities, lasting damage could be done to the soil of our country. There are areas where off-road vehicles can be used with no damage to the soil; there are some areas where off-road vehicles can cause lasting damage. It is for this circumstance that this legislation is, in part, designed.

I do believe that the maintenance of land in the Northern Territory should be the responsibility of this Assembly and it is fitting and proper that we should legislate accordingly. There is no doubt that our land is a national heritage and that land use is a national responsibility. But when it comes to utilisation at a local level, I believe that clearly the responsibility for the preservation of that land is this Assembly's.

In addition to those matters, this bill sets out powers of the commissioner. Once appointed, the commissioner has the power to carry out the treatment or rectification of those soils and areas of land that have been damaged by utilisation. I believe this to be appropriate because, when we observe that damaged soils and erosions have occurred, we must have the power and the ability to go and put into motion rectification processes and these only can be done by law. I believe these powers have been made available through the proposed amendment in clause 11. Apart from that, I do not bel-
lieve there is much more to say about this bill, I believe that it has been adequately covered by the members who have spoken. I do commend this bill to the Assembly and I look forward to its speedy passage.

Mr TUXWORTH: In rising to support the bill, I would like to speak very briefly on one particular aspect that was raised with me during the period in which I was involved with the carriage of the bill. The point relates to the relationship between the landholder and the departmental officer whose duty it is to make an appreciation of the damage that has been done to land, and the recommendation that may be necessary on any soil erosion improvements that may be needed. In discussions I had with the Centralian Pastoralists Association, they made a very strong point concerning the relationship between the departmental individuals and the landholders in the Alice Springs area. They felt that too often the departmental officer entered the land, made an assessment of the soil erosion in the area, returned to his office and sent out a screed to the landholder advising him what needed to be done, and what had to be done in a very short time. Quite often the assessment made by the departmental officer was one that the landholder could not conform with and, worse, he could not rationalise in his own mind. The Centralian Pastoralist's Association sought to have included in the legislation particular details outlining the power of entry and notification that departmental officers in the Soil Erosion Section would have to give to the owner. Having listened to their complaints and understanding how bureaucrats do become a little carried away with their own importance, I did appreciate their argument. However, we may be well-meaning in trying to control the way officers carry out their duties, but it is just not practical at ground level. I have taken this point up with the Centralian Pastoralist's Association and explained it to them — and I do not doubt that my colleague, the Cabinet Member for Resources, has also had to explain to them that it is not possible.

One thing that I think we should emphasise during the debate on this legislation, for the benefit of departmental personnel, is that it is the wish of this Assembly that the duties of the officers be carried out with due regard to the people they are looking after as well as the land they are trying to protect. Unfortunately, many of the pastoralists have developed a siege mentality towards officers of the Soil Erosion Section. They believe the officers have nothing else to do in life but get at the pastoralist. I do not think it is a fair attitude for the pastoralist to have adopted. On the other hand, there may be some actions of officers that have warranted them to take this stance. It is not possible for us, in the legislation, to insist that a departmental officer advise by phone or by mail of an impending visit to inspect the property for the purpose of checking on soil erosion on a property. However, I do believe it is fair and reasonable for officers to extend to pastoralists and property holders the normal courtesies of life. The sort of activity whereby the inspector would come to the door and say, "I am here to inspect your property, would you care to accompany me. If you can't accompany me, could I call in on my way out and let you know what my findings are?", is not predominant in the soil conservation section of the department from my experience in working with it for 12 months, Legislators and administrators should watch this carefully rather than have confrontation between people who have a mutual aim in the preservation of our soil.

Mr WITHNALL: I have a number of comments to make with respect to this bill. I do welcome all legislation which is designed by reasonable means to conserve land from ravages of the weather or the ravages which are occasioned by the use of vehicles or any other use in the Northern Territory. While I accept that a very large part of the Northern Territory is probably more fragile in this respect than other parts of Australia, I think that legislation of this sort has to be scrutinised very carefully before it is
passed. My comments on this bill will not be very detailed. However, I will ask the honourable member in charge of the bill if he could be more careful when he talks about a soil conservation order. He uses the expression in the amending bill and one assumes that it has the same meaning as an order from the commissioner in the principal ordinance. It seems to me that he is erecting the soil conservation order here into a much more powerful instrument than is referred to in the original bill. This he does by virtue of clause 11 which amends section 14 of the principal ordinance.

I would like to direct the honourable member's attention more particularly to his new proposed sub-section 2A which I think needs a little bit of attention from the drafting point of view. His subclause (c) of clause 11 proposes that a soil conservation order requiring a person to reduce the number of livestock carried on an area of land should not be valid or enforceable unless it has first been approved by the Administrator in Council, so he has got to go to the Administrator in Council and ask "May I issue this order?". He gets that approval, and then he goes along and issues the order. It might as well have been that the Administrator in Council should issue the order because, if every time an order is to be issued it has to go to the Administrator in Council, effectively it is the order of the Administrator in Council and not the soil conservation officer himself. It seems to me that the intention of the clause is not very clearly expressed and I think some more attention might be given to its terminology.

The new subclause 2B proposed to be introduced into section 14 says that the commissioner may require a landowner to produce a plan of the existing use of land referred to in that order and of that landowner's proposals for the future use of the land. It is a niggling point, I do thoroughly agree, but I think the use of the word "plan" in that circumstance might confuse a number of people. The word "statement" or some other word of that sort would have been far better than "plan".

Coming to clause 13, there is a new section 16A to be introduced which requires the entry of a memorial of soil conservation orders into the register. I thoroughly agree with that principle. I think that is certainly a proper thing to do. I accept that if there is an order of this sort, and it may indeed be a very savage order in force with relation to land whether it be leased or freehold, the public who are searching the title of the land ought to be informed of it. But I direct attention to a couple of provisions in the proposed new section 16A. Subsection (5) says that where the requirements of a soil conservation order in relation to which a memorial has been entered in the register in accordance with this section have been carried out to the satisfaction of the commissioner, the commissioner shall so notify the Registrar-General in writing, thereupon the Registrar-General shall make an entry in the appropriate folio in the relevant register discharging the memorial of the order entered on that folio and the proprietor for the time being of the land concerned shall be discharged from the obligation of complying with that order. But surely he has already complied with it because compliance with a law of this sort is a question of fact and the commissioner must be satisfied, before he puts this thing in, that the requirements have been carried out to the satisfaction of the commissioner. If they have been carried out to the satisfaction of the commissioner, that is the end of the matter surely. There is no need to make the proprietor of land wait until this is registered by the Registrar General before he is discharged from it. He is discharged by performance and not by entry in the register.

The next subsection of the new section 16A provides that the commissioner may by notice in writing to the Registrar General request that the memorial be noted in the register as withdrawn. If he was serious in the first place about this memorial, then surely if it has been complied with, why do you need a provision saying that the commis-
sioner may withdraw the order?

I have quite a low key comment to make about subsection (7) of the new section 16A which relates to the application to the Supreme Court for an order that the memorial be removed from the register. The provision is that, upon such an application to the Supreme Court, that court may, upon proof of service of that notice of motion and upon such evidence as that court may require, make such order, ex parte or otherwise, as may seem just in setting the payment of cost of motion. Courts, generally speaking, like to be told in what sort of way a discretion given to them is to be exercised. Generally speaking, legislatures provide guidelines for courts to exercise discretion which are imposed in those courts. This section simply says that, if you apply to the court, the court can do what it likes. Apparently there must be a law that you must bring in such evidence because the expression is "upon such evidence that court may require". It seems to me that the whole section is somewhat hastily conceived and drafted with a lack of particularity. I commend the honourable member's attention to that section and suggest that some amendment is necessary.

The only other comment I have to make is in relation to proposed new section 20B to be introduced by clause 16 of the bill. That section relates to the control of the public in restricted use areas. It seems to suggest in the definition that most of the effect of the section will relate to public land, roads and other places over which persons may pass at any time. "Open land" is said to be "any land which is held by a landholder under any tenure and over which members of the public, whether unlawfully or not, may pass". That seems to be an odd sort of definition which imposes great restriction. Similarly is subsection (8) of the proposed section 20B: "The Administrator may exempt from the effect of a declaration made under subsection (2) such roads in the area of the land to which the declaration relates as the Administrator shall define in the declaration". I suggest that the provisions of new section 20B will go further than is really necessary and that some attention should be given to textual limitation of the effect of section 20B rather than a limitation by declaration of the Administrator in Council.

With those comments, I support the concept of the amendments as I did support the concept of the bill in the first place.

Mr BALLANTYNE: For some time, we have had a lot of trouble in the Territory and other states with erosion, both man-made erosion and that caused by the elements. There are very good methods of controlling this and the soil conservation officers are the ones on whom we could probably rely to see that this work is carried out. The proposed amendments lay down clearly the powers to enter on the land and also the powers of the commissioner. These and other people have power to enter on land and stop people from destroying areas of land by the use of motor vehicles, motor cycles etc. You have only to look at some of the damage done to crown land and even private land by the uncontrolled use of motor vehicles.

A great deal of work has been done to protect the sand dunes surrounding the Gove peninsula from erosion by vehicles, motor cycles and sand buggies and also the sea has caused environmental problems there. Recently, the Aboriginal people, and Aboriginal land is not mentioned here, have restricted the use of that area to try to let nature restore itself. Natural damage can be increased by vehicles and it will get to the stage where major work has to be done to restore that particular area. Everybody here knows exactly what I am talking about because we have had complaints, The member for Alice Springs spoke about motorcyclists. I am not against motorcyclists because I was one myself. In a properly controlled situation, these people can still enjoy their sport and not destroy the land.
Division 4 controls the public on restricted use areas and lays down penalties which do not seem too harsh when you think that thousands of dollars worth of damage could be caused. A fine of $400 or $500 will not solve it. In the area where I live, there has been a case of people removing sand from an area. The amount of erosion caused to that area is unbelievable; it is not only an eyesore. There is not enough control over these contractors. The mining engineers who have been out to inspect it say that it looks all right but, to my way of thinking, it is very badly controlled. If we had proper control, people could still use the natural resources. You could have what you need for building construction but it could be controlled so that the land will not be left in the shameful state which it has been in the past. I commend the bill and only hope that these new laws can come into force so that we can get down to proper thinking and not have a repetition of what we had in the past with erosion caused not only by the human elements but by nature itself.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADJOURNMENT DEBATE

Dr LETTS: I move that the Assembly do now adjourn.

Mr DONNAS: I rise this afternoon to air a few of the problems I have in my electorate.

The first problem I would like to bring to the Assembly's notice is Nakara Primary School. This morning, I asked a question without notice of the Cabinet Member for Education and Planning. It has been brought to my attention that the Nakara Primary School is going to be used by the Education Department as an administration centre. Whether it is going to be an administration centre for the northern suburbs I am not quite sure; in fact, nobody seems to know. At the moment, we are faced with several problems in the area.

Mr Steele: Pilot farm.

Mr DONNAS: Whether it be a pilot farm, a school of linguistics, community college, craft and media centre, these particular areas are looking for space. We have the Nakara Primary School sitting out there idle and rather than turn it into some type of office accommodation for the Education Department I feel that the needs of the community would be served better by putting in the services that the school was built for, primarily education. A school of linguistics is a form of education. The community college is suffering from a lack of space and I believe that their arts and crafts centre is now situated in Woods Street and various other areas and all their pupils are working under adverse conditions - overcrowding and bad ventilation. The media centre is operating out of the Stuart Park Primary School. The Stuart Park Primary School is itself short of classroom accommodation and the media centre takes up something like 5 rooms. Why not move the media centre from Stuart Park out to Nakara Primary School?

The basic question is, and I have been unable to get a proper answer, whether the Nakara Primary School is going to open up as a school for the people's children in the area. What about the people who bought their houses close to the school knowing their children would have a school within walking distance of their home? At the moment, children in the area must go either to the Tiwi school which is over a major highway, Trower Road, or to the Alawa Primary School. The Alawa school at the moment has 2 demountables and in fact they are looking for a third demountable. That means they must be short of space. Why are we not opening the Nakara Primary School? You ask the Education Department the question ...

Mr Ballantyne: No money.

Mr DONNAS: You do not need any money; the building is already there. All they need are a few teachers.
Mr Ballantyne: All right then, they may be short of teachers; you only take them from other places.

Mr DONDAS: The Nakara Primary School is there and it has been sitting there since the cyclone; in fact, it was almost completed before the cyclone. At each sittings of the Assembly, I have asked the person responsible when the Nakara Primary School was going to open. I have been told, "At the beginning of the next school term". Two years have gone by and I am asking the same question and now the reply I am getting is that it might not be used as a school, that it might be used as administration accommodation for the Education Department.

My next question is why do we need the new school at Wulagi that is currently on the drawing board at a cost of $3 or $4 million if we are as short of money as the honourable member for Nhulunbuy assures me that we are? They are thinking about building another school at Anula. That is almost completed.

Mr Everingham: Don't close down any other projects, please!

Mr DONDAS: We do not want to close down any projects but, at the same time, we will have a school sitting out there and they claim that we do not need it. We have been waiting for 6 weeks now for 2 demographers to give a report on educational needs in that particular area. How long are we going to wait? We have a school and we have children but, unfortunately, we do not have enough children to fill the school. Will the Education Department take it upon its own shoulders to turn Nakara Primary School into an administration centre for the Education Department? I certainly hope the answer is no, and that they do make room for the community college to take over certain areas for their arts and craft department and that they do make it available for the media centre so that they can operate efficiently.

Another area of concern is the Brinkin subdivision. I would like to refer to a press release dated Thursday 17 February 1977: "The Hooker Corporation has put alternative propositions to the Government on the development of proposed Brinkin subdivision". Hookers have been talking to the Department of the NT for 5 years and are still talking. They might be blue in the face by now, I do not know. I would have certainly given the idea of development away after waiting 5 years. We are trying to get people to put money into the Territory but the Department is sitting on its backside and doing nothing. Some departments are not doing anything and they should be held accountable for their lack of action. It continues: "Announcing this, the Acting Secretary of the Department, Mr Frank Dwyer, said Tracy and other factors including escalating development costs had affected the Brinkin situation. Prior to the cyclone, Hooker Corporation had been about to start development of the Brinkin subdivision which involved about 650 home sites and a lake. Mr Dwyer said the Government was now examining alternative plans put by Hooker Corporation and further talks would be held with the company."

That was 3 months ago and we still have not heard. I asked the Cabinet Member for Education and Planning whether he was involved in any discussions on the Brinkin subdivision and he assured me that the only inroad that he has been able to make was to advise the Department of the NT that he would like to be included in any discussions regarding the Brinkin subdivision. Today he has not been invited to attend such talks, so I can only assume that nothing has happened about talks with Hookers and the Department of NT regarding the Brinkin subdivision. I am aware that cyclone Tracy and the tidal surge brought some complications, and that they are going to build a very expensive lake there for the beautification of the foreshore and the surrounding blocks but, at the same time, if the Government - and I mean the Department of NT - do not want to go ahead with the Brinkin subdivision, let Hookers know, let the community know, because people are holding back. There are 650 prime blocks there and people
are waiting to buy a prime block there. They are not looking for a cheap block but they are looking for a block of their choice, as I have mentioned in this House on several occasions. A lot of us have not had a choice as to where we were going to purchase our house. We have had to wait for a government auction. We had to go along to that auction and hope that we were successful in being able to buy a block, whether it be in Wagaman or Wanguri or Nakara or Tiwi or Alawa. These people who have been waiting to be able to buy a block in an area of their own choice might be prepared to pay an extra 3 or 4 thousand dollars for a better site. At the same time, we have the Department of NT which for 5 years has been talking to and fro and there has still been no decision. I refer again to this press release of 17 February 1977 but still no talks have been held. What are we going to do? Are we going to allow this situation to go on for another 3 or 4 years? I certainly hope not.

This brings me to another area of concern, the Alawa oval. I would like to thank the honourable member for Nightcliff for bringing it to my attention by way of a note on Monday 25 April: "Are you aware that the city council is considering establishing a council depot in the vicinity of the Alawa sports oval? It is to be discussed at next Wednesday's council meeting. I have expressed my opposition to the proposal and I hope you also will oppose it." I thank the honourable member for Nightcliff for bringing it to my attention. The Corporation of the City of Darwin wants to put a depot on a recreation area; it is an open area, nobody has leased it; it is just open crown land. The first argument is, if Brinkin goes ahead, then we are going to finish up with a sub-depot there. We do not want a sub-depot there. But even if Brinkin does not go ahead, why should the Corporation of the City of Darwin be able to say, "We want that piece of land; we want to put a maintenance sub-depot on it," knowing very well that they have been negotiating for another block of land, which I believe they have purchased with the improvements. This is the old Grollo site camp on Vanderlin Drive in the Wulagi area which is quite suitable for what they want to do. I agree with the council that they are trying to save time and trying to save the taxpayers' money by putting in a maintenance depot in the northern suburbs. I agree that it should be done because it does take a certain amount of time to drive the slow moving thrashers, slashers, front-end loaders etc from the Council depot in town on heavy traffic mornings. It might take them an hour to get there. They leave at 8 o'clock and they are there at 9. By half past 9, it is smoko and by the time they get back onto their motor and kick it over it is lunchtime. By the time they have lunch, it is time for smoko again and then it is time to drive back in with it again. They have done 2 hours work out of an 8 hour day, I appreciate the fact that they want a depot out there, but why take an open recreational area when 5 or 10 minutes away they are negotiating to purchase the improvements of a work camp? There are 2 or 3 acres there. Why do they want a quarter of an acre or half of an acre of land on an open area? The thing that gets my goat is that the area they have picked is right next to the toilet block.

Mr Withnall: Where would you put it then? You don't expect them to walk do you?

Mr DONDAS: If the honourable member would like to wait to hear what I have to say, Mr Deputy Speaker, he might learn something this afternoon. All right, they need toilets, I admit, but if you are going to look at a long term development of 20 or 30 years in the northern suburbs, you should be able to afford an investment of $20,000 or $30,000 to put into an ablution block on a permanent basis. Why should it go into an open area? At the moment we have 2 or 3 ovals that are being constantly used over the weekend by thousands and thousands of sportsmen and sportswomen. If you have a toilet that has a maintenance depot right next to it, that means that you are going to take up in the area I am talking about a certain amount of parking area. Once you have more squeezed into the parking
area, then people are going to park in the road. Once they start parking in the roadway, then you are going to start creating traffic hazards. You are not talking about 10 cars, you are talking about hundreds of cars and the council wants to put their depot right where the parking area is and right where the toilet is. I say it is no go.

Mrs Lawrie: Hear, hear!

Mr DONDAS: Another area out there is the Marrara subdivision. If honourable members from the southern part of the Territory do not know where I am talking about, it is adjacent to the RAAF Base. There are hundreds of acres available out there for all kinds of sporting complexes. The Department of NT has not made up its mind; the DRC has not made up its mind; but if the council want to put another depot in, let them take 3 or 4 acres of the 200 acres out there.

I have a copy of a press release issued by the Mayor: "The Mayor of Darwin, Dr Stack, said last night: 'The city council would be delighted if it could avoid siting a work sub-depot for the northern suburbs on the Alawa oval complex. However, an alternative site would have to be found and, if it did not have an ablution block, the council would have to raise $30,000.' The Mayor was replying to criticism of a proposal to build a depot on Alawa Oval on Lake-side Drive. The city council decided that no action be taken on establishing a depot until reports on the matter are received from the Town Clerk, the City Engineer, and Director of Parks and Gardens. They will also report on the possibility of an alternative site for the proposed works sub-depot in the northern suburbs". She would be delighted if another site were there, but there are no other sites out there with ablution blocks on them. So the city council is going to be forced to spend $20,000 or $30,000 on a permanent basis, or over 20 years or 30 years, not to get into the public areas.

This morning I asked how much it cost for this park over the road. I was under the impression that it was under council funding. The honourable member for Finance and Local Government "semi-assured" me - he was not 100 per cent sure - that the finance would come from the DRC.

Mr Tambling: I can assure you now.

Mr DONDAS: All right, so how much was it $20,000 or $30,000...

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

Mrs LAWRIE: Perhaps I can take over where the honourable member for Casuarina has had to leave off. Firstly, I express my appreciation of his feelings and the action he has taken to bring to the attention of the public the proposal of the Corporation of the City of Darwin to establish this contentious sub-depot. It came to my attention when a constituent said to me, 'By the way, have you heard what the city council are going to do? They are going to put a sub-depot on our oval'. I did not believe the city council would even contemplate such a matter and it was difficult to substantiate this story. However, substantiate it I did and found that it was a recommendation going from a works committee of the council to the general meeting of the council the following Wednesday. Knowing that Alawa sporting complex well, having visited it at least twice a week for the past 3 years, I realise what a tragedy this would be, not only for the sportsmen and women using that oval but for the public of Darwin. It does seem that every time we have an open, green area which is reasonably developed and which has an ablution block to service the public, it is at risk. For example, we had the fiasco at East Point last year. Accordingly, I expressed my concern to the Legislative Assembly member for the area whom I guessed could not have heard of it any more than I had or we would have heard from him. I expressed my concern by way of a telegram to Her Worship the Mayor and all the aldermen of Darwin in the following terms:
I understand you are considering a proposal to establish a council depot vicinity Alawa Sports Oval. Urge you to reject such proposals as depot would restrict use of present sports facilities and may also constitute traffic hazard.

I have had replies as follows. From the Mayor of Darwin: "Proposal for small sub-depot on undeveloped land near toilet Alawa will not limit use of sports facility. Will save ratepayers' money". From Alderman Firman: "Do not consider small council security yard vicinity Alawa Oval restrictive to sporting bodies or traffic hazard. However, suggest you contact me for further discussion and/or visit site to enable you to be fully informed".

I notice from a report in the NT News of Friday 29 April that, when the proposal came up for discussion in council, Alderman Firman did in fact oppose such a move at this stage, pending further reports. I would like to thank him for obviously reconsidering his decision and for the backing of the Deputy Mayor, Cec Black, and a couple of aldermen in opposing the establishment of the depot without investigating the priorities for the area, the status of the land and whether in fact a simple sub-depot could be established somewhere else as the member has so clearly suggested.

There are a couple of things which should be mentioned in relation to this whole fiasco. On Sunday of that week when I left the oval at the conclusion of a successful sporting carnival, I spoke to some of the ratepayers in the area, none of whom had the faintest idea that this proposal was even being contemplated. The reason is that meetings of subcommittees are confidential and are held in camera. Some people oppose that principle and some people approve of it. Quite clearly, a majority of aldermen approve of it. If they are to continue in that manner, there must be some means whereby recommendations going from those confidential subcommittees to a full council meeting can be made known to the general public who would be affected. Daily in the press, there is criticism of this Legislative Assembly, either collectively or individually. That is to be expected in politics. You cannot please all of the people all of the time; you are damn lucky if you can seemingly please 10% of the people 15% of the time. At least, what we intend to do is public knowledge. The debates are public, they are reported in the press in varying degrees of accuracy, but the people do know what the hell we are up to, and one of the restrictions this Assembly has placed upon itself through standing orders is a restriction to ensure that, unless it is very unusual, legislation is not introduced and passed quickly at one sitting without full public knowledge and debate.

I would like to suggest to the aldermen of the city council that there have to be some steps taken, and they are the people best to implement such steps, to ensure that, when a decision or a proposal is going to be debated by that city corporation, the people whom it is likely to affect can know about it. If they care, they can voice their objections to the relevant alderman. Of course, this whole debate brings forward again the necessity for a ward system. After the next city council elections, which will be conducted under the ward system, there will be 1 or 2 or perhaps 3 aldermen representing a ward of the city as we represent electorates. We hope those aldermen would take urgent steps to inform the people whom they represent as to what happens in council meetings. I am glad that some aldermen saw fit to call for further ramifications but I hope that, in the future, all this heart burning, all this urgent action taken by Assembly members will not be necessary.

How is it that the people did not know? They did not know because apparently procedures did not allow them to know and I find that equally if not more disturbing than the issue of the siting of the sub depot. To return to that specifically, may I support the remarks of the member for Casuarina and say that, in my opinion, the siting of a sub-depot by the ablation blocks on the Alawa oval would seriously detract
from the use of that area. Even if we did not have sports played regularly on the oval, which of course we do, it would be a big detraction and I believe it would constitute a traffic hazard. Those ovals are one of the few complexes in Darwin which are regularly used. Gardens oval would be the only other oval in such constant public use. It is quite a beautiful area and, with the development of the lake at Rapid Creek, it will become more beautiful. It is not a simple matter of its being advantageous to the ratepayers or citizens living adjacent to it, it is a community facility that we should all appreciate and we should all fight to preserve.

Mr MacFarlane: I was in Brisbane at the end of March attending a meeting of the Cattlemen’s Union. After one busy day, I was approached by the publicity officer of the Cattlemen’s Union who told me that a reporter from Time magazine wished to get some information on the Top End. I said that I had a taxi waiting and I declined to be interviewed at that particular time. When I read the complaints about the terrible Top End by various disgruntled people, I was sorry that I was not available to be interviewed that night. However, the reporter could have contacted me later that night or the next day. When you read the complaints by Sir William Gunn, Mr Killen and others, you must admit that these people have a point. They have gone broke; they have put their money where their mouth was and the terrible Top End has killed them.

I do not take the view that these people are completely out of step. I just say that it is another episode in the saga of the undeveloped, high rainfall area of north Australia. What do you do with this area? At the cattle industry conference at Alice Springs a short time ago, great emphasis was placed on disease control. How do you control disease and the possible introduction of a disease like foot and mouth and other exotic diseases unless you do develop the Top End? The Top End is here, whether you like it or not. I do not know where it starts and where it finishes but, apparently, anyone who goes broke blames the terrible Top End for it. In the old days, it used to be the drought in the centre and various other problems which have been overcome with good seeds but now it is the terrible Top End. If you do not develop it, you have these problems. You have feral buffalo, you have feral cattle, feral pigs, roaming around which can spread these diseases, not only TB, not only foot and mouth, but any other disease which is introduced.

Then you have the matter of defence. I suppose one of these days someone in the north will decide that, as we are doing nothing with the Top End, nothing with the north of Australia, they might as well have some of it. Illegal immigrants will come in, drug running will increase, illegal fishing etc will increase. Of course, you have your minerals, not to mention the uranium province which is only a few miles from the undefended northern coastline. You have places like McArthur River and many other unexplored areas too. We heard the Majority Leader this morning say that he did not know whether base camps had been established on areas in the north of Australia. I believe that there have been base camps established. I believe that foreign fishing vessels have established base camps and they are growing vegetables and raising pigs and poultry. Good on 'em! We do not seem to want it. We cannot even defend it. This is the terrible Top End; nobody wants it, not even our enemies.

Sure, this is a harsh country, particularly for cattlemen. It is not too bad up there in the air-conditioned comfort of Darwin, but if you have been in the cattle industry for 30 years, it is hard, it is tough, particularly when the rains come late every year and you have a drought. It depends in severity on when the first storms come and how good they are whether they grow grass and whether they lay water enough for the cattle to survive until the monsoon begins in earnest. But we know this, and personally I make no excuses for the terrible Top End. I have been here for 30 years; I came here broke and I am still broke. But I have also a family, a good wife, a good station, good
cattle and I am the richest man in Australia, but I have not got any money. All we seem to have up here in the Top End, in the higher rainfall area, is potential. We have had that for a long time too. People have gone broke; enterprises have failed: Humpty Doo, Tipperary, Scotts Creek, Willeroo. Gunn's done his empire, Killen's done his empire, and it is fashionable these days to laugh at these people and scorn them.

All we want up here in the north is development, but you have to have development around some grass or legume or some revolutionary item such as a good overseas market. In the 30 years the Government has been working things since the war, all it has come up with really is Townsville stylo and I suppose to a certain extent grasses like urochloa. If they have come up with anything else, I have not heard of it or I have not seen it until the field day at Manbulloo last Saturday. It has always been my contention that what we need in the Top End is a grass or a legume which will grow like a weed and which cattle will eat. Anyone who has travelled the roads will see "Curteis' curse" or "Berrimah buffel" which grows very high but nothing will eat it.

Mr Withnall: Pennisetum - they will eat it down to the ground.

Mr MacFARLANE: The honourable member has a chance later on in the afternoon to talk about pensesetum if he wants, I can assure him that it is a pest in the Katherine area.

At this field day, we saw various legumes, cultivars of Townsville stylo, being developed by the CSIRO which could be the answer for the higher rainfall area. We have had lots of things like rice, sorghum - all these things grow but they do not grow well enough to be viable. In fact, there are not too many viable things in the Top End. Fishing is only just making out; prawning is only just making out; cattle is not making out at all.

Let us have a look at what other things the Government has put into the Top End, Communications - well, they put the Stuart Highway in during the war. They put in a few Sukarno highways which they call beef roads; they put these in as a defence effort. Communications, to say the very least, are suspect. You have a very delicate shipping situation. Your airlines are all right. When you go away from the major towns and you think about communications through the wet, you immediately get back to the "Never-never Mailman", don't you? You will find that, in the Elsey electorate, he calls only at Katherine. In the Barkly electorate, he does not call at all and that is about a quarter of the Northern Territory. If you study his latest flight schedule effective from 21 February to 20 October 1977, you will see that he calls at about 3 cattle stations. That is about all the Government is doing for the cattle stations as far as communications go. Nothing!

You cannot wonder too much about some of these people who go broke and then complain about communications, can you? If you read your telephone directory, Alice Springs and Katherine, you will find it reads like the "Who's who" of the cattle industry. I do not know about Alice Springs but, if you get up to Katherine and try to use the radio telephone, you might have to wait an hour before you are even called up and then the static might be too thick. This is what you call government assistance. I don't blame these people for complaining bitterly.

What are we doing about developing our market? This is something that the Government can help with because markets are what we are talking about and markets are the only reasonable way to suggest development. If you have no markets, well, finish. We have 200 million people just up here, closer to Darwin than Canberra is, thank God! They can be our friend or our enemy but we are not worrying about them. What do you find? You find that it is a very frustrating exercise. When you get down to McArthur River, you find that you cannot get much government assistance. I understand that Mt Isa Mines charted, the McArthur River at their own expense to develop this area. Surely, this is
what we are talking about. If we do not want development we should say to someone: "Apart from Darwin, we have nothing to skite about in the Top End. Lots of people have put in lots of money and have gone broke and we call it the terrible Top End. If you want it, you can have it because we do not; we are not prepared to back it."

Mr WITHNALL: I rise to give notice to the Majority Leader of 2 questions I propose to ask him tomorrow morning. The first question is, "Will the honourable member ask the Administrator this morning the following questions, and today report to the Assembly the Administrator's answer. 1. Has the Administrator received from the Minister any general instruction as to the reservation for the Governor-General's assent of ordinances made by this Assembly and, if any such instruction has been received by the Administrator, what is the text of that instruction? 2. Was any instruction received by the Administrator from the Minister which required the reservation of the Counter Disaster Ordinance for the Governor-General's assent and, if so, what were the terms of any such instruction?" The second question is, "Since in every other parliament under the Westminster system a fully elected legislature has a complete and regularly exercised oversight by a person responsible to that parliament of the matter of assent or non-asset to laws made by the parliament, will the honourable member set in train a vigorous campaign to ensure that the matter of assent to ordinances of this Assembly should be determined by only the executive body responsible to this Assembly, namely the Administrator in Council?"

Apart from giving notice of those questions, I give notice that I intend to prosecute the matter of the reservation of ordinances of this Assembly for the consideration of the Governor-General with the utmost vigour that I can command for the task.

Mr VALE: I rise to speak briefly on 2 points this afternoon. The first one pertains to recent problems in Alice Springs surrounding the Alice Springs Hospital and press comments on the same matter. Some of those pertain to staff levels and an announcement by the Miscellaneous Workers Union that they were going to go out on strike if they were not given additional staff for the industrial section of that hospital. I am sorry that the MWU took that attitude, but my main purpose is to speak in support of another organisation that took a completely reverse attitude and should be commended. They took a very responsible attitude and I refer to the Hospital Employees Federation who are basically responsible for the industrial employees at the hospital. They said, "Come hell or high water, we are not going to strike. We are short staffed; we will do what we can but we would like some help". I have met with that organisation on 3 recent occasions, the last one with the Cabinet Member for Community Affairs. While that attitude prevails with an organisation such as that, they deserve the wholehearted backing of people such as the Cabinet Member for Community Affairs. I also commend his attitude in making a special trip to Alice Springs and talking to them. I am hopeful that, in the near future, he will be able to come out with some additional information pertaining to the increase in staff numbers there and take the pressure off so many of those overworked members of the industrial section. I refer to the cleaners, the yardmen, the ward orderlies and the catering department. The Hospital Employees Federation in Central Australia has taken a very responsible stance and one which deserves the backing not only of members of this Assembly but the whole community.

The second point relates to the back-up service that we give to the public servants whom we send bush, be they out to settlements or to outlying pastoral properties. I refer particularly to Central Australia. In recent days, I have been out south west of Central Australia and in the last couple of days back up in the north east. Wherever you go, you find that the attitude by the departmental heads seems to be to bush these people and then forget about them. They provide little or no
backup facilities. They forget they are there. There is no assistance for the day to day administrative problems and inadequate supplies and equipment for the operation of the jobs, be they police vehicles or government vehicles or repairs to washing machines or the provision of air conditioning etc.

Last week, in one of the stations south west of Alice Springs, we saw in a police station a fingerprint pad which the police officer had been desperately seeking from their department for some weeks. Finally, in desperation, the officers made one out of a flattened beer can and tacked it on a piece of wood with shoe tacks. I do not think that is good enough. The big problem is probably bureaucratic. By the time a complaint is put in or a service requirement is put in to headquarters and the department gets out there to repair those or the Department of Construction gets out for a maintenance trip, there are quite a number of other problems that have arisen since the report was first submitted. What could happen, particularly on large settlements, is that the one person should be put in charge of the day to day reporting of service requirements, no matter how large or how small. It would not matter which department is in charge, be it Police, Health or Education or Aboriginal Affairs. When the repair crew arrive in an area, they should report to that particular person, find out what the latest requirements are for repairs and carry them out. That is for major repairs. There are a lot of smaller repairs which would require just a minimal amount of money and a minimal amount of time.

What should happen is that all of the departments involved, that is the four I just listed, should supply information about who has particular qualifications. I know a number of cases where, for example, a person who may be employed now as a clerk with the Department of Aboriginal Affairs may have been a former electrician or former plumber, mechanic or whatever. He could carry out those repairs if the authority was granted within the department to allow that to occur. This would take the pressure off repairing faulty air conditioners and washing machines and so on. The officers in charge of all of those 4 sections on settlements and in outlying areas should have the power to spend up to a certain amount of money to enable this repair work to be carried out if and when required. If senior departmental officials in Darwin look at their figures, they will find that either resignations or transfers in remote areas are increasing and will continue to increase until all those departments responsible see if they can do something to overcome these day-to-day service problems.

Mr BALLANTYNE: I want to say a few words about my electorate and make complaints across the Chamber. As with all complaints, they listen to us but we never get speedy action. However, I would like to remind this Assembly again of the question I asked this morning about road grading on the Dhupuma Road. I haven't mentioned it today but I probably will by the end of the week and that is the road out to Yirrkala which, by the way, was supposed to have been surfaced this year, but because of the Works program it had to go into mothballs. They are going to think about it at the next appropriation and so on. In about another 5 or 6 years, we might have the road out there.

Mr Kentish: Gordon Bryant promised that.

Mr BALLANTYNE: Probably when the member for Arnhem lived out there in the early days, they were talking about building a road to the wharf from that mission. But I refer to the grading of Dhupuma Road itself. It was only recently that the Minister for Education and the Minister for the Northern Territory were paying a visit out there. I didn't have to explain to them the condition of the road because we were in a little Kombie bus and at times we had to do 5 to 10 kilometres an hour to dodge all the potholes. I pointed out that the reason it was being held up was because there was some problem with the tendering. It appears
that one tenderer put in some figure and another one put another figure and then, when it came to sorting it out, they decided on a certain tender but then the other one objected. Then they went right through all the red tape again and they couldn't say who was going to get the job because it was left up to the Ministers.

The amount of money concerned in that tender was something in the order of $3,000. The Prime Minister of Australia said in 1975 that we were going to put management back into government. If you tell me that a Minister has to make a decision on a two or three thousand dollar job, I don't even know why we are standing in this House talking about things because it is absolutely ridiculous that the man here in the Department of the Northern Territory cannot make that decision himself. If I was a Minister, I would shut the door in their face; I wouldn't even listen to them. That is one of the reasons for all this holdup. We hear it every time we come to the Assembly. We hear it from down south and the Alice Springs area. We heard Mr Speaker today talking about things from the Katherine area.

I don't feel too flash living in the Top End sometimes because I think that in Nhulumbuy where I live we are just as much second class citizens as a lot of other people. We do not enjoy some of the benefits that other people have in the Territory because we are a closed town and it is up to the Godfather, the great firm of Nabalco, to supply all these things. What annoys me is the time taken and the answers that you have to give the people. I feel a fool sometimes even having to answer some of the questions that are given to me in the way I do to make things sound easy for the department. This is one of the things that I am really concerned about. We spoke about the payment for contracts in the past; it is just a continual saga, as Mr Speaker said, on all these facets. If I couldn't make a decision on the grading of a road and the tendering in my own area, there would be something wrong. Those are the sort of things that do concern me. If we are to have proper management in government departments, I am sure that there has to be a big shake up very shortly.

Recently I went down to Tortilla Flats. I was asked to go down there for the field day and it was quite an experience coming from the country in Victoria; it is a different terrain up here. I would like to comment on the amount of work that has been done in that area by the departments, particularly in the development of the Townsville stylos and also the calo leaf and some of the para grass and rice and bananas. There is a lot of potential in the Territory and I do not know why we have not been doing this for years. Everyone seems frightened of the Territory now; they are frightened to have a go at these things. I know that out at the mission at Yirrkala they used to have a wonderful market garden. They have a banana plantation which still gives quite a good service; it supplies bananas to the market here. I was also very interested in noting the amount of research that has gone into cattle grazing and things like that, and I would like to see some sort of development like that in the Gove peninsula. I believe, years back, they used to have a few cattle there but they went wild and they have not seen much of them since. I would like to see it even from the point of view of the government departments going out there and seeing whether there is a chance to develop the Aboriginal land with the assistance of the departments.

One thing on that day was the address by the Administrator who said that was what these people in the departments were there for, to better the land, to help develop what you might have in the dairying industry, cattle industry, raising horses. He said, "You have these people there; use them". I am sure that is what they are there for, the agronomists, the veterinary surgeons and all those people, and they are only too willing to help. They are being paid to do the job and I am sure that is what we have to do,
Another thing I would like to talk about is Melville Bay, probably one of the biggest harbours outside Sydney Harbour, which I think could be developed as a naval base. It could be developed along with the concept in Darwin. You have not got the port facilities here. It needs so much development here; you get a vessel here but it cannot even turn around. I see now that they are developing the Fort Hill wharf down there. I was down there on Sunday and I noticed some framework going up there. I wondered whether it is a race to march the wharves over into the sea or perhaps to run cattle down onto a ship. I have not quite worked it out yet.

I would like to see some work put in by the Defence Department to develop some sort of naval base in the Gove area. You have access right across the gulf to Cape York and could cover right around to Cairns and Townsville. From the Top End, you could cover right across the top of Australia and into the Indian Ocean. There has been some talk about the Indian Ocean for quite some time and I am sure that, if the Defence Department looked into the future, we would not have to worry about people setting up base camps in the Top End of Australia. I feel sure that we would have some proper surveillance of the area. I do not know what would happen if we stretch our demarcation line to another 100 kilometres but I am sure that it would make it a bit difficult for us because we would send off a boat one day and you would not see it for 12 months. It is bad enough with the 10 mile limit now watching the Taiwanese boats and other outside fishing people coming into this area.

Mr STEELE: You will probably be interested to learn that, during the crisis of the Cyclone Verna coming over the northern coast, the Prime Minister was very well aware of its movement. On Friday night, Senator Webster told me that he wanted to be reported to more or less on the hour as to the movements of the cyclone. What he was unaware of was that, if the cyclone did strike the northern coast again and there was need for some sort of action to be taken, it would be done without any sort of legislative backing. This matter was debated earlier in the day. This leads to the question of the process of reservation of ordinances from this House. As we march slowly forward in our constitutional progress and our development, it seems that a decision has to be taken fairly early as to just what the future system is going to be, whether we are going to be able to pass the assent to our own legislation through our own governor; and, if the federal people are concerned about this, whether we are going to have to look at another House for the Northern Territory which is not beyond the realms of possibility although probably it is not desirable. It is probably better that the lower house, the single house, be the one proposition. But the way it is going, just how long do we put up with this sort of non-assent confusion? I do not know what the answer is or whether some sort of parliamentary scrutiny is needed over bills as they are introduced into the House. It seems ridiculous to me that, every time a bill was introduced, we would have to nominate one member of this Assembly to follow the bill through to its logical conclusion. If that meant that, by motion of the Assembly, a bill for example had the member for Alice Springs to follow it through, would the member for Alice Springs then have to ring up every person concerned with that bill on a daily basis until such time as it reached the other end and came out of the pipeline? I really do not know. It might just have to be that: a boundary rider with every piece of legislation. I leave members with that horrifying thought.

Motion agreed to; the Assembly adjourned.