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Mr Elton Humphery
Committee Secretary
Community Affairs Committee
Australian Senate
Parliament House
CANBERRA ACT 2600

Dear Mr Humphery

Thank you for your letter dated 25 March 2008 regarding the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008.

I advise that the Northern Territory Government supports the provisions of the Bill subject to the following observations regarding the permit system and the licensing of some roadhouses.

Permits under the *Aboriginal Land Rights (Northern Territory) Act 1976*

The Northern Territory Government strongly supports the repeal of the provisions that had substantially removed the permit system for communities on aboriginal land.

However, we note that proposed section 70(2BB) sets out fairly broad powers for the Commonwealth Minister to approve of various people and classes of people who may be provided with rights of access. We also note the reference in the 2nd reading speech to this power being exercised in respect of journalists and assume that this is the main current objective for the existence of the provision.

Nonetheless, the Territory Government has some concerns that the powers contained in section 70(2BB) leave open the possibility that a Commonwealth Minister could, in a distant time, in effect, remove the permit system for community land (as well as other aboriginal land) by a series of administrative decisions.



Licensing of roadhouses

The Territory Government accepts the basic policy position that a store that is operating as a community store on a community (and is thus subject to the licensing provisions) should not escape these obligations simply because it also happens to be a "roadhouse".

Nonetheless, the Northern Territory Government has concerns for the position that roadhouses will find themselves in, if they are subjected to the licensing regime. The cost of any regulation would be passed on to customers, thereby increasing the already high prices.

So whilst there may be advantages from the local Indigenous community perspective, there would be complaints from the roadhouse sector. There may also be 'competition impact' issues arising from the fact that some roadhouses will be adversely affected when compared to other roadhouses or stores in towns. Compared to other "roadhouses" they will be subjected to higher compliance costs and thus, in dealing with tourists and other travellers, could be at a serious competitive disadvantage.

The Territory Government would support this provision only if there were clear evidence of demonstrable harm to an associated community as the result of the operations of the particular business.

Further legislative review

The Northern Territory welcomes the further conduct by the Commonwealth Government of a wide ranging review of Intervention activities and associated legislation. It is understood that this review will commence in June 2008. As the Commonwealth Government is aware, the Northern Territory Government fully supports the Intervention, but believes some elements could be improved at both operational and legislative levels.

One clear example is the provision to curtail grog running by requiring production of photographic identification and recording of purchase for all liquor over the value of \$100 throughout the whole of the Territory. This issue is constantly raised by members of the public as having little utility in the prevention of grog running and illegal alcohol supply.

The Northern Territory Government has already taken a number of effective steps to curtail grog running, such as increasing police search powers and implementing an electronic photo ID system in Alice Springs and Katherine region take-away outlets.

The Northern Territory Government will raise this issue, along with other suggested improvements, as part of the broader review.

Yours sincerely



CHRIS BURNS

24 APR 2008