

PART III

THE MINUTES OF PROCEEDINGS



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NORTHERN TERRITORY OF AUSTRALIA

**MINUTES OF PROCEEDINGS**

OF THE

**LEGISLATIVE ASSEMBLY**

FIRST SESSION

**FIFTH ASSEMBLY**

No. 101

Tuesday 14 August 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to resolution of the Assembly of 10 May 1990. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. NOTICES:

Mr Bailey, pursuant to Standing Order 103, notified the Assembly that he had amended the terms of General Business, Notice No. 1, standing in his name to read:

That the following matters be referred to the Sessional Committee on the Environment for inquiry and report:

- (a) all legislation and instruments of a legislative character in force in the Northern Territory which impact on, qualify, or relate to planning and environmental matters in the Northern Territory;
- (b) the Government agencies involved in implementation of planning and environment legislation and regulations;
- (c) the effectiveness of the existing administrative arrangements; and
- (d) the desirability of bringing all environmental and planning legislation into one piece of legislation.

Mr Manzie: To present the Commercial Arbitration Amendment Bill 1990 (Serial 280).

4. QUESTIONS:

Questions were asked of Ministers.

**Distinguished Visitor** - Mr B. Jefferey MLA:

The Speaker informed the Assembly that Mr Bruce Jefferey MLA, Member for Port Macquarie in New South Wales was present in the gallery. The Speaker extended a warm welcome to the distinguished visitor.

Further questions were asked of Ministers.

A supplementary answer was given to a question asked earlier this day.

5. AUSTRALIAN PARTICIPATION IN MULTI-NATIONAL FORCE - MINISTERIAL STATEMENT:  
The Chief Minister (Mr Perron) made a statement relating to the participation by the Royal Australian Navy in a multi-national force in the Gulf to enforce a blockade of Iraq and Kuwait and, by leave, moved - That -

(1) this Assembly extends to the Captains and crews of the HMAS *Darwin*; the HMAS *Adelaide*; and the HMAS *Success* its every best wish for a safe voyage; a quick and successful tour of duty in the Gulf; and a speedy return home; and

(2) that the Speaker forward the terms of this resolution to the Chief of the Naval Staff requesting him to pass on the resolution of the Assembly to the Captains of the HMAS *Darwin*; the HMAS *Adelaide*; and the HMAS *Success* accordingly.

Debate ensued.

Question - put and passed.

6. ELECTORAL AMENDMENT BILL 1990 (Serial 293):  
The Chief Minister (Mr Perron), by leave, presented a Bill for an Act to amend the *Electoral Act*.  
Bill read a first time.  
Mr Perron moved - That the Bill be now read a second time.  
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.

7. REPORT OF THE AUDITOR-GENERAL, ANNUAL REPORT, 1989-90 - PAPER TABLED - PAPER PRINTED:  
The Speaker laid on the Table the Report of the Auditor-General for the year ended 30 June 1990.  
The Leader of Government Business (Mr Coulter) moved - That the report be printed.  
Question - put and passed.

8. PUBLIC ACCOUNTS COMMITTEE - CONSULTANCY REPORTS ON THE AUDITOR-GENERAL'S ANNUAL REPORTS - PAPERS TABLED:  
The Chairman of the Public Accounts Committee (Mr Palmer) laid on the Table the following Papers -
- The Adequacy of Financial Reporting in the Northern Territory: Accountability and Management Issues - Report to the Public Accounts Committee by Dr Chris Hall, Nicholas Clark and Associates, dated July 1990; and
  - Report to the Public Accounts Committee by Professor R.G. Walker, dated 7 August 1990.

9. JOBS IN THE NORTHERN TERRITORY - MOTION NEGATIVED:  
**Suspension of Standing Orders - Allow Mr Smith to move motion:**  
The Leader of the Opposition (Mr Smith) moved - That so much of Standing Orders be suspended as would prevent his moving a motion forthwith relating to jobs and the Northern Territory economy.  
Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.  
Mr Smith thereupon moved -

That this Assembly -

- (1) notes the CLP election promise to create 1000 jobs a year in the Northern Territory economy from March 1987;
- (2) further notes the national increase in jobs since March 1987 of over 12%; and
- (3) expresses its concern that, in the Northern Territory, the number of jobs has dropped by 1000 over that period.

Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 12.03 p.m. and 2.00 p.m.

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Debate resumed.

Question - put and negatived.

10. INTER-STATE COMMISSION REPORT INTO ROAD USER CHARGES - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Transport and Works (Mr Finch) made a statement relating to the Inter-State Commission Report into road user charges.

Mr Finch moved - That the Assembly take note of the Statement.

Debate ensued.

**Paper tabled:** The Member for Macdonnell (Mr Bell), by leave, laid on the Table the following Paper -

- Media release - "Snowdon Protects Remote Australian Transport Costs", dated 7 August 1990, by Warren Snowdon, MP.

Debate continued.

**Paper tabled:** Mr Finch laid on the Table the following Paper -

- Ted Butcher visit - ISC Road Use Charge Proposals - Major N.T. Concerns.

Question - put and passed.

11. EQUAL OPPORTUNITY LEGISLATION - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) made a statement relating to Equal Opportunity Legislation and laid on the Table the following Papers -

- Community Discussion Paper on Proposed Equal Opportunity Legislation, Office of Equal Opportunity, July 1990; and
- Equal Opportunity Survey Report, Department of Labour and Administrative Services.

Mr McCarthy moved - That the Assembly take note of the Statement.

Debate ensued.

**Paper tabled:** The Leader of the Opposition (Mr Smith), by leave, laid on the Table the following Paper -

° Draft Bill - Equal Opportunity Bill 1990.

Debate continued.

Question - put and passed.

**12. ADJOURNMENT:**

The Chief Minister (Mr Perron) moved - That the Assembly do now adjourn.

Debate ensued.

The Assembly adjourned at 9.13 p.m. until tomorrow at 10.00 a.m.

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**PAPERS:**

The following papers were deemed to have been presented on Tuesday 14 August 1990:

**Agreements and Determinations:**

Police Arbitral Tribunal Determination No. 1 of 1982 -

Consent Agreement No. T3 of 1990, dated 11 May 1990

Determination No. T2 of 1990, dated 22 March 1990

Determination No. T7 of 1990, dated 24 May 1990

Police Arbitral Tribunal Determination No. 2 of 1982 -

Determination No. T8 of 1990, dated 18 June 1990

Prison Officers Arbitral Tribunal Determination No. 10 -

Determination T4 of 1990, dated 25 May 1990

Determination T6 of 1990, dated 2 August 1990

Determination T9 of 1990, dated 2 August 1990

Determination T10 of 1990, dated 2 August 1990

Senior Prison Officers Arbitral Tribunal Determination No. 3 -

Determination T5 of 1990, dated 25 May 1990

**By-laws:**

Northern Territory University (Academic Board) By-laws

Northern Territory University (Election of Members of Council) By-laws

**Financial Administration and Audit Act:**

Direction by Administrator, section 13(1)(a) -

Transfer of Funds Saved, dated 29 June 1990

Direction by Treasurer, section 13(1)(b) -

Transfer of Funds Saved, dated 25 March 1990

Transfer of Funds Saved, dated 26 April 1990

Transfer of Funds Saved, dated 20 June 1990

Transfer of Funds Saved, dated 21 June 1990

**Lands Acquisition Act:**

Statement of reasons for compulsory acquisition as a matter of urgency -

Section 11, Hundred of Milne, dated 28 May 1990

Sections 1874 and 1881, Hundred of Strangways, dated 22 June 1990

**Regulations 1990:**

No. 7 - Amendment of the Work Health Court Rules

No. 11 - Planning (Parking Space Contributions) Regulations

No. 12 - Amendment of the Mall By-laws

- No. 13 - Amendment of the Darwin (Control of Public Places) By-laws
- No. 14 - Amendments of the Darwin (Control of Public Places) By-laws
- No. 15 - Amendments of Liquor Regulations
- No. 16 - Legal Aid (Committees) Regulations
- No. 17 - Amendments of the Public Holidays Regulations
- No. 18 - Amendment of the Powers of Attorney Regulations
- No. 19 - Amendments of the Traffic Regulations
- No. 22 - Amendments of the By-laws of the Municipality of Darwin
- No. 23 - Alice Springs (Flammable, &c., Plants) By-laws
- No. 24 - Crimes (Victims Assistance) Regulations
- No. 25 - Justices (Territory Infringement Notices Enforcement Scheme) Regulations
- No. 26 - Motor Vehicles (Registration Labels and Miscellaneous) Repeal Regulations
- No. 27 - Amendments of Motor Vehicles Regulations
- No. 28 - Amendment of Motor Vehicles (Fees and Charges) Regulations
- No. 29 - Amendments of Port By-laws
- No. 30 - Amendment of Instruments Regulations

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ATTENDANCE:

All Members attended the sitting.





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MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 102

Wednesday 15 August 1990

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1. MEETING:  
The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.
2. PRAYERS.
3. NOTICE:  
The following notice was given:  
Mr Coulter: To present the Mine Management Amendment Bill 1990 (Serial 288).
4. QUESTIONS:  
Questions were asked of Ministers.  
**Personal explanation:** The Member for Wanguri (Mr Bailey), by leave, made a personal explanation relating to comments made by the Minister for Transport and Works (Mr Finch) during Question Time this day.  
A supplementary answer to a question asked during the adjournment debate of the previous day was given by the Minister for Health (Mr Hatton).
5. COMMERCIAL ARBITRATION AMENDMENT BILL 1990 (Serial 280):  
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Commercial Arbitration Act*.  
Bill read a first time.  
Mr Manzie moved - That the Bill be now read a second time.  
On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.
6. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES:  
The Chief Minister (Mr Perron) moved - That so much of Standing Orders be suspended as would prevent the Electoral Amendment Bill 1990 (Serial 293) passing through all stages at these sittings.  
Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.
7. ELECTORAL AMENDMENT BILL 1990 (Serial 293):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
The Assembly, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

Clauses 1 and 2, by leave, taken together and agreed to.

Clause 3 read -

On the motion of the Member for Stuart (Mr Ede) the following amendment was agreed to -

Omit proposed section 18A(1) and insert in its stead the following:

"(1) Where before the coming into operation of this section -

(a) the Distribution Committee has forwarded a report to the Minister pursuant to section 17(1); and

(b) the Chairman of the Distribution Committee has advised the Minister in writing that there is an error or inconsistency in the report and identifying the error or inconsistency,

the Minister may, instead of tabling a copy of the report in the Legislative Assembly pursuant to section 17(2), direct the Distribution Committee to prepare and forward to the Minister a revised report in accordance with this section."

Clause 3, as amended, agreed to.

Clause 4 negatived.

Title agreed to.

Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of the Chief Minister (Mr Perron) the Bill was read a third time and passed to be a proposed law.

8. PUBLIC SECTOR DEBT - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Treasurer (Mr Perron) made a statement relating to Northern Territory Public Sector Debt and laid on the Table the following Paper -

° Northern Territory Public Sector Debt, Northern Territory Treasury, August 1990.

Mr Perron moved - That the Assembly take note of the Statement.

Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 12.17 p.m. and 2.30 p.m.

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Debate continued.

Question - put and passed.

9. ENERGY MANAGEMENT PROGRAM - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Mines and Energy (Mr Coulter) made a statement relating to the Government Energy Management Program.

Mr Coulter moved - That the Assembly take note of the Statement.

Debate ensued.

**Papers tabled:** The Member for Macdonnell (Mr Bell), by leave, laid on the Table the following Papers -

- ° The Alcoota Story - How Tom Webb Saves on Power; and
- ° Top Power - The Diesel Hybrid System.

On the motion of the Minister for Labour, Administrative Services and Local Government (Mr McCarthy) debate was adjourned.

10. **LEGAL PRACTITIONERS AMENDMENT BILL (No. 2) 1990 (Serial 281):**  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
The Assembly, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

Bill, by leave, taken as a whole.

The Attorney-General (Mr Manzie) moved the following amendment:

Clause 2, Omit all words after "on" and insert in their stead "1 September 1990".

Amendment agreed to.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

11. **ADJOURNMENT:**

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) moved - That the Assembly do now adjourn.

Debate ensued.

**Paper tabled:** The Member for Macdonnell (Mr Bell), by leave, laid on the Table the following Paper -

- ° A Report on 20th Australasian and Pacific Regional Conference, Kiribati, 16 - 24 September 1989.

Debate continued.

Question - put and passed.

The Assembly adjourned at 7.43 p.m. until tomorrow at 10.00 a.m.

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**PAPERS:**

The following papers were deemed to have been presented on Wednesday, 15 August 1990:

**Annual Reports:**

ANZ Executors and Trustee Company Limited -

Year ended 30 September 1987

Year ended 30 September 1988

Year ended 30 September 1989

Elder's Trustee and Executor Company Limited -

1986-87

1987-88

1988-89

Executor Trustee Australia Limited, 1988-89

Farmers' Co-operative Executors and Trustees Limited, 1988-89

Museums and Art Galleries Board, 1988-89.

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**ATTENDANCE:**

All Members attended the sitting.

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MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 103

Thursday 16 August 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. PETITION:

Mr Ede presented a petition from 1716 citizens of the Northern Territory requesting the Assembly to stop the Brucellosis and Tuberculosis Eradication Campaign shoot-to-waste campaign.

**Petition read.**

4. NOTICE:

The following notice was given:

Mr Collins: To present the Planning Amendment Bill 1990 (Serial 290).

5. QUESTIONS:

Questions were asked of Ministers.

**Personal explanation:** The Minister for Transport and Works (Mr Finch), by leave, made a personal explanation relating to an answer to a question asked during Question Time on the previous sitting day.

An answer to a question asked during the adjournment debate of Tuesday 14 August 1990 was given by the Minister for Conservation (Mr Hatton).

6. SUSPENSION OF STANDING ORDERS - TO ALLOW MR BELL TO MOVE MOTION - MOTION NEGATIVED:

The Member for Macdonnell (Mr Bell) moved - That so much of Standing Orders be suspended as would prevent him moving the following motion:

That the Northern Territory government appoint forthwith a solicitor independent of government so that police and other people with information relevant to the police investigation of -

(a) certain police officers charged with drug related offences;

(b) possible criminal offences against a certain police officer by another police officer, and an alleged incident involving a police officer and a member of the public;

may be able to provide that information, through a solicitor so appointed, direct to Mr Robert Mulholland QC, secure in the knowledge that there will be an independent assessment of that information.

Debate ensued.

The Chief Minister (Mr Perron) moved - That the question be now put. Question - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 15

Mr Collins  
Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

NOES, 9

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Floreani  
Mr Lanhupuy  
Mr Leo  
Mr Smith  
Mr Tipiloura  
Mr Tuxworth

And so it was resolved in the affirmative.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 9

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Floreani  
Mr Lanhupuy  
Mr Leo  
Mr Smith  
Mr Tipiloura  
Mr Tuxworth

NOES, 15

Mr Collins  
Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

Motion negatived accordingly.

7. INTERNATIONAL UNION OF LOCAL AUTHORITIES, ASPAC TRAINING CENTRE - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) made a statement relating to the Asia Pacific Training Centre for the International Union of Local Authorities.

Mr McCarthy moved - That the Assembly take note of the Statement.

Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 11.53 a.m. and 2.00 p.m.

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Debate continued.

Question - put and passed.

8. GREGORY NATIONAL PARK - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The Minister for Conservation (Mr Hatton) made a statement relating to the declaration of Gregory National Park in the Victoria River district.  
Mr Hatton moved - That the Assembly take note of the Statement.  
Debate ensued.  
Question - put and passed.
9. MINE MANAGEMENT AMENDMENT BILL 1990 (Serial 288):  
The Minister for Mines and Energy (Mr Coulter), pursuant to notice, presented a Bill for an Act to amend the *Mine Management Act*.  
Bill read a first time.  
Mr Coulter moved - That the Bill be now read a second time.  
On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.
10. USE AND ABUSE OF ALCOHOL BY THE COMMUNITY, SESSIONAL COMMITTEE - STATEMENT BY CHAIRMAN - STATEMENT NOTED:  
The Chairman of the Sessional Committee on Use and Abuse of Alcohol by the Community (Mr Poole), by leave, made a statement regarding the progress of the Committee since its appointment on 23 November 1989 and laid on the Table the following Paper -
- o Alcohol related problems in your community - Are you concerned? - Brochure published by the Sessional Committee on Use and Abuse of Alcohol by the Community.
- Mr Poole moved - That the Assembly take note of the Statement.  
Debate ensued.  
Question - put and passed.
11. ADJOURNMENT:  
The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.  
Debate ensued.  
Question - put and passed.  
The Assembly adjourned at 9.44 p.m. until Tuesday 21 August 1990 at 10.00 a.m.

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**PAPERS:**

The following papers were deemed to have been presented on Thursday 16 August 1990:

**Annual Reports:**

Industry and Employment Training Advisory Council -  
1986-87  
1987-88  
1988-89

Police Force of the Northern Territory, Northern Territory Emergency Service, Fire Service of the Northern Territory, 1988-89

**Regulations 1990:**

No. 20 - Amendments of the Supreme Court Rules.

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**ATTENDANCE:**

All Members attended the sitting.





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MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 104

Tuesday 21 August 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. MESSAGES FROM THE ADMINISTRATOR:

The Speaker read the following messages from His Honour the Administrator:

**Message No. 14**

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to appropriate certain sums out of the Consolidated Fund for the service of the year ending 30 June 1991.

Dated 9 August 1990.

(Sgd) J.H. MUIRHEAD  
Administrator

**Message No. 15**

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to amend the *Supreme Court (Judges Long Leave Payments) Act* which in part provides for long leave payments to Judges in circumstances which are not presently provided for and thus increases the potential liability of the Consolidated Fund which, by virtue of section 6 of the Principal Act, is to be appropriated to meet payments under the Act.

Dated 20 August 1990.

(Sgd) J.H. MUIRHEAD  
Administrator

**Message No. 16**

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to amend the *Supreme Court Act*, which in part provides for the payment of the salary, allowances and benefits payable to the

Master of the Supreme Court of the Northern Territory, to be appropriated from the Consolidated Fund.  
Dated 20 August 1990.

(Sgd) J.H. MUIRHEAD  
Administrator

4. NOTICES:

The following notices were given:

Mr Hatton: To present the Territory Parks and Wildlife Conservation Amendment Bill (No. 2) 1990 (Serial 298).

Mr Smith: To present the Liquor Amendment Bill (No. 2) 1990 (Serial 306).

Mr Collins: To present the Education Amendment Bill 1990 (Serial 301) and the Criminal Law (Conditional Release of Offenders) Amendment Bill (No. 2) 1990 (Serial 305).

Mr Tuxworth: To present the Electoral Amendment Bill (No. 2) 1990 (Serial 304).

Mr Bell: To move -

That the Northern Territory Government appoint forthwith a solicitor, independent of government, so that police and other people with information relevant to the police investigation of -

- (a) certain police officers charged with drug-related offences;
- (b) possible criminal offences against a certain police officer by another police officer; and
- (c) an alleged incident involving a police officer and a member of the public,

may be able to provide that information, through the solicitor so appointed, direct to Mr Robert Mulholland, QC, secure in the knowledge that there will be an independent assessment of that information.

Mr Manzie: To present the Statute Law Revision (Registration of Instruments) Bill 1990 (Serial 303); the Supreme Court (Judges Long Leave Payments) Amendment Bill 1990 (Serial 289); and the Unit Titles Amendment Bill 1990 (Serial 296).

5. DISTINGUISHED VISITOR:

The Speaker informed the Assembly that Ms Carolyn Hirsh, MLA, Government Whip and Member for Wantirna in the Legislative Assembly of Victoria, was present in the public gallery.

The Speaker extended a warm welcome to the Ms Hirsh.

6. QUESTIONS:

Questions were asked of Ministers.

**Papers tabled:** The Minister for Transport and Works (Mr Finch) laid on the Table the following Papers -

- o Letter, Hon. Fred Finch, MLA, Minister for Transport and Works to Hon. Peter Morris, MP, Minister for Transport and Communications Support, dated 6 April 1988;
- o Letter, Hon. Fred Finch, MLA, Minister for Transport and Works to Hon. Peter Morris, MP, Minister for Transport and Communications Support, dated 26 February 1988; and

- Letter, Paul Tyrrell, Deputy Secretary - Transport, Department of Transport and Works to Mr Allan Rainbird, Deputy Secretary, Department of Transport and Communications, dated 24 June 1988.

Further questions were asked of Ministers.

**Paper tabled:** The Member for Stuart (Mr Ede), by leave, laid on the Table the following Paper -

- Extract from Northern Territory Government's Airport Proposal - Darwin Airport Redevelopment of Civil Facilities.

An answer to a question asked by the Member for Stuart (Mr Ede) was given by the Minister for Lands and Housing (Mr Manzie).

**Personal explanation:** The Member for Macdonnell (Mr Bell), by leave, made a personal explanation, pursuant to Standing Order 57, relating to comments made by the Attorney-General this day during Question Time.

7. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - SEVENTEENTH REPORT - PAPER TABLED:

The Chairman of the Subordinate Legislation and Tabled Papers Committee (Mr Setter) laid on the Table the Seventeenth Report of the Subordinate Legislation and Tabled Papers Committee.

8. APPROPRIATION BILL 1990-1991 (Serial 297) - BUDGET SPEECH - PAPERS TABLED:

The Treasurer (Mr Perron), presented a Bill for an Act to appropriate certain sums out of the Consolidated Fund for the service of the year ending 30 June 1991, the subject of His Honour the Administrator's Message No. 14.

Bill read a first time.

**Papers tabled:** Mr Perron laid on the Table the following Budget Papers -

- Budget Speech 1990-91;
- Appropriation Bill 1990-91;
- Overview 1990-1991;
- Detailed Estimates 1990-91;
- Capital Works 1990-91; and
- The Northern Territory Economy 1990-91.

Mr Perron moved - That the Bill be now read a second time.

On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.

9. VIETNAM VETERANS ASSOCIATION - STATEMENT:

The Speaker made a statement relating to the presentation to the Legislative Assembly of an Australian Flag by the Vietnam Veterans Association, Northern Territory Branch to commemorate those servicemen who served and died in Vietnam from 1963 to 1972.

Members stood at their places and observed a one minute silence as a mark of respect.

**Suspension of sitting:** The sitting was suspended between 11.44 a.m. and 2.00 p.m.

10. FREEDOM OF INFORMATION AND PRIVACY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Chief Minister (Mr Perron) made a statement relating to freedom of information and privacy, and "whistle-blowers" legislation.

Mr Perron moved - That the Assembly take note of the Statement.

Debate ensued.

**Paper tabled:** The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) laid on the Table the following Paper -

- Public Service Commissioner for the Northern Territory Circular 1989/3 - "Confidentiality of Information and the Northern Territory Criminal Code", dated 12 May 1989.

Debate continued.

Question - put and passed.

11. PAROLE BOARD AND JUVENILE JUSTICE BOARDS OF MANAGEMENT - MINISTERIAL STATEMENT - PAPERS TABLED - STATEMENT NOTED:

The Minister for Correctional Services (Mr Reed) made a statement relating to the Annual Reports of the Parole Board and the Juvenile Justice Boards of Management and laid on the Table the following Papers -

- Parole Board Report for the year ending 31 December 1989;
- Juvenile Justice Board of Management, Northern Region, 1989-90;
- Juvenile Justice Board of Management, Southern Region, 1989-90; and
- Standard Guidelines for Corrections in Australia, Department of Correctional Services, Northern Territory.

Mr Reed moved - That the Assembly take note of the Statement.

Debate ensued.

The Member for Stuart (Mr Ede) moved the following amendment -

Omit all words after "That" and insert in their stead:

- "(1) the following matter be referred to the Standing Committee on Subordinate Legislation and Tabled Papers -

'the failure of the Minister to satisfy the requirements of section 13 of the Juvenile Justice Act'; and

- (2) the Committee report to the Assembly within seven sitting days."

Debate ensued.

Mr Reed moved - That the question be now put.

Question - That the Question be now put -  
the Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 16

NOES, 5

Mr Collins  
Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mrs Padgham-Purich  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Lanhupuy  
Mr Tipiloura

And so it was resolved in the affirmative.

Question - That the amendment be agreed to - put and negatived.

Question - That the Assembly take note of the Statement - put and passed.

12. DISCHARGE OF BUSINESS:

The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day No. 19, relating to a draft bill on Consumer Affairs be discharged from the Notice Paper.

Question - put and passed.

13. CONSUMER AFFAIRS BILL 1990 (Serial 282):

The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

Question - put and passed.

Bill read a second time.

The Assembly, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

Clause 1 read -

On the motion of the Minister for Health and Community Services (Mr Hatton) the following amendment was agreed to -

Omit "*Consumer Affairs Act 1990.*" and insert in its stead "*Consumer Affairs and Fair Trading Act 1990.*".

Clause 1, as amended, agreed to.

Clauses 2 to 19, by leave, taken together and agreed to, after debate.

Clause 20 read -

On the motion of Mr Hatton the following amendment was agreed to, after debate -

Omit from subclause (1) all words before paragraph (a) and insert in their stead the following:

"(1) For the purpose of ascertaining whether a provision of this Act, of regulations or of a code of practice is being or has been complied with, a person who is an authorised officer for the purposes of the Part which contains that provision, or of the Part for the purposes of which the regulations were made or under which the code was prescribed, may at any reasonable time (but subject to subsection (2)) enter as may be appropriate in relation to that provision any place which the officer knows or believes on reasonable grounds to be -".

The Member for Macdonnell (Mr Bell) moved the following amendment -

Omit from subclause (2) "any place used for residential purposes" and insert in its stead "a place referred to in subsection (1)".

Debate ensued.

Question - That the amendment be agreed to - put.

The Committee divided (the Chairman, Mr Firmin, in the Chair) -

AYES, 5

NOES, 13

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Lanhupuy  
Mrs Padgham-Purich

Mr Collins  
Mr Coulter  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Vale

Amendment negatived accordingly.

Mr Bell moved the following further amendment -

Insert in subclause (3), after "section 21", the words "and specified in the application".

Amendment negatived, after debate.

Clause 20, as amended, agreed to.

Clause 21 read -

On the motion of Mr Hatton the following amendment was agreed to, after debate -

Insert after subclause (2)(a) the following:

"(aa) weigh, or otherwise measure, any goods;".

Clause 21, as amended, agreed to.

Clause 22 read -

Mr Bell moved the following amendment -

Omit from subclause (1) "on reasonable grounds".

Amendment negatived, after debate.

On the motion of Mr Hatton the following amendment was agreed to -

Insert in subclause (1) after "that Part," the words "or of regulations or a code of practice made for the purposes of or prescribed under that Part,".

Clause 22, as amended, agreed to.

Clauses 23 to 121, by leave, taken together and agreed to.

Clause 122 read -

Mr Bell moved the following amendment -

Omit from subclause (1) "on the application of the Commissioner" and insert in its stead "on the application of the Commissioner or any other person".

Amendment agreed to, after debate.

Clause 122, as amended, agreed to.

Clauses 123 and 124, by leave, taken together and agreed to.

Clause 125 read -

On the motion of Mr Hatton the following amendment was agreed to, after debate -

Omit from subclause (1) the definition of "cash price".

On the motion of Mr Hatton the following further amendment was agreed to, after debate -

Omit from the definition of "dealer" in subclause (1) "and includes a person who carries on the business of letting or hiring motor vehicles to others (without an option to purchase) so far as that person disposes of vehicles to the public, or offers them for disposal to the public, after withdrawing them from the business of letting or hiring,".

On the motion of Mr Hatton the following further amendment was agreed to -

Omit subclause (2).

Clause 125, as amended, agreed to.

Clause 126 agreed to.

Clause 127 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit from subclause (1) "Subject to this Part," and insert in its stead "Subject to this Part and regulations made for the purposes of this Part,".

Clause 127, as amended, agreed to.

Clauses 128 to 133, by leave, taken together and agreed to.

Clause 134 read -

Mr Bell moved the following amendment -

Omit from subclause (1)(b) "the grounds that the applicant is not a fit and proper person" and insert in its stead "any of the grounds specified in section 136(1) or 137(1)".

Amendment agreed to, after debate.

Mr Bell moved the following further amendment -

Omit from subclause (3) "alleging that the applicant is not or, as the case requires, may not be a fit and proper person" and insert in its stead "the objection".

Amendment agreed to, after debate.

Clause 134, as amended, agreed to.

Clause 135 agreed to.

Clause 136 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit from subclause (1)(d) "a dealer;" and insert in its stead "a dealer, having regard to the scope of the business operations which the applicant proposes to engage in as such and the liabilities which the applicant may incur in connection therewith;".

Clause 136, as amended, agreed to.

Clause 137 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit from subclause (1)(c) "a dealer;" and insert in its stead "a dealer, having regard to the scope of the business operations which the body corporate proposes to engage in as such and the liabilities which the body corporate may incur in connection therewith;".

Clause 137, as amended, agreed to.

Clause 138 read -

On the motion of Mr Hatton the following amendment was agreed to, after debate -

Omit subclauses (2) and (3) and insert in their stead the following:

"(2) A licence shall authorize the holder to carry on business as a dealer at a place or places specified in the licence, and, where it specifies 2 or more places, shall state which of them is the holder's principal place of business."

Clause 138, as amended, agreed to.

Clause 139 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit from subclause (1) "3 months" and insert in its stead "45 days".

Clause 139, as amended, agreed to.

Clauses 140 to 143, by leave, taken together and negatived.



On the motion, by leave, of Mr Hatton the following new Heading and clauses 140 to 143A were taken together and inserted in the Bill -

*Subdivision B - Duration of Licence,  
Annual Fee and Return, &c.*

"140. DURATION OF LICENCE

"Except while it is suspended by or pursuant to this Part, a dealer's licence continues in force until -

- (a) it is cancelled by, or revoked or surrendered pursuant to, this Part;
- (b) the dealer, being an individual, dies (but subject in that event to section 143A); or
- (c) the dealer, being a body corporate, is dissolved.

"141. ANNUAL FEE AND RETURN

"(1) A licensed dealer shall, not later than the prescribed date in each year -

- (a) pay to the Commissioner the prescribed annual licence fee; and
- (b) lodge with the Commissioner an annual return containing the prescribed information.

"(2) Where a dealer fails to pay the annual licence fee or lodge the annual return in accordance with subsection (1), the Commissioner may, by notice in writing to the dealer, require the dealer to make good the default and, in addition, to pay to the Commissioner the amount (if any) prescribed as a penalty for default.

"(3) Where a dealer fails to comply with a notice under subsection (2) within 14 days after service of the notice, the dealer's licence shall, by force of this subsection, be suspended until the dealer complies with the notice.

"(4) The Commissioner shall cause notice of a suspension under subsection (3) (being notice in the prescribed form) to be published in a newspaper circulating throughout the Territory.

"(5) Where a licence has been suspended by virtue of subsection (3) for a continuous period of 6 months, the licence shall, by force of this subsection, be cancelled.

"(6) A dealer shall not in, or in relation to, any information in an annual return lodged pursuant to subsection (1)(b) make a statement that is false or misleading by reason of

the inclusion therein of any false or misleading matter or the omission therefrom of any material matter.

Penalty: \$5,000.

"(7) It is a defence to a prosecution of a person for an offence against subsection (6) if the person proves that, when the information was provided, the person -

- (a) believed on reasonable grounds that the false matter was true;
- (b) believed on reasonable grounds that the misleading matter was not misleading; or
- (c) in the case of an omission -
  - (i) believed on reasonable grounds that no material matter had been omitted; or
  - (ii) did not know that the omitted matter was material.

"142. LICENCE NOT TRANSFERABLE

"A licence is not transferable.

"143. SURRENDER OF LICENCE

"A dealer may surrender his or her licence by notice in writing to the Commissioner.

"143A. DEATH OF LICENSED DEALER

"(1) Where a licensed dealer dies, a person who is, or who is named as, or who intends to apply to become, a legal personal representative of the deceased dealer may, within 28 days after the death or such longer period as the Commissioner allows, apply to the Commissioner to be allowed to carry on the deceased dealer's business as a dealer during -

- (a) the period that commences with the date of the death and ends 6 months later; or
- (b) the period that commences with the date of the death and ends immediately before the next succeeding anniversary of the date on which the licence was granted,

whichever is the longer.

"(2) The Commissioner may grant or refuse an application under subsection (1) and, where the Commissioner grants the application, may impose such conditions as the Commissioner thinks fit, being conditions subject to which the business to which the application relates may be carried on.

"(3) A person authorized under this section to carry on the business of a deceased dealer shall, subject to this Part and any conditions imposed under subsection (2), be deemed to be, while so authorized, the holder of the deceased dealer's licence.

"(4) Where, under subsection (2), the Commissioner imposes conditions subject to which a person is authorized to carry on the business to which a licence relates, the person shall, on being required by the Commissioner to do so within a specified time, produce the licence to the Commissioner within that time for endorsement of the conditions.

Penalty: \$5,000."

Clauses 144 to 148, by leave, taken together and agreed to.

Clause 149 read -

On the motion of Mr Hatton the following amendment was agreed to -

Insert in subclause (2)(c) after "require the holder" the words ", within a time specified in the notice,".

On the motion of Mr Hatton the following further amendment was agreed to -

Add at the end the following:

"(3) A person who fails to produce a licence to the Commissioner in accordance with a requirement in a notice under subsection (2) is guilty of an offence.

Penalty: \$5,000."

Clause 149, as amended, agreed to.

Clauses 150 and 151, by leave, taken together and agreed to.

Clause 152 read -

On the motion of Mr Hatton the following amendment was agreed to, after debate -

Omit subclause (2) and insert in its stead the following:

"(2) Where -

(a) the Commissioner has -

(i) by a notice under section 149(2), varied a term or condition of a licence or imposed new terms or conditions on a licence; or

(ii) imposed under section 143A(2) conditions subject to which a person may carry on the business to which the licence of a deceased dealer related; and

(b) the licence has not been produced for endorsement pursuant to a requirement in the notice or, as the case may be, a requirement of the Commissioner under section 143A(4),

subsection (1) is not complied with unless a copy of the notice or, as the case may require, of the conditions imposed under section 143A(2) is exhibited with the licence."

Clause 152, as amended, agreed to.

Clauses 153 to 156, by leave, taken together and agreed to.

Clause 157 read -

On the motion of Mr Hatton the following amendments were taken together and agreed to -

Omit from subclause (1) "within 24 hours" (wherever occurring) and insert in its stead "within 2 working days".

Omit from subclause (2)(e) "vehicle;" and insert in its stead "vehicle; and".

Omit subclause (2)(f).

Clause 157, as amended, agreed to.

Clause 158 agreed to.

Clause 159 negatived, after debate.

On the motion of Mr Hatton the following new clause was inserted in the Bill -

"159. CONTRACT FOR SALE OF SECOND-HAND VEHICLE TO BE IN PRESCRIBED FORM

"(1) A contract by a dealer to sell a second-hand motor vehicle must be made in writing in the prescribed form, and a dealer who contracts to sell such a vehicle otherwise than in compliance with this requirement is guilty of an offence.

Penalty: \$5,000.

"(2) Where a dealer contracts to sell a second-hand motor vehicle otherwise than in writing in the prescribed form, the purchaser may rescind the contract by giving a written notice of rescission to the dealer not later than 3 months after the date of the contract.

"(3) Where a contract is rescinded pursuant to subsection (2) -

(a) the dealer shall return or refund to the purchaser any consideration given by the purchaser under the contract, or the value of any such consideration as at the date of the contract; and

(b) the purchaser shall return or refund to the dealer -

(i) the vehicle, or its value as at the date of the contract; and

(ii) any other consideration given by the dealer under the contract, or the value of any other such consideration as at the date of the contract.

"(4) A person who returns a vehicle or other thing to another pursuant to subsection (3) is liable to pay compensation to the other in respect of any damage to, or depreciation in the value of, the vehicle or thing which is attributable to his or her failure to take reasonable care of it, but is not liable for any damage or depreciation attributable to normal use of the vehicle or thing or to circumstances beyond his or her control.

"(5) The obligations imposed by subsections (3) and (4) may be enforced by action in any court of competent jurisdiction.

"(6) A court convicting a dealer of an offence against subsection (1) is competent to make orders, on the application of the prosecutor, for the enforcement of obligations imposed by subsections (3) and (4).

"(7) A person who fails to comply with an order under subsection (6) is guilty of an offence.

Penalty: \$5,000."

Clauses 160 and 161, by leave, taken together and agreed to.

Clause 162 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit "the person has removed" and insert in its stead "there has been removed (whether or not by that person)".

Clause 162, as amended, agreed to.

Clauses 163 to 166, by leave, taken together and agreed to.

Clause 167 read -

On the motion of Mr Hatton the following amendments were, by leave, taken together and agreed to -

Omit from subclause (1)(b) "any of Cases 1 to 4" and insert in its stead "Case 1 or Case 2".

Omit subclauses (2) and (3) and insert in their stead the following:

"(2) Cases 1 and 2 are as follows:

Case 1 The vehicle was sold -

(i) otherwise than as a second-hand vehicle; or

(ii) as a second-hand vehicle which the dealer represented to the purchaser as being a demonstration vehicle.

The defect appeared or occurred -

- (i) where the vehicle was sold subject to an unexpired manufacturer's warranty - before the expiry of the warranty; or
- (ii) in any other case - before the vehicle had been driven 5000 km after the sale or (if earlier) the expiry of 3 months after the sale.

Case 2 The vehicle was sold as a second-hand vehicle, and -

- (i) the sale was effected not more than 10 years (or in the case of a motor cycle, not more than 5 years) after the date of manufacture of the vehicle; and
- (ii) the vehicle had, at the time of the sale been driven for less than 160,000 km (or, in the case of a motor cycle, less than 30,000 km).

The defect appeared or occurred before the vehicle had been driven 5000 km after the sale or (if earlier) the expiry of 3 months after the date on which the purchaser took possession of the vehicle.

"(3) The liability of a dealer in respect of a defect is, at the dealer's own expense to repair and make good the defect (or cause the defect to be repaired and made good) so as to place the vehicle in a reasonable condition having regard to its age and the distance it has travelled."

Insert after subclause (4) the following:

"(4A) For the purposes of Case 2 in subsection (2), the date of manufacture of a vehicle is the date indicated as such by the manufacturer on the body of the vehicle or, if no date is so indicated, the date specified in the vehicle's certificate plate within the meaning of the *Motor Vehicles Act*."

Clause 167, as amended, agreed to.

Clauses 168 and 169, by leave, taken together and agreed to.

Clause 170 read -

On the motion of Mr Hatton the following amendments were, by leave, taken together and agreed to -

Omit from subclause (1) "a period referred to in Case 1, 2, 3 or 4" and insert in its stead "the period of 3 months referred to in Case 1 or 2".

Omit subclause (2).

Omit from subclause (5) "Case 2, 3 or 4" and insert in its stead "Case 2".

Clause 170, as amended, agreed to.

Clauses 171 to 174, by leave, taken together and agreed to.

On the motion of Mr Hatton the following new clause was inserted in the Bill -

"174A. DEALERS' MANAGERS TO BE APPROVED BY COMMISSIONER

"(1) A licensed dealer shall not carry on business as such at a place unless there is present and in charge of the day-to-day conduct of the business at that place -

- (a) where the dealer is a body corporate - an individual approved by the Commissioner for the purposes of this section; or
- (b) where the dealer is an individual - either the dealer or a person so approved.

Penalty: \$5,000.

"(2) Regulations may -

- (a) make provision with respect to applications to the Commissioner for approvals for the purposes of this section;
- (b) require the Commissioner, on an application for approval being duly made, to grant or withhold approval within a specified time;
- (c) specify the grounds on which the Commissioner is to withhold approvals;
- (d) enable the Commissioner to grant approvals subject to conditions or restrictions;
- (e) make provision as to the duration of approvals;
- (f) empower the Commissioner to revoke approvals on specified grounds;
- (g) provide for the payment of application fees and fees for the granting of approvals; and
- (h) enable the Commissioner to seek such information and advice as the Commissioner considers necessary for the purpose of dealing with applications in accordance with the regulations."

Clause 175 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit subclause (1) and insert in its stead the following:

"(1) Where a dealer's licence has been revoked by a notice under section 149(2), or cancelled by the operation of section 141(5), or suspended either by a notice under section 149(2) or by the operation of section 141(3), this section applies to the dealer -

- (a) in the case of revocation - subject to subsection (2), for a period of 12 months from the service of the notice;
- (b) in the case of cancellation - for a period of 12 months from the date when the cancellation took effect; and
- (c) in the case of suspension - until the suspension ends."

Clause 175, as amended, agreed to.

Clauses 176 to 179, by leave, taken together and agreed to.

Clause 180 negatived.

On the motion of Mr Hatton the following new clause was inserted in the Bill, after debate -

"180. POWER OF COMMISSIONER TO GRANT TEMPORARY EXEMPTIONS

"The Commissioner may, by notice in the *Gazette*, exempt a person specified in the notice, for a period not exceeding 12 months so specified and either conditionally or unconditionally, from the application of this Part or of any provision or provisions of this Part so specified."

Clause 181 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit "156(1)," and insert in its stead "156(1), 159(1),"

Clause 181, as amended, agreed to.

On the motion of Mr Hatton the following new Heading and clause were, by leave, inserted in the Bill -

*"Division 7 - Vehicle Rental Businesses*

"181A. CERTAIN PROVISIONS OF PART X TO APPLY TO VEHICLE RENTAL BUSINESSES

"(1) In this section, 'vehicle rental business' means a business of letting or hiring out motor vehicles without granting any right to purchase them.

"(2) Subject to subsection (4), the provisions specified in subsection (3) shall have effect as if references therein to licensed dealers and dealers included references to persons carrying on vehicle rental businesses.

"(3) The provisions referred to in subsection (2) are -

- (a) section 156;
- (b) section 157, so far as it applies in relation to the disposal of motor vehicles by sale or otherwise;
- (c) section 159;



- (d) section 160(3);
- (e) section 163;
- (f) section 164;
- (g) section 165, so far as it applies in relation to the disposal of second-hand motor vehicles by sale or otherwise;
- (h) section 166; and
- (j) sections 167 to 170, and regulations making any such provision as is mentioned in section 169(1).

"(4) If regulations so provide, a provision applying to or in relation to persons carrying on vehicle rental businesses by virtue of this section shall do so subject to such adaptations or modifications as are specified in the regulations."

Clause 182 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit from the definition of "exempted person" the words "by of section 3(2)" and insert in their stead "by section 3(2)".

Clause 182, as amended, agreed to.

Clauses 183 to 206, by leave, taken together and agreed to.

Clause 207 read -

On the motion of Mr Hatton the following amendment was agreed to -

Omit paragraph (b) and insert in its stead the following:

"(b) where the licence authorizes the licensee to carry on business under a different name, that name."

Clause 207, as amended, agreed to.

Clause 208 read -

On the motion of Mr Hatton the following amendments were, by leave, taken together and agreed to -

Omit from subclause (1) all words after "the name of the licensee" (first occurring) except the penalty and insert in their stead "or, where the licence authorizes the licensee to carry on business under a different name, that name."

Omit subclause (2).

Clause 208, as amended, agreed to.

Clauses 209 to 236, by leave, taken together and agreed to.

Schedules 1 and 2, by leave, taken together and agreed to.

Schedule 3 read -

On the motion of Mr Hatton the following amendments were, by leave, taken together and agreed to -

Omit from paragraph 4(3) "Licences" and insert in its stead "Subject to subparagraph (3A) licences of individual dealers".

Insert after paragraph 4(3) the following:

"(3A) Subparagraph (3) shall cease to apply to and in respect of a dealer at the expiry of 6 months beginning with the appointed day unless the dealer has during that period duly applied for a licence under section 132, in which case that subparagraph shall cease to apply to and in respect of the dealer -

(a) where the Commissioner grants a licence on the application, immediately after the licence is granted; or

(b) where the Commissioner refuses the application -

(i) on the expiry of the time allowed by section 139(3) for appealing against the refusal without an appeal having been brought; or

(ii) if an appeal is brought, immediately after the grant or refusal of a licence on that appeal."

Schedule 3, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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The Deputy Speaker (Mr Poole) resumed the Chair and the Chairman (Mr Firmin) reported accordingly and the report was adopted.

On the motion of the Minister for Health and Community Services (Mr Hatton) the Bill was read a third time and passed to be a proposed law.

14. ADJOURNMENT:

The Minister for Tourism (Mr Vale) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 9.12 p.m. until tomorrow at 10.00 a.m.

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ATTENDANCE:

All Members attended the sitting.

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MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 105

Wednesday 22 August 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. PETITION:

Mr Ede presented a petition from 332 citizens of the Northern Territory requesting the Assembly to provide funds to replace the existing Ti Tree Health Centre.

**Petition read.**

4. NOTICES:

The following notices were given:

Mr Finch: To present the Liquor Amendment Bill 1990 (Serial 300).

Mr Manzie: To present the Real Property Amendment Bill 1990 (Serial 294); the Summary Offences Amendment Bill (No. 2) 1990 (Serial 291); the Supreme Court Amendment Bill 1990 (Serial 302); and the Real Property (Consequential Amendments) Bill 1990 (Serial 295).

5. QUESTIONS:

Questions were asked of Ministers.

An answer to a question asked this day by the Member for Sadadeen (Mr Collins) was given by the Minister for Health and Community Services (Mr Hatton).

6. SESSIONAL COMMITTEE ON THE ENVIRONMENT - PLANNING LEGISLATION, REFERENCE - MOTION NEGATIVED:

The Member for Wanguri (Mr Bailey), pursuant to notice, moved -

That - the following matters be referred to the Sessional Committee on the Environment for inquiry and report:

- (a) all legislation and instruments of a legislative character in force in the Northern Territory which impact on, qualify or relate to planning and environmental matters in the Northern Territory;
- (b) the Government agencies involved in implementation of planning and environment legislation and regulations;
- (c) the effectiveness of the existing administrative arrangements; and
- (d) the desirability of bringing all environmental and planning legislation into one piece of legislation.

Debate ensued.

**Suspension of sitting:** The sitting was suspended between 12.02 p.m. and 2.00 p.m.

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Debate continued.

Question - put and negatived.

7. PLANNING AMENDMENT BILL 1990 (Serial 290):  
The Member for Sadadeen (Mr Collins), pursuant to notice, presented a Bill for an Act to amend the *Planning Act*.  
Bill read a first time.  
Mr Collins moved - That the Bill be now read a second time.  
On the motion of the Leader of Government Business (Mr Coulter) debate was adjourned.
8. LIQUOR AMENDMENT BILL (No. 2) 1990 (Serial 306):  
The Leader of the Opposition (Mr Smith), pursuant to notice, presented a Bill for an Act to amend the *Liquor Act*.  
Bill read a first time.  
Mr Smith moved - That the Bill be now read a second time.  
On the motion of the Minister for Racing and Gaming (Mr Finch) debate was adjourned.
9. EDUCATION AMENDMENT BILL 1990 (Serial 301):  
The Member for Sadadeen (Mr Collins), pursuant to notice, presented a Bill for an Act to amend the *Education Act*.  
Bill read a first time.  
Mr Collins moved - That the Bill be now read a second time.  
On the motion of the Minister for Education (Mr Harris) debate was adjourned.
10. CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) AMENDMENT BILL (No. 2) 1990 (Serial 305):  
The Member for Sadadeen (Mr Collins), pursuant to notice, presented a Bill for an Act to amend the *Criminal Law (Conditional Release of Offenders) Act*.  
Bill read a first time.  
Mr Collins moved - That the Bill be now read a second time.  
On the motion of the Minister for Correctional Services (Mr Reed) debate was adjourned.
11. ELECTORAL AMENDMENT BILL (No. 2) 1990 (Serial 304):  
The Member for Barkly (Mr Tuxworth), pursuant to notice, presented a Bill for an Act to amend the *Electoral Act*.  
Bill read a first time.  
Mr Tuxworth moved - That the Bill be now read a second time.  
On the motion of the Attorney-General (Mr Manzie) debate was adjourned.
12. MULHOLLAND INQUIRY, PROPOSED APPOINTMENT OF INDEPENDENT SOLICITOR - MOTION, AS AMENDED, AGREED TO:  
The Member for Macdonnell (Mr Bell), pursuant to notice, moved -  
  
That the Northern Territory Government appoint forthwith a solicitor, independent of government, so that police and other people with information relevant to the police investigation of -  
  
(a) certain police officers charged with drug-related offences;

(b) possible criminal offences against a certain former police officer by another police officer; and

(c) an alleged incident involving a police officer and a member of the public,

may be able to provide that information, through the solicitor so appointed, direct to Mr Robert Mulholland, QC, secure in the knowledge that there will be an independent assessment of that information.

**Paper tabled:** Mr Bell, by leave, laid on the Table the following Paper -

° Letter, Geoff Barbaro, Barrister and Solicitor, Elston and Gilchrist to Mr Neil Bell, MLA, dated 15 August 1990.

The Chief Minister (Mr Perron) moved the following amendment -

Omit all words after "That" and insert in their stead:

"this Assembly -

(1) is of the opinion that the Opposition, by its statements within and without this Assembly in relation to the current investigations into activities of certain former police, has tended to create a climate of distrust of the Police Commissioner and the Secretary, Department of Law, within the Northern Territory community; and

(2) censures Members of the Opposition for their statements which must also tend to undermine public confidence in the Ombudsman, an officer responsible to and appointed by this Parliament and who has its fullest confidence and trust."

Debate ensued.

Question - That the amendment be agreed to - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 15

NOES, 7

Mr Collins  
Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Lanhupuy  
Mr Leo  
Mr Smith  
Mr Tipiloura

Amendment agreed to accordingly.

Question - That the motion, as amended, be agreed to - put.  
The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 15

NOES, 7

Mr Collins  
Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr Manzie  
Mr McCarthy  
Mr Palmer  
Mr Perron  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Lanhupuy  
Mr Leo  
Mr Smith  
Mr Tipiloura

And so it was resolved in the affirmative.

13. TENANCY AMENDMENT BILL 1989 (Serial 242):

The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

Question - put and negatived.

14. LOTTERIES AND GAMING (GAMING MACHINES) REGULATIONS AMENDMENT BILL 1990 (Serial 275):

The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

Question - put and negatived.

15. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD - MOTION NEGATIVED:

The order of the day having been read for the resumption of the debate on the motion of the Member for Sadadeen (Mr Collins) (10 May 1990) - That -

1. this Assembly is of the opinion that the United Nations Convention on the Rights of the Child should not be ratified by the Australian Government because:

(a) it has the potential to place the sovereign rights of Australians in relation to their children in the hands of the Federal Government which would be morally bound by the terms of the Convention;

(b) it has the potential to rob the voters of Australia of their sovereign rights relating to the upbringing of their children; and

(c) it has the potential to undermine family life; and

2. that the Speaker forward the terms of this Resolution to the Prime Minister forthwith.

Debate resumed.

Question - put and negatived.

16. BUSINESS FRANCHISE AMENDMENT BILL 1990 (Serial 299):

The Leader of Government Business (Mr Coulter), on behalf of and at the request of the Chief Minister (Mr Perron), and pursuant to Standing Order 230, presented a Bill for an Act to amend the *Business Franchise Act*.

Bill read a first time.

Mr Coulter moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

17. TAXATION (ADMINISTRATION) AMENDMENT BILL (No. 2) 1990 (Serial 307):

The Leader of Government Business (Mr Coulter), on behalf of and at the request of the Chief Minister (Mr Perron), and pursuant to Standing Order 230, presented a Bill for an Act to amend the *Taxation (Administration) Act*.

Bill read a first time.

Mr Coulter moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

18. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (No. 2) 1990 (Serial 298):

The Minister for Conservation (Mr Hatton), pursuant to notice, presented a Bill for an Act to amend the *Territory Parks and Wildlife Conservation Act*.

Bill read a first time.

Mr Hatton moved - That the Bill be now read a second time.

On the motion of the Member for Wanguri (Mr Bailey) debate was adjourned.

19. STATUTE LAW REVISION (REGISTRATION OF INSTRUMENTS) BILL 1990 (Serial 303):

The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend certain legislation of the Northern Territory in relation to the registration of instruments, to repeal certain Acts of South Australia in their application to the Northern Territory, and for related purposes.

Bill read a first time.

Mr Manzie moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

20. SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) AMENDMENT BILL 1990 (Serial 289):

The Attorney-General (Mr Manzie), pursuant to notice and the Administrator's message number 15, presented a Bill for an Act to amend the *Supreme Court (Judges Long Leave Payments) Act*.

Bill read a first time.

Mr Manzie moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

21. UNIT TITLES AMENDMENT BILL 1990 (Serial 296):

The Minister for Lands and Housing (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Unit Titles Act*.

Bill read a first time.

Mr Manzie moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

22. ADJOURNMENT:

The Minister for Primary Industry and Fisheries (Mr Reed) moved - That the Assembly do now adjourn.

Debate ensued.

**Papers tabled:** The Member for Sadadeen (Mr Collins), by leave, laid on the Table the following Papers -

- Comparison of the Bill of Rights Proposal of 1985/86 and the Human Rights and Equal Opportunity Commission Act 1986, by George V. Turner, BA, LLB, dated 21 August 1990;
- Human Rights and Equal Opportunity Commission Bill 1985, House of Representatives; and
- Human Rights and Equal Opportunity Commission Act 1986, No. 125 of 1986.

Debate continued.

Question - put and passed.

The Assembly adjourned at 10.26 p.m., until tomorrow at 10.00 a.m.

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ATTENDANCE:

All Members attended the sitting.



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MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 106

Thursday 23 August 1990

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1. MEETING:  
The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.
  2. PRAYERS.
  3. PETITIONS:  
Mr Ede presented a petition from 592 citizens requesting the Assembly not to proceed with building the flood mitigation dam in Alice Springs.  
**Petition read.**  
Mr Bell presented a petition from 367 electors of the Division of Macdonnell requesting the Assembly to provide essential community services at Yulara.  
**Petition read.**
  4. QUESTIONS:  
Questions were asked of Ministers.
  5. ORDER OF BUSINESS:  
The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day No. 1, relating to the Appropriation Bill 1990-91 (Serial 297), be called on forthwith.  
Question - put and passed.
  6. APPROPRIATION BILL 1990-91 (Serial 297):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.
- 
- Suspension of sitting:** The sitting was suspended between 11.35 a.m. and 2.00 p.m.
- 
- Debate continued.  
On the motion of the Minister for Education (Mr Harris) debate was adjourned.
7. RECYCLING AND WASTE MANAGEMENT IN THE NORTHERN TERRITORY - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The Minister for Conservation (Mr Hatton) made a statement relating to recycling and waste management in the Northern Territory.  
Mr Hatton moved - That the Assembly take note of the Statement.  
Debate ensued.  
Question - put and passed.
  8. OZONE PROTECTION - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:  
The Minister for Conservation (Mr Hatton) made a statement relating to ozone protection in the Northern Territory and laid on the Table the following Papers -

° Draft Regulations - Ozone Protection Regulations;

- Installation and design of Halon Fire Suppression Systems;
- Code of Practice - Solvent Cleaning Equipment of Electronics Systems and Degreasing of Mechanical Parts;
- Code of Practice - Design and Servicing of Domestic Refrigerator Units;
- Code of Practice - Design and Service of Motor Vehicle Air Conditioning Units;
- Code of Practice - Dry Cleaning Industry;
- Code of Practice - Design and Service of Industrial and Commercial Air Conditioning and Refrigeration Units; and
- Service and Maintenance for Halon Fire Suppression Systems.

Mr Hatton moved - That the Assembly take note of the Statement.

On the motion of the Member for Wanguri (Mr Bailey) debate was adjourned.

9. CONSERVATION AND DEVELOPMENT - DEPARTMENT OF MINES AND ENERGY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Mines and Energy (Mr Coulter) made a statement relating to conservation and development by the Department of Mines and Energy.

Mr Coulter moved - That the Assembly take note of the Statement.

Debate ensued.

**Distinguished visitor:** The Speaker informed the Assembly that Dr G.A. Letts, a former Member of the Legislative Assembly, was present in the public gallery. The Speaker extended a warm welcome to Dr Letts.

Debate continued.

Question - put and passed.

10. SPECIAL ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly at its rising adjourn until Tuesday 25 September 1990 at 10.00 a.m. or such other time and/or date as may be set by the Speaker, pursuant to sessional order.

Question - put and passed.

11. LIQUOR AMENDMENT BILL 1990 (Serial 300):

The Minister for Racing and Gaming (Mr Finch), pursuant to notice, presented a Bill for an Act to amend the *Liquor Act*.

Bill read a first time.

Mr Finch moved - That the Bill be now read a second time.

On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.

12. SUSPENSION OF STANDING ORDERS - TAKE TWO BILLS TOGETHER:

The Minister for Lands and Housing (Mr Manzie) moved - That so much of Standing Orders be suspended as would prevent two Bills, the Real Property Amendment Bill 1990 (Serial 294) and the Real Property (Consequential Amendments) Bill 1990 (Serial 295) -

- (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the Committee's report stage and the third readings of the Bills together; and
- (b) the consideration of the Bills separately in Committee of the Whole.

Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.

- 13. REAL PROPERTY AMENDMENT BILL 1990 (Serial 294); and REAL PROPERTY (CONSEQUENTIAL AMENDMENTS) BILL 1990 (Serial 295):  
The Minister for Lands and Housing (Mr Manzie), pursuant to notice and resolution, presented a Bill for an Act to amend the *Real Property Act*, to facilitate the automation of the Land Titles Register, to simplify the processing of dealings with land titles, to make consequential amendments, and for related purposes and a Bill for an Act to amend various Acts consequential on the passing of the *Real Property Amendment Act 1990*.  
Bills read a first time.  
Mr Manzie moved - That the Bills be now read a second time.  
On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.
- 14. SUMMARY OFFENCES AMENDMENT BILL (No. 2) 1990 (Serial 291):  
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Summary Offences Act*.  
Bill read a first time.  
Mr Manzie moved - That the Bill be now read a second time.  
On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.
- 15. SUPREME COURT AMENDMENT BILL 1990 (Serial 302):  
The Attorney-General (Mr Manzie), pursuant to notice and the Administrator's message number 16, presented a Bill for an Act to amend the *Supreme Court Act*.  
Bill read a first time.  
Mr Manzie moved - That the Bill be now read a second time.  
On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.
- 16. SUSPENSION OF STANDING ORDERS - PASS TWO BILLS THROUGH ALL STAGES:  
The Chief Minister (Mr Perron) moved - That so much of Standing Orders be suspended as would prevent the Business Franchise Amendment Bill 1990 (Serial 299) and the Taxation Administration Amendment Bill (No. 2) 1990 (Serial 307) passing through all stages at this sittings.  
Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.
- 17. BUSINESS FRANCHISE AMENDMENT BILL 1990 (Serial 299):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Treasurer (Mr Perron) the Bill was read a third time and passed to be a proposed law.

18. TAXATION (ADMINISTRATION) AMENDMENT BILL (No. 2) 1990 (Serial 307):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
Leave granted for a motion for the third reading of the Bill to be moved forthwith.  
On the motion of the Treasurer (Mr Perron) the Bill was read a third time and passed to be a proposed law.
19. PETROLEUM AMENDMENT BILL 1990 (Serial 283):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
Leave granted for a motion for the third reading of the Bill to be moved forthwith.  
On the motion of the Minister for Mines and Energy (Mr Coulter) the Bill was read a third time and passed to be a proposed law.
20. LAND AND BUSINESS AGENTS AMENDMENT BILL 1990 (Serial 284):  
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -  
Debate resumed.  
Question - put and passed.  
Bill read a second time.  
The Assembly, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Deputy Chairman - Mr Poole)

Clauses 1 to 4, by leave, taken together and agreed to.  
Clause 5 read -  
On the motion of the Minister for Lands and Housing (Mr Manzie) the following amendment was agreed to -

Insert in clause 5 after proposed section 5A the following:

**"5B. EXEMPTION FOR TRUST MONEY OF CORPORATION MANAGER**

A licensed agent -

- (a) who receives trust money in the course of business carried on as a corporation manager under the *Unit Titles Act*; and
- (b) who holds and deals with the trust money in accordance with a scheme prescribed under section 127(2),

shall, notwithstanding anything to the contrary in this Act, the *Unit Titles Act* or any other Act, be deemed not to have committed any breach of the provisions of this Act or those Acts which would otherwise apply to such trust money."

Clause 5, as amended, agreed to.

Clauses 6 to 20, by leave, taken together and agreed to.

On the motion of Mr Manzie the following new clause was added to the Bill -

"21. REGULATIONS

Section 127 of the Principal Act is amended by adding at the end the following:

'(2) The Regulations may prescribe a scheme for holding and dealing with trust money received by a licensed agent in the course of business carried on as a corporate manager under the *Unit Titles Act*.'"

Title agreed to.

Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Deputy Chairman (Mr Poole) reported accordingly; and the report was adopted.

On the motion of the Minister for Lands and Housing (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

21. LAND AND BUSINESS AGENTS, DRAFT BILL - PAPER AND STATEMENT NOTED:

The order of the day having been read for the resumption of the debate on the motion of the Minister for Lands and Housing (Mr Manzie) (10 May 1990) - That the Assembly take note of the Paper and Statement - Debate resumed.

Question - put and passed.

22. ADJOURNMENT:

The Minister for Health and Community Services (Mr Hatton) moved - That the Assembly do now adjourn.

Debate ensued.

**Papers tabled:** The Minister for Education (Mr Harris) laid on the Table the following Papers -

- Mobile Students - A Guide for Parents;
- Mobile Students - A Guide for Employers;
- Mobile Students - A Guide to Good Practice; and
- Mobile Students - A Guide for Schools.

Debate continued.

**Paper tabled:** The Attorney-General (Mr Manzie) laid on the Table the following Paper -

- Letter, Hon. D.W. Manzie, MLA, to Hon. R. Tickner, MP, Minister for Aboriginal Affairs, undated.

Debate continued.

**Paper tabled:** The Member for Sadadeen (Mr Collins), by leave, laid on the Table the following Paper -

- ° Letter, George V. Turner, BA, LLB, Barrister to the Governor-General, the Speaker of the House of Representatives, and the President of the Senate, dated 7 January 1990.

Debate continued.

The Assembly adjourned at 8.48 p.m. until Tuesday 25 September 1990 at 10.00 a.m. or such other time and/or date as may be set by the Speaker, pursuant to Sessional Order.

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**PAPERS:**

The following Papers were deemed to have been presented on Thursday 23 August 1990.

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**ATTENDANCE:**

All Members attended the sitting.

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FIFTH LEGISLATIVE ASSEMBLY

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FIRST SESSION

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