

The Territory and the other Australian states and territories are not willing to endorse that position. Accordingly, the De Facto Relationships (Northern Territory Request) Bill 2003 includes a request in relation to same-sex *de facto* relationships despite the Commonwealth government's refusal. The requests will remain there until a Commonwealth government that is willing to take the stand against discrimination agrees to legislate for same-sex persons. Until then, property settlements relating to gay and lesbian relationships will have to be dealt with under the Territory's *De Facto Relationships Act*.

Mr Acting Speaker I commend the bill to honourable members.

Debate adjourned.

### ASSOCIATIONS BILL (Serial 174)

Continued from 20 August 2003.

**Ms CARNEY (Araruen):** Mr Acting Speaker, I can indicate that, having looked at this bill in some detail, there are parts of which we are supportive and other parts that we do not support.

It may be that during the committee stage, some things can be clarified. What I thought I would do, and this is essentially for the benefit of the minister and his advisors, is to touch upon some of the matters that we have difficulty with so that they can think about those things prior to committee, although we may well have the benefit of the luncheon adjournment.

In any event, having made that introduction I will make the following points. The Attorney-General said in his second reading speech on 20 August that there were approximately 1700 incorporated associations in the Northern Territory. At the same time, he said 200 copies of the draft act were distributed. I would like to know why only 200 copies were distributed when there are 1700 incorporated associations.

The Attorney-General noted that seminars were held around the Territory and that they were well received. We would like to know whether they were well attended, and how confident is the Attorney-General and government that all of the 1700 incorporated associations were advised and are aware of these changes.

I received advice late last week from one association in particular that a representative, as I understand it, from the Justice Department attended their meeting last Thursday. I am told that the

representatives of that association did not know that changes were proposed to the *Associations Act*. In the alternative, they say if they were sent something, then they certainly did not know the extent of it and they felt that on the Thursday night the week before this would come up again in parliament, they did not think that was very satisfactory.

I raise that because it is one example of which I know. Presumably there are others, and it is a legitimate concern for me to raise.

I also noticed in the second reading speech that the Attorney-General said the Commissioner of Consumer Affairs would be conducting information and training sessions for members, office bearers, accountants and so on, advising of the requirements of the new legislation and provide education programs to enable them to meet their accountabilities. I would like to know whether additional resources have been put aside for that purpose, as presumably more will be required and, again, have the associations been advised of the possibility of the education campaigns?

Getting down to the parts of the bill specifically, in relation to Part 2, clause 5, we note that the commissioner may exempt the association or an officer from the association from an obligation to comply with a provision of the act. We are concerned that there is no criteria at all, simply that the commissioner can exempt an association or a person. We would submit that without any legislative guidance, that is extremely unwise and borders on the bizarre.

We note that in clause 10, the commissioner is obliged to give reasons for a refusal to issue a Certificate of Incorporation, but in light of clause 5, there being no criteria as to why the commissioner can exempt an association, we see that as somewhat being in conflict and in some respects just not making any sense. The only assistance provided in respect of clause 5 is that in the event that any subsequent legal proceedings arise, lawyers may well have the opportunity or may explore the inclination to look at the second reading speech, and they will note that the Attorney-General says:

*This may be particularly important for a number of indigenous organisations which have been formed for the sole purpose of holding native title to land.*

If that is the only situation government thinks there might be for an exemption, then we would submit that it should say so in the bill and should not leave it open, as there may well be troublesome consequences and, further, in the absence of any legislative guidance, there is a lot of power to be