Mr Speaker Steele took the Chair at 10 am.

DISTINGUISHED VISITOR
Hon Steele Hall MP

Mr SPEAKER: Honourable members, I draw the attention of honourable members to the presence in the gallery of the Hon Steele Hall, a member of the House of Representatives of South Australia and former Premier of South Australia. On behalf of honourable members, I welcome Mr and Mrs Steele Hall and I hope their stay in the Territory is a pleasant one.

Members: Hear, hear!

NOTICE OF MOTION

Mr SMITH (Millner): Mr Speaker, I give notice that, on the next general business day, I will move that the Deputy Chief Minister be censured by this Assembly for his failure to carry out properly his ministerial responsibilities under the Housing Act while he was the Minister for Housing.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that so much of Standing Orders be suspended as would otherwise prevent this motion being taken forthwith.

Mr Speaker, I ask also that any questions without notice for today be placed on notice.

Motion agreed to.

MOTION
Censure of Deputy Chief Minister

Mr SMITH (Millner): Mr Speaker, I move that the Deputy Chief Minister be censured by this Assembly for his failure to carry out properly his ministerial responsibilities under the Housing Act while he was the Minister for Housing.

Mr Speaker, I believe that, after a long search, we have found the Jim Hacker of the antipodes in the Deputy Chief Minister sitting opposite. As we all know, a motion of censure is a very serious matter. It is not something to be approached lightly. However, over the last 4 days of sittings, we have had revealed matters which can be traced back to the Deputy Chief Minister which raise serious questions as to the manner in which he discharged his responsibility while he was the Minister for Housing.

Mr Speaker, over recent days, I have pursued a number of questions relating to the waiver of penalty interest under section 29(3) of the Housing Act. That provision requires that a person selling a dwelling within 3 years of its purchase through a Housing Commission loan must pay an interest penalty. That penalty amounts to a repayment of the interest subsidy under a loan and brings the interest payments up to bank loan rates. The penalty, however, may be waived at the discretion of the minister by instrument in writing.

The facts that have come to light as a result of my line of questioning raise serious doubts as to the manner in which the Deputy Chief Minister fulfilled his responsibilities under section 29. That provision is part of the Housing Act which passed through the Assembly late in 1982 but it did not come
into operation until April 1983. However, before that time, before it was even in operation in March 1983, the Deputy Chief Minister was preparing to abrogate his responsibilities under section 29.

On 21 March 1983, the Chairman of the Housing Commission addressed a submission to the then minister relating to the exercise of his discretion under that section. That document pointed out that the commission handled about 300 discharges of mortgage per annum. Mr Speaker, 300 discharges per annum, approximately 1 for each working day, is hardly a weighty load in itself, and yet only a percentage of these would come within the terms of section 29 by involving a sale within 3 years of purchase. In fact, the evidence shows, as revealed by the present honourable Minister for Housing, that in the past year in the operation of this bill, only 76 applications had been made for a waiver of the penalty interest provisions. That is a very important figure.

The Chairman of the Housing Commission in his submission put to the minister: 'It is considered highly unlikely that, on current markets, any instances of profiteering within 3 years of purchase will come to the commission's attention'. No evidence is offered for this statement and it appears that our new Deputy Chief Minister required none. It is quite clear that a reasonable definition of 'profiteering' would make people examine very closely a couple of the penalty waivers that have been approved in the last 12 months. Indeed, it appears that the minister was more influenced by the next point in the submission which goes on to stress: 'The irritation to you of signing instruments on an almost daily basis...'. The instruments we are talking about are the penalty interest waiver instruments. The Housing Commission Chairman said that there were 300 transactions each year relating to the sale of houses. We know that there were, in fact, only 76 in the last year yet the Housing Commission Chairman put up as a serious point the irritation to the minister if he did not forgo that responsibility and give it to the Housing Commission. Apart from the faulty mathematics involved, I would ask you what sort of minister, who took his responsibilities seriously, would be swayed by such an argument.

The signing of documents and the overseeing of his portfolio in general is an integral and important part of his role yet, to avoid the undesirable element, as the memo describes it, of, among other things, the irritation of signing documents, the minister approved procedures which were described by the Chairman of the Housing Commission in these words: 'Whilst not strictly in accord with the letter of the act, it is considered that they fit well within the spirit'. As the honourable Leader of the Opposition said, it should have set off a few bells. With a capable and competent minister, it would have set off a few bells.

These procedures permitted officers of the Housing Commission to exercise the minister's discretion under section 29 and then forward a monthly return to the minister for his official endorsement. The minister was easily seduced into forgoing an onerous responsibility which he had recently introduced and which had not even begun at that time. What sort of attitude to his duties as minister does that reflect? What sort of attitude does it exhibit in respect of his own legislation which he himself introduced? It raises serious questions as to the attitude of the government and its ministers towards legislative responsibility. The cavalier attitude displayed by ministers in this Assembly to legislation and the wishes of the community at times is an indication of that attitude. But, above all, the incident raises serious questions as to the Deputy Chief Minister's cavalier attitude towards his ministerial responsibilities.

Unfortunately, that is not the end but just the beginning. We find from a further submission from the Chairman of the Housing Commission, dated 2 September 628.
1983, that the minister had not even been involved to the minimum extent envisaged by the procedures approved by him in March. It appears that the minister received only 2 of the supposedly monthly returns in the 6 months between March and September. We had this disgraceful situation where the minister had given away his responsibilities to his department in return for getting monthly reports. We find that he received 2 reports for that period of 6 months. In that 6-month period, there were 37 applications approved for penalty interest waiver - half of the total number approved in the last 12 months. The minister's responsibility was clearly not carried out in permitting that to happen, particularly when he had reached agreement with his department that he would inspect and approve these things on a monthly basis.

That submission drew to the minister's attention the fact that it had been discovered that 4 discharges with exemption had been granted for which there was no justification. That is the submission of 2 September - the same submission that revealed that he had only 2 monthly reports instead of 6. We had a situation of 4 discharges with exemption and the Housing Commission then saying that it was wrong. These were said to be a result of 'insufficient control of required procedures'. It is quite clear that there has been insufficient control of required procedures and it is equally clear that it is the minister's fault because it has been revealed in these documents that he has basically taken no care at all. Obviously, the minister was not concerned to ensure what should have been part of his personal duties would be properly carried out even after all this happened. Indeed, he went on to endorse revised guidelines which were even less thorough than the earlier ones which were in effect when the 4 errors occurred. The new guidelines did not even mention that capital gain was a factor in determining whether an exemption should be granted. This is a most important point.

The original guidelines provided that, in the assessment of the applications, the capital gain that was made should be an important consideration. In these revised and supposedly stricter guidelines provided in September of last year, that element was taken out completely. It is important to note that the 2 cases that have concerned us most about capital gains both took place after that happened.

Mr Speaker, obviously the minister was not interested in the whole thing. He was not interested in carrying out functions which he himself had introduced legislation for and he was not interested in ensuring that any responsibility which was passed down the line was properly carried out. The Chairman of the Housing Commission can, in the minutes to his minister, formally state that he has been supplied with only 2 of what are supposed to be monthly statements in a 6-month period. He offers no explanation. It is clear that he did not feel it necessary or required by his minister. The minister did not query it either. The minister was not interested. He passed it over. He did not ask for an explanation. He made no demand that the situation be improved. He did not insist on a monthly report. He did not want to know. His ministerial responsibilities are obviously a very light matter indeed to him.

We then move on to the election in December. Of course, after the election, there was a change in portfolios. There was a new Minister for Housing, the honourable member for Koolpinyah. The change in the administration of section 29 was immediate and dramatic with the new minister. From day 1 it is obvious that the new minister intended to take her responsibilities seriously. Monthly returns started to appear on her desk. There is no doubt that she perused them carefully and gave them her closest consideration.

The Deputy Chief Minister might benefit from a perusal of the paper tabled in the Assembly yesterday. He might pick up some ideas of how these matters
should have been handled or how he should have met his ministerial responsibilities in these areas.

Unfortunately, the problems created by the neglect of the previous minister did not just end with the advent of the new minister. Not surprisingly, there were hangovers from his poor administration and the new minister, unfortunately for her, was left holding the bag.

So when the minister received her first schedule covering the month of November, we find in the exemption list the sale of 20 Packard Street by Mr Alan Morris, the present Co-ordinator-General, for $130 000, 8 months after he purchased the property for $90 000. The commission is by this time aware that it has a minister at the helm who takes her responsibilities seriously and so the Morris entry shows incorrectly that the property had been held for just over 2 years. In the papers given to us yesterday, on 2 occasions it is shown that the date of purchase is 1 October 1981 and the date of sale is 29 November 1983. Mr Speaker, that is a lie! The computer printout on the residence of 20 Packard Street shows that that property was purchased not 2 years before, as provided to the minister, but 8 months before, as we pointed out in the Assembly yesterday. It is 8 months not 2 years. There has been a grave dereliction of duty on this very important matter by the honourable minister present, who can let people in his department get away with something like that.

There was still a further skeleton left in the cupboard of the previous minister. When the new minister received her second schedule covering the month of December, there appeared the name of Frank Gaffy, former Crown Counsel for the Territory, in relation to the sale of his property at 22 Conigrave Street. You will no doubt recall the details of that case, Mr Speaker. Mr Gaffy bought his house from the Housing Commission in June 1981 for $78 200. It is agreed that he spent somewhere in the vicinity of $30 000 to $40 000 on the house before selling it back to the commission within 2½ years for an amount of $185 000.

But the new minister would not wear this one. She denied her approval to it and quite rightly so. It is quite clear that she denied her approval to it by examining the documents that we were given yesterday.

Unfortunately, it appears that Mr Gaffy got his waiver anyway, despite the new minister's disapproval. His mate, the previous minister, had already promised it. It was already organised and so the commission had to go ahead despite the new minister's objections. It had already been teed up by the previous minister as a gesture between mates. As I said before, the new minister again was left holding the bag. The bag was created and left by the previous minister, now the Deputy Chief Minister.

Mr Speaker, his disregard of his ministerial responsibilities are serious enough when we examine the profligate way in which he exercised - and I use the word 'exercised' here in a very loose sense - his discretion under section 29 of the Housing Act. From the commencement of the operation of the provision, he sought to evade carrying out his functions under it. He was happy to pass it on to someone else and seemed content not to know much about it. He is not even overly concerned when he is informed that the provision has been abused. Such an attitude is absolutely reprehensible.

But it goes further than mere irresponsibility in the way the waiver system was administered. On top of that, we have the minister's mates, senior government officials, who are clearly outside the guidelines for exemption, having their interest penalty waived.
There are many genuine cases being waived, as the present minister has pointed out, but it is interesting to note that those clearly outside the guidelines are senior public servants, the mates of the government. It is obvious that the current minister is not prepared to pass such favours but the previous minister was not above using his position to look after his mates. It is a pity, Mr Speaker, that the current minister has felt sufficiently strongly about this to signal that she will introduce legislation to abolish the waiver altogether. Certainly, that is something that we will oppose because it does have a useful role. We are not objecting to the waiver being there in section 29(3); we are objecting to the previous minister not exercising sufficient control over its use and not exercising sufficient control over his department when he was the Minister for Housing. It goes further than a mere waiver of the interest penalty. In the case of both these senior officials, Gaffy and Morris, their houses were repurchased by the Housing Commission at a nice tidy profit to them.

In the light of these facts, this Assembly is duty bound to censure the Deputy Chief Minister. He has been seriously derelict in his duties as the minister. He has failed to properly carry out his functions and responsibilities under section 29 of the Housing Act and, further, he has abused those powers to look after his mates.

Mr Speaker, there are a couple of other matters as well. We find that the administration of this penalty waiver provision is so poor during the time of the Deputy Chief Minister that, in the complete list of people who have been granted the waiver since the scheme was introduced, we have a person called Massick whose house was sold on 5 February 1983 - 2 months before the scheme was introduced. On the evidence we have before us, Mr or Mrs or Ms Massick, whoever that person is, has been very fortunate indeed because, 2 months before the scheme came into operation, that person received the benefits of this new scheme. That at least is a further example of the minister's incompetence in this whole matter.

Mr Speaker, I refer to another matter. Earlier this year, I received a response to a question on notice that I had put to the Minister for Housing concerning the number of applications for the housing interest waiver that had been approved. My question was: 'How many penalty interest waivers have been granted since the operation of the scheme and for what reasons?' The answer indicated that there were 76 applications and 70 approvals. The reasons were all unexceptional except for one and that one baldly stated: 'Sale back to the Northern Territory Housing Commission'. It was a repurchase, in fact, by the Northern Territory Housing Commission.

At that stage, I did not know any better about the guidelines that the government was operating under. I accepted that. I thought it might have been legitimate but, if you go back to the 2 documents that the Chairman of the Housing Commission forwarded to the minister, it is quite clear there is no provision within those guidelines for the application of the penalty interest waiver on the grounds of repurchase by the Northern Territory Housing Commission. Why should there be? Who has benefited by this one-off application outside the guidelines? Again, it is Mr A.G. Morris.

It has long been obvious in the Territory that, to get on with the Territory government, you must be a government man. When I say government, I mean CLP. You must toe the government line. So it comes as no surprise that the government looks after its people. But when a minister is so blatant in the misuse of his powers in order to look after his mates, this Assembly must act.
Mr Speaker, I call on this Assembly to fulfil its responsibilities and censure the Deputy Chief Minister.

Mr DONDAS (Deputy Chief Minister): Mr Speaker, I have heard 20 minutes of nonsense. Let us refer to the documents that were tabled yesterday. All honourable members have had an opportunity to examine them. On 21 March, a minute was sent to me by the Housing Commission requesting me to consider delegating the power to waive the penalty interest rates for mortgaged properties.

The honourable member opposite spoke about item 5 which really said 3 things. But he only really harped on one: 'The likely result and effect of new provisions will be the irritation to you of signing instruments on an almost daily basis'. Now he picked up that point at least 5 times. But he did not mention the rest of item 5: 'many settlement transactions will be delayed and a notable increase in the workload of commission staff will be experienced'.

Mr Speaker, there are several reasons why I considered item 5 at the time of offering this delegation. First, it could cause hardship by delay and, secondly, I think our people in the Housing Commission have done a fantastic job in providing housing in the Northern Territory since self-government. That was something the honourable member opposite neglected to say. The important thing is that we have to give senior officers of our departments certain responsibilities to enable them to function more efficiently.

Item 2 says that approximately 300 discharges per annum are handled by the commission: 'Most discharges are requested on a reasonably urgent basis in order to achieve early settlement'. Honourable members opposite would be aware that ministers of the Crown must participate in ministerial conferences in other parts of this country. They are very important conferences. In particular instances, the documents were not forthcoming but nevertheless the delegation was given.

Mr B. Collins: I'll tell you what, the commission knows its man. There's no doubt about that.

Mr DONDAS: Mr Speaker, I heard the opposition spokesman for housing in silence. I request that they do the same.

Mr B. Collins: Well, do not hold your breath.

Mr DONDAS: Let us talk about the waivers to find out what kind of waivers there are. It says: 'loan account'. There is no name. The date of purchase is 10 August 1982. The unit was in Westralia Street, Stuart Park. It says: 'Reason for sale: The borrower has since married and has 1 child and considers the unit is not appropriate living conditions to raise a family. The borrower has occupied the unit since December 1981. The waiver of penalty rate was granted under approved procedures prior to March 1984'.

Mr B. Collins: That is the new minister's instructions.

Mr DONDAS: Sorry, sorry.

Mr SPEAKER: Order, order! Will the honourable minister resume his seat. Will the opposition please behave itself and be quiet while the minister is on his feet? The honourable minister please.
Mr DONDAS: I will read other reasons given by the Housing Commission for the waiver:

(1) The borrower has now married, has a child of 13 months and does not believe the unit is a proper environment to raise the child. The unit has a living area downstairs and a sleeping area upstairs. The borrower's wife is receiving continuous medical treatment for back problems which occurred in a fall down the stairs whilst pregnant. (2) The borrower has separated from the husband and the matrimonial house has to be sold. The borrower has custody of the child and seeks security by transferring the loan to another property. (3) The borrower separated from husband and has custody of their 2-year-old child; wishes to transfer to another property to ensure security for herself and child. (4) Doctor's letter confirming borrower's general health is suffering due to the intolerance of the noise of his surrounding neighbours. (5) Only option to move residence. There have been several instances where the borrower's life and that of his fiancee have been threatened by neighbours.

All of those reasons came through senior officers in the Housing Commission, who have been there for a number of years, know the ropes and are exercising a power of delegation. As far as I am concerned, they are doing that responsibly.

We talked about delays. I will inform honourable members that it was never the government's intention that this particular scheme would blow out to the proportion that it has done on 1 or 2 occasions. The important fact is that there was an election. We did have a new minister. The new minister queried procedures in March. She was alarmed and the documents prove it. I also was alarmed because, on 21 March 1983, the Housing Commission's recommendations were accepted. I will read this letter out again. It is dated September 1983:

The Housing Act provides for repayment by the borrower of interest subsidies should he sell the property within 3 years of purchase, subject to that property having been purchased after 31 December 1980. The act also allows to the minister his discretion to exempt the borrower from that provision. The commission proposed and you approved certain administrative arrangements - copy attached - which basically allowed commission officers to determine whether or not the penalty should apply and that you would then endorse the action following discharge. To date, this procedure has been practised and 2 schedules have been presented to you for endorsement. Following receipt of the July schedule, you have requested further details to support non-application of the penalty provisions.

That is a very important fact. I was not happy with the schedule. I queried the schedule. I asked for further information.

A schedule presenting greater details is attached together with guidelines describing the approach taken in making the determination. Perusal of the detailed schedule points to the fact that 4 of the discharged loan accounts had no justification for exemption of penalties. These errors are regretted and it can only be said that they are the result of insufficient control of required procedures. Procedures have been amended to the effect that the director responsible shall personally determine and authorise all future exemptions where applicable. It is recommended that you approve continuation of procedures set out in Ministerial No 375 with the
amendment that the Director of Home Loans and Sales determine and authorise all discharges that are subject to exemption from the penalty provisions allowed for in the Housing Act and endorse the methodology and approach taken in making determinations of exemptions as described in the attached guidelines.

I approved that on 12 September with a proviso in a handwritten comment to the Chairman of the Housing Commission: 'Please ensure that these applications are not treated too lightly'. For the members opposite, I will repeat that: 'Chairman, please ensure that these applications are not treated too lightly'.

Mr Speaker, we move on to Mr Morris. We have had plenty said about Mr Morris and Mr Gaffy. I would like the honourable members to make the statement outside this Assembly that Mr Morris and Mr Gaffy are members of the CLP. He spoke about people having to be mates of the CLP to get anything done or mates of the CLP to get anywhere in government. That is a load of rubbish. Look at the senior officials of the ALP who are in top jobs in the Northern Territory government.

He made another mistake this morning. He said that Mr Morris had the house for only 8 months and then made this enormous profit. The title was issued 8 months before. Mr Morris bought his house at the Valuer-General's valuation of $90 000 in October 1981. He sold the house back to the commission in November 1983 at the Valuer-General's value of $130 000. In that time, he made improvements including an in-ground swimming pool, concreted areas under the house, carpets and furnishings and other improvements to the garden. I understand that Mr Morris valued those improvements at about $25 000. Taking into consideration interest and a small increase in property values, he made this fantastic profit of about $10 000 over 3 years.

Mr Gaffy bought a house from the government and upgraded it. He spent money in doubling the size of the house and increasing its value. Of course, he made a huge profit and the opposition has made great play of it. We are not allowed to make money when we sell our houses; we have to sell them for the same amount that we paid for them. In fact, I mentioned yesterday that, 4 years ago, the Leader of the Opposition probably paid about $70 000 for his house. Today, it would be worth in excess of $100 000. But he is not allowed to make a profit; he must sell his house for $70 000.

Mr B. Collins: You can have it any time you like for that price.

Mr DONDAS: I will buy it for $70 000; get your contract of sale.

Mr B. Collins: You are carrying on like an ass.

Mr DONDAS: Mr Speaker, we heard about 70-odd approvals within the guidelines in the last year. The honourable member opposite did not mention the fact that the vast number of those waivers were within the guidelines.

The other document tabled yesterday was the revised guidelines. They state: 'Ministerial discretionary power will be exercised in those cases where a purchaser disposes of his property in extenuating circumstances; for example, through ill-health of family member requiring leaving centre, personal circumstances causing inability to meet repayments etc ••• Ministerial discretionary power will take into account all relevant factors, including capital gain' - and the honourable member spoke about the new guidelines but did not talk about capital gain; once again, he neglected to read the whole document - 'if any, earned from the sale and any detrimental effect on
subsequent mortgagee security. The subsidised interest penalty will not apply
where sales of mortgaged properties cannot be prevented because they occurred by
operation of law, between parties to a dissolved marriage, enforced sale by a
mortgagee in pursuance of a mortgagee's power of sale. The penalty will also
not apply where the mortgager is legitimately required to move from one centre
to another in the Territory on long-term transfer or promotion and sells the
mortgaged property in the former centre to purchase in the new centre'.

Mr Speaker, I delegated responsibility to senior officers within the
Housing Commission in March. In September, I queried that and it was then
agreed that only the Director of the Home Sales Scheme would be the person
responsible. At the same time, we must also be aware of the procedures of
departmental officers goes through the Chairman of the Housing Commission. The Chairman of
the Housing Commission also has a board. There are a number of people within
that organisation who act as barriers or buffers and also provide advice. If
this government is to be allowed to function, it must be able to allow senior
officers of government departments to have the power of delegation. What the
opposition is asking for is that every time the departments want to buy a pencil
or a refrigerator, we will have to authorise it. They have budgets of $150m.

The honourable member did not pick up the point that, during the almost 2
years that I was minister, the Housing Commission reduced its level of waiting
time, built more units, obtained more finance for the Home Loans Scheme and
obtained more finance for acquisitions.

Let's talk about Mr Gaffy again. Why did the Housing Commission buy
Mr Gaffy's house? We bought Mr Gaffy's house because we need to be able to
provide senior officers with accommodation. I understand that Mr Gaffy's house
has now been taken over by the new Crown Solicitor. Mr Gaffy was the previous
Crown Solicitor. It has become what we could call succession housing.
Honourable members opposite know that, unless we provide reasonable
accommodation, we will not attract the topline people that the Northern
Territory needs. We are now harassing these people and talking about huge
profits. Mr Morris possibly made a paltry $10 000 or $11 000 on an investment
he made over 3 years ago.

Mr Speaker, I do not accept the motion of censure because I believe that,
during the period I was the Minister for Health and Housing, I conducted my
duties in a most responsible manner. I made a decision to give a power of
delegation and to provide the resources to a government department to allow it
to function properly and to enable the good order and good government of the
Northern Territory. I would do it again.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this morning we have seen
the honourable minister once again make an ass of himself. We have seen the
minister demonstrate only too clearly to this Assembly that he should never
become the Chief Minister of the Northern Territory. That really is the most
relevant point of this debate. We all know that the Chief Minister thinks he is
going off to do battle with Bob Hawke in Canberra. It is a reasonable
assumption in all of the speculation at the moment about who will be the Chief
Minister, that his deputy would have to be considered as one of the front
runners. We will need a lot of assistance, I am afraid, if that ever happens.

Mr Speaker, what the record clearly shows is that the minister did not
exercise his responsibilities in this matter at all. In fact, his defence this
morning was extraordinary. I must say, in passing, that the new Minister for
Housing comes out of this entire affair smelling like a rose. In fact, I do not
hesitate to quote from the letter that she wrote when she found this extraordinary mess in her department as a legacy from the previous minister who is now deputy head of the Northern Territory's government. Some of the correspondence indicates a slackness and a lack of attention which, if it was exercised by any of my personal staff in my office, they would be sacked on the same day that it occurred. It is quite unbelievable.

We see in these documents a classic case not only of a minister who was successfully snowed by his department but who was dumb enough to let them get away with it again and again. I cannot offer more support for that contention than the actions taken by his successor - and not too soon, I might add. I know that a few of the honourable minister's colleagues on the frontbench would have jumped through the window if they had received a memo like that from their departments, and I include the Chief Minister among them.

The Deputy Chief Minister referred to the minute that he received on 21 March. Jim Hacker at his worst - and what an asinine and idiot minister he is portrayed as in that program - would never have reached the stage of being snowed to the extent that this minister has been. Before the scheme is even under way, the commission gets off the mark immediately and sends him a memo which says that it wants him to delegate his discretion to it immediately - it is a classic 'Yes Minister' situation - because it does not want to irritate him by signing instruments on an almost daily basis.

As the member for Millner pointed out, I would have liked some evidence to have been proffered from the department as to why I would be needing to sign instruments on a daily basis. As we now know, the minister did not have to do this more than about once a week. There were 70 applications in 52 weeks of the year. Can you call that a daily basis? The minister did not even query it. He simply accepted blindly the advice that had been offered. Even before the act was in force, the minister's department told the minister that it would look after it: 'Take it out of your in-tray and put it straight in your out-tray without ever seeing it and you won't need to be irritated again'.

One would think that alarm bells would have gone off with that memo. They certainly would have gone off in my head if I picked up a memo from my department designed to relieve me of my discretion. It said: 'The following procedures are designed to overcome the above mentioned undesirable elements' - including irritating the minister - 'and, whilst not strictly in accord with the letter of the act, it is considered they fit well within the spirit'. Mr Speaker, I could rest my case at that point. Any minister who would have just blithely said 'approved' at the end of a memo like that deserves to be sacked. How can a minister accept a memo from his department when he knows it is his discretion they are talking about, and he has to wear it? He is wearing it now, and rightly so. How could the honourable minister allow himself to be gullled to that extent? It is such an important issue. It is obvious that he did not want to end up with egg all over his face through his own devices. But this involves a power that he had to exercise under the act. He received a memo from his department a month before it even came into effect: 'We'll relieve you of all that'. They told him in the same memo that what they were proposing did not comply with the act. But over the page it says: 'approved'. All he had to do was put a cross on the letter and it was approved.

I do not need to go any further. I am going to but I do not need to because any minister who would be idiot enough to give away his discretion, knowing that he has been advised that the procedures that he was approving did not comply with the act, is not fit to be a minister in any government. The
fact that he is deputy leader of the government, and likely to take over in December or whenever as leader of the government, should be a warning to us all.

It gets worse, as the honourable member for Millner pointed out. I am not even interested in going into the details of Gaffy's house or Morris' house or whatever. It does not matter. How could any minister be idiot enough to sign such a document and approve it? But he did. His sole defence was to read out details of these waivers which had been obtained by the new Minister for Housing. That is extraordinary.

He had one further arm in his defence. There were only 2. The other one was that, when he received the next letter from the Housing Commission telling him that there had been a few problems, he scribbled on the bottom of it: 'Don't treat these applications too lightly'. It must have taken him all of half a second to scribble that. This is the document that he scribbled on - the letter to the minister from his commission: 'To date, the procedure for providing you with monthly schedules has been practised'. In the original note, it promised him an accounting once a month. What he received was 2 schedules in 6 months. It acknowledged that in this letter and then had the hide to say that 4 of the cases that it had approved should never have been approved. The commission explains that: 'Oh, it is an error which was a result of insufficient control of required procedures'.

Have a look at these 2 classic pieces of departmental correspondence. We have 1 before the ink is even dry on the bill telling the minister: 'Do not worry your head about that. We will take care of it even though what we are proposing does not comply with the legislation'. The next one is: 'Oh sorry, we have mucked this one up and we should not have done it. We have complied with the agreement to send you a schedule every month by sending you 2 in 6 months so you should be happy with that'. 'Approved', says the minister. He puts a little note on it: 'Do not treat these applications too lightly'. He rests his defence on that. This minister is totally unfit to hold such a senior position in any government. How can a minister allow himself to be snowed to that extent by his department?

Mr Speaker, the new Minister for Housing arrived on the scene and, obviously, died of fright when she saw this. I do not blame her. I have known her for a long time personally and none of her actions surprise me at all. I know just how correct and thorough a person she is; I was her next door neighbour for 6 years. She must have been horrified with the slackness and stupidity - and that is the only words you could apply to it - of the previous incumbent in that portfolio. She receives a reference to the particular house that was mentioned and a recommendation to exercise her powers and exempt the penalty interest. She very firmly scratches out 'approved' and says that it is not approved. Despite the fact that that minister said it cannot be done, it was done because it had been organised by the previous Minister for Housing. The correspondence shows it clearly. There was not even a mention of that by the minister, and I am not surprised.

I will read out the letter that the current minister wrote to the department and which has been helpfully given to us. I do not hesitate to say that it is an indication that the ministry of housing is in very capable hands. The letter is to the chairman:

I refer to an application to me to exercise my discretion in respect of the purchase by the Housing Commission of a property belonging to the former Public Service Commissioner, Mr David Hawkes. I am asked to exercise my discretion...
She then says, and note these words: 'I would like to place several matters on record'. You do not have to be a minister in a government to pick up the import of that little statement. I certainly did and I would have written precisely the same sentence if I had come in on this dreadful mess. The new minister said that she wanted to place several matters on record:

Firstly, I want to be informed in future when the Housing Commission is considering the purchase of properties from public servants, and I emphasise, in all cases. Secondly, I want you to know that I shall not exercise my discretion to waive penalty interest rates except in the most extraordinarily extenuating circumstances, and the decision will be made by me and, should there be any delegation in respect of this discretion at the present time, I hereby revoke it.

Finally, I want to say that I am concerned that the penalty has apparently been waived in respect of Messrs Gaffy, Morris and Stanley. Whilst I acknowledge that I may have agreed to one of these requests when I first became minister, I am alarmed at the practice that has apparently developed.

Mr Speaker, I do not hesitate to say that that even throws more credit on the current minister. She had just adopted the previous practice of the absolutely hopeless case who had preceded her but, after only one instance, it set off the bells which clearly had been ringing for 2 years and had not been listened to by the previous minister. It provoked this correspondence: 'There will be no waiver of penalty interest in favour of Mr Hawkes and, if there is any capacity to recover this from Messrs Gaffy, Morris and Stanley' - who found a most obliging previous Minister for Housing - 'I direct you to take the necessary action forthwith. I do not want to receive any applications of this nature in the future unless there are the most extraordinarily extenuating circumstances and, furthermore, any purchase of houses from senior public servants should be, as far as possible, avoided'.

Mr Speaker, I am not making a party political statement when I say that I think that letter has to be a classic example for the record of a competent minister who has found an absolutely disgraceful and alarming mess left behind by the person who is now the deputy head of the government and likely, before the end of the year, to become the head of the Northern Territory government. The most action that was ever prompted from that previous minister was to scribble on the bottom of a letter: 'Do not treat these matters too lightly'. That was the full extent of the minister's interest in a ministerial discretion which he had and which, he had been advised by his department in an official memo, would be used on his behalf in a manner which did not comply with the act. It is spelt out in the correspondence.

I would like to hear other members of the Deputy Chief Minister's frontbench tell this Assembly, in all seriousness, that they would discharge their own ministerial responsibilities in the same manner. I hope the Treasurer and the Chief Minister would not be prepared to do that because it really is a disgraceful record. The letter that was sent immediately after one such case had been brought to the attention of the current Minister for Housing reflects a great deal of credit on her competence as a minister. I am sure that the members of the press gallery who are interested in politics in the Northern Territory, after reading through this fascinating correspondence, will come to the same conclusion.

Mr Speaker, there is much more interesting material in these documents to indicate the specific nature of the problem involved. I will conclude with
another piece of advice from the department to the minister that should have set off some sort of a warning. In the original letter from the department to its minister - and, as I said before, the department clearly knows its man - proposing to relieve him of his discretion in this matter, the department said that the basis on which waivers will be given are family problems, family distress and so on. I can understand the alarm of the current minister in taking the action she has. It has been very decisive action. A more categorical instruction could not have been issued to a department. I must say that she has gone a bit too far, although I don't blame her. But now she has shut the gate, she should consider reopening it just a little. It is pretty clear that, in her hands, it will not be abused. The circumstances of the waivers included: transfer of employment, irretrievable marital breakdown, medical grounds, further education requirements and bankruptcy. I say to the honourable minister who is now in charge of the portfolio that these cases do require ministerial discretion to be exercised, so the gate should not be shut.

However, then we heard this astounding one: repurchase by the Northern Territory Housing Commission. So we have a situation where Northern Territory public servants can purchase their houses from the Housing Commission and then sell them back to the Housing Commission for a much greater amount of money, despite any improvements made and, for some strange reason, penalty rates that should apply can be waived. We have not yet worked out how much this has cost the Northern Territory taxpayer. We know in the case of one house that it was $5000. If a similar rate applies to the other houses, it would be at least $200 000.

The loss of $200 000 is not the most important matter in this debate at all. It is irrelevant. What is important is that the Deputy Chief Minister, perhaps to become the Chief Minister of the Northern Territory, could not run a pie cart let alone the Northern Territory government. He has demonstrated it. He allows himself to receive a memo from his department relieving him of a responsibility which, under the legislation, is directly his. He is informed in the same memo that the procedures it is going to use to do this on his behalf do not comply with this brand new legislation. He puts a cross through 'not approved' and that is the only interest he has in the letter. He says: 'Sure, go ahead and do it'.

Forget about the rest of this argument, which is bad enough. I would like to hear any one of his frontbench colleagues tell me in all seriousness in this Assembly that he or she would have taken similar action. I would like to hear any of them tell me that a minister who is not capable of controlling his department to that gross extent is fit to be on the frontbench of any government.

Mr ROBERTSON (Attorney-General): Mr Speaker, over the last few days a series of questions have been asked in this matter. I thought at the time, as all honourable members would have thought at the time, that they were quite reasonably and properly put. The opposition was seeking information to which, of course, it is entitled. Indeed, by seeking that sort of information, the public obtains that information, and they are certainly entitled to it. Then this morning, following this line of questioning, the sponsor of this motion, as a courtesy, provided copies of the motion to this side of the Assembly. I thought that that motion, having regard to the questions and the interest shown in the matter, was again reasonably put. It was the sort of issue that the opposition wanted to bring out into the light of day.

However, my illusion that there were proper motives behind this motion and the questions was bit by bit eroded as I listened to the 2 previous speakers: the person who led the motion, the honourable member for Millner, and the
honourable Leader of the Opposition. As the content of their debate expanded and extended, the initial alarm bells, to quote the Leader of the Opposition, as to their motives became a clanging din. It became quite obvious from the very content of the contributions that the real motive was one of pure party politics, not of good administration.

Mr B. Collins: Well, let's hear you establish the grounds for that.

Mr ROBERTSON: I will proceed to demonstrate that and I really do not need the Leader of the Opposition's invitation to so do. What we had at the beginning of the contribution of the sponsor of the motion was an attack primarily on the manner in which a delegation was exercised by a commission. For the head of a department to put to a minister a proposition for a delegation before the actual commencement of legislation is not unusual. It has happened to me on a number of occasions. The question of whether or not an individual minister would delegate is a matter for him or her. We all exercise that judgment differently. But at no stage during the first 22 minutes of the speech of the honourable member for Millner did we hear anything which was directed towards the integrity of the minister himself in the handling of his ministry. It only came about in the last couple of minutes and at that stage I realised the real motive.

Mr B. Collins: His integrity is not in question.

Mr ROBERTSON: Oh, his integrity is not in question. Well at least that is one small concession. Let us look at what the honourable Leader of the Opposition's interjection does to the whole of his credibility. Remember these words well: 'His integrity is not in question'.

Mr B. Collins: It's his intelligence.

Mr ROBERTSON: Thanks for that little one, Bob. You have helped me no end.

Mr B. Collins: You need it.

Mr ROBERTSON: We are told by the honourable member for Millner that, in order to have these sorts of considerations, and I will quote him exactly...

Mr B. Collins: You address these remarks to him, not to me.

Mr ROBERTSON: You are the person who gave me the 'in' and I thank you for it.

Mr B. Collins: I know you are trying to make bricks with straw. You're not doing too badly.

Mr ROBERTSON: It really was an attack on the integrity of officers of the public service and an attempt to attach that accusation to the honourable Deputy Chief Minister. The honourable member for Millner said: 'You have to be a member of the government. You have to be a mate and you have to be a member of the Country Liberal Party'. If that is not an attack on the integrity of the minister who is supposed to...

Mr Smith: I did not say that, Jim.

Mr ROBERTSON: Look up Hansard in the morning. You said it all right. I wrote it down verbatim.
The attack used was to couple the membership of a political party with the granting of 'a favour'. Of course, the 2 people who were named as being such recipients were Mr Frank Gaffy QC, who was the Crown Counsel of the Northern Territory, and Mr Alan Morris. Of my own knowledge, I know that Mr Gaffy was not a member of the CLP and I know he has never been a member of the CLP. That honourable gentleman, who is supposed to have colluded with a minister of this government in some sort of a crazy scheme to defraud the taxpayer, is now a member of the Queensland Law Reform Commission. This is the person with whom the Deputy Chief Minister is supposed to have colluded. Of all people I have had dealings with, Mr Alan Morris is a man of absolute integrity. I am informed, and I have no reason to disbelieve my information, that he too is not a member of the CLP. Thus we have, as part of our vehicle for political purposes, a besmirchment based on nothing but untruth - an unparliamentary word would probably be more appropriate.

We also heard about alarm bells. It is distortion of the truth - in fact, a deliberate untruth - that the opposition launches as part of its petty attacks. We know that the minister who is under attack in this matter had been the minister for 2 years and, over that period, he did not detect the alarm bells. What is the truth? Not that the truth ever matters to the opposition. The truth is that he was a minister for about 7 or 8 months.

Mr Dondas: 12 months.

Mr Robertson: 12 months. I looked at the wrong book. We can all make mistakes.

Mr B. Collins: Well, I cannot apparently.

Mr Robertson: Indeed, you cannot.

Mr B. Collins: Tell me that you would have approved this memo.

Mr Robertson: Mr Speaker, this one is not directed at the Leader of the Opposition. It is directed at the sponsor of the motion itself. He told us on television and in the Assembly that the period between the purchase from the Housing Commission and the sale of the house by Mr Morris was 7 months. It was repeated in here this morning as being 7 or 8 months. Funny about that. I happen to have the mortgage document in my hand, and it goes something like this. I would hate to see the honourable member opposite become Chief Minister of the Northern Territory because he cannot even count. Perhaps his problem is that, given the benefit of his fingers, he can count but his real difficulty is that he cannot read. The mortgage was entered into on 1 October 1981. The discharge of the mortgage, properly certified and witnessed by a Justice of the Peace, occurred on 22 February 1983. This horrendous profit of about $10,000 was sold to the public by this disreputable opposition - who will use any vehicle, no matter how low, for political purposes - as being a rip-off which occurred after a period of 8 months.

In substance, what we really have is a help-John Reeves exercise. It is another angle on the old problem of keeping him there. I assume that
that can be the only purpose because this is purely political. When this was originally raised, I thought that the opposition would have the decency at least to confine itself to fact rather than distortion, half-truths and worse.

Mr Speaker, the whole exercise put forward by the opposition fails in credibility on the words used by both speakers from the opposition to date. If anyone else would like to confine himself to the facts, then perhaps we might be disabused as to the motive which I see as coming through quite clearly. There is no substance to this motion for censure of the minister at all. At no time, other than in the last bit and for purely party political slanderous purposes, was any matter of lack of integrity brought before us. It is a vehicle used by the opposition for completely improper purposes.

Mr SMITH (Millner): Mr Speaker, I will not take up too much of your time. The brevity of the last speaker's response is a fair indication of the amount of material that he had to play with on this particular matter. He did not approach in any shape or form the questions raised by both myself and the Leader of the Opposition. I do not intend to go over them.

I want to take up a particular point: the question that has been raised as to when Mr Morris actually took up residence and signed the mortgage documents for his house. I am pleased that the minister has been able to produce that information. It may solve one problem but it reveals another very severe problem. We have a computer print-out here from the Registrar-General's Office which says that, on 2 March 1983, the documents for the transfer of that property from the Housing Commission to Mr Morris were lodged and, on 4 March 1983, that transfer was approved.

Mr Everingham: A transfer is different from a sale.

Mr SMITH: That is the only public information we have available to us.

Mr Everingham: You could have...

Mr SMITH: The Chief Minister could have spoken in this debate, Mr Speaker. He had his opportunity.

We have the situation where, 13 or 14 months after the sale and the mortgage document has been signed, we have this registered. This reveals to me that there is a problem in the Housing Commission. It was obviously the Housing Commission's responsibility to provide all the relevant documents to the Registrar-General. Alternatively, there is a problem with the Registrar-General. That is something that this government should look at.

It is quite clear that the opposition has made a very clear case that the minister has not exercised his responsibilities sufficiently. It is clear both from the actions of the minister himself as revealed in the documents that he has put forward and, equally significantly, it is revealed in the actions undertaken by the present Minister for Housing in the corrections that she has quite properly made on the policy and the mess that the previous minister allowed to develop.

Mr SPEAKER: The question is that the motion be agreed to.
The Assembly divided:

Ayes 6

Mr Bell
Mr B. Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith

Noes 19

Mr D.W. Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Everingham
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr Manzie
Mr McCarthy
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Motion negatived.

MINISTERIAL STATEMENT
Government Liabilities and Contingent Liabilities in Respect of Major Projects

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I have been asked by the honourable Leader of the Opposition to supply details of government liabilities and contingent liabilities in respect of major projects, including the Yulara and Sheraton projects. I should say that such a statement was already in preparation and it had been my intention to make it during this sittings, as I announced during the last sittings. As most of these projects are related to tourism, let me at the outset emphasise that the government is determined to stimulate the development of the Northern Territory by lending encouragement to the tourist industry. To this end, we have embarked on a course which will see the early completion of major new tourist accommodation facilities and expansion of promotions via new hotel operators and the Tourist Commission, new air services into Darwin from overseas and a revitalisation of casino operations. The government's determination will be manifested by a substantial increase in the Tourist Commission's annual budget for 1984-85 and I will give details on the success of our activities to date later in this statement.

The development of the Yulara Tourist Village is the catalyst for a huge boost in the establishment of this infrastructure. Honourable members are aware that this project is well under way with one hotel already opened and total completion set for November this year, under the auspices of the Yulara Development Company. I tabled the project documentation in May 1982.

To this point, the construction activity at Yulara has been funded from borrowings by the company through major international and Australian banks. Those borrowings have been supported by guarantees given by the Northern Territory Development Corporation with security over the project assets. I report with some satisfaction that the company has been able to raise $26.5m in
extra capital for the project, through a partnership of major banks including the Commonwealth Trading Bank and the National Australia Bank, and I am delighted to welcome their eventual participation in Yulara. This will allow the equivalent part of the debt financed to be retired and also allow a substantial reduction in project cost through utilisation of taxation deductions generated in the project.

The total of loans drawn by September this year will be $110m. This amount, together with the new capital, will allow the substantial completion of the resort. I expect the capital to be injected in instalments commencing this month as soon as agreements are finalised. When this happens, the NTDC guarantees will be extinguished in exchange for agreements under which the government will make contributions to the project each year and the interest it has in keeping the cost of water, sewerage and other services at Yulara to the reasonable Territory-wide tariffs as well as for its lease of such premises as the school, the police station and various government offices there. Total payments under these agreements each year will be in the order of $5.9m less governmental revenues derived from the project.

One such item of revenue will be about $2m in stamp duty receivable in this coming financial year. There is provision for the contribution to be adjusted in line with actual experience and, as Yulara becomes more successful - and all the indications are that it will be - then the contribution will be reduced to the extent of extra tourist visitations above basic projections and, in effect, will be a budgetary matter each year.

The absolute maximum contingent liability of government for Yulara, that is if no tourists go there for a full year, would be of the order of $15m for the year concerned. When the partners who will subscribe the capital withdraw in 12 years time, the Yulara Development Company will have an asset worth $150m in 1984 dollar values and, at that time, on reasonable assumptions, liabilities of about $30m, again in today's dollar values. At that time the NTDC would be exposed again to the guarantee of the returns on that level of reduced liability, but its level is relatively small given the project revenues then received. The contingent risk is thus minimal. I would point out to honourable members that it is this underpinning of the development which achieves the future profitable position for the company and allows elements to be sold then with a strong prospect of a substantial nett return. Under the company's structure, that surplus will then accrue to the Territory Insurance Office.

But the Yulara project is not the only infrastructural project under way. Another one is the Alice Springs Sheraton development. That Alice Springs hotel will be owned by the Australian Industries Development Corporation, a Commonwealth statutory authority, and managed by the Sheraton International Hotel Group. Construction is proceeding well and the hotel should be completed by the end of 1985. The construction finance and related overhead expenses will total about $34m and this will be guaranteed by the NTDC until the purchase by the AIDC on completion of construction. There is a fixed-price contract and an agreed value supported by securities so the exposure as a contingency for the construction period is again minimal.

When the AIDC puts in its money to buy the hotel, there will remain $24m of debt financing in the structure. This, together with an agreed commercial return to the AIDC, which will vary as to its take-up of available taxation reductions, will be guaranteed by the NTDC. This guarantee will be, as a bottom line, an undertaking to make up the difference between the cash returns from the Sheraton operations after their percentage management fee and the commitments as to the commercial returns for the owners and lenders for a period of 8 years.
We have developed a base case of conservative results from this hotel using occupancy rates rising from 45% in the first year to 80% in the eighth year. In this model, the liability of the NTDC to make up revenue would be: in year 1 - $1m; year 2 - $1.6m; year 3 - $1.2m; year 4 - $0.7m; and year 5 - $0.2m. Then years 6, 7 and 8 appear to go into profit: year 6 - $0.1m; year 7 - $0.3m; and year 8 - $0.5m. A total contingent liability on that computer model is $3.7m.

At the end of the eighth year, the agreement is that the hotel will be sold. The expectation would be that it could be sold for at least its original value of $34m in today's dollar values. The profit on sale will be shared: 70% to the AIDC and 30% to the Territory government, through the NTDC. Having regard to the makeup payments made, this distribution should see the government returned to virtually a neutral financial position for the project term.

There is, of course, greater exposure if a worse case develops, and also the potential for gain if better results are achieved - and, of course, if a better sale price is obtained.

With our concentration on promotion and the expertise of Sheraton, we are confident of the latter. If, for some reason, it is not possible to sell the hotel at its value at the end of the eighth year, the NTDC may arrange for a company to buy it with the usual debt guarantees. This exposure would run on until circumstances changed and the hotel could be sold at a profit. When it is sold, any profit would accrue to the NTDC alone. Mr Speaker, I would only remark that, if that hotel cannot be sold in 8 years time in Alice Springs at its present value of $34m then Australia - not just the Northern Territory - will be in a very bad position.

With the Darwin Sheraton project, we are still in the negotiating phase with the owner, Manolas and Son Ltd. Their financiers, Wardly Australia Leasing Ltd, Sheraton and the builders, Civil and Civic Ltd, and Manolas and Son Ltd will have an equity of the value of the land in Mitchell Street plus $1m in the project. The final value of the hotel is still being refined but it will be in the vicinity of $40m. The lease financing for the project will be in place for the term of the NTDC guarantee which will be extended to it; that is, 10 years. The payment by the owners under the lease will be dependent on the taxation position achieved which should be of the order of $4m. The guarantee will be that, to the extent that lease and other minor overhead expenses cannot be met in any year from the surplus cash from Sheraton's operations, the NTDC will make up the difference.

The base model used in projecting the results has been developed on the basis of market research using occupancy rates commencing at 56.7% in the first year, 1986-87, and rising to 80% in the tenth year. I think that is a reasonably modest projection, Mr Speaker. That model produces the need for payments of loans of the following order, again in today's dollar values: year 1 - $2.6m; year 2 - $1.8m; year 3 - $1.3m; year 4 - $0.9m; year 5 - $0.4m; year 6 - $0.3m; year 7 - $0.1m; and years 8, 9 and 10 should go into a small profit - $0.1m, $0.3m and $0.4m. A total exposure is projected of $6.6m.

The proposal is that, at the end of the tenth year, the hotel will be sold. Its book value at that time will be only about $15m, again in today's dollar values. The surplus on sale will return the Manolas and Son Ltd equity, repay the NTDC loans, give a return on equity of 10% per annum to Manolas and Son Ltd, pay commercial interest on the government loans and return the residue in equal shares to Manolas and Son Ltd and the government, in that order. If the hotel cannot be sold for even that low value, then the NTDC would support its purchase
by a company which would have the favour of its guarantees. When it can be sold, any profit would accrue to the NTDC alone.

Honourable members will note that no loans at concessional interest have been provided to any of these hotel projects nor has there been any direct equity involvement. Further, there is provision for eventual recoupment of any payments and, indeed, for taking a profit share, even if no payments are made. I will instance these examples of how to take a share of a profit without putting any cash up front. Honourable members may care to make their own judgments as to the numbers I have included in this statement. The key point in each of the 3 projects is that we are in a position where the NTDC support has been or is being effectively converted from contingent liabilities which could emerge at any time for a project's full value to a manageable stream of actual liability. That stream will vary in its amount directly with the success of our promotional activities and those of the operators. In any case, provision is there for any payments made to be recouped at the end of the guarantee periods concerned.

Last Tuesday, the Leader of the Opposition asked the Treasurer for a brief outline of projected contingent liabilities expected by the end of the 1984-85 financial year. The question, by its wording, went beyond contingent liabilities to encompass actual liabilities such as loans and deferred payments. My intention in this statement, Mr Speaker, is to be as comprehensive as possible on such issues and, accordingly, I am setting out the following details of the extent of liabilities as they will stand on 30 June 1985. These are Treasury estimates. The actual liabilities of government: (1) semi-government loan program outstanding - $160m; (2) deferred payment contracts - $28m; and (3) Yu1ara annual contribution - $6m. That is a total of actual liabilities of $194m.

The following are the contingent liabilities. Again, I point out that these are Treasury estimates of the cost of the stage of construction which these projects will have reached at that time: Alice Springs Sheraton guarantee - $14m; Darwin Sheraton guarantee - $10m; Workers Club guarantee - $3m; V.B. Perkins guarantee - $4.5m; and Yu1ara annual guarantee (on closure) - $15m. This makes a total of $46.5m.

The actual liabilities present the major categories of fixed commitment and represent payments of raisings for value received. Certain ongoing commitments such as lease payments on office buildings and equipment, the payment by NTEC for gas, ongoing works and Port Authority contracts and government loan raisings serviced out of Commonwealth guaranteed revenues are excluded as being straightforward operational matters. Deferred payment contracts are counter-cyclical measures and are not to be regarded as a regular future budget mechanism. The contingent liabilities for the 2 Sheraton hotels represent the actual estimated expenditure to 30 June 1985 under the construction-financed guarantees on the basis that both projects terminate at that point. In each case, the government would have the benefit of the uncompleted works as an offset and refinancing would enable them to proceed.

The Yu1ara contingency is included to cover the worst-case scenario where the project had to be closed down at that date. Again, the government would have the asset ownership as an offset. Certain contingent liabilities are of such a general nature in common with other governments as to be quantifiable. These include contingencies of the kind covered by our self-insurance scheme, temporary underpinning of crop purchases in difficult times and non-repayment of housing and other loans made by government agencies. Generally speaking, such liabilities are covered by special reserve funds and mortgages taken over the
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respective assets. Further details are available from the annual reports of the TIO, ADMA, NTDC and the Housing Commission.

In relation to the casinos and associated developments, negotiations with the parties have not reached a point where it is yet possible to give any precise details.

Mr Speaker, as I have said, we are committed in a very direct way to making tourism a highly successful industry in the Territory. The infrastructure now under way or planned for the near future has a direct employment potential of about 2300 jobs. At present, 4600 workers, or about 9% of our total workforce, is employed directly in tourism and tourist-related industries. As a government, we will do everything we can to ensure that new jobs are created and that Territorians may look forward to an expanding economy through the growth of tourism. The result of increases in funds to the Tourist Commission in recent years, directed primarily to marketing, has seen a remarkable increase in the number of tourists coming to the Territory from 181 000 in 1975-76 to about 483 000 in 1983-84.

Growth in bureau sales this year has been impressive. Total sales for the month of April were $1.038m, an increase of 71% over the previous year. This growth in direct over-the-counter-sales at the Northern Territory Tourist Bureau does not reflect sales by travel agents who are serviced by the Northern Territory Tourist Bureau in the various capital cities. This growth in sales continued at an unprecedented level in May with sales yet to be verified at $1.462m, an Australia-wide increase of 58.22%. This year's dynamic growth has exceeded expectations and the commission's $10m sales target for this financial year is already well within sight.

This influx of tourists needs the establishment of major accommodation facilities and other associated works. Mr Speaker, I ask for the support of every member of this Assembly on the development of tourism which is so vital for the future of the Territory. I hope that honourable members will now be able to understand the necessity for, and the context in which, actual liabilities and contingent liabilities have already been entered into and, of course, the reason why the government has to stick its neck out - to put it crudely - in this way. As we have seen, the South Australian government has had to stick its neck out even in the case of the Hilton hotel in the centre of Adelaide and the proposed Adelaide casino. In the Territory's case, there is not yet an established financial track record for this sort of hotel in this Territory. Indeed, the leisure industry and tourism, of course, are viewed by banks and financial institutions with a great deal of caution. They are very conservative in that regard.

Mr Speaker, I believe that the steps that the government has taken to commence the establishment of the infrastructure needed to take what amounts to a step from a Lilliputian-type tourist industry to the mainstream of Australian and world tourism have been very necessary. I believe that, in 10 years time, when hotels are setting up without any assistance from the government, the worth of this policy, in the early days, will prove to have been extremely worthwhile. I move that the statement be noted.

Mr B. COLLINS (Opposition Leader): Mr Speaker, of course, I only received this document this morning. However, I have already read enough of it to wish to dispose of it immediately by treating it with the total contempt that it deserves.

Mr Speaker, the opening paragraph is: 'Mr Speaker, I have been asked by the Leader of the Opposition to supply details of government liabilities and
contingent liabilities in respect of major projects including Yulara and Sheraton hotels...' Mr Speaker, in fact, the statement is incorrect. I did not ask the Chief Minister to provide anything at all. I asked the Treasurer to provide me with that information.

Mr Perron: Do you want me to repeat it all?

Mr B. COLLINS: Yes, I do as a matter of fact because what I wanted - and it is the reason I asked the honourable Treasurer - was not a political statement of the government's intentions in developing tourism infrastructure - which we support - with a few figures thrown in to ginger it up a bit. What I asked the Treasurer for was a brief prepared by Treasury officials explaining the precise position with the detail that we are always trying to get in this Assembly and never manage to obtain. As the honourable member for Millner pointed out the other day, on those infrequent occasions when we manage to get it, it is wrong. What I have instead is a political document, a ministerial statement which is very nicely done on tourism matters, with a few figures thrown in. That is not what I want. It is not what I expect the Treasurer to provide me with, which is why I asked the Treasurer the question and not the Minister for Tourism, the Chief Minister. I am still no further ahead and neither is the Northern Territory in terms of the information that is available to the public of the Northern Territory as to where we stand.

Mr Speaker, the statement talks about the situation with Yulara. I am particularly interested in Yulara for the simple reason that, clearly, it is the largest of the projects currently underwritten by the government and will stay that way until, of course, we launch the $200m arrangement on the old hospital site. I turned to the Yulara section expecting to find some Treasury detail, which I am perfectly capable of understanding should I ever have it put in front of my nose, and what I get is a statement about tourism. There is one paragraph about Yulara which involves a government guarantee, according to this document, of $150m. There are all sorts of intriguing little hints in this statement that simply indicate to me the need to pursue this matter further. I guess I will have to do so at the budget sittings. Listen to this:

Guarantees will be extinguished in respect of Yulara in exchange for agreements under which the government will make contributions to the project each year for the interest it has in keeping the cost of water, sewerage and other services at Yulara to the reasonable Territory-wide tariffs, as well as its lease of such premises as the school, the police station and various offices there.

It is not unreasonable, Mr Speaker, considering the tone of the question I asked, to expect some financial detail about what is involved there. I am familiar with leasing arrangements that are made elsewhere in Australia. What I would like to know, for example, is the value of the leases and the rents being paid in respect of Yulara. Is it a market lease level? We will just have to wait for the Treasury documents on the budget to find out. Is a market rental levied on the police station, the school and the offices as is suggested by the previous statement about 'reasonable Territory-wide tariffs'? Perhaps I could ask the Treasurer to respond now as he has the opportunity to do so. The Treasurer made the offer a minute ago to repeat all this again. I ask the Treasurer a specific question: are the leases for the police station, the school and the various offices at Yulara - tantalisingly absent in detail in this document - based on Territory-wide tariffs, as indicated in the previous clause, or are they indeed provided as an artificial income for the project?
Of course, that is not an unusual situation. The reason I ask is because it is done elsewhere in Australia. I want an answer to that question. Is it a Territory tariff or is it, in fact, an artificially-inflated lease tariff designed to provide additional income to the project? If so, how much is it? How much do the lease payments total over the life of the project? That is a direct government liability. That is what I am talking about. The Chief Minister acknowledges it. He included it in his statement as being a liability of the government to pay those moneys out but he does not list the amount of money. Mr Speaker, if I cannot get this information — and I am not quite sure what sort of questions I have to ask to get it, which is why I asked the honourable Treasurer — I want a Treasury brief outlining the details of the liabilities of the government. I receive a throwaway line telling me what a liability is and absolutely no financial information at all. It is appalling.

The one-line allocation for Yulara talks about an annual budget commitment of $6m. Clearly, these lease arrangements are not included in that figure. The $6m is the servicing charge directly applied to the loan. I would assume that is so, and I have to assume it because there is no information in here that tells me that it is so. Perhaps the Treasurer can answer that question in the debate this morning. I ask this question specifically and expect it to be answered now by the Treasurer who so cheerfully offered to do so a minute ago. Does the figure included in this document of an annual budget allocation of $6m to Yulara include the cost of the leases for the school, the police station and various offices? If it does not, why do those figures not appear also in this document? That is one question after 15 minutes perusal of this thing.

We then go on to examine the total contingent liabilities of the project with the assets worth $150m, which is of course information that I have. We know that they are worth $150m at Yulara. But why do I not have outlined here in detail a best case and a worst case scenario for Yulara and for the government's liabilities advising me of what the financial details are? I do not have that. The statement says that I have it. Later on in the statement it says that I have been provided with information in this document as to a worst case situation at Yulara: 'The Yulara contingency is included to cover the worst case scenario where the project had to be closed down...'. I dispute that statement. That statement is false.

I do not believe any word in this document. I am simply going on what I have tried to glean from looking at the arrangements that have been announced in this Assembly in respect of the financing of Yulara. There are tantalising little hints in this document that a few other things might be tucked away that we are not told about in respect of the money they received.

I would put to the honourable Treasurer another specific question. Does this document contain a figure advising me of the total contingent liabilities in respect of Yulara for a worst case scenario? If it turns out to be a lemon, which I do not expect to happen under any circumstances, and if the commercial properties cannot be sold off, how much is the government going to be stuck for at the end of that time? I do not accept that this document has provided me with that information, despite the statement in it that it does.

There is another little tantalising hint in this document. I wonder what would happen if I had an hour to read it? The Northern Territory taxpayers are entrusting this government with the job of looking after their interests properly. We have already had demonstrated this morning how totally inept one of the frontbench is. In fact, there was not even an attempt made by the Chief Minister to defend his Deputy Chief Minister in that particular respect. We have so far heard nothing from the Treasurer in this debate at all, even though
it is all about money and the government's liabilities. That is despite the fact that the question was addressed to him and not to the Chief Minister at all.

I commented that I suspected that there could have been some arrangement made by the government to guarantee the income for the Sheraton hotel project. It is interesting to see that I am right because there are a couple of tantalising little hints in here: 'Guarantee will be to the extent that, if lease and other minor overhead expenses cannot be met at any year from surplus cash, the NTDC will make up the difference'. That is the end of that particular statement.

Mr Perron: Awfully subtle.

Mr B. COLLINS: Sure. It would indicate to me that perhaps there is some substance to the speculation that I made. But, obviously, I must pursue the matter further.

Mr Speaker, I asked for a Treasury brief outlining to me in some detail what we are going to get slugged for in years ahead. Without getting into technical financial language, perhaps the honourable Treasurer could simply take that on board. I would like to know what commitments have been entered into and are being entered into by the Northern Territory government that could end up as liabilities on future Northern Territory budgets. Is that clear enough, Mr Speaker? I would like to know on a best-case and a worst-case scenario, Mr Speaker.

Mr Everingham: You have been given that.

Mr B. COLLINS: I have been given nothing of the sort. I would like to know what obligations the government has entered into. Perhaps the Chief Minister can answer one specific question. I will give him whatever leave he likes to make it. In the only thing even approaching a brief in this document, which is on page 10 concerning Yulara, there is an amount of $6m as the annual contribution of the government. Obviously, what we will expect to see in the August budget of this government is an amount in some appropriation for $6m. But there is a reference - and I just picked it up myself because it is in the statement - to leases being taken out on the police station and other offices but no figure is mentioned. I have asked the Treasurer this question and I have asked it of the Chief Minister. Whichever one would like to provide the answer can do so. Are the lease payments included in the $6m as the Yulara annual contribution, whatever that is? What is an 'annual contribution'?

Mr Perron: Look up the dictionary and you will find out.

Mr B. COLLINS: I do not want a dictionary; I want a financial report. I am not talking about language; I am talking about money. That is the problem with this document. We have pages of English and no money. Answer my question: do the lease payments come into this figure of $6m? If they do not, and it is a simple enough question, how much are they? How much will the government be paying out for those facilities? Is that too much to ask? Included in this document is that it is an obligation on the government but no figure is given. Perhaps it is in the $6m. If it is, I am satisfied. If it is not, how much is it?

Is it a normal lease? The reason I am asking it is because of the Chief Minister's own words: 'reasonable Territory-wide tariffs'. What is that? Do the lease payments comply with a reasonable Territory-wide tariff or are they, in
fact, greater than that? Are they in fact artificial income for the project? If they are, tell me how much they are. It is Northern Territory government money and we should be able to know how much they are. Is it included in the $6m figure? If it is, I will be satisfied. That is all I want to know. If not, how much are they?

Mr Speaker, there is no point in going through the document in any more detail because, in the brief perusal I have had of it, I already know that it goes nowhere near to explaining to me what kind of future budget appropriations we are likely to see in terms of the total amount of government money that will be expended on projects like Yulara. Simply, it is not there. That is what I am interested in. I will take up these matters in some detail at the budget sittings. Obviously, I shall have to do that. Perhaps it will be a long committee stage.

Mr Speaker, I ask either the Treasurer or the Chief Minister to give to me, this morning in the Assembly, specific answers to the questions I have asked about these lease payments which have been mentioned by the Chief Minister. I refer to 'reasonable Territory-wide tariffs' and whether those figures are included in the annual appropriation in this document for Yulara.

Mr BELL (MacDonnell): Mr Speaker, I rise as the member for MacDonnell to make some comments on this. I want to make 2 particular statements because Yulara is in my electorate. I note the figures that are presented in this statement and, quite clearly, as the Leader of the Opposition has said, there needs to be greater explanation of them. I wish to make one simple point in relation to those costs.

I have risen in this Assembly on a number of occasions to talk about developments and government-funded facilities in my electorate. During these sittings, I have spoken on a couple of occasions about $25 000 to $30 000 to be spent to provide a school for a community that has been out on the Western Australian border for 3 years. To say the least, that contrasts starkly with the figures that are presented in this particular case and I wish merely to draw that stark contrast to the attention of honourable members. That is the first point I want to make.

The second point I want to make is in relation to the demand for up-market accommodation facilities in the Alice Springs region that the Sheraton hotel represents. Honourable members may be aware that I placed on notice a question in relation to taxation on the proceeds derived from gaming in Alice Springs in the last 2 years. I placed that question on notice during the March sittings. Honourable members may have seen the answer I received. The fact is that the current 4-star accommodation at the Alice Springs Federal is being subsidised to some extent by the turnover tax on gaming. My question is whether there is currently a demand for such a substantial increase in up-market accommodation facilities in Alice Springs as the establishment of a Sheraton hotel would suggest? That is the specific question I would like answered in connection with this particular statement by the Chief Minister.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have been dealing with the Treasury on this matter and, for the benefit of honourable members, I made an undertaking to this Assembly, which the Leader of the Opposition chooses calmly to disregard, at the last sittings, to make a statement on this whole position, hopefully when the negotiations with the Darwin Sheraton hotel people - Manolas and Son Ltd - had been completed. They still have not been completed but I made this statement this morning. The tactics of the Leader of the Opposition are contemptible. He knows that he always gets adequate notice of statements from
me and he knows that he did not have to debate it this morning if he did not want to. He did not need to debate it until tomorrow or the next sittings. He has chosen to try to use his ignorance of the statement and ignorance of the facts as some justification for throwing mustard in the eyes of the press and trying to cause scare tactics and alarm in the Northern Territory. The fact of the matter is, Mr Speaker...

Mr B. Collins: Answer the question.

Mr EVERINGHAM: ... the opposition has quoted selectively.

Mr Speaker, I will answer any questions and the Treasurer will answer any questions on this matter from here on in that the Leader of the Opposition chooses to put on notice. We attempted to answer the verbal question that the Leader of the Opposition asked the other day and I do not know in what parliament he would get a more detailed statement than this showing the expected liabilities, the contingent liabilities.

The Leader of the Opposition has made great play of this business about Yulara. For a person of supposedly great intelligence, I will have to read 2 paragraphs of this statement again because, apparently, the Leader of the Opposition cannot understand English or chooses to distort it for his own purposes. Mr Speaker, let me go back to page 3 of this statement which the Leader of the Opposition could have read tonight, tomorrow or next week and debated at the budget sittings if he wanted to:

When this happens, the NTDC guarantees will be extinguished in exchange for agreements under which the government will make contributions to the project each year for the interest it has in keeping the cost of water, sewerage and other such services at Yulara to the reasonable Territory-wide tariffs as well as for its leases of such premises as the school, the police station and various offices there.

The total payments under these arrangements each year will be of the order of $5.9m, less governmental revenues derived from the project.

Mr B. Collins: Good. I got the answer already.

Mr EVERINGHAM: What a clown, Mr Speaker. What a nonsensical ratbag he is to have in this Assembly as Leader of the Opposition when he carries on like that to try to spread alarm about these projects. All this man is going to concentrate on doing for the remainder of this year is to try to undermine the Northern Territory, to draw away the attention of the public and the press from the terrible mire and miasma that his own party is bogged down in.

Mr B. Collins: You are going to have an interesting budget session, I can assure you.

Mr EVERINGHAM: We will have an interesting budget session all right, Mr Speaker, because my colleague, the Treasurer, will bring down another budget that will be accepted by Territorians, as have the previous budgets since self-government that have led to unprecedented growth and development in this Territory. Mr Speaker, what contemptible tactics when it has already been exposed to him and pointed out to him. He started his scare campaign almost as soon as I got back from overseas. When I raised the agreements the South Australian government has made, it did not stop him. They can do it in South Australia but we cannot do it in the Northern Territory. We have given him details. This statement was prepared by a Treasury official and I have given
him reams of figures. Any further figures he wants, he can obtain, by questions on notice, from the Treasurer or myself.

Motion agreed to; statement noted.

MINISTERIAL STATEMENT

NT Matters under consideration by Commonwealth Grants Commission

Mr PERRON (Treasurer) (by leave): Mr Speaker, I wish to make a brief statement on the progress of matters affecting the Northern Territory presently being considered by the Commonwealth Grants Commission. Honourable members will be aware that the commission is engaged on 2 matters of interest to the Territory. The first is the government's application for a special financial assistance grant for 1982-83. The second is a more general inquiry into the tax-sharing elements of not only the Territory but also of the states.

Towards the end of May, the Grants Commission took the somewhat unusual step of deferring its recommendation on a special grant for 1982-83 until completion of its tax-sharing inquiry. This is now expected to take place at the end of March 1985. Mr Speaker, I hasten to assure honourable members that the commission's decision with which we concurred with some reluctance does not prejudice the Territory's claim, nor does it imply in any way a prejudgment of the merits of our claim. It simply reflects the difficulties the commission is experiencing in coping with the competing demands on its time.

I have been assured by the commission that its recommendations will be made to the Commonwealth government in sufficient time to enable the special grants to be paid to the Territory before the end of the 1984-85 financial year.

Possibly of greater significance to the Territory is the commission's inquiry into tax-sharing entitlements. This inquiry has now progressed to the stage where the commission will soon be commencing public hearings in each state. The hearings will culminate in Darwin during August. The government's submission on methodology for the inquiry is already with the commission. We have also completed a further submission documenting the reasons for our strenuous opposition to basic changes at this time to the Northern Territory's funding arrangements. I will keep the Assembly informed on future developments in these matters and I hope within a week or so to have copies of the government's submission on the tax-sharing inquiry for all honourable members. I will distribute them when they become available.

I just take this opportunity to commend the Treasury officers who have been preparing these lengthy and very exacting documents to put the Territory's case. I just want to place my appreciation for their efforts on record.

MINING AMENDMENT BILL
(Serial 42)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, this is a very small bill seeking 2 amendments to the Mining Act. The first amendment is to section 72 of the act, providing for the inclusion of the words 'a residence' in paragraph (a). The section prohibits the granting of a mineral lease in respect of private land used for specified purposes without the written consent of the owner first being obtained. The use
of private land as a residence is an obvious use to which the section should apply, and the omission in the present act is clearly an oversight. I would add that this amendment was recommended by Mr Justice Toohey in his report on Aboriginal land rights when considering the question of Aboriginal living areas.

The second amendment is to section 191 and is a result of legal doubts raised in respect of the wording used in subsections (19), (20) and (29). Section 191 is the savings and transitional section of the act. Subsections (19) and (20) are concerned with the continuation of occupation and passage rights that were granted to the holders of a miner's right under the repealed Mining Act. Subsection (29) is concerned with the continuation of the right of pre-emption given a miner under section 35 of the repealed act. The intent of the subsections is that such rights should continue on an indefinite basis provided the holder complied with the conditions applicable to the particular right.

Mr Speaker, without going into too much legal detail, the doubt that has been raised is that the reference to a miner in the subsections is to a miner within the meaning of the repealed act; in other words, the holder of a miner's right under that act. Such a miner's right existed for 1 year and, as the act has been repealed, a new miner's right cannot be obtained under that act. The combined effect of this is that these miner's rights have now expired and the rights held pursuant to them must also have expired. I am sure that honourable members, on reading the subsections, will see that this was not the intention of the original bill.

The Department of Law has advised that there is sufficient doubt on the present wording of the subsection to warrant an amendment. The amendment proposed will provide that the rights continue notwithstanding the expiration of the miner's rights.

Honourable members will note that the operation of clause 4 of the bill is to be made retrospective to the commencement of the new Mining Act and this is proposed to ensure the rights in the subsections are protected indefinitely and to avoid any possible legal difficulties where the rights have expired as is suggested by one legal interpretation of the subsections.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

WORKMEN'S COMPENSATION AMENDMENT BILL
(Serial 57)

Bill presented and read a first time.

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

This bill is aimed at curing some immediate short-term problems with this act. As honourable members would be aware, a major inquiry is taking place into the worker's compensation system in the Northern Territory. It is hoped that the inquiry will be delivering its findings later this year. The findings of the inquiry will have to be analysed and it would take some time for new legislation to be drafted. Therefore, it could be well into 1985 before the recommendations of the inquiry could be enacted into legislation if, indeed, they are.
This bill was designed to patch up the act by curing some of its immediate problems. One of the minor things the bill does is to replace the word 'workman' with 'worker'. This could be said to be cosmetic change, but I disagree. Many people have expressed concern at the presence of the word 'workman' in the act as encompassing both male and female workers.

Clause 6 legitimises what is, in effect, a de facto situation by making the tribunal a court. As members would be aware, Territory magistrates presently constitute a tribunal and normal pre-hearing procedures are adopted. Parties generally are represented legally although this is not invariably the case. The bill seeks to make the tribunal a court because it will ease the appeal process. The fact that it will be a court of record means that it will be easier to serve subpoenas interstate, which is of some importance when so many witnesses, particularly medical ones, are situated there.

Clause 7 provides that the procedure of the court is subject to the act within the court's discretion. This enables the presiding magistrate to delay procedures somewhat if he feels it necessary.

Clause 8 provides that a party can be represented by a legal practitioner or someone the court is satisfied is acting on behalf of, and at the request of, a party. The party, of course, can appear personally.

Clause 9 was inserted to cover the situation where there were problems with the regularity of payments of compensation. The existing section covered settlements being delayed. This clause verifies that, where an employer is irregular in his payments, his insurer can be penalised.

Clause 10 of the bill is to expedite the process where an employee returns to work following a period off on compensation. This clause provides that, in 2 situations, the employer can discontinue, diminish or withhold a weekly payment: firstly, where the employee returns to his work or similar work and, secondly, where a medical certificate is issued saying he is wholly or partially recovered or his incapacity is no longer the result of his accident. In the latter case, a copy of the certificate must be furnished. The employee can refer the matter to the court which can order continuation of payment even if the action is to be adjourned.

Clause 11 merely corrects a technical fault by allowing the address for service of notices on the nominal insurer to be as prescribed. Clause 12 clears up a technical fault in the act. It is to clarify that, where an employer denies liability and there is not a policy of interference in force, the nominal insurer can still proceed against the employer.

Section 18 deals with compulsory insurance. The proposed amendment contained in clause 13 provides that an insurer shall neither renew nor issue a policy of workers' compensation insurance without the consent of the commissioner.

Mr Speaker, clause 14 is a most important clause. This requires the employer to furnish wage statements which must be in the prescribed form and contain full details. The employer must keep full and correct wage records. Proposed new section 18AB allows premiums to be paid by instalments. The employer would have to elect to do so. An interest penalty of 10% applies. Clause 15 is a technical amendment to section 18F which deals with default by approved insurers and clause 16 enables access to accident books to be extended to industrial safety officers.
Clause 17 deals with appeals. This provides that appeals to the Supreme Court can be on a question of law, with new factual evidence only being admissible if the court is satisfied that the party seeking its admission did not know or could not have reasonably known of its existence when the matter was dealt with in a lower court. The purpose of this amendment is to prevent the situation which has been occurring where evidence has been held back from the tribunal hearing and the Supreme Court is in fact dealing with the matter de novo. If this occurs, it makes the earlier proceeding an expensive fishing expedition - an abuse of legal processes, if you ask me. This amendment provides that an appeal should generally be allowed. It will only stop this situation from continuing while, at the same time, allow, in a genuine case, fresh evidence to be introduced.

Clause 18 repeals section 27 which provides for contracting out. Provision already exists enabling self-insurance so this section is to some extent redundant. Clause 19 amends the regulation-making power. Clause 20 is a technical amendment only clarifying the definition of 'partial incapacity'.

Clause 21 enables liability to be extended to workers injured whilst working out of Australia. The employer must, however, give notice of the fact the worker is going there, wherever it is, because it could be a factor in fixing premiums.

Clause 23 increases certain penalties under the act essentially to bring them in line with inflationary trends. It also seeks to change the words 'workman' or 'workmen' where appearing to the non-sexist term 'worker'.

Finally, clause 23 is a savings clause enabling proceedings commencing under the tribunal to be concluded in the court and enabling a certificate given under section 27 relating to contracting out to remain effective until it is revoked or expires. It also enables the tribunal rules to be deemed rules of the Worker's Compensation Court until amended or replaced.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL (Serial 24)

Continued from 12 June 1984.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: Mr Chairman, I move amendment 7.1.

This is a technical amendment that would normally be picked up in a statute law amendment. Proposed new paragraph 4(a)(iv) of the bill contains a typographical error. This amendment inserts '(iii)' in place of '(ii)'.

Amendment agreed to.

Clause 4, as amended, agreed to.
Clause 5:

Mr SMITH: I invite the defeat of clause 5.

The purpose of clause 5 is to completely eliminate the existing limited common law provisions that exists for Territory residents. We have canvassed the arguments on this in the second-reading debate. I will go through them briefly again. We believe that, when we have what is in effect a very limited no-fault system, it is not right and proper to remove the limited common law claims that remain to Territory residents. We are particularly of this view when you consider that the existing rights for non-Territory residents in the area of common law remain the same. There is an unfettered right for those people to take cases before a court. We are aware that there are some cost implications in urging that the existing provision remain in the act but we believe that Territory residents are prepared to meet that additional cost for the limited common law provisions to remain.

Mr Chairman, as I indicated before, the government's first priority, if it wants to adopt the no-fault system, is to establish a proper no-fault scheme which does not have arbitrary limits at various important points, like medical and rehabilitation expenses, and provides for the needs of all Territory residents who are injured in car accidents. The present scheme, which is so arbitrary in the financial provisions in so many areas, is just not good enough and it should not result in the abolition of common law provisions.

Mr PERRON: This clause certainly is the hub of the amendment to the Motor Accidents (Compensation) Act which is before us today and this very principle is the reason why the government introduced this measure. In introducing this measure to abolish the common law right of Territorians to sue, of course we took the corresponding step of increasing the schedule benefits substantially, as I outlined in my second-reading speech.

It is odd that the honourable member for Millner proposes that this clause not be altered and that the common law rights be retained, yet he does not offer any other solutions to the problem that is before us. Should we in fact increase premiums very substantially? He is well aware that that would be required to balance the books. In the past, he acknowledged that the difficulty facing the Territory Insurance Office and the government in running this scheme is that it is necessary for the books to be balanced. Those were his own words. He further said that he will not go for the easy option, which is slugging the prospective insurers 35% or 40% extra in premiums - figures that he probably plucked out of the air.

Late last year, the Leader of the Opposition also spoke of difficulties that the scheme was in and said that it was a result of the government not biting the bullet and putting up premiums when perhaps they should have been put up some time ago.

We have here the government's proposition to balance the books by imposing a $5 premium increase and abolishing the common law. The other option was to put up the premiums by about $53.

I oppose the suggestion that we do not alter the principles in the principal act as far as common law is concerned. Therefore, we either have a scheme that persists in losing $3m or $4m per annum or we raise the premium income. The honourable member has not suggested that we do that as an alternative.
Mr SMITH: Mr Chairman, you will be aware that we on this side of the Assembly have had a protracted struggle in getting any figures from the TIO and the government on this matter. As late as this morning, the honourable Leader of the Opposition stated that we still had not been given accurate answers to the questions that I placed on notice in April.

I have had the opportunity to take the honourable Treasurer's advice given to me yesterday and to read what he said in the Hansard about this particular matter. Again, I refer him to the questions. He refers to information given in the Assembly concerning common law rights of Territorians. There are no answers in here concerning common law rights of Territorians. I know what he is getting at now but there is a major mistake in here. There are 2 separate lots of common law rights for non-Territorians put in here. There is no mention of common law rights for Territorians. I can understand the figures now but there is a major mistake and he should have been prepared to listen to me yesterday instead of sitting on his arrogance and refusing to talk about it.

The other matter is that the Treasurer made a very simple proposition in the Assembly yesterday, which is unbecoming of a Treasurer. He said that, if you abolish common law rights for Territorians, the savings will be $4m. He worked that out by deducting the claims that have been made so far and the outstanding common law claims. He has not taken into cognisance the fact that, under his proposal, there are certain increases in scheduled benefits in particular. We have no information from the honourable minister at all about what the impact of the improvements in the scheduled benefits are likely to be. We have no information from the minister at all about what the impact of the increased amount of money that is available for hospital and medical expenses is likely to be. We have been asked, as I have said so many times in this debate, to make important decisions concerning the welfare of all Territory people in the dark because we do not have the basic information.

I would like at this late stage for the minister to get up and tell me if he is saving $4m out of the common law scheme. At last, I can see where he obtained those figures from. It was not supplied in the answer that he gave me. How much is it going to cost for the improvements?

Mr PERRON: Mr Chairman, I suspect that the honourable member for Millner asked some lawyer to draw him up a set of questions and then could not make head nor tail of the answers. Quite clearly, he asked the wrong questions for the sort of information he was trying to obtain. However, he does confess to being able to understand them a little better today than he did yesterday. Perhaps it is a bit like the Leader of the Opposition who this morning attacked the Chief Minister for not providing information in a statement. Subsequently, that was pointed out to him. The member should take time to study these things. Some of the calculations, particularly in the insurance area, are complex. To answer specific questions about the cost of any aspect of the scheme, if it is changed in one regard or another, would involve actuaries.

I have told the honourable member that the actuaries' advice to this government, through the TIO, is that, if the scheme stands as it is at present, premiums must rise forthwith to $204 from the current $151. If the proposed amendments are proceeded with, common law for Territorians will be abolished and the scheduled increases will remain as presented to this Assembly. The scheme will then be able to fund itself as well as recover the losses of last year and the losses that are still being made this year. Those losses will be recovered over a 4-year period with the new premium of $156 proposed to be introduced on 1 July. I must point out to honourable members - and the opposition seems to need everything in single syllables - that the increase on 1 July will not be
the only one in that 4-year period of recovery. I will put that on the record so that the opposition does not scream in 12 months or so, when there is a further actuarial report as to how the scheme is going and no doubt a further adjustment to premiums, that the Treasurer said the government would not change premiums for 4 years.

Mr B. COLLINS: Mr Chairman, once again, the Treasurer has demonstrated what an absolutely impossible job it is for the parliament to operate as a scrutineer of public expenditure and money matters. We saw it this morning in that pathetic excuse for a brief that was presented by the Chief Minister. Since it is entirely the province of the Treasurer, I cannot understand why he did not do it. Perhaps we will find out in August.

Mr Chairman, we have just heard from the Treasurer, and I am delighted to hear it, brand new information which was precisely what we have been seeking since April this year. This is a copy of a draft answer by the Treasurer to a question on this matter from the member for Millner. The question asked specifically for answers regarding those sections of the act that involve Territorians. In the answer, there is no reference whatsoever to those sections of the act that refer to Territorians. The only amounts that were provided to the member for Millner were for non-Territorians. Mistakes can be made in answers given to questions, although I understand it is the normal practice for ministers to clear those answers before they are sent to us.

The honourable Treasurer does not have much of a case. When the member for Millner took to him the inaccurate draft, the Treasurer conceded that it was inaccurate and would be corrected. However, the answer provided subsequently to the honourable member for Millner contained precisely the same errors that were in the draft. In fact, there is not one iota of difference between the answer that we finally managed to obtain yesterday and the draft. The errors were not corrected on the schedule attached to the final question. As a result of what we have just heard in the Assembly, the member for Millner has corrected in biro the mistakes that were made in the original draft.

I thank the Treasurer for finally providing us, in the middle of the committee stage, with the information that the honourable member for Millner has been trying to get since April. It is not a question of not being able to understand single syllables; we have to rely on the information that is given to us by him. When it is inaccurate - not only in the mark-1 version but in the mark-2 version - it makes the job of this parliament in scrutinising the expenditure of public money by this government not difficult but impossible.

Mr PERRON: Mr Chairman, I do not know what alleged inaccuracies the Leader of the Opposition is talking about. I feel that they have asked a series of questions which did not elicit the answers they particularly wanted. They became very cranky about the answers. As I suggested to the member for Millner yesterday, he has had a couple of months to seek, through me, a briefing with the TIO people on exactly the questions he wanted answered. I have provided no more information this afternoon than I provided in my second-reading speech and in other information that has been released in relation to this entire matter.

They are trying to raise a storm in a teacup. They have come undone because they did not ask the right questions in the first place for the sort of information they wanted. The footnotes to those answers throw caution on their interpretation. I believe they really should take some caution because they quite clearly do not understand the information they are after.

Mr CHAIRMAN: The question is that clause 5 stand as printed.
The committee divided:

Ayes 16
Mr D.W. Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr Manzie
Mr McCarthy
Mr Palmer
Mr Perron
Mr Robertson
Mr Tuxworth
Mr Vale

Noes 6
Mr Bell
Mr B. Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith

Clause 5 agreed to.

Clause 6:

Mr PERRON: I invite defeat of clause 6.

Clause 6 negatived.

New clause 6:

Mr PERRON: Mr Chairman, I move amendment 7.2.

This new clause further clarifies the exclusion clause under section 9 of the principal act. In the original amendment, passed in March 1984, the offence of culpable driving was superseded by the words 'an offence against section 154 of the Criminal Code'. However, it is thought that this may not cover the situation whereby a Territory driver commits an offence whilst interstate, which would lead to exclusion if committed in the Territory. This amendment now covers that situation without affecting the intention or meaning of the act.

Mr Chairman, the proposed new clause also amends the principal act by deleting the words 'and is convicted accordingly'. This enables the board to deny benefits in cases where the accident was caused by drunk driving but the driver was not convicted, for whatever reason. It only affects the injured driver. Innocent parties continue to receive benefits.

This is an important issue. It was raised in the second-reading debate. I pointed out then that there were several possible instances where a person could be injured in an accident and not be charged and subsequently convicted for having a blood-alcohol reading in excess of .08. We believe that, because they are not charged in these circumstances, it should not be sufficient reason for those persons to become eligible for benefits under the scheme because, had they been charged and convicted for having a blood-alcohol level of over .08, they would have been denied those benefits. In those examples I gave yesterday, the reasons why they were not in fact charged and convicted are based on technicalities. It is important that, in making such decisions, the TIO board will need to have all the substantial evidence that a person did in fact exceed .08 because this
question will, in almost every case, be referred to the tribunal. The board's
decision will be challenged. Therefore, in making the decision that a person be
denied benefits under the scheme because his blood-alcohol level was over .08,
the TIO board will be mindful that it will be producing such evidence in a court.

In response to one case I quoted yesterday, where a person might be so
badly hurt that the police may not move to conviction because it really would
not serve any particular purpose, the member for Millner asked why not let the
fellow go. It seems crazy to have 2 situations: one where a person is badly
hurt but convicted of having a blood-alcohol level over .08 and therefore denied
benefits because he contributed to his own accident and another where a person
who is equally guilty, but on technical grounds is not charged and convicted in
a court, should be allowed to receive benefits. In the difference between these
2 cases, we could be talking anywhere from $0.5m upwards. It is a very
significant factor as far as the scheme is concerned. I do not think that we
can continue to tolerate the words in the present act which require that a
person be convicted prior to being denied benefits under the scheme.

Mr SMITH: Mr Chairman, it is somewhat distressing that the minister again
shows that he is not really on top of the bill because this clause does more
than what he says it does. Not only does it deny benefits to those people who
might be, in the board's opinion, beyond .08 but it also denies benefits to
people who, in the board's opinion, are found guilty of driving under the
influence of alcohol or drugs. There is a distinction between being found
guilty of driving under the influence of alcohol and being found guilty of being
.08. They are 2 different legal concepts and that gets over one of the problems
that has been expressed in this debate so far: in some circumstances, it is
impossible or undesirable to take a blood-alcohol reading, particularly of a
person who has been involved in a very bad accident or of a person who has been
involved in an accident on a remote rural road. It is possible under the clause
which deals with a person being under the influence of alcohol to demonstrate to
a court's satisfaction that the person was inebriated at the time and that
inebriation directly led to the accident.

Mr Chairman, I would have thought that the existing clause would go a long
way to removing some of the objections of people on the government side who
believe that there are loopholes which people may be able to use to get away.
If you accept that, you come back to the most important principle in our view
and the basic reason why we are not supporting this bill: people ought to be
convicted of either having a blood-alcohol level exceeding .08 or driving under
the influence of alcohol or drugs. It is not good enough, in our view, to
enable, even at the first stage, the TIO board to make a judgment on that matter.
By taking this step, you are upping the ante for those people who might want to
disagree with the TIO board. If they want to disagree and take it to the next
stage, which is somewhere in the legal system, it ups the ante for them in terms
of time involved, stress involved and, particularly, in terms of cost involved.
It has not been demonstrated satisfactorily to me that the present clause is
inadequate if you accept what I have said about having 2 ways of getting at
people who have been drinking and driving. I would ask the government to
reconsider its position on this.

Mr PERRON: Mr Chairman, the honourable member has not really raised
anything new. It is not so much a matter of judgment by the TIO but a matter of
evidence before the TIO. When making these decisions, the TIO is well aware
that it is almost inevitable that such a decision to deny benefits to an injured
party would be appealed. For the insurance company to win an appeal, it must
produce the evidence that would normally have been produced by the police to
secure a conviction. If it is wrong, the courts would make it very clear.
Nonsense has been quoted in the press about this clause. The opposition has said that the board has the discretion to decide that a person was drunk. That is nonsense. It would decide such things on the basis of evidence. I understand that it is standard procedure for blood samples to be taken of every accident victim who is admitted to hospital.

As I mentioned before, there are circumstances where that may not lead right through to actual conviction. The honourable member has not really come to grips with the point that I made. The opposition is making a distinction between who is denied benefits solely on the grounds of conviction and not of guilt. He has not said anything at all that would negate the points that I have made in that regard. One person will be denied benefits because he only lost both legs and was charged. Another person, because he cannot drive in future, is not convicted and is allowed benefits.

Mr EDE: This is going beyond the bounds of reason, Mr Chairman. You are innocent until you are proven guilty: I thought that is what we are all about. Even though a person has not been convicted, it is decided that he is guilty, and he loses his benefits. We have courts to decide on whether a person is innocent or guilty. That is why the courts are there. They have all the evidence and the laws of evidence to make those decisions. In this case, another body will make that decision on innocence or guilt without the laws of evidence or anything being applied. We do not know what applies in these administrative courts half the time. I just cannot understand why, when we have a court system, we cannot say to the police: 'If there is a case, proceed with it'. If the person is convicted, the law applies. If the person is not convicted, the law does not apply and he receives his benefits. What is wrong with that? The system is there. Why do we have to wipe that out and have to go to the TIO for that decision followed by appeals? It is completely unnecessary. If the same laws of evidence are to apply in the tribunal as apply in the courts and people are told that they must apply to this tribunal when they want to appeal, they will become suspicious and ask: 'Why?'.

Mr ROBERTSON: I will try and sort this out simply. The honourable member does not know the difference between criminal liability and civil liability. Whether or not one is convicted, a criminal law has absolutely no bearing whatsoever on a person's rights at civil law, nor does it have any bearing on the rights of the plaintiff and defendant in relation to the person who is prosecuted or the person who is prosecuting. They are quite distinct and separate areas of the law. The honourable member clearly does not understand the difference.

Mr SMITH: You may well be right. I admit that I do not fully understand what he has said. All those 2 syllable words confuse me.

The honourable Treasurer has said that the TIO, in making its decision on these matters, will be making a judgment which it knows will most likely go to a court of law and which, in its view, will be acceptable to that court of law. Isn't it much simpler to go to the damn court of law in the first place? That is all we are saying. Why take 2 steps when 1 step will do? If the matter has to be proved in court in the end, why not go there at the start? It just makes it so much simpler for everybody, particularly the person who was involved in the motor vehicle accident.

Mr PERRON: Mr Chairman, as I pointed out in closing debate yesterday, there are circumstances where, for fairly valid reasons, police do not proceed with prosecutions on a drink driving charge because, from their point of view, there would be no good purpose served whatsoever in having the person charged
and fined and his licence suspended when he may never again step inside a motor car. What the honourable member is suggesting is that we compel the police to proceed with such charges and urge courts to proceed with such convictions just to satisfy his whim.

Clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9:

Mr SMITH: Mr Chairman, I invite defeat of clause 9.

I invite the defeat of clause 9 because it ties in very closely with the new clauses. We will be advocating in those clauses that we remove the upper limits that are presently placed on medical and rehabilitative expenses and alterations to houses. We do not believe that it is a responsible position for the government, in adopting a no-fault scheme, to place these arbitrary limits in these 2 important areas. If our arguments on the new clauses are accepted, and I would hope that they will be, it is necessary to defeat clause 9.

Mr PERRON: Mr Chairman, this is a most important matter which goes back to the principles we have been talking about. The Motor Accidents Compensation Scheme is a self-funding insurance scheme whereby premium income has to match current and expected outgoings of the scheme. It is quite clear that, to run such a scheme, it is necessary that the actuaries be able to assess, from time to time, what claims are likely to amount to in gross. Those figures have to be reviewed on a regular basis.

What the opposition is proposing here is that we simply remove ceilings in regard to medical and rehabilitative expenses. To remove ceilings totally would be completely irresponsible. It certainly would be something that motorists in the Northern Territory could not possibly afford. If we added this move to the opposition's earlier move to try to retain the common law benefits, goodness knows what it would cost people to put a motor car on the road in another 12 months in the Northern Territory. There may not be very many around. At least it would cut the accident rate.

Clause 9 agreed to.

Clauses 10 to 14 agreed to.

Clause 15:

Mr PERRON: Mr Chairman, I move amendment 7.3.

By way of explanation, the final amendment amends clause 15 which affects section 38 of the principal act by requiring the court, in determining the amount of money to be recovered from a driver convicted of certain offences, to take into account the ability of that driver to pay. This amendment is similar to South Australian legislation and ensures that no driver will be bankrupted by the provisions of this act. These provisions comply with the normal interstate practice of courts in determining this type of recovery. Clause 15 amends section 38A of the act and enables the TIO to take recovery action against a person who is convicted of driving under the influence of alcohol or a drug. This does not affect the benefits paid to an innocent party.

I point out to honourable members that, with the exception of New South Wales, all states in Australia have provision for recovery from drunken drivers
and the existing act has always provided that recovery action is able to be taken for acts such as culpably causing injury to another person and so on.

Mr SMITH: Mr Chairman, I move amendment 10.2 to the amendment.

This amendment is to omit from 7.3 of amendment schedule No 7 all words before and including 'by omitting' and insert in their stead the following: 'omit all words after "amended" and insert in their stead the following: "by omitting"'.

That sounds quite complicated and, in fact, it is. But the effect of this clause is to take out the proposed subsection (g), which is the new clause proposed by the government to recover money from drivers who cause accidents when they are inebriated. The effect of the clause would be to remove that power that the government is seeking for the TIO to seek compensation from these people and to agree with the government in the wording of its amendment because it provides more flexibility in the other recovery clauses that are contained under that section.

Mr PERRON: Mr Chairman, I would seek from the sponsor of this new amendment 10.2 a bit of information on the philosophy proposed. I presume that the opposition really does not want to see the option of recovery action being taken against the drunken driver who has caused injury to another person. I would just like to hear that from the opposition if that is what is intended.

Mr SMITH: Mr Chairman, we have no problem with the TIO refusing an individual driver benefits because he was drunk at the wheel. We have a problem where the government wants to extend that to making that individual driver pay for all or part of the costs that TIO incurs because of the accident. It gets back to the basic philosophy of a no-fault scheme. The government very loudly trumpeted in 1979 how great it was in setting up the best no-fault scheme - and I was one of the first to give the government credit - in Australia. But now, by this position, it is significantly backing away from the concept of no-fault. That is our basic objection to this clause.

Mr FIRMIN: Mr Chairman, I cannot let that point go unanswered. The member for Millner is becoming confused between moral wrongdoing and criminal wrongdoing. I referred the other day...

Mr Smith: An interesting distinction.

Mr FIRMIN: Well, it is. I will quote a point that was made by a very learned judge, Lord Atkins, in Donohue v Stevenson in 1932. It was a very famous case. He said that the foundation of liability in negligence is a general public sentiment of moral wrongdoing for which the offender must pay. He went on to comment about criminal wrongdoings as well. In supporting...

Mr Smith: Take action against them under criminal law.

Mr FIRMIN: This is the evidence of a criminal law court that supports the introduction of a no-fault scheme and it goes on to support the action of referring moral wrongdoings to the no-fault scheme and that everybody should be part of that no-fault scheme and bear part of the cost. But in the criminal sense, the criminal wrongdoing is reprehensible and the opportunity for recovery is there as it is under private motor insurance.

Mr PERRON: Just to add a little bit to this point, Mr Chairman, I think that it is important that I read from a briefing note:
The underlying principle of no-fault insurance is that, in our modern society with its widespread use of motor vehicles, accidents are commonplace and are very rarely deliberately caused. Although in most accidents there is someone who is technically at fault, very rarely is someone morally at fault. The no-fault system provides compensation to both parties involved in an accident on the basis that neither party would normally be morally at fault. The same cannot be said of drink-driving offences. The connection between alcohol and drugs and accidents is well established and well known. It can reasonably be said that a person who chooses to increase further the hazards of what is already a hazardous activity by driving under the influence and who, as a consequence, injures himself or others should not be entitled to the same support or protection by the community as persons who have been temperate and reasonable in their approach to alcohol consumption and driving.

Amendment to the amendment negatived.

Amendment agreed to.

Clause 15, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

SUPPLY BILL
(Serial 43)

Continued from 6 June 1984.

Mr B. COLLINS (Opposition Leader): Mr Speaker, of course the opposition supports the Supply Bill. Really, there is no need to say any more about it than that. However, because it is a Supply Bill, I will take the opportunity of asking the honourable Treasurer if he will agree to providing a briefing for me by officers of the Northern Territory Treasury on the actual and contingent liabilities of the Northern Territory government.

Mr PERRON (Treasurer): Mr Speaker, I am not quite sure what this has to do with supply but I would be happy to organise such a briefing for the Leader of the Opposition. He took great exception in the debate this morning on the statement that was made by saying that he wanted it from Treasury. I do not know where on earth he thought that statement came from. The Place Names Committee does not assemble such information.

Mr B. Collins: I don't know.

Mr PERRON: If he does not know, why does he open his mouth so terribly wide? For a man who did not know where it came from, he made some awfully sweeping statements this morning.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.
DEBATES - Wednesday 13 June 1984

CRIMINAL CODE AMENDMENT BILL
(Serial 37)

SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) AMENDMENT BILL
(Serial 39)

JUSTICES AMENDMENT BILL
(Serial 38)

Continued from 6 June 1984.

Mr BELL (MacDonnell): Mr Speaker, I rise to indicate that the opposition supports these bills with one particularly serious qualification. I hope that the honourable Attorney-General will be able to give some serious thought to this serious qualification that the opposition places on this legislation. It is a question that the Attorney-General failed to mention in his second-reading speech. I appreciate that considerable difficulties and considerable controversy have surrounded the enactment of this Criminal Code. It almost marks in its genesis the time in which I have been a member of this Assembly because, as I recall, it was in March 1981 that the then Attorney-General, the honourable Chief Minister, tabled the first draft of the Criminal Code. Members of the old Assembly would be well aware of the numerous drafts and bills that were presented to this Assembly during that 2½ year-period that preceded its eventual enactment in September last year.

It is perhaps of interest to inject an historical note. The Criminal Code in the Northern Territory took 2½ years to enact whereas, if I might be permitted the use of the term, the sire of criminal codes in Australia, namely that in Queensland, had a 10-year gestation period spanning the 1890s. That of course contrasts considerably with the much shorter period that was involved in the enactment of the Criminal Code by this Assembly.

All honourable members would no doubt be aware of the public controversy that has surrounded the enactment of the Criminal Code and the subsequent negotiations that occurred between the Northern Territory government and the Commonwealth government as a result of differences of opinions about the Criminal Code. It is certainly to be welcomed that those negotiations appear to have come essentially to a happy conclusion.

However, I feel bound to mention this particular aspect of retrospectivity of the operation of these new amendments that causes, not only to the opposition in this Assembly but particularly to Aboriginal organisations, considerable concern. Certainly, it causes Aboriginal organisations considerable concern. Organisations in central Australia such as the Central Australian Aboriginal Legal Aid Service are responsible for the defence of a considerable number of the people who are involved in crimes of violence in central Australia. It is incontestable, for reasons that probably require no explanation, that these bills will affect Aboriginal people to a much greater extent than they represent a proportion of the population. That is a matter of concern.

That point was not picked up by the Attorney-General in his second-reading speech. I have clear recollection of the comments made by the then shadow Attorney-General and Leader of the Opposition in relation to what has become in criminological studies so well known as to have acquired the sobriquet 'Todd River murder'. When I think of the realities and the personal experiences that lie behind that almost glib academic phrase, it would be fairly difficult for me to continue in the sort of tone that debate in the Legislative Assembly usually demands. I will endeavour to restrain myself. Suffice it to say
that almost daily both I and my colleague, the member for Stuart, are touched in some way by the social realities, the personal realities, the personal misery and the social misery that are the stuff of crimes of violence in our corner of the world.

The reason that I am concerned that the honourable Attorney-General has failed to address this question in these bills or in his second-reading speech is that we are now confronted with 3 different processes in the administration of criminal justice in the Northern Territory. Prior to the gazettal of the Criminal Code on 1 January, the process that applied in the Northern Territory was the common law and criminal statutes. Post 1 January, we had the Criminal Code as it currently applies. Upon the gazettal of the amendments that we debate today, a third regiment of the administration of criminal justice in the Territory will apply.

Clearly, there will be complications, whether or not the Attorney-General gives consideration to the issue of retrospectivity, because there are going to be 2 sorts of people who will be in difficulty. There will be the people who offended after 1 January and whose trials commenced and were completed before the gazettal of these amendments. That is one class of people. A second class of people are those people who offended prior to the date of gazettal of these amendments and whose trials will continue beyond that date. It appears to me that there is clear justification for making these amendments retrospective.

I am quite sure that, with the commanding rhetoric that he usually displays in this Assembly, the Attorney-General will inveigh against the proprieties of retrospective legislation. However, what I would point out as a clear legal argument in favour of retrospectivity in these terms is that, under the current situation, a higher level of criminality obtains than will obtain after the gazettal of these amendments. I believe that is a good argument in favour of making these particular provisions retrospective. Although the situation is difficult at the moment, with due consideration, it would be possible to make these provisions retrospective and we should therefore make the best of what is clearly a difficult situation at the moment.

I should advise the Assembly of the sort of representations that have been made in relation to retrospectivity by some organisations whose interest I described earlier. Over the weekend, the Federation of Land Councils expressed its concern in this regard. Some honourable members might be surprised that the Federation of Land Councils would take an interest in this particular point. As I explained earlier, these concerns are of general interest to such Aboriginal organisations because the needs of the people represented by such organisations are so pressing. They said during the weekend that, because the bill is not retrospective, Aboriginal people who have been charged under the unamended code, especially under the intoxication provisions, will be treated far more harshly than those who are charged under the amended code. That is a matter of concern.

Similarly, I notice that the Central Australian Aboriginal Legal Aid Service, through the agency of its president, Mrs Rosalie Kunoth Monks, has urged that these amendments should be made retrospective. It says that one thing is quite clear. If the bill is not retrospective, it will mean that people unlucky enough to be charged with crimes like murder between 1 January, when the code first came in, and when these amendments take effect, which will probably be next week, will be tried under the unamended Criminal Code. The intoxication provisions in the original code were outrageous. They have been drastically amended and much improved in the bill. Quite clearly, there are areas of agreement that the Central Australian Aboriginal Legal Aid Service has expressed.

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However, I believe that, in dealing with organisations like the Central Australian Aboriginal Legal Aid Service, the Attorney-General has been somewhat less than punctilious in his correspondence. I feel obliged to draw this to his attention. On 16 April, the Director of the Central Australian Aboriginal Legal Aid Service sought information from the government about the passage of these amendments. He received a letter in reply from the Attorney-General on 9 May. Inter alia, he advised the director that it was not intended at that stage that the legislation be passed on urgency. He said: 'You will have adequate time to examine the bill before the Assembly, pending its final passage in the Assembly, which is expected to be during the August sittings'. That is regrettable. In other debates during these sittings, we have talked about the relations the government enjoys with Aboriginal organisations. It is little wonder that those organisations treat with some suspicion a government that corresponds with them in that fashion. Under these circumstances, I trust that the Attorney-General will see fit to give due consideration to their clear concerns about retrospectivity.

Mr Speaker, broadly speaking, the opposition supports these amendments with that qualification about retrospectivity. We are pleased that some rapprochement has been made between the Northern Territory government and the Commonwealth government. Clearly, with respect to the intent provisions in the original code, there were considerable concerns. There were considerable concerns about the objective test intent that was in the code. We note that the amendment currently before us will encode, more or less, the current common law provisions in this regard.

The other section that I wish to mention briefly before I complete my comments on the bill is the terrorism provisions. While the opposition is not choosing to oppose these, we do note that they are unique in state legislation. My information is that no state has such legislation. We note that it replaces the original provisions in relation to the control of terrorism. I find it rather odd that a legislature that is responsible for the administration of justice for 130 000 has to encode legislation to control terrorism. Apart from the wilder flights of fancy of the honourable member for Sadadeen, it is difficult to believe that anybody who has his feet on the ground in the Northern Territory could honestly believe that such provisions are really necessary. I must admit that I doubt the bona fides of the Attorney-General in this regard.

Mr Manzie: What about hijacking?

Mr BELL: The Minister for Community Development refers to hijacking. I do not think that even he would dare to pretend that there was any chance of averting hijacking or crimes of political violence by outlawing organisations. If he has proof to the contrary, I would be pleased to hear it.

Mr Robertson: Read the bill, Neil.

Mr BELL: I wish to comment first on what the honourable Minister for Community Development had to say and then I will come back to the bill. As is most appropriate in a second-reading debate, I am talking about the general ideas behind a particular piece of legislation, a fact of which I would have thought the punctilious but honourable Attorney-General would have been well aware.

Proscribing organisations, as I said to the Minister for Community Development, does not have a particularly good track record as far as putting any sort of stop on those crimes of political violence. If he has proof to the contrary, I would be interested to hear it. I doubt that he would be able
to come up with it. The fact of the matter is that the original provisions in
the Criminal Code in this regard were taken, I understand, from the United
Kingdom Suppression of Terrorism (Temporary Measures) Act. I am not sure where
these current provisions come from but, as I have said, they are unique and I
would be interested to find out where they do come from.

Far be it from me to support terrorism in any shape or form but I really do
believe that it is an overblown concern to have such provisions within a
Criminal Code that administers justice for 130,000 people in the Northern
Territory. If there are concerns about the monitoring of terrorism, it is
surely a national concern. I really do not believe - and this may put me apart
from some of the wilder obsessions of some of the government backbenchers - that
such terrorist organisations are likely to have their genesis within the
Northern Territory and, even if they did, it is Commonwealth law that should be
of concern in this regard. Enough said in that regard.

To sum up, I would once more urge the Attorney-General to give due concern
to this question of retrospectivity. I would urge him to make these amendments
retrospective. Clearly, it is the most fair and just way of proceeding with
this particular piece of legislation.

Mr DALE (Wanguri): Mr Speaker, I rise to make some brief comments on the
amendments, particularly in relation to the Criminal Code. It was very
interesting to note some of the comments of the honourable member for MacDonnell
and I would remind him that, only a short time ago, there was an organisation
called the Ku Klux Klan that was organised down near Katherine. Certainly, that
had its birth in the Northern Territory at that time.

Mr Robertson: Yes, I would not want to encourage them.

Mr Bell: No, that was American.

Mr DALE: It was an ex-policeman actually.

He also mentioned that Aboriginals are being disadvantaged under this code,
particularly in the area of violent acts. I think he quoted the people from the
Todd River. If he reads section 41, the coercion section, that will probably
put paid to his concerns in that particular area. He mentioned also offenders
who have offended since: 'January, and even before then, and have not yet come
to their trial'. Once again, his comments seemed to take the point of view that
the judges will be looking at maximum sentences for all of these people and that
their only aim in life will be to use the maximum provisions within this code.
Of course, that is not the case. I give our judges a little more credit than
that.

Mr Speaker, it has been rather interesting to be a member of the public and
listen to the debate that surrounded the introduction of the Criminal Code.
Having worked as a policeman in areas that have had the advantage of a criminal
code and others that have not, I have no doubt that the police, the legal
fraternity and the courts now have legislation within which they have very clear
guidelines.

The Law Society has been interesting to observe in its approach to the
introduction of the code by virtually stating that it has been practising over
many years in a nice comfortable little rut chock-full of loopholes through
which it has been able to squeeze many clients. Its submission on the code
indicates, even to the layman, that is is back to school for it. It showed
clearly that it had very scant experience of working within a code.
Mr Speaker, it is not my intention to open old sores on this matter. Suffice it to say that it was also interesting to observe during this debate the continuing overall negative attitude of the opposition and the federal government to any attempts in any field by this government to improve the quality of life for all Territorians. This Criminal Code will certainly do that. I do not agree with change for the sake of change but I simply do not understand the constantly negative attitude of opposition to change just for the sake of opposition.

Mr Speaker, the principal areas for debate today are section 7, relating to intoxication, the terrorist provisions and section 383, relating to the recovery of costs relative to persons acquitted solely on the grounds of intoxication. These amendments, of course, have been made subsequent to discussions between the Chief Minister, the Attorney-General, the Prime Minister and the Commonwealth Attorney-General. I have read the endless documents that have led us to the present Criminal Code and these amendments. I do not intend to try to debate the amendments in legal or technical terms. I would rather state them in layman's terms and, if in doing so I over-simplify them in my interpretations, I am sure I will be made welcome by members of the Law Society in their trek back to school.

Mr Speaker, section 7 has been amended so that, based on all the evidence before it, including that of the defendant, if he so desires, the jury may - not must - infer that the defendant foresaw the natural and probable consequences of his conduct. No longer will it be good enough for an offender to stand in court and say: 'I am sorry that I bashed his head in but I was drunk at the time'. If he wants the jury to believe that he really meant no harm, that in fact he did not foresee the natural and probable consequence of his actions, then there will have to be evidence forthcoming to convince the jury of that. I do not have to repeat the volumes of statistics quoted in this Assembly regarding alcohol-related criminal offences. Suffice it to say that this section is welcomed by a very large majority of the community.

People in the Northern Territory have been relatively free from terrorist activities. However, we are all well aware of the horrors that such activities have brought to other places in Australia and, certainly, throughout the world. The amendment seeks to identify quickly any unlawful organisation that advocates, threatens or uses any unlawful violence as well as any individual who might belong to such an organisation and to bring that person or the organisation to light so that any planned acts of violence are stifled. Despite the threats of the federal government, this government has brought about legislation to stamp on any potential terrorist activity in the Territory. I am confident that the amendments before us will provide the means by which the thrust of that legislation can be succinctly achieved.

Mr Speaker, the amendment to section 383 is largely cosmetic. Where a person has been charged with a property offence and is subsequently found not guilty by reason of intoxication, if his intoxication was voluntary, the court may order that person to make compensation by way of reparation and, if that debt is not paid, then the Attorney-General may bring and maintain civil proceedings for its recovery. I cannot imagine that anybody would have difficulty with that amendment.

Mr Speaker, I have touched briefly on the principal amendments to the code. The code represents a commendable move by this government to combat the ever increasing rate of violent crime in the Northern Territory. I call on all those directly involved in the execution of this legislation to become fully conversant with it and I am sure that the clear guidelines contained therein will be of benefit to us all.
Mr D.W. COLLINS (Sadadeen): Mr Speaker, last December, the Prime Minister, Mr Hawke, made 4 demands upon the Territory government in regard to the Criminal Code and asked for amendments in 4 areas. There were international commitments, the fact that it considered certain aspects unfair to the Aboriginal community and individual rights and matters which were more appropriate for the Commonwealth to handle. I would make one point in this particular debate but I believe it is the most important one. It relates to those matters which are claimed to affect the Aboriginal community adversely or unfairly, in particular sections 7(2) and 154.

The opponents of the code, as was outlined very clearly in the second-reading speech of the Attorney-General, really made monkeys out of the Prime Minister and the federal Attorney-General, Senator Evans. Who were these particular opponents? They were certain Aboriginal legal aid lawyers, particularly from my home town of Alice Springs, and Central Land Council lawyers. They were supported by the Victorian left-wing lawyers who tried to gain much publicity. No doubt, they were egged on by Clyde Holding who is one of them. He is a leader of the little band there. Over the years, he has tended to supply lawyers to the Central Land Council in Alice Springs. They had Mr Hawke making the most unlikely demands one could possibly think of and in the most unruly terms that one could ever expect from a Prime Minister. Demands were made through the press that the Territory government should change things. What a way to act! What a way to behave! He was prepared to destroy the principles of self-government. The end result was that most of the points that were made at the time changed over time through negotiations, as was so well explained by our Attorney-General. Only a minor change resulted with one exception, which I will deal with in more detail later.

There is no doubt that the Prime Minister was badly misled and, no doubt, he wanted a cause to try to hit the Northern Territory government with after the results of the election in December 1983. He ended up with egg over his face and was left to carry the can. He was set up without a shadow of doubt. As the Attorney-General said, in the end the Prime Minister had the good grace to agree that there was very little substance in many of the claims that had originally been fed to him. I hope the Prime Minister kicked those responsible very hard. It was a real case of going in like a lion and coming out like a lamb.

I do not accept the claim that the Criminal Code was designed to pick on Aborigines. It applies to all of us and it should be administered with total even-handedness. It is a verifiable fact that Aboriginal crime is directed far more against other Aboriginal people than it is against other Territorians. That is easy enough to check on for anybody who cares to do so. Aboriginal society used to be an ordered society. Certainly, their laws in many ways were rather different to those that we would accept. Many of them today do not accept them either. However, they had an ordered society. Today, they still want that ordered, peaceful society. In fact, the chief message to a CLP candidate at the last elections was exactly that. They do not want criminals returned to create further trouble after very short terms in prison. They do not want good behaviour bonds after 2 years for people convicted of, say, manslaughter. I would say that Aboriginal legal aid would be at the centre of the blame for this. I do not refer to all elements of it. I have known some people in Aboriginal legal aid and I have the highest regard for them.

Mr Bell: Which ones?

Mr D.W. COLLINS: We do not name people in this Assembly.
To give an example, just after I came to this Assembly, it was reported to me by a friend that certain elements in Aboriginal legal aid sought permission from the Alice Springs High School to talk to the Aboriginal and part-Aboriginal students at that school. They addressed them in the old assembly hall there. There were some staff present and one of them reported that the general message that was given to the children was along these lines: 'If you get into trouble with the police, call us and we will get you off'. It was not: 'If you break the law, then expect to take the consequences. But, if you are wrongly charged, we will be there to defend you and look after your rights'. That is a terrible attitude. It is kidding children that they are above the law and it is encouraging lawlessness. My informant was appalled and so should be every other person in the Territory.

I claim that certain Aboriginal legal aid lawyers, by their actions, wittingly or unwittingly - I am not going to stand too strongly on that point - are destroying the society which they claim to defend. By returning the troublemakers to the camps or townships, after minimal punishment, they make me think of that tautology which one can see in the term 'criminal lawyer'. They inflict misery and tension back on the community.

These people do not want that. To add some evidence to that, some members will recall a report in the Centralian Advocate some time ago that the people at Yuendumu banned Aboriginal legal aid from going out there. There have been many other examples. Mt Allen was another one. People had committed crimes and the Aboriginal legal aid people were coming out. Magistrates were hearing cases and these people were getting off on technicalities.

Mr Bell: As is their right.

Mr D.W. COLLINS: I was coming exactly to that particular point.

You can appreciate the frustration of the Aboriginal community. I do not deny legal representation for any person; nobody can sensibly do that. But these people knew that members of their community had done the wrong thing and were getting off on technicalities. The attitude of Aboriginal legal aid was doing nothing for the peace and good order of the community. In fact, it was being destructive and bringing contempt upon the law of the Northern Territory.

The frustrations of the people of these communities is echoed by the police. You find Aboriginal legal aid lawyers defending $20 fines and their method of defence is to lay counter-charges against the police. If a policeman apprehends someone by using greater physical force than is necessary, I do not support him. The police are extremely careful on this particular point. The police know their limitations. I am very much aware of their frustration which echoes the concern of the Aboriginal communities.

The member for MacDonnell said this Criminal Code was of concern to Aboriginal organisations. Indeed, that has been displayed but is it a concern of the wider Aboriginal community? He said that he and the member for Stuart were touched daily by violent crime. All I can say is that he is arguing against himself by suggesting that the law should be weakened by returning wrongdoers to their communities after only minimal punishment. The law is held in contempt by these people.

A person who is very much involved in court work has told me that, since it was agreed to amend section 7(2), there has been a vast increase in claims by Aboriginal defendants of drunkenness as their defence. The suggestion is that these claims are being made on legal advice, as no doubt that would be the case.
There is also the statement of a learned judge of the Territory. I shall not name him but I will record his judgment because I am appalled by it. He has said it frequently in the past: 'I say again that, so far as Aboriginal people are concerned, I regard self-induced drunkenness as something of a mitigating factor which is not the position with respect to Caucasian people. Indeed, in their case, it may be an aggravating factor'. Mr Speaker, if I understand anything about racism, that is it.

Armed with that particular judgment of a learned member of the legal profession, people are encouraged to claim drunkenness as a defence. Their lawyers are doing their bit to get them off and obtain repeat business, no doubt, and create hell and misery in the process. I note that the Attorney-General is very reluctant to amend this particular section. I would agree with him that the public at large has very little time for people who go out and get drunk and then commit violent crimes.

The wider Aboriginal community - not their so-called representatives but the less articulate people - have even more reason to be concerned because that violence affects them far more than it does the average European members of our society. I hope this point will be kept under review. Maybe some other change may need to be made there because the people of the Territory are certainly not happy with this particular weakening of the Criminal Code which has been forced upon us.

PERSONAL EXPLANATION

Mr BELL (MacDonnell) (by leave): Mr Speaker, I claim to have been misrepresented. There was a clear imputation in what the honourable member for Sadadeen had to say that I somehow favoured law breaking, in particular I refer to the comments that he made in relation to Aboriginal communities. I would like to take this opportunity to place on record that I believe that there is just as much need for equality of justice throughout the Northern Territory as elsewhere. What I did draw the Assembly's attention to was the number of Aboriginal people before the law and the amount of work in defending those people that organisations like Aboriginal legal aid services have to carry out.

Mr ROBERTSON (Attorney-General): Mr Speaker, it seemed to me that the honourable member for MacDonnell's main point related to the question of retrospectivity. I will try to deal with that briefly.

The communications from both the Central Australian Aboriginal Legal Aid Service and the combined land councils seem to indicate, and certainly the speech of the honourable member for MacDonnell indicated this view, that retrospectivity ought to apply to the whole bill. It does disturb me that there has been a complete dearth of communication between those organisations and myself but a surfeit of communication between them and the press. The best interpretation I can place upon this whole exercise is that it is distressing. I will not go into the politics of it. There is a distressing lack of understanding of basic law for them to suggest what they did in this communication to the media. Incidentally, my office has had to ring them, cajole them and beg them to communicate with us, at least in a verbal form, as to precisely what their concerns were. A communication went to the press and it stated one thing clearly: the bill is not retrospective. This means that people unlucky enough to be charged with crimes such as murder - between 1 January when the code first came in and when these amendments take effect, probably next week - will be tried under the unamended Criminal Code. So what we have is an emphatic statement - and it was supported by the honourable member for MacDonnell - that it would be necessary to apply retrospectively to all the amendments in order to avoid that situation.

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I find it an extraordinarily poor reflection. I will say this with the full knowledge of what I am saying: it reflects either very badly on their training or on their post-university training. I do not have their knowledge of the technical law but I know that what they say is clearly wrong. One does not need to be a lawyer to do it; one merely needs to read the words used. The only section that one could possibly entertain the remote idea that there is a possible need for retrospectivity would be the amendments to section 7 contained, I think, in clause 3 of the bill.

If any honourable members are interested, I can provide scads of authorities. I will not go through them all today as they would be extremely difficult for Hansard to take down because of the crazy way the legal profession has these things bracketed and subphrased. But there are legion authorities which make it clear to any reader of those authorities that the courts are very much guarded in interpretation of detriment of the accused. Where an amendment is made to the criminal law and the question of retrospectivity comes into it, the courts will always hold that the legislature intended that, where detriment is concerned, that provision shall be prospective. In other words, it will follow on from the last case dealt with and not adversely affect people who are already before the courts.

The corollary, of course, is equally valid, while the authorities are somewhat silent. Regrettably, in the criminal law, we tend to have to legislate constantly for ever more stringent provisions in relation to sanctions, procedures and so on. I am not saying that is wrong but it is regrettable. But it is quite clear from all of the authorities over decades of judgments and reams of words that the courts intention is that, where the opposite to detriment comes in, it would automatically and with great force and conviction hold that the benefit will flow where the legislature intends that benefit to be. In other words, instead of it being prospective in terms of detriment, it would automatically, in their Honours' view and from what I read of it, be retrospective in respect of benefit.

Now the authorities are such that it is to me impossible for a legal aid service to put out the junk that it has put out — regrettably to the press and not to us. I just wish that the legal aid services, instead of communicating with the press, would for just once communicate with us.

The honourable member for MacDonnell has quite rightly indicated to the Assembly the contents of a letter which I sent on 9 May. At that time, I held the view honestly that it was not necessary to pass these pieces of legislation through the Assembly at this time. Mr Speaker, I do not believe it is necessary now. Nevertheless, there is a body of view held by certain legal services and by certain members of the Bar Association that possibly, if not probably, it would be in the interest of potential clients if we did so. Therefore, that is the answer why we have deemed it desirable, not essential, to pass the legislation through at this time.

But to come back to what I was saying, I think it is a tragedy that, where a mutual interest lies, people cannot communicate with each other. Our mutual interest with the legal services is to see that justice and fair play is achieved.

I will return to the point I made about retrospectivity. We have seen demonstrated on a number of occasions today the clear incapacity of the opposition to read other than that which is written for them. Quite some time before the debate came on, amendment schedule 11.1 was distributed. It relates directly to the retrospective activation of the amendments to section 7 of the code. The only one that someone could possibly hold as being a requirement...
Mr Bell: It was only circulated today.

Mr ROBERTSON: You only saw it today but that is the problem. The honourable member for MacDonnell is so incapable of making a speech that he himself creates that, no matter what information is put before him, the mere fact that one of the Leader of the Opposition's staff hands him a typewritten sheet and says, 'Neil darling, read that...

Mr B. Collins: There is nothing wrong with my staff. How dare you!

Mr Bell: Do you want to see my notes, Jim?

Mr ROBERTSON: Indeed, the instructions which so flow to the honourable member for MacDonnell from the staff of the Leader of the Opposition, because they are by and large capable, reflect their opinion of the honourable member for MacDonnell. Of course, it goes further than that. The Leader of the Opposition has just told us how good his staff is. He has just acceded to the point that the member for MacDonnell always - no doubt under the Leader of the Opposition's instructions - religiously and faithfully follows the text: A, B, C, D.

In a debate on the second reading of this bill, he just told us that the spokesman for the function of law, who has this amendment schedule sitting in front of him, never even bothered to refer to it because he already had the prepared speech in front of him. In other words, he had only an hour to see if he could possibly slot this amendment into the prepared text written for him by someone else. Now that is the reality of the talent opposite.

Mr Speaker, while I do not think it is legislatively or legally necessary to ask the committee to pass this proposed amendment, in order to put the question beyond doubt and having regard to the fact that there is little authority on the question of beneficial change, whether or not that is prospective or retrospective, I think it is desirable that the committee, in due course, entertain the amendment.

Mr B. Collins: It took you an awfully long time to get around to saying that.

Mr ROBERTSON: I had to make some observations about the relative merits of the Leader of the Opposition's staff compared with that of his colleagues.

Mr Speaker, the member for MacDonnell, the opposition spokesman on law, gave us his understanding of the amendments relating to the question of terrorism. Notwithstanding all that has been written in the press, all of the television interviews and all of the information that has been circulated, he still cannot see the difference between the existing legislation and the amendments. We are no longer talking about the outlawing of organisations; we are talking about the defining of unlawful activity and bringing before the courts those people who break the law. It is another demonstration that the honourable member is incapable of reading anything other than that which, like the favourite little poodle, he is schooled into doing.

I would like to mention one last thing because it is the sort of thing which constantly comes before parliament, and rightly so, by way of corrective law. It did not come out during the course of the debate but came out as a result of an interjection which was picked up by my colleague, the member for Sadadeen. He said that he did not necessarily agree with the right to acquittal on technicalities. I do not share that view. I am going to be as careful as I
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can on this because, very often, we find those responsible for the administration of law coming back into this Assembly to correct decisions which we believe are wrong in the courts. In my view, a person charged with an offence has a clear right to be acquitted where the police or the Crown has not done its job and has not presented the case properly in accordance with law or where the law is deficient. They have a right to be acquitted of that charge. There is a very great difference between that right to be acquitted and the right to expect to get off on a technicality. I make that point because, if I remain Attorney-General, as a result of the operation of this Criminal Code, I may well have to come back to this Assembly and say that the courts, because of their construction of it, are not deciding as the government, and hopefully the opposition, want the will of this Assembly applying.

Motion agreed to; bill read a second time.

In committee:

Criminal Code Amendment Bill (Serial 37):
Clauses 1 and 2 agreed to.

Clause 3:

Mr ROBERTSON: Mr Chairman, I move amendment 11.1.

I explained this in the second-reading speech and I do not think it is necessary to explain it again. It is to ensure that the amendments to clause 7 are in fact retrospective.

Mr BELL: Mr Chairman, I believe this is the appropriate context in which to make these comments. Because of his suggestion that I was a mere talking head, some sort of automaton with human features, let me indicate to the Attorney-General the notes from which I addressed the bill. I would even dare to pass them across to him because I have had many less than complimentary remarks about my calligraphy.

As to the amendment schedule 11 that has been circulated by the Attorney-General, I must say that I only stumbled upon it while he was on his feet. I am told that it was circulated this morning. I am unable therefore to assess whether it does what he intends that it should do. It is not possible for me to either support it or oppose it but merely to take it on faith that the amendment does what it is designed to do.

While I am on my feet, I would refer to the bile that seemed to flavour the words that the Attorney-General sent in my direction. He said that I have sought to make all of the amendments retrospective when, in fact, there was only a particular part which we were concerned about - the intoxication provision. I would merely say to the Attorney-General that, at no stage, either explicitly or implicitly, did I indicate that I wanted all the amendments to be retrospective.

I might as well answer some of the other concerns that the honourable Attorney-General raised during his second-reading speech. I must admit that he used 2 phrases that, to the layman that I am - as is the honourable Attorney-General - require some explanation and I would appreciate that. He referred to the legislation being prospective in detriment to a particular accused or retrospective in terms of benefit. I presume he means by that that people who would have been accused in the intervening period, had he not circulated this
amendment, would have had their case interpreted by the courts to their advantage in that intervening period. I assume that is what he means by retrospective in terms of benefit. I am not quite clear about what he means by prospective in detriment to the accused. I would appreciate an explanation, although it may be hypothetical in view of this amendment.

I think they are all the comments I have to make in relation to the amendment schedule which was circulated, if I might say, somewhat tardily.

Mr ROBERTSON: The only thing I am going to say is to launch a humble apology. I do apologise to the Leader of the Opposition. I do apologise to his staff. Indeed, I apologise to you, Mr Chairman and all honourable members. No one else could have programmed his computer that badly anyway.

Mr BELL: Mr Chairman, I just seek elucidation from the honourable Attorney-General as to which computer he refers to.

Amendment agreed to.

Clause 3, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Sexual Offences (Evidence and Procedure) Amendment Bill (Serial 39):

Bill taken as a whole and agreed to.

Justices Amendment Bill (Serial 38):

Bill taken as a whole and agreed to.

Bills passed remaining stages without debate.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Attorney-General): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Casino Licensing and Control Bill (Serial 53), the Casino Licence and Control Amendment Bill (Serial 54), the Casino Development Amendment Bill (Serial 55), and the Lotteries and Gaming Amendment Bill (Serial 56) passing through all stages at this sittings.

Motion agreed to.

CASINO LICENSING AND CONTROL BILL
(Serial 53)

CASINO LICENCE AND CONTROL AMENDMENT BILL
(Serial 54)

CASINO DEVELOPMENT AMENDMENT BILL
(Serial 55)

LOTTERIES AND GAMING AMENDMENT BILL
(Serial 56)

Continued from 7 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, these 4 cognate bills are necessary if the government's representatives are to pursue an agreement with the new casino
operators. Perhaps the principal piece of legislation in this package of bills is the Casino Licensing and Control Bill.

Mr Speaker, although the opposition has many questions about the financial development that is proposed by the government, we certainly do recognise that these amendments to the legislation are necessary for anything to proceed. However, we do have a few questions for the minister. The questions are related to the extent to which Northern Territory law can be subjugated to whatever requirements or agreements that the minister enters into. I do appreciate that, in some circumstances, this may be necessary, but I would like the minister in this second-reading debate to enunciate those circumstances he would foresee where it would be required for Territory law to be overridden to accommodate his arrangements with the future operators. The principal area where it is mentioned is in clause 3 of the Casino Licensing and Control Bill where it says that the minister may enter into agreements. I would appreciate some indication from the minister as to what particular agreements he would foresee entering into.

The same applies to clause 6 of the same bill. I do not foresee that the casinos would be conducted in a very dissimilar manner to the way the present casinos are being conducted. However, if the minister sees the operation of the casinos being radically different in the future, then I would appreciate some indication of that in the second-reading debate.

Clause 12 fits into the same category. There may be some different games played in the casino. I would hate to think that we are going to introduce Russian roulette. I am quite sure that the minister does not anticipate that but I would appreciate some indication from him as to what variations he would envisage in those controls over the new casino operator.

Mr Speaker, with those few words I indicate the opposition's support for these amendments.

Mr PERRON (Treasurer): Mr Speaker, I appreciate the support of honourable members for this enabling legislation. It will enable us to handle the situation which is likely to come up between now and the next sittings of the Assembly. I point out to honourable members that I envisage this bill before the Assembly being replaced at some later stage by a new Casino Act. That will be when we know more clearly where we are going. Possibly it will have the agreement attached to it. Honourable members will be aware that the current Casino Licence and Control Act is 50% legislation and 50% agreement at the present time. I believe that we will end up with a similar document in the future. In the meantime, we need a provision to change horses, as it were, in midstream. That is what these bills before the Assembly will facilitate.

The honourable member for Nhulunbuy asked about the extent to which I can enter into an agreement that is contrary to the law of the Northern Territory. As I understand it - and it is a shame that the Attorney-General is not here because I am sure he would explain this better - provided the agreement I enter into is strictly within the limits of this legislation, the agreement will not be void if it indirectly contravenes another Territory law. I am sure that the agreement entered into will not have any more substance than legislation. I am quite certain that it will not have more substance than legislation or carry a higher status than any other law. But it will mean that the agreement is not in itself invalid in that respect, and that is what is intended.

He also asked about controls over conduct of a casino. I do not envisage casinos being conducted in any radically dissimilar way to the manner in which
they are conducted at the present time. We do, however, want to have power to include in the agreement broad guidelines, or at least the provision for possible ministerial intervention in the event that a casino operator proposed to conduct an activity which we would regard as unsuitable. We would like to have power in an agreement to intervene in a broad sense. Certainly, we do not propose to get into too much detail in telling people how to run casinos. We believe it is a matter best left to private enterprise. That was a decision we faced a long time ago when we first proposed casinos in the Northern Territory. We could have had government-run casinos. They exist in 1 or 2 places elsewhere in the world. We believe that the business of casinos - the promotion, the razzamatazz which makes casinos successful and the national and international artists - is best left to private enterprise.

On the subject of games, at the present time, we have powers which we would seek to include in any agreement. This is primarily to ensure that we are satisfied that the games are run under a very strict system of fair play. We want casinos to be regarded as places where one can go and play games of chance and take the risks of losing the money that are involved. Most people do, of course. But there is the chance of winning money in casinos. A great deal of money is won in casinos. If that were not the case, people would not go back to them. But the important thing from the government's point of view is that every single game that is played in the casino is played strictly in accordance with rules which ensure that there is a reasonable percentage share of the turnover returned to the house and that players have a reasonable and fair chance.

At the present time, we have a detailed set of rules as to how every game in the casino is to be played. Those rules determine the exact return to players and to the house. We monitor that very carefully. We have sheets of figures which show exactly what every game returns to the players and the house for every month that the casinos have been in the Territory. I find them surprisingly consistent all the time, which is good. It means that, every time a person steps up to a table, he faces a very set situation that does not fluctuate and he can be sure that the house is not cheating. Therefore, we are not so worried about the number of games that are played in the casino. At the present time, there are quite a number of casino games which are not played in Territory casinos because the current operators do not believe that this would be viable. Australians would consider them unusual games. Craps is one that comes to mind. It is certainly very popular in the United States.

Our primary concern is to approve the games and approve the rules when they are installed in the casino. We would not like to place any limits on the sorts of games that casino operators could dream up and put forward for licensing. In fact, two-up, which is quite popular in Australia, is only played in Australia. It is a uniquely Australian game that was developed originally by Federal Hotels for Wrest Point and is quite successful. It returns similar odds to other games. The nature of the game certainly attracts a lot of Australians. It may be that other games can be introduced. Provided that we are satisfied that they are played fairly, we would probably license such games. Of course, they could not be in bad taste. Video games in other parts of the world are played like poker machines. You get certain scores and you get money. One that is in bad taste involves turning a steering wheel of an imaginary car and running over pedestrians. Each time you run over a pedestrian, a little tombstone appears and you get a score. That is just sheer bad taste. You wonder why people put them on the market. We would ensure that such things never crept into casinos.

As the bills provide, we will table any agreement that we enter into. I expect it will be a fairly comprehensive agreement. It will be tabled within 3
Motion agreed to; bill read a second time.

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

Motion agreed to; bills read a third time.

MOTION
Racing Industry Working Party Report

Continued from 6 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, let me begin my contribution to this debate by congratulating the working party on presenting a most comprehensive report into the racing industry in the Northern Territory. It is not the first such report but it is extremely comprehensive. All of those people who participated in it certainly do have my congratulations.

Mr Speaker, I will just go through the history of inquiries into the racing industry generally in the Northern Territory. That will certainly indicate the extent of debate over the years in the Territory. In 1970, a select committee of the then Legislative Council was set up to inquire into what was then the Racing Control Bill. I imagine there are still staff members of this Assembly who would recall the Racing Control Bill and the committee that was set up to inquire into it. Amongst other things, the Racing Control Bill of 1970 quite clearly pointed out that a TAB would be established under the auspices of that bill. Upon the setting up of this select committee, it was recommended that the bill not proceed until this committee report. Somewhere along the line, the committee never quite got back to the then Council. So we had a bill that would introduce TAB in the Northern Territory but it lapsed for want of procedure.

In 1977, Mr Neilson, an extremely knowledgeable gentleman in the area of Australian racing, prepared another report for the government. It was a very wide-ranging report. It had extremely broad terms of reference which were to inquire into the Racing and Gaming Ordinance and to come up with a report and a set of recommendations to the government. Amongst other things, that report recommended the setting up of a racing and gaming commission and the eventual introduction of a TAB. Part of that report was accepted. Unfortunately, the other part was not, the part that concerned the introduction of a TAB.

Some time later, a comprehensive study on the racing industry in the Northern Territory was carried out within the Racing and Gaming Commission. That was done in 2 parts. One part was concerned with capital development of racing and gaming generally within the Northern Territory. That report was released. The second part was a confidential Cabinet document. I respect that the government has the right to maintain confidentiality with its own internal reports. But because it was never released, I can only assume that it too recommended a TAB and, if it did not, I certainly would like the honourable Treasurer to indicate that to me.

In 1983, the minister set up a working party which took in very broad areas of reference throughout the Northern Territory. It involved people from a very broad spectrum of Northern Territory society. They were mostly interested in racing in one form or another. There were representatives from the police, from the clubs, from consumer affairs and representatives from a very broad spectrum...
of the Northern Territory's community who had, to one degree or another, interests in racing in the Northern Territory. That report that the minister tabled - and he made one available to me some time ago - came out with the very clear recommendation that the government introduce a TAB system into the Northern Territory by June 1985. I suppose that gave about a 12-month time limit which would enable the enactment of legislation which would be required to set up a TAB and exclude off-course bookmakers. That was the other clear recommendation in that report.

Amongst other things, the report said that, if these recommendations were followed, then not only would the community's interests be best served but the racing industry's interests generally would be best served. After reading that extremely comprehensive report, there was really no other conclusion left than that they were accurate in their assessment. The minister has asked for further reports and I appreciate that they will be necessary. If a TAB is to go ahead, it will be necessary that further reports are made on various other aspects of community and social activity within the Northern Territory which would be consequential on the introduction of a Northern Territory TAB.

However, after speaking to a couple of members of that committee, what I find disturbing is that the minister has already indicated that he is prepared to have 2 bob each way: 'I would like the TAB but we also want to keep the off-course bookmakers'. I would like to point out to the honourable minister that, while each-way bets might favour punters, they certainly do not favour the racing industry. It will serve no good purpose. Indeed, plenty of media releases have been made about the consequences of introducing a TAB alongside off-course licences. I do not know what plan the government has in mind to do this or how the minister sees it being achieved but I can assure him that all of the indications that I have had and everybody whom I have spoken to who has a very good knowledge of the industry all point out the fact that that is an impossibility. The government may as well stay where it is as try to introduce a parallel system. It is simply unworkable. It will not get off the ground. Indeed, if it gets off the ground, it will die a miserable and not very lingering death.

I would ask the minister to consider the very strong recommendations in that report for the introduction of TAB to the exclusion of off-course licences. I appreciate that there may be technical difficulties which will not allow a TAB terminal to be introduced in some very remote places. However, I am quite sure that that was not what the minister had in mind when he was speaking on the proposal for a dual system.

The racing industry in the Northern Territory provides perhaps the biggest single venue for a tourist event in the Northern Territory. The Darwin Cup weekend is perhaps the best known Territory event in the tourist calendar of Australia.

Mr Vale: What? What about Henley-on-Todd?

Mr LEO: I can assure the honourable member that the Henley-on-Todd Regatta is not as well known. I am told that the Mindil Beach Casino is booked out for the next 5 years for that weekend. That is how popular it is. It is an event of some national importance.

However, this single event held on this single weekend not only promotes Darwin but also introduces a great deal of money. I think even the minister would concede that some fairly ailing small businesses around town look forward to the Darwin Cup weekend. That weekend and, unfortunately, the entire racing
industry, is being threatened because the 2 main racing clubs, particularly the Darwin Turf Club, are unable to plan their financial future. Every 12 months, they have to go to the minister cap-in-hand and say: 'We would like to spend a couple of bob on upgrading the course. We do not think that our prize money is quite up to what we need to attract horses and riders of note for the events on the Darwin Cup weekend'. The minister may or may not assent to their wishes or requests.

Mr Speaker, if we are to have a developed horseracing industry, experience throughout Australia clearly indicates that the way to do it is with TAB. As a matter of fact, if you talk to anybody within the industry around Australia — trainers, riders, club officials, TAB personnel or on-course bookies — they think it is absolutely ludicrous that the Territory has not done it yet. It is a decision for the Territory to make if it wants to develop. I happen to think that it is important that the Territory develop its racing industry. If the minister feels that it is not important, then let him say so. However, I happen to feel that it is important that we develop a Territory racing industry.

In Australia, racing is probably amongst the top 5 industries in terms of straight cash turnover. Unfortunately, the Territory's racing industry is in an abysmal heap at the bottom of the pile. It does not participate in that industry at all. We have one weekend in the entire year when it is probable that one could accidentally bump into somebody out at the course. However, for the rest of the year, you could wander around that place with a pair of binoculars and not spot a soul on the horizon. It is absolutely ludicrous.

If the government is serious about developing a racing industry in the Northern Territory, and I believe it should want to, it will agree with this working party's report and introduce a TAB to the exclusion of off-course licences. However, if the government does not want a racing industry which is self-supporting and self-sustaining, it will continue on its present course or, even worse, it will introduce a dual system. There are no alternatives. It is a hard decision to make but, if the government has any interest in that industry, it will make it.

The next thing I would like to speak about is the government's credibility in the area of general finance. It cannot enhance the Territory government's credibility nor can it enhance this Assembly's credibility if we make donations to turf clubs which no other state in Australia does. Indeed, they get revenue from their racing industries. It cannot enhance our credibility when we speak to the people in Canberra, whom we are all very fond of knocking, if we are the only people in Australia who continue to support racing clubs and the industry from consolidated revenue. It cannot enhance our case; it must be to our detriment and that of our credibility if we have to continue to do that. Believe me, Mr Speaker, those fellows down there are all hard-headed bureaucrats; they are all hard-headed politicians.

The government has clear options. It can develop a viable racing industry and derive revenue from that same industry. It can do those 2 things through the introduction of the TAB. The capital investment of the Queensland TAB really makes us look like hicks. The Queenslanders are investing huge amounts of money in developing the industry and here we are nursing along a sick dog. Put the damned thing out of its misery or allow it to develop.

Mr Perron: That's a recommendation.

Mr LEO: That is precisely right. Put it out of its damned misery or allow it to develop. I happen to think that the industry is worth developing.
Obviously, the minister is having second thoughts. He has already indicated that he fancies a dual system, and that is a dead duck.

Mr Speaker, most of what I have to say has probably already been said in the press and, undoubtedly, the minister has read it. I do not think that I can contribute a great deal more beyond that. However, I would ask the minister to consider those 2 very important factors when making his decision. Indeed, I would ask all of his Cabinet colleagues and all the government members to consider those 2 very important factors. Do we want a viable racing industry or not? If we are going to have one, we must consider our financial credibility with those people from whom we derive the vast bulk of our income.

Mr DALE (Wanguri): Mr Speaker, I thank the honourable member from Nhulunbuy for giving the history of inquiries and reports in the Northern Territory regarding the introduction of TAB because that saves me a little time. In fact, I have had a great deal of trouble identifying where I should begin my comments on the racing industry working party report.

Mr Speaker, the membership of the working party was, in my opinion, unfortunate in that at least 4 and probably 5 of the 7 had a known bias towards the introduction of TAB and 1 member who had just as strong a bias towards maintaining off-course betting shops. That leaves probably only 1 member, the chairman, who had an open mind prior to commencing the inquiry. Further, were the terms of reference of the working party succinct and, at the same time, broad enough in definition to enable its inquiries to take on the new perspective required?

Every inquiry into the feasibility of the introduction of TAB into the Northern Territory has assumed a definition of the racing industry. The member for Nhulunbuy has just spent 20 minutes giving us his version of his definition of the racing industry as relating to race tracks. We should not feel bad about that because every other state has done exactly the same thing, and that is why they are in so much trouble. It is not all sweet and lovely down there. An integral part of the racing industry is the off-course element. It is a mistake and always has been down south that governments do not take cognisance of the off-course factor and therefore do not legislate properly to provide for that.

Therefore, within my definition of the racing industry in the Northern Territory, the membership of the working party should have had a representative from the off-course punting fraternity. After all, that sector provides 91% of the annual turnover yet had no direct input to the inquiry. These people may never set foot on a race track and, of course, are unlikely to go to the trouble to put a submission to such a working party. The report talks of the need to sustain the racing industry and, of course, its attentions are directed only to the animals physically racing around the tracks. In fact, it should also look at sustaining and upgrading the facilities to cater for the needs of the 91% factor. People with tunnel vision would argue that the working party does look at the needs of the off-course punter and that is why it makes recommendation 11: that the TAB commence operation on 1 July 1985. That is exactly the mistake southern state governments have made in the past. For goodness sake, let's not fall for the same trap here.

Mr Speaker, all southern states had a viable, if not a rapid growth, racing industry when it was decided to introduce TAB. The on-course situation was viable because of the healthy attendance figures and the numbers of families or little people who were involved. The off-course part of the industry was also flourishing but, unfortunately, all bets were with illegal SP bookmakers who were not paying tax and therefore giving no money back to the racing industry.
I remember well, as a young lad in Fitzroy, when I would wander up the back-lane near the local pub and the bookmaker's chalk betting boards would be hanging on the wooden paling fence. He had no qualms about taking my bet of a shilling each way. I started early. In later years, some of the funniest moments I had as a member of the Victorian Police Force were during the Saturday raids on similar bookmakers in Footscray.

As I said, the industry was viable but it certainly did not have a rapid growth factor either to increasing prize money or facilities on-course or for upgrading the facilities and modes of betting for off-course punters. Governments down south conducted inquiries similar to the one that has resulted in the report before us and they came up with only one real recommendation, and that was for the introduction of TAB.

Mr Speaker, they made the fundamental mistake that I am suggesting has been made by this working party: they did not adequately inquire into the needs of the industry as a whole. They sought out the needs of the race clubs. They established that government coffers would swell dramatically if their estimates of turnover were correct. Prize money would increase and therefore more owners would be attracted to participate and, because high amounts of money would be available to clubs throughout development funds, luxury grandstands, restaurants and bars etc would be built and therefore attendances would increase. About the only consideration they gave the punter, who never went to the race track but still liked a punt, was that the TAB would safeguard his investment and he would no longer have to deal with that horrible, unsavoury criminal type because TAB would stamp out illegal SP bookmakers.

Of course, with hindsight - and what a wonderful resource that is; let's use it - we can see that all has not been as rosy as predicted by the various inquiries. Most racecourses have beautiful facilities. However, they are catering to ever-decreasing crowds. The boom in prize money has eased the little man out of racing to the extent that some cynics are predicting that, in the foreseeable future, there will only be a small handful of owners and trainers providing the animals for each race day. In the meantime, what about my mate the punter who does not want to go to the track? Well, Mr Speaker, he certainly has the chance to go into nice new TAB shops and bet on a much wider range of feature bets such as quinellas, trifectors, quadrellas etc. But once again, like this report, nobody asked him if that would satisfy his needs.

In other words, and to come to the main point I want to make, nobody in Australia, let alone the Northern Territory, has ever conducted a feasibility study or a marketing exercise into the needs and aspirations of the whole racing industry. If one did, one would ascertain that the off-course punter comes into 2 categories: one wants to bet on the TAB system and one wants to bet with a bookmaker. A recent ABC television program interviewed a senior officer of the Victorian TAB who stated that he was delighted with the ever-increasing turnover on the TAB and, on the same program, an illegal SP operator stated that his turnover over the past several years had been $127m. It would not matter if they had been talking about betting or shelling peas. Any marketing man would tell you that there are 2 markets to be catered for. Why are governments so naive or perhaps intimidated or corrupted to the point where they legalise one market while, at the same time, they bypass a further fund-raising medium and pander to a cesspool of crime and corruption.

Mr Speaker, the Director of the Australian Institute of Criminology, Professor Richard Harding, has called for the decriminalisation of SP bookmakers. Professor Harding told the New South Wales branch of the Royal Institute of Public Administration in Sydney that off-course betting should be allowed to
compete lawfully with TAB because SP bookmakers would have little incentive to remain outside the system. Professor Harding said: 'For the price of paying betting tax, they could set themselves up in more salubrious premises, deal with Telecom in the conventional ways, gain the benefit of moves towards making betting debts recoverable at law and generally become pillars of the community'.

Mr Speaker, as an administrator for some 5 years in the on-course side of the industry, I support, and I am sure that every honourable member supports, the recommendation to sustain and moreover improve the standard of the animal racing side of the industry in the Northern Territory. I hope we are all just as committed to providing standards for the off-course participants. Let us not forget that we must also look to raising government revenue from the industry. The other states took the decision to introduce TAB without knowing what impact it would have on-course or off-course. All they could see was the pot of gold at the end of the rainbow.

Even Mr John Reeves MHR has claimed expert status in the racing industry because he spent some time as Chairman of the Central Australian Racing Club. He was quoted recently as saying that he would introduce TAB immediately and put forward as his only logic for the move the turnover on southern TABs and commented that TAB was the industry's 'holy cow'. I would suggest that the honourable member's expertise in racing is on a par with his general expertise in representing the interests of Territorians in Canberra. That gentleman does not have the flexibility of mind or the interests of everybody within the industry at heart to educate himself to the fact that, on the farm where his holy cow is located, there is also a goose that lays golden eggs. That goose is called 'Goldie', the illegal SP bookmaker. But alas, 'Goldie' is not the biggest goose on the farm. That honour goes to any government or short-term politician that frantically milks the cow until his hands blister while, at the same time, neglecting the fact that 'Goldie's' droppings are really starting to make the farm stink.

Mr Speaker, where does all this lead us? We do want to see the animal racing industry in the Territory develop and we do want to provide the best variation of off-course betting facilities while, at the same time, providing income for the government from the industry. But while trying to achieve those aims, we must ensure the long-term stability, credibility and viability of the industry. What can we do to satisfy all those criteria? We must establish what is a reasonable rate of development for horse and greyhound racing for the next, say, 10 years and what injection of funds is required from year to year for that agreed rate of growth to be maintained. The development must take into account gradual increases in prize money for owners and upgrading of facilities for patrons. We must introduce off-course betting facilities to cater for the 2 markets I referred to earlier and establish what amount, if any - and I stress, if any - of government revenue is to be raised during the specified period. It will then be a matter of identifying what system or systems are to be available on-course and off-course for the punters who will provide adequate revenue to achieve our goals. We must not, as the honourable Mr Reeves and others who have a bias towards the local racing scene suggest, rush into the introduction of TAB to the exclusion of all other systems just because it appears to be the pot of gold. We must be far more responsible than other states and not simply accept the TAB and the interests of the on-course situation as being the be-all and end-all of our decision.

There is only one logic that I can apply to the working party report so far as projected turnover and subsequent revenue distribution figures are concerned. If we accept the scenario that, from a financial standpoint, the government should allow on-course racing to close - although it recommends we do not do
that for several reasons - then I believe we should accept the scenario that, while from a financial standpoint we should introduce TAB and close betting shops, there are many more reasons why that should not be done.

The working party was rather gullible in the way it accepted some submissions and then arrived at recommendations based on those submissions; for example, comments on page 59 of the report in recommendation 2:

Law enforcement agencies in Victoria report that there is prima facie evidence of illegal money flowing in the SP operations in the states and into and through certain Territory-licensed bookmakers. In examining the TAB option, it is also apparent that fertile ground may be created for SP operations in the Territory itself as a replacement for illegal activity already occurring. Whatever the betting system, therefore, it is a potential for anti-social activity and links into organised crime. The strongest possible action should be instituted to prevent such activity by introducing real deterrents providing an adequate enforcement capacity etc and encouraging judicial support.

Mr Speaker, what that says in fewer words is that illegal operators from the south are betting with legal betting shops. If the TAB is introduced and we close the betting shops, it is likely that illegal SP bookmakers will operate. I quote: 'as a replacement for the illegal activity occurring'.

Then it goes on to say that we must form a gaming squad, which is a bit of a laugh. The working party has assumed that, if an illegal operation from interstate has a bet with a legal bookmaker in Darwin, that is an illegal transaction. That is nonsense. Let me assure you, Mr Speaker, and other honourable members, that most legal off-course bookmakers have a telephone account on one or more TAB agencies in various states. If an illegal operator in Tasmania rings a bet through to Darwin, the report says it is illegal and is therefore a slur on the off-course bookmakers. Apparently, if the man from Tasmania rings the same bet through to his telephone account with the TAB in New South Wales, then that is okay and there is no slur on the TAB.

It is remiss of the working party for not taking its investigation to the point where it established that something like $10 000 each Saturday would be bet from interstate with Darwin off-course bookmakers. It is wrong to suggest that all of that money is from illegal sources. Some of it is bet by very prominent Australians who simply want to bet legally with a bookmaker when they do not have the time to go to a racecourse down south. Its investigation then should have led it to the fact that illegal SP operators bet hundreds of thousands of dollars each Saturday through their telephone accounts at various state TABs.

Mr Speaker, I will sum up. People directly involved in the on-course side of the industry argue that we must introduce TAB at any cost and base their arguments on the huge turnover on interstate TAB and the subsequent spin-off of funds to the administration of racing which then leads to more prize money etc. Their approach to this end has also included their tactics of casting aspersions on off-course bookmakers. It disappoints me that the working party and the opposition have followed the same narrow path. This government must take a much more responsible approach. It matters not whether you like or want off-course bookmakers to operate. Experience from all over Australia indicates that you are going to have them anyway. Governments, therefore, have to take the decision of allowing them to operate legally and under close supervision so that some return can go to government and the racing industry or have them operate illegally, with no return at all, and with the inherent cost to the taxpayer of trying to combat the crime and corruption associated with that operation.
We must maintain off-course betting shops in some form, perhaps with a drastic reduction in numbers. The off-course TAB must also be introduced not only for the reasons put forward by the race club lobbyists but also so that off-course punters have the choice of the type of bet they want. This government wants the race clubs to progress but not at all costs. I concede the point that a dual off-course system will not give the same financial return to racing initially. However, I expect the racecourse lobbyists and the honourable members of the opposition to concede that the responsible decision to be made now is the one that will ensure the long-term stability, credibility and viability of the whole racing industry.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I rise to make a few comments on the working party's report as it relates to TAB and off-course and on-course bookmaking. I do not have any particular passion for the industry, for gambling or for horseracing at all but I believe the decision the government makes in relation to this matter is much more important than whether we raise $Xm a year or $2Xm a year or whether the racing industry in the Northern Territory is funded from an open-ended arrangement through a TAB or through some other system. My concerns do not come from the impact of the dollars on the industry but more from the social impact that comes from illegal SP bookies.

I grew up in the town of Tennant Creek which was really the town that introduced legal off-course betting to the Northern Territory. In those days, and shortly after the introduction of radio, it was very difficult for people in Tennant Creek to have a bet. Most of the SP betting was organised off the shortwave radio. When the radio came via the ABC in 1960, the SP bookies stepped up their activities. The immediate reaction from the police in those days was to try and stamp it out. It was rather like trying to stamp out sex. They did not have a hope. There never was a hope and there never will be a hope of stamping out the desire of people to bet on a racehorse. All we are talking about is how they do it and whether you can force them through one mechanism or another to bet on the TAB.

Mr Deputy Speaker, we had a situation in our town where the 3 bookmakers put £10 a week into a fund operated by the Tennant Creek District Association which was just a progress association. We received very little assistance from the government in those days, not that we received more or less from anyone else. There just was not a lot of help around and the £30 a week from the bookies paid for the basketball courts, the tennis courts, the lighting, the shed, the improvements at the baseball field and a multitude of other little jobs around the town that people would never have had the benefit from if it had not been for the bookies.

As you can imagine, Mr Deputy Speaker, the bookies very soon became next to God because, if you knocked the bookies off, you knocked off the public amenities and the supply of money that made them possible. So the police really had a battle on their hands. They were not doing a job on punters; they had the community against them, and plenty of trauma followed. If you read the history of the legalisation of SP bookies in the Northern Territory, Mr Deputy Speaker, you will see that Mr Len Purkiss, one of my predecessors in this Chamber, fought the battle for at least 10 years before we actually achieved legalised betting. The fight that he carried was not for people to be able to place a bet. It was to stop the trauma that was going on between the community and the police force. The police were being harassed by their superiors for not stamping out illegal bookies and they were being harassed by the town people. In some cases, the police were on the take. If you look at the police records, you can see the names of policemen that left the Northern Territory because they were found to be on the take.
We are talking about what I regard as a possible return to that scenario. I have yet to have anybody prove to me how we are going to stamp out bookmakers. I notice in the report that, if we have enough police, if they have enough teeth, if the hammers are big enough to knock the doors down in the middle of the night and if Telecom does not connect telephones etc, the bookies could not function.

In a community the size of the Northern Territory, that possibility is just outrageous. We could not function as a society. How are we going to control the bookmakers who operate underground in the mines? They will have a blackboard on the 9 level at Warrego. All the races for Sydney, Melbourne, Brisbane and Adelaide will be on the blackboard. How are you going to control the phones? How are you going to stop the money? Who will ever go down there to do anything about it?

Mr Leo: There's most likely one down there now.

Mr Tuxworth: I would not disagree for one minute with the interjection from the honourable member for Nhulunbuy. There most likely is one there now. To my mind, stamping out bookmakers is just not possible. I come back to the point that the honourable member made a moment ago. If it is not physically possible, and if the vacuum we create here is going to be filled by illegal people from interstate, what is the point?

Mr Deputy Speaker, if I advocate that there should be some form of legal bookmaking off-course, I throw myself into conflict with the TAB interests. I admit that there is probably an argument for more funds to be raised from the TAB. What do the protagonists for the TAB think that a flying squad of police will cost to operate over 500,000 square miles of the Northern Territory for 7 days a week 52 weeks a year? If that does not eat up $1m or $2m in a year, I will go he.

Really, I am making a point on behalf of my own community. I would not like to argue strongly what would happen in Darwin or Alice Springs if bookmakers were legal or illegal, but I can tell you exactly what would happen in my home town. You could take the licences away tomorrow and the guys would be there the day after doing the same trade they are doing today. All it would do is make criminals of them and criminals of the people who deal with them. If you argue that the police can stamp them out, I will state that that is nonsense in a town like Tennant Creek. It would not take very long for society to break down with that sort of arrangement.

What I am arguing for in this exercise is sanity. I understand that the racing industry thinks it has a divine right to extract every dollar it can from the government and in any way that it can get it. But like every organisation or industry that would like to get support from the government, there is a limit. I do believe that the time has come for the racing industry in the Northern Territory to understand that there are other interests besides its own. There is a need for us to weigh up very carefully the issue and the presence of licensed off-course bookmakers in the Territory. If we put that matter aside lightly to appease the few wailing screams that we get from the people in the industry - they are not from the punters - then we are inviting upon ourselves a social problem that we will rue from the day it starts.

I had the good fortune some years ago to have the portfolio of racing and gaming. I found it very interesting. At the first officers' meeting for racing and gaming that I attended in Melbourne, one of the debates that ensured on that occasion was how government could stamp out the SP bookmakers because the SP
guys in those days were taking what the TAB people thought was about half the available turnover for betting on horses. They wanted that money to go through their own TAB systems. I would argue that nothing has changed and it is never going to change. The sooner we bring it out in the open and legalise it, the better off we are all going to be.

Mr SMITH (Millner): Mr Deputy Speaker, I rise to make some comments in an area which I am not terribly familiar with. My first point is to urge the government to bite the bullet one way or the other. We have been talking about this matter for a very long time. We are at present discussing our third inquiry. Those inquiries have all been unanimous and have all recommended that a TAB be introduced in the Northern Territory. I find it somewhat peculiar that, after that period of time and after all of these recommendations, we are still arguing about whether we will have a TAB or not.

However, I think it would be fair to say that there has been some change in the attitude of the government. There is a recognition now that a TAB should be introduced. Primarily what we seem to be getting from government members today is that the TAB should be in harness with some sort of off-course bookmaking system.

I go back to a comment made by the honourable member for Wanguri. He said that we ought to look at the industry as a whole. Certainly, I have no problem with that. But there is another way of looking at it and that is to look at the industry in the Northern Territory. It seemed to me that he was taking a somewhat more global view, particularly by his comments that the off-course bookmaking shops took money on southern races. What we have in the Northern Territory is a racing industry that is in crisis. We need to decide whether we want that racing industry to continue. That is the basis that I personally start from.

Mr Dale: 9% of the turnover.

Mr SMITH: I agree that it is not a big contribution to the turnover of the racing industry at present. But as my colleague, the honourable member for Nhulunbuy pointed out, it certainly does provide many other benefits to the Northern Territory's economy that, by its very nature, the industry outside the Territory cannot give. For example, it employs a large number of people as trainers, as jockeys, as racecourse administrators and as racecourse support officials. It also provides a magnet for tourists, particularly in Alice Springs and in Darwin but also, to an extent we probably do not appreciate, on the country racing circuit, including places like Brunette Downs, Katherine and even Barrow Creek. It has always been my ambition to go to the Barrow Creek races. Unfortunately, I have never been there.

My thinking on the question of TAB has been very much governed by what will best benefit the racing industry in the Northern Territory. I thank the member for Wanguri for his contribution because he raised matters that I had not thought about. I detected that the government is moving towards a compromise situation: a TAB and a limited number of off-course booking shops. If the paper tonight is any indication, it is looking at one off-course booking shop in Darwin, one in Nightcliff, one in Winnellie and one in Palmerston. I ask the government: how much of an impact is that going to have on stopping SP bookies? Is that really going to stop the SP bookie operating in Darwin? I would say it would have a very limited impact.

We all know that SP bookies operate in Darwin at present. We all know where they operate. The ones that I know operate on a reasonably small scale.
But if it is the government's view that TAB will mean SP bookies, I suggest that having a limited number of booking shops - giving a monopoly in certain areas - will also encourage SP bookies. I would like to hear evidence that would suggest that that would not be the case. I have a genuine concern about the member for Wanguri's proposal. If SP bookies are the main concern, then his proposal for limited off-course betting shops is not really going to help. If members feel that SP bookies are going to be the major problem, they had better be honest with themselves and forget about introducing TAB. Personally, I think that the benefits that we would get from TAB would outweigh the possible disadvantages of not introducing TAB.

It was interesting to listen to the comments of both the member for Wanguri and the Minister for Mines and Energy because they both referred to the good old days. It was nice to hear of the pursuits of the honourable Minister for Mines and Energy in Tennant Creek 20 or 30 years ago. But it is not terribly relevant to what is going on today. There has been a distinctive change in the way people spend their leisure hours and their leisure days. It has not been demonstrated to me that that has been caused by TAB, as the honourable member for Wanguri attempted to demonstrate. I have not seen any evidence to suggest that people do not go to the races any more in the southern cities just because the TAB is there and there is no official off-course betting shop system. It has just been a change in people's patterns of recreational activity. There has been a drop in most sorts of formal sporting pursuits in terms of attendance. I think the racing industry has been caught up with that.

Mr Dale: Have you been to the MCG lately?

Mr SMITH: I have not been to the MCG lately but I know the Victorian Football League was most concerned earlier this year that its attendance figures have dropped by about 5% on last year.

I would remind the government at this stage that it gave an electoral undertaking before the last election that it would adopt the inquiry's recommendations. That is not the only election promise that this government has broken. I missed the opportunity to refer to one of the others in an earlier debate but I will get that opportunity. To conclude, it is a vexed question. There are pros and cons on both sides. But it seems clear to me that, when you have a situation where 3 reports have all basically come down with the recommendation that a TAB system should be introduced, then it is time to bite the bullet and do it.

Finally, I conclude by repeating the words of my colleague, the member for Nhulunbuy, that an each-way bet on this particular issue - in other words, having TAB and some off-course shops - is a recipe for disaster. I do not mind saying that now. I am quite happy to speak to any person in 5 years' time and have him prove me wrong if the government goes ahead and introduces such an each-way bet.

Mr PERRON (Treasurer): Mr Deputy Speaker, I thought there might be a few more people speaking and I do not have very much to say in closing. I tabled the report primarily to give the opposition the opportunity to put its views which had been hinted at in the press a number of times. This was its opportunity to give some detail. I guess it has merely reiterated that it stands by the working party's recommendations full stop. That is not a criticism; if that is the way it feels, so be it.

The government does have some concerns with the extent of the working party's findings and feels that additional information should be obtained prior
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...to final decisions being taken. However, I indicated that Cabinet was of the view at its preliminary examination of the working party's report that a TAB system in the Territory is probably appropriate at this time and we left undefined any further action we may take in regard to whether or not we will license off-course bookmakers as well.

There is something the honourable member for Millner said that is important for us to reflect on. He said that what we should go for is what will benefit the racing industry most. I am not sure that that is the sole criterion on which we should base any judgment. I think there are in fact an enormous number of punters out there, citizens of the Northern Territory, who regularly bet with off-course bookmakers and who are able to obtain fixed-price bets which no TAB can offer them. I am not a racing man but I think that there has been a lot of research on fixed-price betting with TABs. To my knowledge, there is no such system in practice at the moment but it is being worked on. The day that computer programs are developed so that TAB can offer fixed-price betting during the week on a race coming up the next Saturday will change the whole face of TAB systems and, to some degree, may change people's attitudes towards the need to have legalised off-course betting in order to provide an alternative to the illegal system that operates interstate.

In the meantime, we are faced with the situation that the service provided by off-course bookmakers in the Territory is one that is well-patronised and appreciated by very many Territorians, certainly far more than are conceivably involved in the racing industry in the Northern Territory. If we wanted to make a judgment solely on pleasing the most people, to my mind there would be little doubt that the race clubs would miss out. I accept that the decision is not as simple as picking the majority. The honourable member for Millner has gone for the option of picking that system which will benefit the minority most - the racing industry.

As I pointed out at the press conference when I released the working party's report, the Territory would be better off financially without any racing industry whatsoever and that is solely because almost all betting is done on southern races. Even betting at our race tracks on Saturday afternoon is primarily on southern races and therefore the funds that flow at present from taxation to the race clubs in the Territory is a subsidy in the true sense of the word. We are not even feeding that section of the industry which is the result of the turnover. All that betting on southern races would continue even if there was no racing in Darwin or Alice Springs or anywhere else. We have recognised that, despite the fact that the racing industry here is losing money annually, even with the large subventions we make to it, there are benefits in having race clubs here. They are a regular social venue for some people and an occasional social venue for many people. The Darwin Cup is one of the most significant events on the tourist calendar in Darwin. I point out to the member for Nhulunbuy that that is without TAB. We have never had TAB but it is still the most significant event. I do not know how much more significant we can make it with the TAB but proponents of TAB would argue that it could be a better carnival than it is at present. Goodness knows where they are going to put the people.

Another point made during the debate was that the advent of TAB will encourage SP bookies. To my mind, the advent of TAB would not make a shadow of difference to SP bookies; it is the abolition of off-course bookmakers that would encourage the proliferation and setting up of illegal bookmakers...

Mr Leo: They are already here, Marshall.
Mr PERRON: ... and on a big scale. The honourable member says that they are already here and perhaps they are. If he has such information, one would expect a responsible member of the Assembly to pass that information on to the police, rather than indirectly aid such lawbreakers. The honourable member for Millner also indicated, with a slip of the tongue, that he knows of an illegal bookmaker in Darwin. Perhaps he should examine his conscience a bit as he stands in this Assembly and purports to represent the law and the lawmakers of the Northern Territory.

The government will face this decision within the next few weeks in the light of the further information we have sought from Treasury, the Racing and Gaming Commission and the Police Commissioner on various aspects of the working party's report. We will make a decision and announce it as soon as is reasonably possible. I thank honourable members for their contributions to this debate.

Motion agreed to.

MOTION
Australia's Role in Nuclear Fuel Cycle

Continued from 12 June 1984.

Mr HATTON (Nightcliff): Mr Deputy Speaker, I rise to speak in support of the statement made by the Minister for Mines and Energy yesterday on this matter. In his statement, he dealt quite comprehensively with most of the major issues that are incorporated in what is known as the ASTEC Report on Australia's role in the nuclear fuel cycle.

There are only a few points that I would like to raise on this report and the first is that, quite clearly, it comes out in favour of a continued involvement of Australia in the uranium industry. It goes further and recommends that we should consider extending our involvement in the nuclear fuel cycle. In so doing, it outlines a number of very good and cogent arguments that an extended involvement of Australia in the nuclear fuel cycle would actually improve safeguards, reduce the potential for proliferation of nuclear weapons and, in fact, help overcome some of the other serious problems facing Australia. For example, it could act as an influence in relation to the problems mentioned yesterday, particularly by the honourable Leader of the Opposition, in respect of the Japanese proposals for the disposal of waste materials from nuclear power-stations and also the very serious problems facing Australia and the Pacific region because of French nuclear testing.

I would like to deal briefly with a couple of issues that arise from the debates on the question of the nuclear fuel cycle. Firstly, I will comment on the argument that mining and milling uranium or supporting the development of nuclear power-stations will act as a potential proponent for the development of nuclear weapons, that the material could be sidetracked easily and used for the construction of nuclear weaponry. This report, Mr Deputy Speaker, clearly indicates the nonsense in that argument. I would refer you particularly to page 7 paragraph 229:

Should a country decide to embark on a weapons program, it is unlikely to use civil power reactors to do so. This is because such a use would be inefficient, both in terms of producing weapon-useable material and in terms of electricity generation. It is, therefore, much more likely that a research reactor or, rather, non-power reactor would be used for this purpose. It is noteworthy that, since civil power programs have
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existed, none of the 3 additional countries which are known to have detonated nuclear explosive devices - that is, France, China and India - has used civil power reactors to produce fissile material. All have used specific facilities.

There is no evidence to support these proposterous claims. In fact, the evidence and the detail that is provided in this report clearly shows that is the most unlikely event from the utilisation of nuclear power-stations.

Mr Deputy Speaker, another issue which is mentioned in this report and which has been mentioned continuously in reports in respect of uranium and the nuclear power industry is the question of the Treaty on the Non-proliferation of Nuclear Weapons which is known as the NPT. It was mentioned in the Ranger Reports of 1976 and 1977, and it is mentioned again in this report. For the purposes of debating this report, it is worth while to know the obligations imposed on Australia as a consequence of its signature on this treaty of 23 January 1973. From a brief study of history, one will realise it is one of the early activities of the Whitlam government. It is incorporated in appendix 8 of this report on page 285, for any members who may wish to look it up. I will read from the first part:

The states concluding this treaty, hereinafter referred to as the parties to the treaty... affirming the principle that the benefits of the peaceful applications of nuclear technology, including any technological by-products which may be derived from nuclear weapon states, from the development of nuclear explosive devices, should be available for peaceful purposes to all parties of the treaty whether nuclear weapon or non-nuclear weapon states.

Convinced that, in furtherance of this principle, all parties to the treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other states to, the further development of the applications of atomic energy for peaceful purposes.

I will also read the second part of article 4 of the treaty:

All the parties to the treaty undertake to facilitate, and to have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the treaty in a position to do so shall also cooperate in contributing alone or together with other states or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear weapon states parties to the treaty, with due consideration for the needs of the developing areas of the world.

Mr Deputy Speaker, as was said in the Ranger Report, and as is said in this report, as a signatory, our nation has a treaty obligation to make our materials available to countries under the proper and appropriate safeguards which are also stipulated in respect of that treaty and as has been the practice of the Australian government in developing our uranium mining and milling industry. To reject that is to reject some of the principles that are enunciated in the nuclear non-proliferation treaty. It is not to promote nuclear proliferation but rather to act contrary to an internationally-recognised factor which is seen as a way of reducing the potential proliferation of nuclear weapons.
I would like to deal secondly with the matter of nuclear waste disposal which has been another area of concern. In particular, I would like to draw members' attention to the question of the synroc process which is being developed within Australia. First and foremost, I believe that this process will contribute to a cleaner, safer environment simply because it overcomes one of the basic objections to the nuclear power-generating industry — that of safe disposal. The UK, Japan and the EEC countries, particularly France, Belgium and Sweden, are committed totally to an expansion of nuclear-generated electricity at the expense of coal and oil firing. These decisions have largely been taken on economic and environmental grounds. Concomitantly, there is an increase in the amount of high level nuclear waste generated and one of the ways which is perceived to be safer in principle than any other is the Australian researched invention of Professor Ted Ringwood: the synroc process. On pages 251 to 256 of the Slatyer Report, this process is described in some detail. I will not deal with all the details in that except to say that the resultant minerals are all well known in nature and include perovskite, hollandite, zirconolite and rutile. These minerals are extremely stable and more resistant to leaching than borosilicate glass by several orders of magnitude. The borosilicate glass process was the other process that was also mentioned in the Ranger Reports.

Synroc permits deep burial without an intermediate period of surface storage. Furthermore, tests at the Australian National University are reported which show that over 10 times more radiation exposure than 10% high level waste would produce in a million years gives no appreciable deterioration of the material. Synroc remains stable with water at 800 degrees celsius and pressures of 1000 atmosphere. This local invention has effectively phased out all other materials except the well-established borosilicate glass and glass marble metal pilot operations in Belgium.

If we can gain international acceptance of this material as a high level waste disposal mechanism, the benefits to the nation will be virtually uncountable. The signs are that it is being viewed by scientists everywhere as the way and the light for the nuclear waste problem. The types of experimentation to be carried out include testing with simulated non-radioactive waste, testing various different formulations with actual wastes, demonstration of fabrication technology using non-radioactive plant and design construction of a remotely-controlled pilot plant handling actual waste.

Intergovernmental arrangements have been concluded recently between Australia and the UK and, separately, with Japan to continue such investigations. The Australian Science and Technology Council, chaired by Professor Slatyer, recommends that Australia continue to support research and development on the advanced waste form synroc. We must therefore support this research program to the best of our abilities by such means as making test sites available and investigating suitable areas for full-scale experimentation.

The Territory is well suited as we have the bulk of the uranium resources so far known in Australia. We have an area which satisfies criteria enunciated by Keith Crook in July 1977. The area must be geologically stable and arid, remote from continental margins, sparsely populated, remote from large population centres and unattractive for alternative economic exploitations. Crook first suggested the semi-arid interior of Australia as long ago as 1972. In his comprehensive 1977 paper, he showed that only 2 other places in the world satisfied this criteria — Sahelian Africa and Eastern Namibia — neither of which is well endowed with technology nor necessary infrastructure nor, one could also say, political stability.

The advantage of deep burial for disposal of high level wastes should be obvious to most people and the details are dealt with in the Slatyer Report.
There is wide international consensus that such wastes should be buried in deep, stable geological formations, and that certain conditions must be met and investigations carried out in advance. There are extensive areas in the Territory comprising granite, basalt and clay-rich sedimentary rocks which are viewed favourably as repositories for various high level wastes. In recent years, deep hole technology has become available which allows holes of 75cm diameter to be drilled to depths of 4 km. Disposal in such holes is an attractive proposition. One hole could accept all the high level wastes from 100 large reactors per year. It is pertinent that the Slatyer Report states on page 263: 'It would be appropriate to use an advanced waste form such as synroc which possesses high stability at elevated temperatures. However, other waste forms such as borosilicate glass and spent fuel are considered safely isolated in deep holes'.

Anyone who doubts the efficacy of deep repositories should read pages 274 to 276 of the Slatyer Report where informative demonstrations of high-level waste repository are described. It is little known outside the small world of geological and nuclear sciences but almost 1800 million years ago, at a place called Oklo in Gabon, West Africa, nature produced its own nuclear reactor. Over a period of 600 000 years, the then much higher ratio of U235 to U238, akin to the enriched fuel used in light water reactors today, produced numerous reactor zones within the uranium deposit. 5 t of fission products and transuranic elements, the so-called 'nasties', were generated. The deposit is near the base of a sedimentary sequence and, when active, was about 4 km deep. The groundwater movement through the geological environment affords a unique opportunity to study the long-term performance of geological barriers regarding transport and retention of radionuclides. At least half of the 3D-odd fission products have not moved out of the ore zone. Uranium and plutonium were essentially retained within the reactor zones and, despite intense leaching at high temperatures over a 600 000-year lifetime, uranium was essentially immobilised. Most of the plutonium decayed in that time frame, but the daughter products indicate that it, like uranium, did not move. Another 'nasty', neptunium, has been deduced to have decayed in the reactor zone. The Oklo phenomenon provides convincing proof that a particular geological environment can limit migration even under extreme conditions.

Mr Deputy Speaker, the argument presented in this report is quite clear. Australia should become involved in the nuclear fuel cycle and most of the so-called arguments against the nuclear power industry all fail when judged against hard scientific evidence. The developments, particularly in the last 10 years, have been quite extraordinary and are continuing, and there is every good reason why Australia should participate. Particularly, Australia should participate because of its treaty obligations under the Nuclear Non-proliferation Treaty and because we have the available resources and, by becoming a major supplier in the nuclear fuel cycle in the world, can act as a positive force to ensure that proper safeguards are taken in respect to the utilisation of nuclear fuels in the energy cycle.

Mr Deputy Speaker, yesterday the minister issued a challenge to the members of the opposition to stand up and be counted and I quote:

This political charade has to stop. It is absolutely essential that Labor members of the Northern Territory get on their feet and tell the people and tell the members where they stand regarding the Slatyer Report and the future of the uranium industry, so Territorians can see for themselves which members want what.

I reiterate that challenge. The Leader of the Opposition has had the intestinal fortitude to state his position clearly and unequivocally even though
he is opposed to his own party's policy determined over the last weekend. In particular, I call on the honourable member for Millner whose branch moved that lunatic Labor resolution last weekend and who is on public record as having the field marshall's baton in his briefcase. In other words, he sees himself as the heir apparent to his party's leadership. The issue of uranium mining is an issue of vital concern to the Territory and, in the light of the extraordinary circumstances of last weekend, the Territory and its people are entitled to know where this leadership hopeful stands on this issue. In particular, I ask the honourable member: does he support the development of uranium mining in the Northern Territory or does he support the Northern Territory ALP policy in opposition to uranium mining? If the honourable member does not support his party's policy, is he prepared to say that he will stand up and ignore that policy and support the development of NT uranium mining? In making his response to those questions - if he has the courage to do so - I would just caution the honourable member that even his own leader recognises that Territory people support uranium mining and, therefore, he is being asked whether he will promote the views of the Territory people or the lunatic fringe left wing of his own party.

In opposing uranium mining, the member is advocating that Australia breach its obligations under the NPT. If any members of the Labor Party stand up here, they should be well aware that they are advocating that Australia breach its obligations under the Treaty for Non-proliferation of Nuclear Weapons. In opposing uranium mining, he would be condemning Australians to a lower standard of living. The reports indicate the economic benefits that would flow from this. He would be condemning Australians to a lower standard of living and he would be condemning people to unemployment because he would be denying job opportunities in this country. The time has passed for individual members of the opposition to fence-sit on this issue. To sit in silence is to demonstrate their support for their party's policy and or demonstrate the extent to which the Labor politicians are manipulated by the puppet master of their party machine. The challenge is there to stand up and be counted or sit quiet and be damned.

Mr BELL (MacDonnell): Mr Deputy Speaker, how easy it must be for the member for Nightcliff to sleep at nights if he is able to put forward such simplistic dualities as either you are for or against it. The fact of the matter is that the Australian Labor Party is the only major political party to carry out, within itself, debate on this particular issue, and what a vexed debate it is.

This report, which members opposite have lauded to the skies, would not have been carried out had it not been for the very earnest, thorough-going debate on this issue that has been carried out within the Australian Labor Party. I find it quite extraordinary that a political party that has the gall to call itself the Country Liberal Party has so little interest in the tenets of liberalism that it is incapable, within its machinery, of being able to debate such issues. Does it ever do it? Whenever the Country Liberal Party has its conferences, I frequently wonder whether it really thinks about anything at all. Are there any disagreements?

Let me place this on record and I am more than happy to do so. There are and continue to be vexed issues surrounding the uranium debate. I bitterly resent the sort of hysterical nonsense that the Minister for Mines and Energy gave us yesterday when he sought to note this particular report. He made hysterical references to people preferring to stick with party dogma rather than think of political, social and international realities. The fact of the matter is that, within the rank and file of the Australian Labor Party, people think
about exactly those political, social and international realities that the honourable minister referred to. I would be quite interested to hear anybody on the opposition bench deny that uranium is dangerous. It is one of the most dangerous commodities...

Mr Tuxworth: So is flying at 35 000 feet.

Mr BELL: It is one of the most dangerous commodities in terms of its potential impact in the world today. The mining and milling of uranium within Australia is potentially extraordinarily dangerous and I mean 'extraordinarily' dangerous.

The honourable Minister for Mines and Energy has said: 'So is flying at 35 000 feet'. If he means that honestly, I suggest he seek psychiatric advice as I also recommend to the honourable Treasurer if he is prepared to bracket uranium and petrol together in terms of their potential impact on the ecosystems of mother earth - heaven forbid.

Mr Tuxworth: What do you believe in? How did you vote - for or against it or don't you remember?

Mr BELL: In response to the honourable minister's interjection, I have placed myself on record in this Assembly to a far greater extent than I believe honourable members on the other side of the fence are prepared to do. They are not prepared to accept that uranium is uniquely dangerous and that the Australian Labor Party is the only party that is prepared to entertain those particular dangers.

Mr Tuxworth: Should we mine it? What is your view?

Mr BELL: Lest I appear to be seeking to explain only the dangers, let me point out how well aware I am of the benefits for Aboriginal people in the Top End. The fact of the matter is that, for many people who have been historically denied any access to material benefits and economic means of self-support, the mining of uranium and the royalty equivalents that flow from it to those communities provide a unique opportunity. Within the wider Australian community, there is a distinct concern about the potential dangers and the actual dangers of mining uranium and the part it plays in the nuclear fuel cycle, balanced against the clear benefits in terms of export earnings. I think all Australians are well aware of that. I mentioned the benefits to Aboriginal people in the Top End of the Northern Territory. I am well aware of the fact that the access to royalty equivalents through the Aboriginal Benefit Trust Account is provided to communities within my electorate by providing some basic services that would otherwise be denied them. I am not pretending it is an easy issue.

Mr Tuxworth: How did you vote on it? Tell us how you voted.

Mr BELL: Let me point out more of the dangers. Honourable members who have read this evening's Northern Territory News will notice that Mr Yami Lester of the Institute for Aboriginal Development has recently left for London in order to press the case with the British government of the serious physical injury that was suffered by himself and by other Aboriginal people. It was serious physical injury in Yami's case and evidently death in the case of other people. Evidently there was serious environmental damage.

Let us not pretend that this is a simple issue. I really resent this debate being put down to whether we mine it or not. It is just such a gross
oversimplification. The honourable members who keep on interjecting from the opposite benches do themselves absolutely no credit.

Mr Tuxworth: Are you frightened to say?

Mr BELL: The fact of the matter is that there are serious problems with separating the generation of nuclear power from the proliferation of nuclear weapons. This particular report agrees with the International Atomic Energy Agency assumption that that is quite possible. Unfortunately, the IAEA has been operating on that assumption, I think, since its formation in 1958. Clearly, between 1958 and 1984, the vertical and horizontal proliferation of nuclear weapons around the world suggests to me that we cannot be confident that the uranium that is being taken out of the Northern Territory is not ending up in those sorts of nuclear weapons. I am not satisfied that we can be.

There is one further point I would like to make in relation to the report. The honourable Minister for Mines and Energy tabled his report. He referred us to an attachment which names members of the Australian Science and Technology Council. He said that he had attached for the benefit of honourable members a list of the ASTEC participants. It may come as news to the honourable Minister for Mines and Energy that, not only did he not attach the full list of members of the Australian Science and Technology Council, which is to be found on pages V and VI of the report - I will concede that he has unwittingly misled the Assembly - but many of the people on that list did not contribute to the production of this report. They include: Professor Carver, the Director of the Research School of Physical Sciences at ANU; Professor Green, the Professor of Geology at the University of Tasmania; Professor Kincaid-Smith, Professor of Medicine at the Royal Melbourne Hospital; and Professor Korner, the Director of the Baker Medical Research Institute. I could go on.

Let us look at the people who did contribute though. Of course, Professor Slatyer contributed. So did: Mr Adam of BHP; Sir Samuel Burston, a grazier; Doctor Jones, Managing Director of Techway Pty Ltd, which I understand is a subsidiary of a company producing nuclear energy in the United States; Mr P.M. Trainor, the Chairman of Nucleus Ltd, an Australian subsidiary of CRA; Mr Zampatti, Managing Director of Castlemaine Tooheys Ltd; and Mr McLeod, Federal Secretary of the Australian Insurance Employees Union, whom I understand did not attend all the meetings. If you go through the list that I have read out, Mr Deputy Speaker, you will see that it is certainly a somewhat less representative group of people who worked on this report than the honourable minister gave us to believe.

I understand that a number of people are listed in the report as making submissions to the inquiry. But what I find quite extraordinary is that, if we are looking for a balanced report, I have no complaint about the people involved in the nuclear industry being members of this particular council. But surely people who are representing public interests on the other side of the fence could equally be deemed to have membership of the particular subcommittee that produced this report.

Mr Deputy Speaker, I will not take any more time of the Assembly this evening. Suffice it to say that I am satisfied that the Australian Labor Party as a vehicle for political debate - and presumably that is the role of political parties within a democracy - to a much greater extent serves the interests and the needs of both the Northern Territory community and the Australian community than our conservative reactionary counterparts.

Mr FINCH (Wagaman): Mr Deputy Speaker, in one way, I rise with a great deal of reluctance to speak in this debate. It has gone on for quite some years.
The honourable member for MacDonnell's ALP may still have a problem and may still be undecided about which way it is going. The big problem is that the CLP resolved its debate long ago. It is no longer a vexed issue for us.

I will not give you any hysterical nonsense. I will give you some plain, straight facts. The honourable member for MacDonnell has spoken about the danger of uranium mining. I will tell him about the danger of mining all right. I come from a coal mining area. I had 2 grandfathers who had very short lives due to dusting in coal mines. I can tell you the number of people who have died from mine collapses in the Wollongong–Port Kembla area and many others. They far exceed the potential danger of mining uranium throughout the world, never mind in Australia itself. What about the dangers involved with oil rigs? We are well aware of the problems in the North Sea and off Japan in recent years.

The reality of the whole question is that it would be absolute madness for us not to mine, use, process and sell uranium in this country. We have heard mountains of debate on the environmental aspects of it and on the safety aspects. We have heard about weapons and non-proliferation. We have heard about the advances we have made over the last 20 years in the development of proper controls in the uranium industry. The biggest problem that we have suffered in the uranium industry has been the present and previous federal governments' lack of positivity. It is now time for us to come out of that dark age of whiffle-waffle such as we have just had from the honourable member for MacDonnell. It is time for some clear thinking and positive direction. Time now is of the essence.

We know only too well the benefits that can come from uranium mining – benefits through science, medicine and engineering not to mention the energy production aspects. These benefits greatly outweigh the risks involved. One would be a fool not to acknowledge that there are some risks in the mining and sale of uranium but, naturally, as we have heard in many debates in recent years, these risks are far less than other types of energy production.

What we have established beyond doubt is that we have an obligation to proceed with the mining of uranium in Australia. The main competition is coming from only 2 other countries at this time. That is not to say that, in years to come, when the heavy demand for uranium comes on, the number of competitors will not increase dramatically.

As I understand it, we have approximately 30% of the world's total reserves in low-cost uranium deposits. Given the undeveloped and unexplored nature of uranium in the Northern Territory, those deposits probably account for an even greater percentage than that.

We have heard the debates for and against the safety aspects etc. What we have also heard and had defined is that we have the source and also the markets. We have the demand. The demand is well laid down. I refer to an energy conference held last year by the Institute of Engineers Australia and the Australian Institute of Energy. Over 200 professionals attended. They were of many different disciplines, including technical and political. The conference considered in a learned society context a wide variety of policy issues pertinent to the development of energy policies for Australia by bringing together these many delegates. These professionals had, prior to the conference, a compendium of position papers prepared by some 150 members and associates in 17 working parties. We heard earlier of the work that has gone into the ASTEC Report. I put to you that the report of the proceedings of the Energy 1983 Conference only reinforces the projections for market levels and demands throughout the world.
In looking at the energy projections over the next 20 to 40 years, it is clear that the demand on conventional liquid fuels will become an increasing problem. One of the concerns that I note in referring to the statistics in those papers is that, every time there has been a review on the liquid fuel capacity internationally, the estimates reduce. Every time we revise where we are, we seem to be in a worse position. If you look at the latest forecast, and that is from last year, it seems that the capacity in oil production available to us by the year 2000 or 2010 will coincide with the production requirements. In other words, we will have reached capacity as far as production is concerned.

The papers point out to us that, whilst the real gross domestic product has increased by 19% over the last 7 years, the total demand on domestic energy production has only increased by 13%, indicating that some of the conservation techniques and implementation of efficiency measures are starting to have some effect – naturally because of the pressures brought on us by the high cost of purchasing fuel oil. These figures are on an international basis. They were developed by the International Energy Agency in its world energy outlook conference last year. The nuclear fuel consumption figures increased over that same period by 206%.

What this illustrates of course is that there is an increase in demand for energy through the nuclear fuel sources as opposed to a decline through oil. The same paper has included projections through to the year 2000 where it is claimed, on a conservative basis, that oil demand will decrease at a rate of 1.2% per annum over that period whereas the nuclear requirements will increase at a rate of 7.7% per annum over the same period. What this means is that the demand for nuclear energy will obviously grow, certainly at only a small rate of 4% or 5% per annum, but by the time we get to the year 2000, that demand will be something like 7 or 8 times what it is currently.

When we look at Australia's position in relation to world sources and the world demand, we see that we are currently supplying only about 6% of the world market. But we have the potential of supplying probably 20% to 40% of the world market by the year 2000. The relevance of course is not what we are able to supply ultimately but it is a matter of what we are prepared to do in the meantime to develop those markets. It takes probably a 10 or 15-year lead time to fully develop potential markets in the uranium industry. To that end, if we are going to meet year 2000 requirements, we ought to be moving now.

Mr Deputy Speaker, I did not rise to go over old ground of supply and demand, and safety issues. Principally, I would be interested in discussing some of the secondary benefits that are available to the Northern Territory in particular. Those secondary benefits derive not only from the obvious capital costs involved in developing mines but also from the return through ultimate production and from other side effects. When we look at the development of any infrastructural resource, it is all relative to the economies of scale. The more base you have to spread your resources across, the easier it is to develop facilities.

In the development of an integrated nuclear industry in Australia, including enrichment, fabrication, processing and disposal of waste, there are a great number of infrastructural requirements that would be needed. There is a need for roads, water supplies and transport facilities including waterfront amenities etc. There would be development of roads to a much higher standard in many areas where there are still mines to be developed. In fact, at the moment, we have little more than bush tracks. The development of fully-standardised roads can lead to the development of local economies through improved accessibility, through more economic transport, through development of new
markets, either in agriculture or other types of mining, and, naturally, through tourism. If there was a fully-integrated system for a nuclear industry, we may even need to get back to a railway system. These transport networks all help to allow mining exploration, access to new agricultural areas and other development in industry and markets that will help the Northern Territory develop fully.

While all this is happening, there is a side benefit for the local consumers. Once again, there are economies of scale. If you improve your port facilities or you have a greater viability for shipping runs, either by bringing in construction equipment or exporting mining products, the more reliable shipping service benefits the public in terms of supply and the cost of bringing in foodstuffs and products for building etc.

There are other secondary effects and benefits. We have heard during this sittings of the potential of gas pipelines. One might ask what the heck gas pipelines have to do with uranium mines. Naturally, if we develop the nuclear industry to its fullest potential, there certainly will be a demand for increased power supply. These all help to contribute to a more viable potential use of our own gas products through power generation. Other benefits come to construction and secondary industries, to manufacturers, suppliers and small local firms who help to service the mining industry. Any additional industry can only help these people balance their programs, and make their own businesses more viable. At Jabiru and Nabarlek, a total of $400m was spent on construction, including the Jabiru township. A significant proportion of this money would have been spent locally through local businesses. One can only imagine the effect that that must have had in helping to consolidate what may have been fragile small businesses in the first place.

The federal-government-supported Construction Industry Advisory Council, in its recent report, indicated that, over the last 2 years, the construction industry needed to be supported quite dramatically by public spending. It drew attention to a need to diversify that base load for the construction industry by promoting spending in the private sector. This is just another one of those golden opportunities that the federal government should not miss out on in helping to spread that workload commitment.

There are other factors. I know some of them might be very minor but they all add to the argument. There is no way that we can consider any one project in the Northern Territory in isolation. There is wash-off right across the board. All of the commercial facilities that will be developed in association with the mines and the accommodation and educational facilities will help to service the small communities where they are located. This will possibly assist some of the local Aboriginal groups. Certainly, it will be of major benefit to tourists where applicable.

One of the very important things that Australia needs to do is to try to redevelop some credibility of supply. We have all seen that the Australian mining industry has fallen into disrepute internationally by virtue of its unreliability of supply. This is the result of both union action and government policy. Given that all of these side benefits are only a small part of the overall scene, I put it to honourable members that it is time to get on with the job and to develop what is obviously and surely a sensible development.

Mr COULTER (Berrimah): Mr Deputy Speaker, before I speak to support the report, I would just like to make up something that the honourable member for MacDonnell raised and that was the fact that the report was biased because of the contributions by the group which made up ASTEC. It is quite obvious to me, and I would say to all honourable members, that he has not read the report nor
is he likely to. If he had taken the trouble to read the report, he would have seen that, whilst the members of ASTEC are listed on the introductory pages, on page 295 the report sets out quite clearly who constituted the working party: Professors Slatyer, Carver and Green, Mr McLeod, Professor Nevile and Mr Zampatti. Mr Zampatti was the fellow from Castlemaine brewery and Mr McLeod was the union representative. In fact, it was those 5 people who made up the working party of ASTEC. I would just like to make that point.

However, having said that, I would like to say that Professor Slatyer was very much concerned that his report should not be considered biased and it should be as objective as possible. To that end, the findings resulted from submissions, discussions, a wealth of literature, overseas visits and advice from both government and university experts. This report, titled 'Australia's Role in the Nuclear Fuel Cycle', has been compiled with great pains to ensure that the report was as objective and unbiased as possible and to further ensure that all views were canvassed thoroughly. The report is one of the most comprehensive and authoritative ever prepared by the council. I would like to think that it will be quoted in this Assembly from now on and we will get away from the emotive arguments which the honourable member for MacDonnell tried to reintroduce into this Assembly this afternoon.

Mr Deputy Speaker, this report has made great inroads in more ways than one. The council was aware from the outset that it would have to stand up to intensive scrutiny once it hit the public arena. It was inevitable, whatever its findings, that it would come under heavy criticism and the council's future reputation as an unbiased advisory body depended on the soundness of its arguments. In fact, what we have had is a significant lack of criticism of the report, apart from some hysteria and emotive cries from a few individuals like the member for MacDonnell and certain groups.

In the early stages of the inquiry, the council was concerned that there would be accusations of one-sidedness as many of Australia's anti-uranium groups threatened to boycott the inquiry. The first anti-uranium submission came from Greenpeace Australia in December. It was followed by the majority of Australia's anti-uranium groups, including the Australia Conservation Foundation, the Coalition for Nuclear Free Australia, Friends of the Earth, the Movement against Uranium Mining, Australian Democrats Anti-uranium Action Group, Campaign Against Nuclear Energy and the Scientists Against Nuclear Arms to name but a few. They are the types of people who made submissions and, in spite of those submissions, the results are that we should get involved.

All the major mining companies involved in the uranium mining industry, including Pancontinental, Energy Resources of Australia and Queensland Mines, made submissions along with academics with nuclear research interests. A number of individuals, many involved in various facets of the industry, offered submissions whilst others came from concerned citizens, including one from Victoria who strongly recommended that nuclear waste should be disposed of by dropping it from a plane into the mouths of active volcanoes. He did not say what would happen if it missed.

Investigations have been wide-ranging and have included 2 overseas trips by working party members covering Washington, Ottawa, Bonn, Paris, London, Vienna, Brussels, Stockholm and Tokyo. Consultations took place between such experts as Dr Hans Blox, Director of the International Atomic Energy Agency, and Dr Goldbat of the Stockholm International Peach Research Institute. The working party also visited fast reactors and other nuclear installations throughout the world.
This was not just another junket or information-gathering exercise. To the contrary, it was a concerned effort to try to find answers to the difficult and often conflicting views raised in the submissions. One of the most contentious issues was just how safe international safeguards really are. Another vital question was the effect of the Australian participation in the nuclear fuel cycle - the eventual title of this report - and more particularly whether it hinders or helps nuclear proliferation issues. The final crucial question covered was waste management and disposal.

The result raises a number of issues of paramount importance to the development of the Northern Territory. Two particular recommendations on page 13, which are mutually dependent, say in part:

That Australia actively encourage the concept that sensitive facilities, particularly enrichment and processing plants, should be located in as few countries as possible... and encourage the concept of joint ownership and supervision of such facilities.

That Australian participation in stages of the nuclear fuel cycle, in addition to uranium mining and milling, should be permitted.

The implications to the development of the Territory will not be immediately apparent but, if one pauses for a moment to consider the possible future resulting from Territory involvement in the nuclear fuel cycle, one might be forgiven for describing it as a 'vision splendid'. Let us surmise for the next few minutes that the Territory was allowed to be the master of its own destiny and that uranium mines were allowed to pursue the market independently of Commonwealth regulations. Let us further postulate that, far from exporting its uranium oxide, we became an importer, having set up an enrichment plant and waste storage cum disposal facilities. The result in employment opportunities would be staggering. With the multiplier effect on ancillary services, the population of the Territory would be substantially increased. Of course, this could not happen overnight and much planning and many feasibility studies would be necessary to bring about any one of these ventures.

To the best of my knowledge, the basic idea was first published by Dr Keith Crook, in the ANZAAS journal Search in 1977. By the way, it is interesting to note that he was an ALP adviser in those days and the title of the article was 'Towards the Comprehensive Uranium Fuel Management Policy for Australia'. As I say, Mr Deputy Speaker, there is nothing new. History just keeps on repeating itself but is it not strange that the truth takes longer to come out than the fables and fabrications of people like the honourable member for MacDonnell? I have to pick on him, Mr Deputy Speaker, as he is the only one here at the moment. Perhaps he will be relieved by one of his colleagues a little later and I will lay off him.

While we in the Territory satisfy the geological criteria which the honourable member for Nightcliff touched on, we do not yet have the necessary rail link from Darwin to Alice Springs which would be necessary. The maritime facilities which the member for Wagaman touched on are already present but would need further expansion. The power necessary, thanks to the foresightedness of our Minister for Mines and Energy, will be available soon thanks to the gas pipeline from Alice Springs. We will have the power to make it work as well. The fuel element fabrication plant should be located near the reprocessing plant and geological reasoning puts the latter, together with the waste disposal area, in the centre of Australia - hence the necessary rail link from Darwin to Alice Springs.
There are only 3 areas which meet the criteria for the placement of deep, underground storage. They are in central Australia. Gum Tree Bore, I understand, is the area that Dr Crook had suggested. Another paper written at the same time about where it should be placed suggested that Dr Crook's submission for waste disposal and management should be carried out as soon as possible. The disposal facilities would have to be ready by the end of the 1980s to receive waste from Australian uranium if mining were to commence initial operations in 1978. This paper by Mr R.A. Watters went on to suggest otherwise: 'We will have to give them to Lang Hancock who has kindly offered his backyard in 1976'.

Another factor to be considered is that the nation does not have the technology nor the expertise to singlehandedly construct enrichment or fuel element fabrication plants. Therefore, hundreds of scientists and technicians would have to be brought in under government-to-government joint venture arrangements enriching beyond measure the intellectual and cultural fabric of the Territory, a region already renowned for its colourful ethnic tapestry. The corollary used is that these human resources will bring about the necessary impetus and population pressure to justify the establishment of a full university in the Territory or at least a faculty of nuclear physics.

Among the studies which would be necessary are the following: the power needs of the enrichment plant; power and water needs for fabrication and reprocessing plants; geology of storage and disposal areas; urban development and socio-political implications; economic analysis of each facet and ultimate cost-benefit; and overall environmental impact assessment of the proposal. Governments which would necessarily be involved in assisting such a scheme would include those of the EEC countries, Japan, Korea and any other NPT signatory with which the appropriate contracts and safeguard agreements could be negotiated. Naturally, these countries would be asked to contribute both expertise and resources in various disciplines. The entire operation could be overseen by the International Atomic Energy Agency. The infrastructure is already there. We have the uranium, we have the ideal site to put it and we have the agencies to supervise and monitor it. We just have to get on with the job.

The entire operation could be overseen by the IAEA, open to inspection and bound by the best safeguards and the best technology available to man, thus avoiding any implications that Australia is milking nuclear material to fabricate a weaponry system. The scheme that I describe has the advantage of being a direct implication of the recommendations of the Slatyer Report, a document prepared by some of the best brains in the country specifically to assess, amongst other things, Australia's ability to advance the cause of non-proliferation and the ways Australia can further contribute to the development of safe disposal methods.

We can take the initiative to create a nuclear free zone in the Pacific by virtue of our de facto control of the nuclear fuel cycle. I submit that such a scheme will advance the cause of non-proliferation and will render the nuclear fuel cycle safer for the world. At the same time, it will lead to an unprecedented expansion of industry in the Northern Territory, making Darwin the regional hub, the scientific centre for tropical Australia. I ask that immediate steps be taken to initiate the necessary feasibility studies and to seek the accord of the Commonwealth Department of Resources and Energy to pursue such a course.

The construction of an enrichment plant near Darwin and the fabrication, reprocessing and disposal plants in central Australia would render the Darwin-
Alice Springs railway link mandatory. Naturally, radioactive materials would have to be transported from the enrichment plant to the fuel element fabrication plant, from that plant back to a port for shipment to the consumer of the fuel element and back again for the reprocessing of spent fuel rods. Just think of the work involved in that, the employment opportunities and the chance to expand our technology in the Northern Territory. Rail is by far the safest means of transport for any of these materials as spent fuel rods are quite radioactive and must be transported in large containers shielded with lead and water cooled. The design, engineering and security arrangements of specialised rolling stock would have to be examined. At present, uranium may be mined and milled in one country, as it is here, converted and enriched in another, fabricated and used in a reactor in a third, and reprocessed in a fourth. Considerable experience is already being obtained in radioactive materials transport and the IAEA has prepared the comprehensive regulations for the safe transport of radioactive material, which are widely accepted internationally and have been adopted in Australia.

I suggest that, if all the above steps were carried out in the Territory, the safety, which is already acceptable, could be reinforced by an order of magnitude since the only material to cross our borders is the ready-made article before and after actual power generation. The French, I am informed, are currently negotiating for the Chinese to store their waste, not dispose of it, but look after it. The Chinese get to keep the material next century when it will be useful and will receive more than $1000 per kilogram for doing so.

The Darwin-Alice Springs rail link, if it can be shown that the benefits outweigh the cost, will be a reality. We are told at present that the reverse is the case. It is suggested that participants in an integrated nuclear fuel cycle industry would be willing to subsidise the railway. Above all, I contend that the economic benefits, in a relatively short time, could make the costs pale into insignificance.

I commend the idea of pursuing the recommendations of the Slatyer Report and suggest that further specific studies be initiated to establish the design of ships to carry reactor rods, fresh and spent, and the design of rolling stock for such transportation. Finally, I suggest that steps should be taken forthwith to get the Commonwealth to re-examine the rail link proposal in light of the idea proposed in this Assembly to follow the Slatyer Report recommendations. As I said before, I would hope that, from now on, we will not hear the emotive cries and pleas of people in the wilderness. I look forward to the Slatyer Report being quoted in this Assembly as a scientific document based on the hard work that Professor Slatyer put into it. I commend it to all honourable members.

Mr D.W. COLLINS (Sadadeen): Mr Deputy Speaker, I rise to support the minister's statement and to praise this report which is before us. Being a physics-trained person myself, I found it very educational and informative in bringing me up to date in many areas, not just in the physics area but in the engineering area as well. There is no doubt that the fission process of U235 in nuclear reactors can guarantee the world's electrical energy supply for many years to come. Used carefully, it is one of the safest energy sources that we have. When we remove all the emotion and look at the dangers that we readily accept with other forms of energy, this industry is indeed very safe.

Mr Deputy Speaker, the point that I would make today is one that shines through the report. It is the matter of the energy supply for the world. If we try to cut off the energy supply to the developing nations, we can virtually guarantee world conflict. It is a pity that the nuclear energy cycle
is so often associated with the nuclear weapons cycle. There is a link but that link can be very tenuous if things are organised in the right manner. I support the 'vision splendid' of the member for Berrimah who saw Australia as very much involved in the total nuclear cycle from the mining through to the enrichment process, the making of the rods, supplying of rods to reactors around the world and the bringing back of those rods for reprocessing and ultimate storage of the waste products in safe areas with safe methods.

There are dangers with uranium, as the honourable member for MacDonnell noted, but these are well known and they can be handled. There is no product in this world that is not of some danger at some stage if one cares to think about it. Properly handled and controlled, we would have an industry which would benefit the world. In the process, we would be benefiting Australia and the Northern Territory but world peace is something that should be of interest to every one of us. I would remind members that the cause of Japan's entering World War 2 was its economic isolation, particularly by the United States which prevented it getting to world markets.

Much has been said here this afternoon that I agree with. I do not intend to go over it again but I have one suggestion which I hope every member will listen to very carefully. At lunchtime today, we went to a restaurant and saw films about the Australian bicentenary. There was a talk about projects. The organisers wanted ideas from the community about projects which would be advantageous to Australia and would help celebrate that particular event. The synroc process, which was developed in the laboratory back in the late 1970s at Lucas Heights by Professor Ringwood, has received $2.5m to help develop it commercially. It would be a contribution not only to Australia itself but to the world in general if some of the money for the bicentennial program was put into developing the synroc process to full commercial production so that we would be in a position to offer to the world a mechanism for taking high level radioactive wastes and putting them into a substance which would hold them in position for burial and storage.

I believe a bipartisan approach in this Assembly could be adopted on this particular point. It is something which would be very worthy. It may not be a monument in a specific town but, in Australia as a whole, I believe it is something to which we can contribute. We would then be seen not just as interested in Australia but in the whole world scene and world peace. I leave the point there.

Mr TUXWORTH (Mines and Energy): Mr Speaker, much has been said so I shall be brief. I would like to touch on a couple of points that I believe ought to be addressed because they should not be left hanging.

Mr Speaker, the Leader of the Opposition, in a throwaway line yesterday, said that he was not against uranium but was just representing his constituents. I think we should get it straight. Among those of us who were here during the honourable member's maiden speech, which was a 30 minute tirade against uranium, and those of us who have been in the Assembly for 7 years and listened to some of the very bitter things the honourable member has had to say about uranium, anybody who believes that he is not against it would believe anything.

The Leader of the Opposition also made the point yesterday that he felt that he had been attacked and it was like a peck on the cheek compared to attending an ALP conference. From what I can gather, the last thing that we want to repeat in this Assembly is any performance that was in any way like the performance at the ALP conference. If there is one thing that the ALP has achieved in the last week, it is that it has the whole town of Darwin talking
about the way its members perform at its conferences. They are not the most flattering comments that one is ever likely to hear.

The member for MacDonnell said the Slatyer Report would not have been prepared if it were not for the great debate within the ALP. I make the point again that the Prime Minister had Professor Slatyer prepare the report so that some of the myalls in his party could hear at first hand from somebody whom they had recruited themselves about the possibilities for the uranium cycle in Australia. They would not believe Fox. They will not believe anybody who has anything to do with the industry and I think the Prime Minister's move was a stroke of genius. The report is a good one and they should be calmed by it.

The honourable member said that there are vexed issues surrounding the uranium debate, that uranium is dangerous and that he cannot be sure that the uranium does not finish up in bombs. For him to admit that is to admit that the government's non-proliferation agreements, and the administration of those agreements by the federal government, are out of control and incompetent because that is exactly what it means. The non-proliferation agreement takes account of all the uranium so that the proliferation of yellowcake or enriched uranium for weapons cannot take place. Really, he is barking up a tree. The important thing about that argument to me is that, if you extend that argument right through to the limit, we would not mine lead. We would have no car batteries because they might use lead in bullets. How can you be sure that the lead from Mt Isa Mines is not going into bullets? What drivel, Mr Speaker.

Mr Speaker, the other thing I think worthy of mention is that, although I did not include in my speech yesterday all the names of the people on the ASTEC committee, which was an oversight, I would not have expected all of them to be sitting every day on the compilation of the report. What is important is that there were no dissenting views and that is the normal way for people to register any dissatisfaction they have with a report.

Mr Speaker, the honourable member for MacDonnell was asked 20 or 30 times during the course of his emotional speech where he stood on uranium. He was asked particularly because the Territory community has a right to know where he stands. He would not say that he was an anti-nuke because he knows that, if he says that, he cannot offer himself for the leadership next year or the year after when it comes up. It is going to come up because sooner or later the Labor Party is going to ditch its leader. It is going to happen. He does not have the intestinal fortitude. I will give the honourable Leader of the Opposition some credit in that regard. He had a view and he changed it and he is prepared to stand up in front of his colleagues and anybody else and tell them that he believes that uranium mining should occur. The member for MacDonnell dodged around the issue for 15 minutes while he was on his feet and still refuses to stand up and say, 'I am an anti-nuke and I do not believe in it', on the basis that he is a caring member of the Labor Party - a party that serves the community. Tell it to the birds, Mr Speaker. Tell it to the people who do not have jobs. Tell them about the caring party. They spent the whole of last weekend trying to tear down an industry which is the only hope for work for some people in the Northern Territory. That is how much he cares, Mr Speaker. He has his $50 000-a-year job for 25 hours a week work. He cares. He cares for himself. What about the thousands who would like to have a job? What do the anti-nukes care about them? The truth is, Mr Speaker, they do not give a damn.

Motion agreed to.
MEAT INDUSTRY BILL
(Serial 9)

Continued from 12 June 1984.

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

Motion agreed to; bill read a third time.

EDUCATION AMENDMENT BILL
(Serial 31)

Continued from 12 June 1984.

Mr HARRIS (Education): Mr Speaker, judging from the comments that have come from the opposition in relation to the Education Amendment Bill, one would be forgiven for thinking that the government had introduced this bill for some ulterior motive. I really wonder what the opposition is on about. What surprised me most of all in its arguments was a view that was totally contrary to the act as it exists at present: the matter of an appeal to the courts. What I was upset about was that, despite its objection to that particular aspect, the opposition did not foreshadow any amendments at all in relation to this bill. All it did was oppose the bill. I wonder just how much interest opposition members really have in education if that is their attitude.

There are a number of inconsistencies with the act as it exists at present. For example, it will be very difficult indeed under the present act for the truancy provisions to be implemented. Unless students are enrolled at a school in the Northern Territory, it will be very difficult indeed to police truancy provisions.

There is also the aspect of inspections of schools, which is quite a reasonable requirement. We are responsible for providing education. If schools, whether they are government schools or private schools, have said that they will provide a required standard of education to students, then they have nothing to fear if they are providing that education.

Mr Speaker, I was under no illusion when I introduced this particular bill that the main objection would be in relation to the appeals provision under proposed section 68 in the bill. However, I have made it quite clear when discussing this bill with a number of individuals and groups of people that the requirements for the registration of a school would be spelled out very clearly. The member for Nightcliff raised this issue during the second-reading debate. If those requirements are met, that school will be registered. I have made that quite clear and I continually stressed that point.

If the procedures are clearly known and followed, the need for an appeal should not arise. The Leader of the Opposition pointed this out when he was speaking about a statement that was made by the Australian Education Council working party's report on the registering of non-government schools. I should also point out that the department is consulting with all interested groups concerning the criteria that will be required for registration. It is not something that is just happening. All of the groups will be consulted on this. As far as Yipirinya School is concerned, the regulations will include provisions for the secretary to exercise discretion in making special arrangements for schools which propose a culturally-based curriculum. I gave the example of the agreement that was reached with the Yipirinya School.
It is very unlikely that any appeal that comes to me, as a minister, will come as a result of a dispute in this respect. The ground rules will be laid out very clearly and any school or group that applies for registration that meets those requirements will be registered. As I said, it is very unlikely that any appeal will come to me. However, if there is a problem in relation to law or any other aspect that is outside of the regulations then, under section 19 of the principal act, there is provision for the minister to create an advisory body to provide input from an independent body.

Mr Speaker, under the Australian Constitution, education is the responsibility of the state. As Minister for Education, I am accountable to the people of the Northern Territory, through the Legislative Assembly, to ensure that a high standard of education is provided and maintained. The existing legislation allowed for an appeal to the Supreme Court against non-registration. My concern is that, in that forum, matters of legal jurisdiction would be debated rather than the educational issue and that is of grave concern. I believe that we have a responsibility for education and, in order to bring the responsibility back where it belongs, it is necessary to make these amendments.

Mr Speaker, during the course of the debate, the honourable Leader of the Opposition referred to my comments in my second-reading speech. I must say that, after reading through my second-reading speech, there was some confusion and I am still having those particular aspects relating to operations in the other states checked out. I was referring specifically to the appeals provisions. I know for a fact that only 1 state and 1 territory have appeals through the courts. There are a number of states where the appeals are to the Minister for Education.

Mr Speaker, the issue of Yipirinya was raised by the members for MacDonnell and Stuart. After listening to the comments from the member for MacDonnell, I wonder how much he does know about the Yipirinya School. The member for MacDonnell was speaking about the registration of Yipirinya School. I would like to point out that, in order for Yipirinya to be registered, it had to modify its program to meet the requirements of the government. The government and Yipirinya discussed this issue. It had to modify its program and, as a result of that, the minister registered Yipirinya School. It was as a result of complying with certain criteria that that school was registered.

The Yipirinya School Council knows what is required of it and the government is keen to see that it continues to provide education services to Aboriginal children. The bill has not been introduced to close that particular school as some would have us believe. Those involved with Yipirinya would be aware of that. The opposition knows that. In fact, I know that some members of the opposition have been trying to obtain these assurances for some time now. They have seen them. As I said, it is disappointing to note some comments in relation to that particular school.

The honourable member for Stuart went on about some piece of legislation slipping through this Assembly. It is quite obvious that he was not referring to the bill that we have before us. There has been a great deal of consultation in relation to this bill. I might remind members that the Education Amendment Bill that we have before us was introduced during the February-March sittings. It has in fact been before this Assembly for a longer period than most bills. We have had quite a gap between the first sittings and this sittings.

There has been ample time for comment to be made in relation to this particular bill. I might also say here that we have received a great deal of comment. Some of the amendments that I will be putting forward in the committee stage have come about as a result of the comments that have been made.
As far as Yipirinya is concerned, it contacted my office some 6 weeks ago in relation to this bill. I can assure you that it knew well before that time that this bill had been introduced and what it meant as far as the registration of non-government schools was concerned. The group knew what it was all about. So do not let us have this business about a piece of legislation slipping through the Assembly and we should hold it over for another sittings. There has been plenty of time for consultation.

I do not know if the honourable member for Stuart has visited the Yipirinya offices in Elder Street.

Mr Ede: All the time.

Mr HARRIS: I can assure the honourable member that I have visited the Yipirinya offices and I have spoken with members of the council. I hope to have further discussions with them.

I want to emphasise here that this bill is not aimed at closing Yipirinya as some would have us believe. Any agreement that has been reached between the Yipirinya Council and the previous Minister for Education regarding that school will be upheld.

Mr Speaker, the honourable member for Stuart also commented on Aboriginal education. I would be the first to agree with him that we have a long way to go as far as Aboriginal education is concerned. But we are still well ahead of the states. Whilst there is a long way to go in some areas, we are to the fore and we have a lot that we can contribute to other parts of Australia in relation to Aboriginal education. The programs that have been implemented and the educational facilities that have been provided in Aboriginal communities lead the way.

The honourable member for MacDonnell also raised the issue of the Accelerated Christian Education group in Alice Springs. It is quite clear that he did not really have an understanding of what that particular issue was all about. He said there had not been any consultation. Goodness me, there has been a great deal of consultation with that particular group. Those who have been involved would realise that. In fact, that consultation with the Accelerated Christian Education group is continuing. I have made it quite clear before that we are not against private schools opening. In fact, the government will do everything it can to assist private schools opening wherever there is a need.

The honourable member for MacDonnell also mentioned a letter that he had received from COGSO. This was the letter that I am sure all members have received. I received letters from the Catholic Parents Association regarding a number of concerns that it had in relation to this particular bill. The honourable member has chosen to comment on a point that was raised by COGSO in relation to its belief that an impact survey should be carried out with the opening of new non-government schools. We agree. In fact, that is what happens at the present time. Before a Catholic school opens, discussions are held with the government. We have a look at the projections for student populations in and around the area. I would also like to point out to the honourable member for MacDonnell that it is Schools Commission and Commonwealth government policy that these particular surveys are carried out before a new school is opened. We do not agree, however, that an impact survey should be included in the legislation.

Another honourable member raised the issue of looking for expertise from outside the Northern Territory. Again, we agree and we are in fact already
doing that. The standards of our education system are important. We must make sure that they are accepted in other parts of Australia. In fact, we call on expertise from the states.

I would like to correct some mistaken beliefs about the reasons why the particular bill was introduced. One was that it was introduced because of the 'ACE' situation. As I have already said, the 'ACE' situation did not become an issue until well after the bill was actually introduced, so that was not the reason. The second was that the bill was introduced to close schools. As I have indicated before, we support private schools opening. I would just like to read a paragraph from a letter to the Yipirinya Council in relation to independent schools:

The Northern Territory government regards independent schools as an integral and vital part of the education scene in the Northern Territory. It is the intention of the government to ensure that all possible assistance is provided to further their success. I would like you to view this legislation as foreshadowing an enhanced level of communication and cooperation between the government and non-government sectors of the educational system. It will build on the sound mutually supportive relationship that already exists, possibly to an extent unequalled elsewhere in Australia.

Mr Speaker, I want to point out here that we do have a responsibility for education. The purpose for these amendments are to ensure that the quality of education is maintained, that the fine standards and goals are achievable and that the children are not disadvantaged in their education. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr HARRIS: I invite defeat of clause 5.

It is intended to have the entire amendment in relation to section 21 as proposed in the original bill defeated. This would then permit the inclusion of a new section 21. The main reason for doing this is that the function of the act is to place the responsibility for the education of a child upon parents. The new bill in a way removes that requirement insisting that a child be enrolled at a school.

Clause 5 negatived.

New clause 5:

Mr HARRIS: I move amendment 6.1.

Proposed subclause 5(1) will mean a parent will have the choice of sending a child to a government school or a registered non-government school. It spells out that a parent is given the opportunity to provide an education which is seen to be efficient and suitable. This is a new inclusion and returns the right of parents to educate their own children.
Paragraph 5(2)(a) refers to the previous provision giving parents the option of providing an education for their children outside a government school or a registered non-government school. This provision, however, requires parents to obtain the approval in writing of the secretary prior to providing such an education. Paragraph (b) says the secretary has the power to decide if the education provided to the child under these circumstances is of a suitable standard. The secretary may obtain a written report from an authorised person in relation to the suitability of the education being offered.

Proposed subclause (3) of the new clause specifies that subclause (1) does not apply to children with special needs; that is, the handicapped, for whom alternative arrangements have been made under a separate section of the principal act.

New clause 5 agreed to.

Clause 6:

Mr HARRIS: I move amendment 6.2.

This proposal to omit reference to interim registration is necessary. The prospect of partial registration is catered for in section 64(2). By removing reference to interim registration, the potential problem is overcome in that it is now at the discretion of the secretary, and eventually through appeal to the minister, to grant partial registration. If reference to interim registration is retained, then an organisation could feasibly apply for that and not comply with all other requirements.

Amendment agreed to.

Mr HARRIS: I move amendment 6.3 for a similar reason.

Amendment agreed to.

Mr HARRIS: I move amendment 6.4.

By removing reference to the word 'manner', this section now requires organisations to demonstrate financial feasibility and to ensure that continued financial viability is possible. Organisations are not required to state specific sources of funds.

Mr EDE: I do not have any real objection to this one but I would point out that there is a typographical error in the amendment.

Amendment agreed to.

Mr HARRIS: I move amendment 6.5.

By inserting this after 'conditions', reference is made to the right of the secretary or, after appeal, the minister to grant partial registration. This would be done in the situation where an organisation is able to demonstrate that most of the requirements for registration had been met but, through some circumstance such as facilities still being constructed, it is not able to meet all of the requirements. An organisation could be given limited registration until such time as all requirements are met. This ensures that the spirit of interim registration is retained.

Amendment agreed to.
Mr HARRIS: I move amendment 6.6.

The original amendment provided for a report to be written by an authorised person and submitted to the secretary. This amendment provides for a copy of that report to be made available to the public officer of the organisation on which that report has been written.

Amendment agreed to.

Mr HARRIS: I move amendment 6.7.

The original amendment posed problems. Some organisations felt that the previous section made it incumbent upon their organisations - for example, after-hours schools, ethnic schools etc - to ensure that their attendees were enrolled in a government school or a registered non-government school. This new amendment imposes stringent controls upon an organisation. If the organisation purports to provide a primary or secondary education, and if that organisation is not yet registered and has children enrolled, then the organiser is guilty of an offence and liable for a $2000 fine. Weekend or after-hours schools are not involved.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8:

Mr HARRIS: I move amendment 6.8.

This amendment actually tightens the original proposal. An institution that was registered before the bill was approved is still registered but must meet the new requirements. As I said, those requirements will be spelt out in consultation with the various schools or organisations.

Mr EDE: I would just like the minister to realise that it is clauses like that which cause organisations like Yipirinya to worry. When they find that more conditions are applicable, particularly after a long and intense battle to become registered, they wonder what it is that the minister is really trying to achieve. I would just like the minister to give us his assurance that he will honour the original Yipirinya registration agreement.

Mr HARRIS: Mr Chairman, as I said in the second-reading speech, the purpose of this bill is not to close Yipirinya School at all. I give the assurance that any agreement that was reached between the Yipirinya School and the previous minister will be upheld by this government.

Amendment agreed to.

Clause 8, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.
Mr SPEAKER:  The question is that the bill be now read a third time.

Mr LEO (Nhulunbuy):  Mr Speaker, I must point out to the Assembly the futility of our passing legislation which relies predominantly upon regulations. I doubt the honourable minister has seen the regulations that apply to this bill. It relies totally upon regulations. Many members of the opposition have spoken and I suppose that they would be secretly supported by government members who are concerned at the preponderance of legislation which relies totally upon regulations. I am learning from my colleague.

Mr Dondas:  You are being educated, are you Danny?

Mr LEO:  Not by you, unfortunately. Not by you.

Mr Speaker, this bill requires for its total implementation regulations to spell out such things as the minimum educational qualifications for teachers and lecturers. Does the minister know what those are? I doubt very much that he does. I certainly do not and yet we are passing legislation with that built into the regulations. Those regulations will control the minimum curriculum requirements, the maximum and minimum ages, the maximum numbers of students to be enrolled, the buildings and facilities to be used and the records to be kept. I doubt very much whether the honourable minister knows what those requirements will be. I certainly do not. This Assembly certainly does not and yet this entire bill relies upon those regulations. It serves no purpose without those regulations.

It is not just in this particular bill but it is in too many pieces of legislation that we see in this Assembly. We are forced to debate basic legislation about which we know nothing. We do not even know where the bottom line starts and the top line finishes simply because we have absolutely no idea what is going to be written into those regulations. Provided those regulations fit within those very broad terms, as we described in section 75 of the new act, we will be forced to accept it. Mr Speaker, it becomes a total waste of time our debating anything. We do not even know what the hell we are talking about.

Mr Tuxworth:  The story of your life.

Mr LEO:  Mr Speaker, I hasten to assure the honourable minister that at least I am aware I do not know what I am talking about. Unfortunately, he is not so aware. He is not aware that he does not know what he is talking about. I ask ministers, if they are going to trot out with departmental bills - which is all this is because it is not a minister's bill but a departmental bill - that they at least have some idea of the implication of those bills because we go through this time after time in this Assembly. It is continuous. It is not just once; it is continuous. I have asked the honourable minister, if he is planning any future amendments to the Education Act, to supply members of this Assembly with some idea of their implications.

Mr TUXWORTH (Primary Production):  Mr Speaker, I shall be brief for the benefit of the member for Nhulunbuy. I cannot remember ever introducing a bill into this Assembly that had regulations accompanying it. I do not know what he is talking about.

Mr ROBERTSON (Attorney-General):  Mr Speaker, I do not look forward to the day when the honourable member is a minister because he will repeal the last clause of every act of every piece of legislation that has ever been enacted. He will delete that final section in every act which says that the Administrator
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may make regulations not inconsistent with this act. That covers every clause within a bill and he intends to delete it - fascinating.

Bill read a third time.

OIL REFINERY AGREEMENT RATIFICATION BILL
(Serial 44)

Continued from 7 June 1984.

Mr LEO (Nhulunbuy): Mr Speaker, it is late in the evening. I indicate the opposition's support for this piece of legislation. I would like to thank the honourable minister for providing me with a briefing as to its genesis. Indeed, the bill enacts an agreement which was made between the government and the explorers involved in Mereenie developments some time ago.

It will allow for the development of a refinery in Alice Springs. It is certainly welcome that the Northern Territory is moving to the area of refining oil. Certainly, the opposition supports the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

ADJOURNMENT

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

Mr FIRMIN (Ludmilla): Mr Speaker, I would like to draw attention to a report I read recently on the Australian economy given by Sir Roderick Carnegie, the Chairman of CRA. Sir Roderick gave an eloquent and concise precis of the fundamental weaknesses of the economy and the importance of remaining internationally competitive. He went on to explain how international competitiveness is linked directly to standards of living of all Australians and has been observed in recent years by the high level of overseas borrowings. Such borrowings and large increases in external debt cannot continue indefinitely, he went on to say. The longer we wait before the matter is dealt with head on, the more painful it will make the adjustment of the economy to restore competitiveness. Sir Roderick goes on to say:

Regrettably, it remains necessary to continue to make this point... the outcome of years of failure to address the competitiveness issue is that the nation's living standards do not rise or even keep pace with other developed countries.

We are falling behind. The basic causes of Australia's lack of interest in competitiveness are many. Two of the worst features stand out in any examination of events of the past decade. They are the wage-setting system and the performance of the public sector. During 1983, the wage freeze helped ease wage pressures and the Commonwealth government is expecting the present incomes accord with the ACTU to maintain this gradual slowdown. Stronger measures of wage restraint may have produced faster recovery, better job prospects and improved competitiveness. The public sector influence on competitiveness covers a wide field yet seldom do we see any demonstrated concern for the impact on costs.
All 3 levels of government in Australia have failed to recognise that there is a limit to the extent to which taxes and charges can be increased. Governments clearly do not accept that they should share the burden of cost cutting which is being forced on many sectors, especially those which face international competition. Those Australians whose jobs in private industry have been destroyed by high Australian costs are entitled to ask for evidence of the summit spirit of restraint from those whose jobs are paid for and protected by the taxpayer. Such evidence is hard to find.

Uncompetitive cost levels are emerging in many public sector instrumentalities. These are the result of construction inefficiencies, cost inefficiencies and or outdated technology. These instrumentalities operate in monopoly conditions without the discipline of competition and, for a time, can pass on to the private sector almost any level of costs yet these costs are an important factor in determining the competitiveness of industries which have to face competition with other countries.

An example of these pressures may be taken from the consumer price index data. In the 2 years to December 1983, the overall index rose by a disturbing 21% - well over double the comparable world rate. A subgroup of the index, which measures state government taxes and charges, rose by 32% in the same period. This calculation takes no account of Commonwealth government taxes and charges and, if these had been included, the public sector contribution to inflation would be seen to be even higher. The Institute of Public Affairs in a different calculation recorded public sector inflation at 11.3% in 1983 while private sector was significantly lower at 7.9%.

These figures are a major cause for concern in an era when the central new feature of economic policy - the accord - stresses the importance of indexation of wages. Since other payments - welfare etc - are also indexed and all 3 levels of government look for real increases in expenditure, it will be clear that the process is self-sustaining. In the example given, private sector inflation is significantly less than the public sector inflation component. The problem with our international competitiveness as an urgent public issue is that most Australians are shielded from its immediate effects. Those employed in the public sector, in heavily or naturally protected industries, both goods-producing and tertiary, or simply in receipt of social welfare support, comprise the overwhelming bulk of the Australian electorate.

Australians employed in agriculture, mining and import-competing industries are a small section of the voting population. However, if the capacity of those sectors to trade internationally is damaged severely by domestic policies which reduce international competitiveness, the results ultimately and inevitably flow through to everyone. Those international pressures cannot be evaded forever. To hold, let alone improve, our standard of living, Australia must pay its way in the world. Borrowing to bridge the gap between earnings and expenditure has limits. Experience to date indicates that failure to give international competitiveness appropriate recognition has held back the nation's growth, has depressed profits to grossly inadequate levels in many areas and has led ultimately to loss of jobs. It will continue to do so while many Australians believe they are shielded from the economic facts of life.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I rise in the adjournment debate this afternoon to speak on a subject that I never thought for one minute I would ever be devoting any time to in the Legislative Assembly and that is the question of in vitro fertilisation. I was unfortunate enough to catch Nationwide last night and saw an interview with Professor Bill Walters. Professor Walters is an Associate Professor of Obstetrics and Gynaecology at the
Queen Victoria Hospital in Melbourne. He was asking during that interview for some feedback from the community as to what it felt about particular advances in his area of medicine. He was simply giving advice of what was possible and asking the community to advise him whether it thought it was a good idea to pursue it or not. After the interview had finished, the compere of the program also invited people to write to the ABC and advise Nationwide what they thought about it.

Mr Speaker, I could sum up my feelings about what I saw on television last night by saying that I think it would be a good idea if, before the ABC broadcasts programs containing information of the kind that was broadcast last night, it should preface the program by some kind of warning that would allow the viewers to obtain a receptacle they could throw up in. I know that in vitro fertilisation does provide benefits for childless couples but I must admit that, for some years, I have been concerned about the whole area of work that is being done in Australia. As was said on the program, we are well advanced - if that is the word to use - in the techniques that will be applied in this area and also in the area that is always associated with this: genetic engineering and the debate about sperm banks for Nobel Prize winners.

What Professor Walters was saying last night was that, in response to requests that had been made to him and others, he felt that it was possible for research to be devoted to the possibility of allowing transsexuals to have babies. Transsexuals are genetic males who have chosen to have sex change operations and become females. In fact, biologically, that is impossible; they give the appearance of being females. I deliberately say 'have babies' because there was no suggestion that procedures that Professor Walters was talking about would allow them to bear children. He was simply talking about a technology that could be developed to allow transsexuals to be incubators, for some strange reason, for a foetus which would later be theirs. I think that it is about time that the brakes were put on this kind of development because I found it quite appalling that this would be seriously suggested as being a legitimate way in which the extremely developed talents and abilities of Australia's medical scientists should be diverted.

The process is fairly easy to understand. A transsexual was interviewed on the program last night. Clearly, the transsexual was one of those people who wanted to have a baby. The question was asked of the transsexual: 'Is it intended that you would want to store your sperm while you were a male - keep it in a jam jar in the fridge - until after you had had your male appendages removed and you had been converted into a female so that you would at least have some biological connection with what was going to be put inside your intestinal wall or whatever?'. The transsexual was shocked by this suggestion and said to the interviewer: 'Don't be ridiculous. I want to be the baby's mother, not its father'.

By this stage, I was running for the nearest sick bag. This obviously highly talented and skilled obstetrician was talking about transsexuals simply becoming incubators in the truest sense of the word. An operation would be performed on the transsexual and an ovum, fertilised by someone else's sperm, would be placed inside the intestinal cavity. The professor went on to describe in some detail how it was possible for the placenta to be attached to the kidneys or some other structure within the intestinal cavity. At the appropriate time, another operation would be performed to let the baby out after 9 months, having been incubated.

I cannot understand why this bizarre procedure would be envisaged in order to provide transsexuals with babies. These are a number of extensions of this
argument which in logic fail me. If the community is prepared to accept that transsexuals can make fit parents, that is one thing. That is not what I am arguing about. I am not suggesting that some transsexual people would not make good mothers. I do not know any transsexuals personally nor am I experienced in the psychological makeup of transsexuals to understand whether that would be so. If it is so, a far simpler and far less bizarre procedure would simply be to allow transsexuals to adopt children.

In consideration of the fact that we are talking about a procedure being envisaged in which the incubators would have absolutely no biological connection with what was growing inside them at all, it is a bizarre procedure. If Australian science is to be seriously directed into this area, why can't these skilled and clever people move to the complete 1984 situation and develop the entire embryo outside the body so that the transsexual can keep the growing foetus in a box in the bedroom and let it out at the appropriate moment.

I feel very strongly about this because I think it is about time that these bizarre proposals which have been put forward by senior people in the medical profession receive some indication from the community that they are simply not acceptable. The invitation was issued and I am responding to it. What upset me most of all was the final statement and the crux of the gentleman's invitation. There are a number of transsexuals who want to have children and, for some strange reason, even though they concede they do not want any biological attachment, there is some benefit presumably in acting as an incubator for the foetus for the 9 months in which it grows. Whilst technology was not available to allow a foetus to develop in this way, the professor was telling us last night that it is certainly possible to do this and it would only take a team of researchers 5 years with considerable experimentation on animals to develop a procedure to a point where it could be used successfully on humans. I was absolutely appalled that the very suggestion could be made that a team of skilled medical researchers would devote millions of dollars and 5 years of research on animals for the purpose of providing transsexuals with the ability to act as incubators in order to have children.

If society is ready to accept that transsexuals can make reasonable parents, surely a less bizarre approach and a more sensible approach would be to investigate the possibility of those people, provided that they could demonstrate that they were fit to be parents, simply adopting children. We all have concerns about vivisection and the use of animals in medical science. I am one of those people who concede that it is necessary and useful but I had this bizarre picture of thousands of demented male rats running around in the next 5 years wondering why they had given birth to litters of little rats and probably needing a whole team of rat psychiatrists to reassure them that in fact everything was all right. It is just a bizarre proposal and I could not believe it was being put seriously.

Professor Bill Walters clearly is quite prepared to put into train a research team to work for the next 5 years on animals to develop this procedure. He issued this invitation to the public to tell him whether people thought it was socially acceptable and a supportable procedure to divert all of this time, talent and money into such a development. I would like to place on the record very firmly that these continuing developments in biological procedures associated with conception and birth have gone far enough. I am not a person who objects, as some people do, to the principle of in vitro fertilisation. A valid argument can be mounted that, with the number of children requiring parents, the whole process is not desirable. I can understand the comfort that it brings and the fulfilment that it brings to childless couples who use this procedure. I am not opposed to it. But I personally would like to indicate to
Professor Bill Walters that, if he is seriously considering embarking on this particular procedure, I find the whole concept abhorrent in the extreme, unnecessary in the extreme, and a disgraceful waste of time, talent and the ability of the people who would put it together. I consider it to be an absolutely unnecessary and unreal pursuit. I would hope that other honourable members would join me in indicating their distaste at the very thought of that kind of research being pursued in this country.

Mr VALE (Braitling): Mr Speaker, in this afternoon's adjournment debate, I would like to pay tribute to 3 former residents of central Australia. The first is the late Pastor Frederick Albrecht MBE, Superintendent of the Finke River Mission in central Australia from 1926 to 1962. A former missionary in Hermannsburg and a great father to the Aboriginal people, he died in his 90th year at the Lutheran Mission Home in Fullarton on 16 March this year. As a child in Poland, he felt the call to become a missionary and this desire was strengthened by the annual mission festivals of the Leipzig Mission Society that were held in his church and by the inspiration and encouragement from a pious mother and by a group of Christians who regularly met for prayer and study in neighbourhood houses.

Frederick Wilhelm Albrecht was born on 15 October 1894 at Plansk in Poland, near the Russian border. A frail child at birth, he was administered emergency baptism and he attended the congregation school at Kroczyń from 1901-1908. On the advice of his pastor, he went to Hermannsburg, Germany, to begin preparatory studies. However, these were interrupted by the war and he worked as a medical assistant in various hospitals in Germany and Russia. This gave him valuable experience for his later life's work in central Australia. Several times during the war and the Russian revolution, he experienced, in his own words, 'God's remarkable protection'.

In 1919, he returned to the seminary at Hermannsburg, Germany, and graduated at the end of 1924. For 6 months, he served a congregation at Steinbeck and then, having received a call from the Finke River Mission to come to Australia, he proceeded to Dubuque, Ohio, USA to study the English language and to catechise under Dr M. Reu. His bride, Minna Gevers, from Germany, joined him at Winnipeg, Canada where they were married and then proceeded to Australia. He was ordained on 14 March 1926 at Nuriootpa and remained for about 6 months in South Australia before proceeding to Hermannsburg, then over 600 km from the railhead at Oodnadatta.

His work at Hermannsburg is almost legendary. He arrived at the beginning of a 4-year drought which would have destroyed the mission under a lesser man. His great faith in God, his love for the Aboriginal people and his personal determination and resourcefulness led him to embark on many bold schemes aimed at improving the physical and spiritual condition of the Aborigines. Amongst these were: the transporting of vast quantities of fruit to counteract the dreadful outbreak of scurvy, a disease which was not known in central Australia at that time, and which had caused up to 17 deaths a month for an extended period; the Kaparilja Springs, which helped to provide water for growing fresh fruit and vegetables; the establishment of a tannery; the encouragement of the native art movement; and the establishment of a reserve of 20 000 km² for the Aborigines at Haasts Bluff.

He was above all a missionary and a pastor to his people. He trained Aboriginal evangelists and worked towards the training and recognition of Aboriginal pastors. In recognition of his wide-ranging work, he was awarded the MBE and other medals of distinction. His wife, Minna, was a tremendous help and source of strength to him and, whilst at Hermannsburg, 5 children were born to
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them: Helene, Theodor, Paul, Minna and Martin. He and his wife visited Germany in 1951 during a well-earned furlough and, on their return, they lived in Alice Springs.

From this centre, Pastor Albrecht began work amongst Aboriginals on 18 cattle stations. At the end of 1962, he retired to Linden Park, South Australia, but his work did not cease. He was a constant friend to the Aborigines in Adelaide. He also kept up a large correspondence and wrote many articles for church and mission papers. Gradual failing of health made it impossible for the Albrechts to continue living in their own home and, for the last years, they lived and were cared for in the Lutheran Mission Home at Fullarton. His wife died on 18 November last year.

Mr Speaker, I had the pleasure of meeting Pastor Albrecht and his wife twice, once in the early 1960s in central Australia and then during his last visit to central Australia for the celebration at Hermannsburg of its centenary in 1977. There are a number of things that I believe history should record accurately. It has a responsibility to pay tribute to the life's work of Pastor Albrecht in central Australia. In his writing, he expressed his concern at the possibility of the Aboriginal people who were then living at Haasts Bluff area being dispossessed of their land because of a pastoralist having gained a grazing licence. With true Albrecht dedication and determination, he lobbied everyone and anyone and had that grazing licence revoked. Subsequently, Haasts Bluff settlement was declared established for the Aboriginal people.

Again, in his writings, he expressed concern for the Aboriginal people living in those days in the area north-west of Vaughan Springs, as it was then called, now called Mt Doreen. On receipt of a letter from the Baptist Union of South Australia, which had expressed its desire to start missionary work amongst Aboriginals in central Australia, Pastor Albrecht suggested that the Baptist Union of South Australia might like to come to central Australia. In that way, the Yuendumu settlement was established again in relation to the work that had been done by Pastor Albrecht.

I think I was probably one of the last people to obtain a product from the tannery at Hermannsburg settlement that Pastor Albrecht established. It was a watchband that I bought off a very young fellow there 20 years ago. He was called Gus Williams and had worked in that tannery for some years.

Contrary to public belief, the work of Albert Namitjira was started as a result of birch plaques sent out from Germany which had been etched on with a hot poker. Pastor Albrecht showed these to some of the Aboriginals in the Hermannsburg area with the idea of establishing some type of industry for them. All but one of them showed little or no interest in the idea but Albert Namitjira decided that that was something that he might take on. As a young fellow, he started initially in the art field by engraving mulga plaques. Subsequently, he went on to paint those plaques and, several years later, met up with Rex Battersby. Of course, history records the rest.

Pastor Albrecht lived in central Australia through a very historic period - the arrival of the 2-way radio and the train from Oodnadatta to Alice Springs. He was involved in the search for the body of Lasseter and in many other aspects of the development of central Australia. From the 1920s to 1960s, Pastor Albrecht played an active and encouraging role.

Mr Speaker, I think 2 things probably symbolise Pastor Albrecht's life in central Australia - the humility of the man and his dedication and determination. I think the most unforgettable memory I have of Pastor Albrecht was when, in

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1977, he revisited central Australia after many years absence, and the greeting he was met with by the old people of the Hermannsburg mission who had been his friends over many years.

Pastor Albrecht is survived by his family, Helen and Dudley Byrnes, Ted and Jean, Paul and Helen, Minna and Paul Sitzler, Martin and Frances and niece Erica and Bill Bradbury. There are 17 grandchildren, one of whom is deceased, and 4 great grandchildren. I believe that it is probably now time that the Northern Territory looked actively at commemorating in some permanent way the work that Pastor Fred Albrecht did in central Australia.

Mr Speaker, I would like to pay tribute also to Miss Hazel Clarence Golder, or Miss Golder, as she was known by her many friends, who died in Alice Springs Hospital on 23 April this year. Miss Golder was born at Clarendon in South Australia in 1894 and was the eldest of 11 children. Her interest in the outback began when she and her sister, Vera, went to Innamincka to join her brother, Claude, to help him in a hotel. She later followed her brother to Oodnadatta and then progressed to Bloods Creek where she had a small store and a post office.

She moved to Alice Springs in 1929 and, after working a short while with a Mrs Annie Myers, she saw the need to provide meals for the men working on the railways. The railway people offered her the necessary crockery etc and thus she set up her own business. Her next move was to a house which became known as the 'Bushman's Friend' and no one is ever quite sure whether the term described Hazel or the boarding house which she ran - but certainly, she was the bushman's friend. She was a friend to many and there are many who could trace their start in life in central Australia to the assistance given to them by Miss Golder when they were most in need.

Men working in town found at her boarding house a place to live with good food and an easy acceptance of their way of living but where a certain strict standard of behaviour was insisted upon. In 1952, Miss Golder retired from her boarding house and moved into the home she built in Todd Street which is now occupied by the Town House Pharmacy and in which certain members of this Assembly subsequently had office space. She lived there until 1971 when she moved to her home in McKinlay Street, previously in the Stuart electorate but now in Braitling, which she occupied until her death except for short stays in hospital and at the Old Timers' Home.

Miss Golder will be remembered by many people for many reasons. She lost none of her interest in people or her sense of fun as the years progressed. She will be missed by many people, particularly the members of the Senior Citizens Club in Alice Springs of which she was patron. She is survived by her brothers Claude and Reg and sisters May Dalton, Vera Corbett and Dot Tomlin. Mr Speaker, Hazel Golder was a true pioneering Territorian.

The third person to whom I wish to pay tribute this afternoon is Dorothy Evelyn Lettie Bellamy who was known by all and sundry in central Australia simply as Paddy Bellamy. Paddy Bellamy died in the Old Timers' Home in Alice Springs on 12 May this year after a long illness. She was born in Terowie, South Australia in 1907. A true Territorian and a real character in her own right, she lived for many years in a 2-storey house on a corner of Warburton Street and Sturt Terrace with a river view which she prided herself on and which she loved and on a block of land she purchased in the late 1940s for £17, a price that many people believed in those days was far too expensive.

In South Australia, in the 1940s, Paddy established a reputation as a top knitwear designer and published many knitwear books which were extremely popular.
and in demand all around Australia. In the late 1960s, inquiries for these books were still being received by the publishers and at least 17 were published and a number of them, entitled 'Knitwear by Evelyn', were printed in hard-back covers.

In the late 1940s, Paddy commenced visiting Alice Springs with cases of exclusive women's wear and, in 1947, opened a shop in the old Capitol Theatre opposite the Hotel Alice Springs - now known as the Telford Alice. In later years, she moved to a shop across the road in the then new Rief Building which is now occupied by Jack Grave's Menswear. Records show that Paddy Bellamy was actually the first woman in Alice Springs to register a business. Paddy Bellamy made many trips to Adelaide commencing in 1952 when the road was virtually a cattle track. In 1955, she bought a Hillman California and, with this car, completed 18 trips to Adelaide and back, most of them alone. The last trip was in 1966 at the age of 59. For many years, Mrs Bellamy was a prominent member and supporter of the Alice Springs Golf Club and, over the years, donated many trophies. In keeping with her wish, she was cremated in Adelaide and her ashes returned to Alice Springs where part of the ashes were scattered over the South Road on which she had travelled so often. The remainder are to be buried at a later date in the Alice Springs cemetery.

Mr Speaker, a character she was and for many years and on many an evening she would drive her Hillman car out of the driveway of her house to her friend Maude McConville's to play cards even though Mrs McConville lived just 3 or 4 doors up the same street. Paddy Bellamy is survived by a son who lives in Brisbane and a grand-daughter who lives in Melbourne.

Mr EDE (Stuart): Mr Speaker, I would like to open by joining the Leader of the Opposition in expressing abhorrence at some of the bizarre directions in which in vitro research is taking us. Sometimes I feel that it is an exercise by certain academic medicos gone insane. I believe it is absolutely essential that the desirable - our definition of 'desirable' - keeps pace with what is possible.

I would like to refer briefly to the remarks of the Minister for Community Development who followed me last night after my discussion on prisons. Perhaps deliberately, he misinterpreted my statements regarding the desirability of prisons and the need to set up alternatives. But it is not that matter that I wish to attack tonight, but rather the issue of school bussing in Alice Springs.

I am happy to see that the Minister for Education is with us to hear my comments on this issue.

Mr Tuxworth: With that one we should all be bored out of our brains.

Mr EDE: Boredom only comes to those who are not affected and many people in Alice Springs are very definitely affected by this issue. There are at least 27 Sadadeen students living in the Emily Gap area who will be affected by this, another 80 students from the Bradshaw-Gillen area and another 40-odd students from the Braitling area. They will have to change not from Sadadeen to Alice Springs High but from Alice Springs High back to Sadadeen. This gives us a total of some 150 to 200 students who will have to change schools next semester.

The problem is that students have their academic records affected very strongly by mid-year changes. You could roughly assume, with the 3 different classes represented in Sadadeen, that about 50 would be doing Year 10. I do not have to remind members that Year 10 has become a very important year in the academic life of children. It is the first time that they must sit for an.
external exam. I think it is very unfortunate that 150 of them will be severely disadvantaged by this move.

This disruption in the middle of the school year was completely unnecessary. Parents chose to send their children to that school at the beginning of the year on the premise that the present bus situation would continue. They were led to believe this by the previous Minister for Education and they are now finding that this is not so. We believe that, to force them to change now, is neither realistic nor desirable. If a change is to be made, it should be put off until the end of the year.

Another factor involved is the senior-high-school junior-high-school split which is being discussed currently in Alice Springs. I believe this is a very desirable move. However, because of the changes occurring to the current bus system, some students will be placed in the position of having to transfer now, again next year and again the year after. I think that is quite ludicrous. The whole situation should be postponed until we have decided on the senior-junior high school split in Alice Springs.

I would like to point out that all the parents surveyed in Alice Springs favour the continuation of the current system. In fact, many hundreds of them have signed a petition for the minister. I do not think that it is a coincidence that 2 parents who were very vocal on this issue, and who stood for election to the Alice Springs Town Council were elected first and second on the aldermanic ticket. Neither of them had been on the council before. This extremely successful result is a reflection of the concern that the people of Alice Springs feel on this issue. I would point out also to the minister that they are executive members of his own party. I am not saying that that has anything to do with this. I think it is obvious that their position regarding school bussing struck a chord with the people of Alice Springs who responded to it.

This particular move will place the children at Alice Springs at a significant disadvantage to those in Darwin. Darwin's public bus system is subsidised to a very considerable extent. I believe it is somewhere in the vicinity of $30 to $40 per person per year. This does not happen in Alice Springs so Alice Springs children do not have the alternatives that their Darwin counterparts have.

There are various anomalies in the system as it exists and as it is proposed for the next semester; for example, with the definition of the 5 km zone. This is in regard to feeder areas for the various schools. There is also a small part of Kurrajong Drive, which is in the member for Sadadeen's area. It is outside of the current 1.6 km limit. In that area, there are 4 or 5 students. I am wondering if the minister will say that what is good for the goose is good for the gander and put in a school bus for the 4 or 5 students who live in that area.

The new golf course estate is outside both areas and it has not been established yet which feeder area it belongs to. A major subdivision is proposed for the Braitling area in the next 6 to 8 months and this also does not fit within a current feeder area. The point is that the current situation in Alice Springs is extremely fluid and, to make a decision such as the honourable minister is now making, is inappropriate.

I believe also that, since the department will continue to transport Years 11 and 12 students to Sadadeen, and the numbers of these from the Bradshaw-Gillen area are fairly small, there would be a significant amount of room on
those buses for other children. This situation will continue next year when
the Catholic high school starts in Alice Springs. It will be 1 to 1.5 km from
the Sadadeen School. Those children will be able to get bussing because they
are going to a Catholic high school whereas the children going to the Sadadeen
High School will not be able to get that bussing. Because of the numbers
involved, there will be a fair amount of space left on those buses which could
be utilised by children going to the Sadadeen High School.

Mr Speaker, it is felt that the rigid enforcement of this policy deals
harshly with quite a large number of both primary and secondary students. I do
not know whether you are aware of the temperatures in Alice Springs. During
summer, they can rise to quite significant heights at around 2.30 to 3 o'clock
in the afternoon. The prospect of very young students having to walk this
distance, crossing busy roads and facing many dangers would be abhorrent to all
of us. Secondary students, particularly those in Years 11 and 12, must carry a
number of heavy books and that gets pretty hard in the middle of an Alice
Springs summer.

The use of radial distances when setting boundaries also creates problems.
One can imagine the situation when one is working on a 1.6 km radius. That
does not always reflect the actual walking distance the children must cover.
I refer to the railway cottages which are within 1.6 km of the Alice Springs
High School. However, if the children were to try to cut straight across, they
would be cutting across the ANR trucking yards. ANR does not like children
jumping around between the trains and enforces this policy rigidly. The result
is that the children must walk north first, then east, then south and then
south-west - a distance of some 4 to 5 km before they actually get to school.
As I say, they fall within the 1.6 km radial limit but the actual number of road
kilometres that they cover is significantly greater.

Mr Speaker, we are not making these complaints without putting up alter­
native proposals. The Alice Springs Bussing Action Group has put up proposals
whereby it would incorporate a user-pays system for all children attending
school in Alice Springs. It has proposed a $2.50 per week per child levy which
would raise another $120 000. If the bus routes were rationalised and only
followed major roadways instead of what have been described as dangerously
narrow, sinuous routes, this amount, together with the current $375 000 being
paid, would enable us to institute a system of double looping. The first loop
would go out beyong the 1.6 km area bringing in the first lot of children and
return by a second loop into the inner area.

It has been proposed also that the 9 different routes should be tendered
out separately. I have it on very good information from people who were employed
with the current contractor that the amount of money received during the year is
enough to cover completely the fixed costs as well as the current costs on the
current bussing system. Because the whole lot is let out together, there is
basically nobody else able to tender for the bus routes. However, if they were
let out separately, we would be able to get the market forces to apply and we
believe that the cost of the total operation would come down significantly.

It would be quite simple to overcome the problem of back-up services because
the current bus services that work around Alice Springs have these services
already provided for. It would be a simple matter of putting in a subsidiary
contract for people to provide back-up services when required. They, in turn,
would be given a penalty loading for the provision of those services and the
individual operator, who was unable to provide the service over that period,
would attract a penalty himself for being unable to maintain his vehicles to the
level required.
One of the arguments is about the current overloading of buses. We believe that this could be straightened out if there were improved control methods on the bus pass. If they were colour-coded so that they could be replaced every couple of months, we believe the problem would be overcome.

Mr Speaker, I do not have much time left. I have made the point before with the parents of Alice Springs that they have to put forward positive solutions to this problem. I believe that they have done so and I would urge the minister to take note of them and reconsider his situation. If he is not able to eliminate it altogether, at least give the children in the schools the ability to stay in those schools until the end of the current year and then make the change. At least that would not completely destroy their chances of getting a decent pass.

Mr FINCH (Wagaman): Mr Speaker, I do not wish to make a repeat run but, by the same token, I do not apologise for rising this late in the evening for I wish to talk on a matter which is not only dear to my heart but of significant importance to the aged and the ageing population of the Northern Territory. I guess that probably involves all of us and I can assure you that, by the time we have finished tonight, we will have aged some more.

Mr Speaker, statistics indicate that the number of aged residing in the Territory is increasing rapidly and at a significantly greater rate than is the general population. This is due partly to improved living conditions in this remote area and partly to the general increase and stability of our younger population. With better communications and far better job prospects, our younger people are tending to stay rather than go interstate for work and, naturally, their parents and grandparents are remaining in the Top End to maintain family ties. Retention of this sector of our community is of tremendous importance to family unity and therefore to social stability.

In some way or other we are all concerned with making adequate provision for that inevitable time when we can take what is probably a well-earned rest from our obligations to the workforce. Planning for retirement is a complex matter involving such things as superannuation options, lump-sum insurance policies, investment possibilities and general arrangement of financial affairs to coincide with retirement age. These might be required for discharge of mortgages, purchase of holiday homes or recreational items, such as fishing boats, caravans etc, or simply for security and contingency purposes.

However, planning is not only complex from a financial point of view, but also in consideration of the lifestyle aspects. People's adjustment to, and acceptance of, retirement vary considerably. In general, these are often traumatic times, so much so that often we hear of people suffering fatal heart attacks within a very short period of retirement. Many might plan on such things as overseas holidays or the pursuit of personal interests which could not be undertaken during their working careers either because of financial or time constraints. However, the majority have great difficulty in accepting the traumatic change in their lives.

Planning for retirement is virtually planning for a new life, Mr Speaker. By necessity, it is imperative that people commence their planning as early as possible so that not only can they make the necessary material provisions but so that they can also prepare for the emotional factors involved. There are a great number of community groups, commercial organisations and bureaucratic departments that can provide advice in various forms to assist in the critical process of arranging one's retirement. We probably all accept the saying that you cannot take it with you, but we all rightly expect that we can end our days in comfort and with a certain amount of dignity.
It is an unfortunate fact of life that, the closer one gets to retirement, the less one has an ability of making adequate provision for both lump-sum and on-going income requirements for day-to-day living expenses. The greatest majority of Australians fall within the middle bracket of income earners. Having worked hard throughout their lives, they deserve an opportunity to receive back some of the rewards for their energies and for their prudence. Those who are already experiencing or approaching retirement have battled through the difficulties of the depression years and even war time. As a nation, we owe them our sincere gratitude and appreciation.

With this in mind, I find it almost incomprehensible that a so-called socialist-orientated government should treat this most deserving, but least able to defend themselves, group of people with a degree of unimaginable inconsideration. Not only have we had an intrusion into the long-standing, self-supporting means of financial provision through the superannuation schemes, whereby people plan for specific targets, but now we have all sorts of penny-pinching proposals for reducing their already measly fortnightly pension cheques. Maybe it is penny-pinching to you and me but often it is the difference between health and comfort for those receiving it.

In the short space of 12 months or so, the federal government has seen fit to announce and reannounce various proposals for altering the qualifying requirements for the measly pension, and in such an ad hoc fashion that I am sure neither the bureaucrats nor the politicians are clear on what they are trying to achieve. To say there is confusion amongst the elderly would be a great understatement and it is this confusion that is of greatest concern to me.

Regardless of what changes to the system might be justified, and I am yet to be convinced that any are justified, it is ridiculous to impose such charges on those least able to rearrange their affairs at short notice. As explained earlier, we must all realise that it takes a considerable period of time - 5 to 10 years at least - to make adequate provision for retirement, yet here we have a federal government which cannot even make up its mind as to what it wants in 12 months, expecting people who are already locked into retirement packages to go off and make other arrangements. What we have to do is step back and look at this proposed scheme for what it is. It involves expenditure and another great bureaucratic quagmire which will cost millions of dollars of taxpayers' money to set up and millions of hours of frustration and anguish on the part of the aged.

Here we go with another intrusion into people's private affairs for the sake of bureaucracy. How the heck would my 88-year-old grandmother cope with filling out another typical census form including the valuation of furniture, paintings and other memorabilia, most of which she has had for 50 years or more? That grand old lady is still self-sufficient and proud enough to live in her own home without imposing on the community, but Bob Hawke is intent on prodding and prying into her affairs with the object of reducing a lousy pension by 10¢ or 20¢.

Mr Speaker, it is not only people's assets which are to be questioned but their various and sometimes complex means of subsidiary income are to be reviewed and it could be either or both of these components which come into effect. It would seem that the very small percentage of the aged public who have so far accepted the federal government's proposal have done so on a false impression that they will be better off under the new scheme - $12 per week. That is poppycock. However, many of these people could be in for an unpleasant shock when both their incomes and assets are fully assessed and they find that, in losing interest on their small investments, as against their pensions, it will leave them on the negative side.
With all the confusion surrounding these proposals, the federal government is doing nothing to allay the fears of the majority of our senior citizens. I would urge all honourable members to discourage any retired or retiring people with whom they are in contact from rushing in and hastily rearranging their affairs on the assumption that the federal government will take note of public opinion - as it would have us believe - and admit the folly of its proposals which are aimed at reducing a significant national deficit in the order of $9000m or so by taking a few cents out of the purse of pensioners. Maybe the federal Minister for Social Security should consult grassroots representatives of the aged through organisations such as the Australian Council on the Ageing, which he has failed to do so far, to gain some concept of the difficulties which will result from his current proposals.

Unfortunately, the small minority that he aims at will be the least affected by his ill-founded initiatives. There may very well be a need to review the social security budget, but why pick on the oldies?

In closing, Mr Speaker, I urge all honourable members from both sides of the Assembly to demand that the federal government either scrap the current incomes and assets fiasco or, at the very least, introduce a more respectable period of implementation and restrict any new system to those who have not already retired.

Mr McCarthy (Victoria River): Mr Speaker, I did not intend to get up this evening and say anything but I could not let the things that the honourable Leader of the Opposition said go by without saying something because I support him wholeheartedly. The only thing I would say is that I think that he did not go far enough. I did not see the program, by the way. I was travelling between here and Batchelor at the time. As the honourable Leader of the Opposition unfolded his commentary, I was amazed just to hear some of the things that he was saying. I did not think that, at any stage, we would be likely to come to this.

Serious questions of morality are raised in all stages of the in vitro fertilisation program. It is understandable that couples who are unable to have children may wish to take part in the in vitro process. However, there are a lot of unanswered questions. Personally, I think that it goes against all ethics in nature.

As the honourable Leader of the Opposition said, it is a shocking waste of talent and resources of surgeons, thinkers and all those people who are involved in this sort of process, not to mention the time they are spending on it. It is just a shocking waste of the resources. There is a lot yet to be worked out, including the effect it will have. I think it is going to have a pretty serious effect on a lot of people, not the least of whom are those children who are born through this process.

I would hope that, in any extension of the in vitro program along the lines suggested in this television program, the people involved will see some sense and give the idea away. I just had to register my distaste and my total opposition to any proposed extension of the in vitro process. Certainly, any extension that would allow the incubation of babies outside the womb, whether in the abdominal wall of a transsexual male or in a shoe box, is bad, as the honourable Leader of the Opposition suggested. I believe that every member of this Assembly should voice very strongly his or her total opposition to the process and that we make our opposition known to all those people who have control of the programs and those who make the laws that govern it.

Mr Bell (MacDonnell): Mr Speaker, I want to speak very briefly in this evening's adjournment debate. The first matter I wish to address is consequent
upon a question I asked of the honourable Minister for Transport and Works yesterday about 2 projects in my electorate which would represent a considerable increase in services provided within the Territory generally. I refer to the projected gas pipeline to join the West Walker Well on the Mereenie field with the Yulara village and a road, the idea for which has been expounded by the honourable member for Braitling and the honourable the member for Barkly in his previous capacity as Minister for Tourism.

There is, of course, a great deal of interest and potential value in such projects but I believe it is incumbent upon me to place on record in this Assembly that I believe that such projects have to be seen against the government's record in its negotiations with Aboriginal traditional owners. To say the least, the government's record in that regard is abysmal. I have already mentioned in these sittings the travesty of justice perpetrated at Gosse Bluff, which is some 25 to 30 miles to the north, as the crow flies, of the Mereenie oil field. I have mentioned on a number of occasions in the last 2 or 3 years the alienation of lands subject to claim south of the Tempe Downs lease, Northern Territory portion 1097, which was part of the Lake Amadeus claim. I have also mentioned the negotiations for the Kings Canyon National Park which while the opposition was quite happy to support such parks in principle, as the member within whose electorate that area falls, I must say that a number of my constituents were most disturbed. People like Mr Bruce Breaden, Pastor Peter Bullah and a number of others whom I could mention have been clearly and actively discriminated against by the processes of land administration in that area that this government, through the offices of various ministers, has chosen to adopt.

However, Mr Speaker, and I believe it is one of the benefits that accrues to traditional owners through the Aboriginal Land Rights Act, at last the government is going to be forced to start actually negotiating with the Aborigines when it comes to these 2 projects. I think it is not before time. The government has a lot of ground to make up and I sincerely hope that those negotiations meet the needs of all concerned. That certainly was not the attitude of the government in the past. I understand that the pipeline taking natural gas from the Mereenie field down to Yulara will have the potential to generate power for the new Yulara tourist village.

I do not know how many honourable members are aware of the area but it is beautiful country and I think tourists and residents alike would be interested in a road connecting Ayers Rock and Kings Canyon. Honourable members and even a few of the people from central Australia in this Assembly would be aware of the track that connects Docker River via Lake Amadeus and comes out in the vicinity of the Camel's Hump, some 10 or 15 miles south-west of Gosse Bluff. Much of that area is now criss-crossed with seismic lines where particular tracks go through. I will be quite frank. I have never been on it myself. It is a little pleasure I have kept in store for myself.

To finish off on that particular subject, I hope that the government will take a more constructive view in regard to negotiations on those 2 projects than it has demonstrated in this particular area in the past.

Before I sit down, I would like to add my thoughts to those of the honourable Leader of the Opposition. I too saw that particular program to which he referred this afternoon. Whereas in the past I had been aware that in vitro fertilisation had been possible, I must admit that the prospect that was raised by the surgeon on that program was totally abhorrent to both my wife and I. As the honourable Leader of the Opposition mentioned, the benefits that may accrue to some couples because they are able to have children in this way is something
about which I would be most reluctant to pontificate. But I have no hesitation in adding my weight to the opinion of the honourable Leader of the Opposition. I would be infuriated in the extreme to find that public money was being spent in this way. I am deeply bothered by it and I add my support to the comments of the honourable Leader of the Opposition in those terms.

Mr SMITH (Millner): Mr Speaker, I too rise to support the comments of the Leader of the Opposition. I do not think I can add anything to them. In his normal, excellent fashion, he has covered them very well.

Basically, I want to speak about new technology and perhaps appropriate technology in a different context. On my last visit to Alice Springs, 2 or 3 weeks ago, I was fortunate enough to visit the Centre for Appropriate Technology which is in the Braitling electorate, formerly Stuart. It is an offshoot of the Alice Springs Community College and headed by Dr Bruce Walker. I had heard about the Centre for Appropriate Technology but must admit, to my shame, that I had not been there before. I would certainly urge every member to go and have a look at what is going on there.

Dr Bruce Walker has a world-wide reputation for developing appropriate technology for different types of people. Already he has been overseas representing the Australian Department of Foreign Affairs and providing advice, particularly in Africa. At the centre in Alice Springs, he is developing technology which is appropriate to the needs of Aboriginal communities at the present time. While I was there, he was working on appropriate toilets and showers for Aboriginal communities. If members know anything about Aboriginal communities, they will be aware that there have been problems in those areas in the past. Quite a lot of money has been spent on erecting European-style shower and toilet facilities and those facilities have been misused by the Aboriginal communities.

Bruce Walker has gone back to taws. He has talked to those communities about their needs and has come up with basic technology which enables the erection of very simple toilet and shower facilities, in our terms, but which the Aboriginal communities, at their present level of technology, can adequately cope with and use on a continuing basis. Not only are the concepts of the actual things very simple but the materials he uses are very simple indeed. For example, the shower system is served by chip heaters which are basically converted gas bottles. He has negotiated a very cheap deal on them with a gas supplier in South Australia. As I said, it is a very exciting area. I recommend that all members visit there to see what is going on.

The main concern that I have is that very little support is being given to it by the Northern Territory government at this stage. Unfortunately, that is true as I understand it. The centre has had a lot of assistance from the Commonwealth government through the CEF program and because of that it has been able to expand its facilities quite substantially this year. But the funding levels that are provided to it through the Community College of Central Australia basically amount to 1 or 2 positions. In terms of what the centre is able to offer, clearly that is insufficient. I would urge the government to have a closer look at what is going on at that centre and at the prospect of providing more financial assistance to it because it is a very worthwhile object.

I hasten to add that I raise this in as non-political a sense as I can. Certainly, I am not attempting to make political points out of this. It just impressed me as a very worthwhile activity which any government, I would have thought, would have been pleased to support.
My second area concerning technology is probably at the other end and that is new, advanced technology, particularly as expressed either in new methods or new products that governments are confronted with from time to time. A problem that has been brought to my attention is that suppliers who are able to give information about new methods or are able to supply new products have difficulty in getting them accepted in government contracts. Quite obviously, the reason is that it is very difficult for the people in government departments, who make these sort of decisions, to keep up to date with all the new technology. They obviously feel much more comfortable with what they know and it is sometimes quite a job convincing them that what is new is better than what has been there previously.

The prize example that has come to my attention concerns one local supplier who had a contract to install something - I think it was at the community college. He had developed a product which was both cheaper and better than the specific product that was required in the specifications. He installed his cheaper and better product but was required, by the relevant government department, to rip it out and put in what was actually in the specification.

I guess the relevant government department supervisor was technically correct but it does illustrate a problem. There are no well-laid out procedures for government departments across the board to look at new methods and new products and come to some decision as to whether they are acceptable or not.

I suggest that the government needs to examine the prospect of establishing an independent standards committee to assess new products and new processes as they come on the market and to make recommendations to government departments on those products and processes. By that means, all government departments can be made aware of what is coming on the market and what has or has not been approved. This will enable a more consistent approach to these new products and processes and will also provide a quicker entry for them into the government ordering system than applies at present.

I have already made the point once during this sittings that there are people and manufacturers in the Northern Territory who are innovative. They are making things in different ways from the rest of Australia. They are improving products and are making new products. They are finding some buyer resistance from their main purchaser, the government, and I would submit that the proposal that I am putting forward for an independent standards committee is well worth examining and could well make life easier for those manufacturers and better for the people in the Northern Territory who use their products.

Motion agreed to; the Assembly adjourned.