

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings

OF THE

LEGISLATIVE ASSEMBLY

No. 56

Tuesday, 7 December 1976

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1. The Assembly met at 1000 hours pursuant to the Resolution of 18 November 1976 - Mr Speaker MacFarlane took the Chair.

2. QUESTIONS: Questions without notice were asked.

3. LAW REFORM COMMISSION REPORT - ALCOHOL, DRUGS AND DRIVING: Mr Ryan laid on the Table a Report from the Law Reform Commission,

Mr Ryan moved - That the Report be noted.

Mr Ryan was granted leave to continue his remarks on the resumption of the debate,

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

4. LAW REFORM COMMISSION ANNUAL REPORT: Miss Andrew laid on the Table the annual report of the Law Reform Commission for 1975-76.

5. RURAL CREDIT FACILITIES IN THE NORTHERN TERRITORY - REPORT ON REVIEW OF FUNCTIONS AND PURPOSES OF THE NT PRIMARY PRODUCERS' BOARD: Dr Letts laid on the Table a copy of the Report on the Review of the Functions and Purposes of the Northern Territory Primary Producers' Board and moved - That the Report be noted.

Dr Letts was granted leave to continue his remarks on the resumption of the debate.

Debate adjourned and the resumption of the debate made an order of the day for a later hour

6. ROYAL COMMISSION ON PETROLEUM - FIVE REPORTS: Mr Tuxworth laid on the Table the first five reports of the Royal Commission on Petroleum.

7. SUSPENSION OF STANDING ORDERS: Dr Letts, by leave, moved - That so much of standing orders be suspended as would prevent the passing through all stages, within the next three days, of all bills at present listed on the notice paper as orders of the day.

Question put and passed.

8. PUBLIC SERVICE BILL 1976 (Serial 159): 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.

Mr Steele moved - That the committee stages be later taken.

Question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1156 and 1400 hours.

9. TRANSFER OF POWERS BILL 1976 (Serial 158): 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.

Question put and passed - Bill read a second time.

Mr Steele moved - That the committee stages be later taken.

Question put and passed.

10. INTERPRETATION BILL (NO. 2) 1976 (Serial 160): 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.

Question put and passed - Bill read a second time.

Mr Steele moved - That the committee stages be later taken.

Question put and passed.

11. FIRE BRIGADES ARBITRAL TRIBUNAL BILL 1976 (Serial 157): 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 resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4 agreed to.

Clause 5 negatived, after debate.

New clause -

On the motion of Mr Ryan the following new clause was inserted in the Bill:

"5. Section 2A of the Principal Ordinance is amended by omitting the definition of 'officer' and substituting the following definitions:

"firefighter" in relation to a fire brigade, means a member of the fire brigade who is holding or performing the duties of an office under the Public Service Ordinance of a lower classification than Station Officer;

"fire officer" in relation to a fire brigade, means a member of the fire brigade who is holding or performing the duties of an office under the Public Service Ordinance of Station Officer or an office of a higher classification, other than the office of Chief Fire Officer;

"member of the fire brigades" means a firefighter or a fire officer;".

Clause 6 -

On the motion of Mr Ryan the following amendments were made:

Omit sub-clause (1) and substitute the following sub-clause:

"(1) Section 3(1) of the Principal Ordinance is amended -

- (a) by omitting 'officers' and substituting 'members'; and
- (b) by omitting 'an officer' (wherever occurring) and substituting 'a member of the fire brigades'."

In proposed new sub-section (6) in sub-clause (2) -

- (a) omit from paragraph (a) "officers" and substitute "firefighters"; and
- (b) omit from paragraph (b) "senior officers" and substitute "fire officers".

Clause 6, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clause 9 -

On the motion of Mr Ryan the following amendments were made:

Omit paragraph (b) from sub-clause (1) and substitute the following paragraph:

"(b) by omitting 'officers' and substituting 'firefighters'."

Omit from proposed new sub-section (1A) in sub-clause (2) "senior officers" and substitute "fire officers".

In proposed new sub-section (5) in sub-clause (3) -

- (a) omit from paragraph (a) "officers" and substitute "firefighters"; and
- (b) omit from paragraph (b) "senior officers" and substitute "fire officers".

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

On the motion of Mr Ryan the following amendment was made:

Omit "'officers or senior officers'" and substitute "'members of the fire brigades'".

Clause 11, as amended, agreed to.

Clause 12 -

On the motion of Mr Ryan the following amendment was made:

Omit "senior officers" (twice occurring) and substitute "members of the fire brigades".

Clause 12, as amended, agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

12. MEDICAL PRACTITIONERS REGISTRATION BILL 1976 (Serial 155): 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.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

13. POISONS AND DRUGS BILLS - POISONS BILL 1976 (Serial 147), DANGEROUS DRUGS BILL 1976 (Serial 148), PROHIBITED DRUGS BILL 1976 (Serial 149): The order of the day having been read for the resumption of the debate on the question - That the Bills be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

14. MAGISTRATES BILL 1976 (Serial 153): 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.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

15. COUNTER DISASTER BILL 1976 (Serial 152): 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.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

16. TRAFFIC BILL 1976 (Serial 136): 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.

Mr Steele moved - That the committee stages be later taken.

Question put and passed.

17. HOUSING BILL 1976 (Serial 115): 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.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

18. SPECIAL ADJOURNMENT: Dr Letts moved - That the Assembly, at its rising, adjourn until 1030 hours tomorrow.

Question put and passed.

19. ADJOURNMENT: Dr Letts moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1648 hours adjourned until tomorrow at 1030 hours.

PAPERS: The following papers were deemed to have been presented on 7 December 1976 pursuant to statute:

Annual Reports:

Northern Territory Betting Control Board 1975-76.

Minutes of Meetings of Town Management Boards:

Katherine - 8 November 1976

Tennant Creek - 9 November 1976

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 57

Wednesday, 8 December 1976

1. The Assembly met at 1030 hours pursuant to the Resolution of 7 December 1976 - Mr Speaker MacFarlane took the chair.

2. NOTICES: The following notices were given:

Miss Andrew: To present the Justices Bill 1976 (Serial 161).

Mr Tuxworth: To move - That the Northern Territory Legislative Assembly, believing that considerations other than those relating to economic matters have not been treated by the Royal Commission on Petroleum (Fifth Report) in true perspective, and that the Recommendation of the Commission could be prejudicial to the development of Australia's natural resources generally and Central Australian economy in particular -

(a) calls on the Federal Government not to accept the conclusion and recommendation of the Fifth Report of the Commission relating to the proposed Alice Springs refinery;

(b) asks the Government to encourage as soon as can be arranged, further exploration in the area;

(c) requests the Government to have the Mereenie crude oil and natural gas field reserves developed.

3. QUESTIONS: Questions without notice were asked.

4. POLICY STATEMENT: Dr Letts, by leave, tabled a policy statement relating to Cabinet Members and amendments to Standing Orders.

5. TRAFFIC BILL 1976 (Serial 92): Bill, by leave, withdrawn.

6. WILDLIFE CONSERVATION AND CONTROL BILL 1976 (Serial 108): Bill, by leave, withdrawn.

7. ENVIRONMENT BILL 1976 (Serial 144): 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.

Mr Steele moved - That the committee stages be later taken.

Question put and passed.

8. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Pollock, Order of the Day No. 4 Government Business, was called on.

9. MEDICAL PRACTITIONERS REGISTRATION BILL 1976 (Serial 155): 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 resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clauses 3 to 15, by leave, taken together and agreed to.

Clause 16 -

On the motion of Mr Pollock the following amendment was made, after debate:

Add at the end of proposed section 18 the following new sub-section:

"(4) A person appearing before the Board or Tribunal in any capacity or present during the hearing of a matter before the Board or Tribunal is subject to the same liabilities as a person appearing before or present during a hearing before the Supreme Court."

Clause, as amended, agreed to.

Clauses 17 to 20, by leave, taken together and agreed to.

Clause 21 -

On the motion of Mr Pollock the following amendment was made:

Omit all words from and including "amended" and substitute the following:

"amended -

- (a) by inserting after "Register" (wherever occurring) the word "(Full)";
- (b) by adding at the end the following new sub-sections:

"(3) The Board shall 4 times in each year at intervals no longer than 3 months apart publish in the Gazette the names of medical practitioners entered in the Register (Conditional).

"(4) Members of the public may, during normal business hours, inspect, free of charge, any register kept by the Board under this Ordinance."

Clause, as amended, agreed to.

Clauses 22 to 24 agreed to.

Clause 25 -

On the motion of Mr Pollock the following amendment was made:

Insert after sub-section (7) the following new sub-section:

"(7A) Notwithstanding the provisions of sub-section (7), a medical practitioner whose name has, under that sub-section, been removed from the register may, at any time before 31 December next following his failure to comply with sub-section (2) or (3), apply in writing to the Board to have his name restored to the register, and the Board, upon receipt from the applicant of the prescribed fee for issue of a practising certificate, may grant that request and issue to the applicant a practising certificate."

Clause, as amended, agreed to.

Clause 26 -

On the motion of Mr Pollock, the following amendment was made:

In proposed section 31B -

(a) omit sub-section (5)(a) and substitute the following new paragraph:

"(a) shall forward to the Senior Judge a list consisting of the names of at least 3 registered medical practitioners whom the Board recommends as qualified to be Assessors; and";
and

(b) after sub-section (5) insert the following new sub-section:

"(5A) It shall be sufficient compliance with sub-section (5)(a) if the Board, being unable to recommend more than 2 registered medical practitioners as Assessors, explains that inability to the satisfaction of the Senior Judge and furnishes him with the names of the 2 medical practitioners whom it recommends."

SUSPENSION OF SITTING: The sitting was suspended between 1204 and 1400 hours.

On the motion of Mr Pollock the following further amendment was made, after debate:

At the end of proposed section 31A add the following new sub-sections:

"(4) Where the Tribunal imposes a fine on a medical practitioner or requires a medical practitioner to give an undertaking in accordance with sub-section (2)(b)(iv) and that medical practitioner fails, within 7 days of the date of the decision of the Tribunal or within such further time as the Tribunal allows, to pay the fine or give the undertaking, the Board -

(a) may remove the name of the medical practitioner from the relevant register; and

(b) in the case of a fine - may take proceedings to recover that fine in a court of competent jurisdiction as a debt due by the medical practitioner to the Board.

"(5) Where the name of a medical practitioner has been removed pursuant to sub-section (4) from a register, the Board may, upon the medical practitioner paying the fine or giving the undertaking,

restore the name of that medical practitioner to the register from which it was removed,".

On the motion of Mr Pollock the following further amendments were made:

Add at the end of proposed new section 31C the following new sub-section:

"(8) A hearing before the Tribunal shall take place in camera,".

In proposed section 31D add at the end the following sub-sections:

"(2) The Supreme Court shall hear and determine an appeal made under this section.

"(3) In determining such an appeal, the Supreme Court -

(a) may dismiss the appeal;

(b) may reverse or vary the decision of the Tribunal in such manner as the Court sees fit; or

(c) may remit the matter to the Tribunal for rehearing subject to such terms as the Court sees fit.

"(4) In the exercise of its power under sub-section (3), the Supreme Court may make such orders as the Tribunal could have made in determining the matter.

"(5) The Supreme Court may, in an appeal under this section, make such orders as to costs as it thinks fit.

"(6) In this section a reference to the Supreme Court shall be read as a reference to the Supreme Court comprising 3 judges sitting together.

"(7) The Senior Judge may make rules prescribing the practice and procedure applicable to appeals under this section and, pending the making of rules, a judge of the Supreme Court may give such directions as to the practice and procedure applicable to the hearing of an appeal as he thinks fit."

Clause, as amended, agreed to.

Clauses 27 and 28 agreed to.

Clause 29 -

On the motion of Mr Pollock the following amendments were made:

In proposed section 42A insert after "prepaid" the word "certified".

Omit from proposed section 42B(1) "in the Australian Capital".

Clause, as amended, agreed to.

Clauses 30 and 31 agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

10. STANDING ORDERS COMMITTEE REPORT: Mr Speaker tabled the report from the committee recommending amendments to Standing Orders.

Mr Everingham moved - That the report be adopted.

Question put and passed.

11. PUBLIC SERVICE BILL 1976 (Serial 159): The order of the day having been read for the consideration of the Bill in committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clause 4 -

On the motion of Dr Letts the following amendments were made:

Omit from the definition of "Chief Executive Officer" in sub-clause (1) "within a Department".

Omit the definition of "Executive Member" from sub-clause (1).

Omit from the definition of "unit of administration" in sub-clause (1) "a Department", substitute "the Public Service".

Add to the end of clause 4 the following sub-clause:

"(6) Where there is an inconsistency between a provision of, or made under, this Ordinance and a provision of, or made under, any other law in force in the Territory, being a law that makes specific provision in respect of the designation, duties or conditions of service of an employee or an employee included in a class of employees, that provision of, or made under, this Ordinance shall be read subject to that provision of, or made under, that other law."

Clause, as amended, agreed to.

Clauses 5 to 13, by leave, taken together and agreed to.

Clause 14 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (3) "give directions", substitute ", by general orders, give directions".

After "race," in sub-clause (3) insert "colour, descent, national or ethnic origin,".

Clause, as amended, agreed to.

Clause 15 -

On the motion of Dr Letts the following amendment was made, after debate:

Omit sub-clause (2).

On the motion of Dr Letts the following further amendments were made:

Omit from sub-clause (3) "(the burden of proof of which lies upon him)".

Omit from sub-clause (4) "(the burden of proof of which lies upon him)".

Omit sub-clause (5), substitute the following sub-clause:

"(5) Nothing in this section shall be construed as compelling a person to answer a question or produce a document that may tend to incriminate him."

Clause, as amended, agreed to.

Clause 16 -

On the motion of Dr Letts the following amendment was made:

Add at the end the following sub-clauses:

"(4) The Administrator may, at any time, request the Commissioner to report to him on any matter relating to the Public Service, and the Commissioner shall, forthwith, prepare and furnish a report to the Administrator accordingly.

"(5) The Commissioner may, at such times as he considers necessary, prepare and furnish to the Executive Member for presentation to the Legislative Assembly reports or recommendations on any matters that he considers should be brought to the attention of the Legislative Assembly relating to the Public Service."

Clause, as amended, agreed to.

Clause 17 agreed to.

Clause 18 -

On the motion of Dr Letts the following amendment was made:

After "Department" in sub-clause (1) insert "or other unit of administration".

Dr Letts moved as a further amendment -

Omit sub-clauses (2) and (3), substitute the following sub-clause:

"(2) Notwithstanding sub-section (1), the first departments shall be a Department of the Chief Secretary, a Department of Finance and Local Government, a Department of Law, a Department of Transport and Industry and a Department of Consumer Service and Welfare."

On the motion of Dr Letts further consideration of the clause was postponed.

Clause 19 -

On the motion of Dr Letts the following amendment was made:

Omit "and 29" from sub-clause (5), substitute ", 29 and 30(2)".

Debate ensued.

On the motion of Dr Letts further consideration of the clause was postponed.

Clauses 20 and 21 agreed to.

Clause 22 -

On the motion of Dr Letts the following amendment was made:

Omit "and 29", substitute ", 29 and 30(2)".

Clause, as amended, agreed to.

Clauses 23 to 25, by leave, taken together and agreed to.

Clause 26 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (1) ", duties".

After "salary" in sub-clause (1) insert ", allowances".

After sub-clause (2) add the following sub-clauses:

"(3) Chief Executive Officers and prescribed authorities shall determine the respective duties for employees under their control and an employee is employed accordingly.

"(4) Chief Executive Officers and prescribed authorities shall cause to be prepared a statement of duties determined in respect of each employee under their control and shall ensure that employees have ready access to all such statements."

Clause, as amended, agreed to.

Clause 27 -

On the motion of Dr Letts the following amendment was made:

Add at the end the following sub-clause:

"(3) In this section, 'paid employment' means employment, work or service for which payment is made by way of pay, salary, honorarium, commission, fee, allowance or other reward."

Clause, as amended, agreed to.

Clause 28 agreed to, after debate.

Clause 29 -

On the motion of Dr Letts the following amendment was made:

Omit "give directions", substitute ", by general orders, give directions".

Clause, as amended, agreed to.

Clause 30 -

On the motion of Dr Letts the following amendments were made:

After "satisfied that" in paragraph (b) of sub-clause (1) insert ", in respect of the particular duties of such an employee on appointment,".

After sub-clause (1) insert the following sub-clause:

"(1A) Where the Chief Executive Officer or prescribed authority making an appointment is not satisfied that a person who has applied for the appointment is a fit and proper person to be so appointed, he shall so inform the person."

Omit from sub-clause (2) "shall determine", substitute "shall, by general orders, give directions to Chief Executive Officers and prescribed authorities on".

After sub-clause (6) insert the following sub-clause:

"(6A) The Chief Executive Officer or prescribed authority concerned shall, as soon as practicable after a further period of probation under sub-section (6) (c) -

- (a) confirm the appointment; or
- (b) terminate the appointment."

Add at the end the following sub-clause:

"(8) The regulations may make provision for and in relation to reviews of decisions of a Chief Executive Officer or prescribed authority under this section on applications by persons affected by the decisions."

Clause, as amended, agreed to.

Clause 31 -

On the motion of Dr Letts the following amendment was made:

Omit from sub-clause (1) "with the approval of the Executive Members concerned, and".

Dr Letts moved as a further amendment -

Add at the end the following sub-clauses:

"(3) An employee may, within such time as is allowed by the regulations, apply in writing to the Commissioner for permission to decline the promotion or transfer on the ground that it will involve him in pecuniary loss or loss of status or other cogent reason.

"(4) If the Commissioner considers that the ground stated in the application is well-founded, the Commissioner may permit the employee

to decline the promotion or transfer without prejudice to his right of future promotion or transfer."

On the motion of Dr Letts further consideration of the clause was postponed.

Clauses 32 and 33, by leave, taken together and agreed to.

Clause 34 -

On the motion of Dr Letts the following amendments were made:

Omit "a person" from sub-clause (1), substitute "persons included in a specified class of persons".

Omit "the person possesses" from sub-clause (1), substitute "they possess".

Clause, as amended, agreed to.

Clause 35 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (3) "who was an applicant for a vacancy and claims that he should have been promoted in preference to a person provisionally promoted, may appeal", substitute "who claims that he should have been promoted in preference to a person provisionally promoted may appeal, within such time as is allowed by the regulation and".

Omit sub-clause (4).

Omit sub-clause (11), substitute the following sub-clauses:

"(11) Unless the Chief Executive Officer or prescribed authority concerned otherwise directs, the promotion of a person shall, while it is provisional, be without increase in salary.

"(11A) Where the provisional promotion is confirmed, salary at the higher rate is payable to the person promoted from the date of the provisional promotion.

"(11B) Where an appeal is allowed, salary at the higher rate is payable to the successful appellant from the date of the provisional promotion against which the appeal was made.

"(11C) In the application of sub-sections (11A) and (11B) in relation to the temporary promotion of a person, the salary at a higher rate referred to in those sub-sections shall be an allowance at that rate.

"(11D) Notwithstanding sub-sections (11A) and (11B), where the Chief Executive Officer or prescribed authority concerned so directs, a person provisionally promoted (whether permanently or temporarily) may be paid an allowance during the period from the date of his promotion to the date of its confirmation or cancellation at the rate equal to the difference between his salary for that period at the rate payable to him immediately before his promotion and the salary for that period at the higher rate payable in respect of the provisional promotion."

Clause, as amended, agreed to.

Clause 36 agreed to.

Clause 37 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (1) "commencement of this Ordinance", substitute "date fixed under section 2(2)".

Omit from sub-clause (2) "commencement of this Ordinance", substitute "date fixed under section 2(2)".

Dr Letts moved as a further amendment -

Add at the end the following sub-clause:

"(3) A transferred employee who was, on the day immediately before the date fixed under section 2(2), an officer of the Australian Public Service on secondment to the former service shall, for the purposes of this Part, be deemed to have been appointed as an officer of the former service on the date of commencement of his secondment."

Debate ensued.

On the motion of Dr Letts further consideration of the clause was postponed.

Clauses 38 and 39 agreed to.

Clause 40 -

On the motion of Dr Letts the following amendments were made:

After "payable to him" in sub-clause (3) insert "in respect of the substantive office occupied by him".

Omit from sub-clause (9) all the words from and including "in respect of" to and including "special leave,".

Clause, as amended, agreed to.

Clauses 41 to 45, by leave, taken together and agreed to.

Clause 46 -

On the motion of Dr Letts the following amendment was made:

Omit from sub-clause (3) "as the Commissioner in the particular case, with the approval of the Executive Member", substitute "as the Commissioner, in the particular case".

Clause, as amended, agreed to.

Clause 47 agreed to.

Clause 48 -

On the motion of Dr Letts the following amendment was made, after debate:

Omit all the words from and including "may", substitute ", as he thinks appropriate, may do one or more of the following:

- (a) change the duties of the employee;
- (b) transfer him to another part of the Public Service;
- (c) reduce his salary,

or may retire him from the Public Service."

Clause, as amended, agreed to.

Clause 49 agreed to.

Clause 50 -

On the motion of Dr Letts the following amendments were made:

Omit "sub-sections", substitute "section 56".

Omit "section (3)", substitute "section 55(3)".

Clause, as amended, agreed to.

Clause 51 agreed to.

Clause 52 -

On the motion of Dr Letts the following amendment was made:

Omit paragraph (e) from sub-clause (1).

Clause, as amended, agreed to.

Clauses 53 and 54, by leave, taken together and agreed to.

Clause 55 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (1) ", having regard to the nature and circumstances of the offence and the nature of the duties of the employee, the interests of the Public Service", substitute "the nature and circumstances of the offence having regard to the duties of the employee".

Add at the end of paragraph (b) of sub-clause (6) "being continuous with his service after that period; and".

Clause, as amended, agreed to.

Clause 56 -

On the motion of Dr Letts the following amendments were made:

After sub-clause (5) insert the following sub-clause:

"(5A) In the hearing of an appeal under this section by a Disciplinary Appeal Board -

- (a) the Board shall make a thorough investigation without regard to legal forms or solemnities;
- (b) the Board may inform itself in such manner as it thinks fit; and
- (c) the Board is not bound by the rules of evidence."

Omit from sub-clause (6)(a) "loss or earnings", substitute "loss of earnings".

After "shall" in sub-clause (8) insert ", as soon as practicable,".

Clause, as amended, agreed to.

Clause 57 -

On the motion of Dr Letts the following amendment was made, after debate:

After "nominated" in sub-clause (2)(b) insert "by".

Clause, as amended, agreed to.

Clause 58 agreed to.

Clause 59 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (3)(c) "commencement of this Ordinance" substitute "date fixed under section 2(2)".

Omit from sub-clause (5) "that are", substitute "that is".

Add at the end the following sub-clauses:

"(10) The Commissioner may give to Chief Executive Officers and prescribed authorities directions (to be known as general orders), not inconsistent with this Ordinance or the regulations, on any matter that is required or permitted by this Ordinance to be so provided for or that is necessary or desirable to be so provided for, for the efficient control of the Public Service.

"(11) Chief Executive Officers and prescribed authorities shall ensure that employees under their control have ready access to a copy of general orders."

Clause, as amended, agreed to.

Clauses 60 and 61, by leave, taken together and agreed to.

Clause 62 -

On the motion of Dr Letts the following amendment was made:

Omit from sub-clause (1) "commencement of this Ordinance", substitute "date fixed under section 2(2)".

Clause, as amended, agreed to.

Clause 63 -

Dr Letts moved as an amendment -

After "or 60(6)" in sub-clause (2) insert ", or any other leave of absence during which an employee is in the service of the Independent State of Papua New Guinea or of the United Nations,".

Debate ensued.

On the motion of Dr Letts further consideration of the clause was postponed.

Clause 64 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (3) "Departmental Head", substitute "Chief Executive Officer".

Add at the end the following sub-clauses:

"(4) The Commissioner shall give his reasons in writing to the Chief Executive Officer and to the appellant for his decision under this section.

"(5) Where the Commissioner allows an appeal under this section he may give such instructions in relation to the appellant (including instructions in substitution for any instructions appealed against) as he thinks necessary, and persons to whom they are directed shall carry them out accordingly.

"(6) Where an appeal against an official instruction is refused the employee shall carry out the instruction appealed against,".

Clause, as amended, agreed to.

New clause -

On the motion of Dr Letts the following new clause was inserted in the Bill:

"64A. (1) The regulations may make provision for the establishment of a Public Service Consultative Council.

"(2) The Public Service Consultative Council -

(a) shall be representative of -

(i) the Commissioner;

(ii) Departments and prescribed authorities; and

(iii) Organisations of employees (being organisations within the meaning of the Conciliation and Arbitration Act 1904);

(b) shall be constituted in such manner as is prescribed;

(c) shall have such functions as are prescribed with respect to matters of general interest in relation to the Public Service which are referred to it as provided by the regulations; and

(d) shall carry out its functions in such manner as is provided for by the regulations."

Clause 65 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (1) "and before the date of commencement of this Ordinance".

Omit from sub-clause (2) "of commencement of this Ordinance", substitute "fixed under section 2(2)".

Clause, as amended, agreed to.

Clause 66 -

On the motion of Dr Letts the following amendment was made:

Omit all words from and including ", and making provision for".

Clause, as amended, agreed to.

First Schedule agreed to.

Second Schedule agreed to.

Progress to be reported, and leave asked to sit again.

The Assembly resumed - Mr Chairman reported accordingly and the report was adopted.

12. ADJOURNMENT: Dr Letts moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1725 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 58

Thursday, 9 December 1976

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. STANDING ORDERS: Mr Everingham, by leave, moved -
 - (1) That the Standing Orders be amended as follows:

Standing order 2

Omit the definition of Executive Member and substitute the following definition: "Cabinet Member" means a Member of the Executive Council or any other Member designated a Cabinet Member by the Majority Leader.

Standing order 38

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 39

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 80

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 90

Omit standing order 90 and substitute the following "90 Questions may be put to a Cabinet Member relating to public affairs with which he is officially connected, to proceedings pending in the Assembly, or to any matter of administration for which he is responsible."

Standing order 92

Omit "Executive Members", substitute "Cabinet Members".

Standing order 209

Omit "an Executive Member", substitute "a Cabinet Member".

Standing order 211

Omit "an Executive Member", substitute "a Cabinet Member".

- (2) That the amendments be effective from the date on which the Northern Territory (Administration) Act 1976 comes into operation.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

4. JUSTICES BILL 1976 (Serial 161): Miss Andrew, pursuant to notice, presented the Bill which was thereupon read a first time.

Miss Andrew moved - That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.

5. REPORT OF THE ROYAL COMMISSION ON PETROLEUM: Mr Tuxworth, by leave, moved - That the Northern Territory Legislative Assembly, believing that considerations other than those relating to economic matters have not been treated by the Royal Commission on Petroleum (Fifth Report) in true perspective, and that the Recommendation of the Commission could be prejudicial to the development of Australia's natural resources generally and Central Australian economy in particular -
- (a) calls on the Federal Government not to accept the conclusion and recommendation of the Fifth Report of the Commission relating to the proposed Alice Springs refinery;
 - (b) asks the Government to encourage as soon as can be arranged, further exploration in the area;
 - (c) requests the Government to have the Mereenie crude oil and natural gas field reserves developed.

Debate ensued.

Question put and passed.

6. ELECTRICITY SUPPLY - STATEMENT: Mr Perron, by leave, made a statement relating to electricity supplies in Darwin.

Mr Withnall, by leave, moved - That the statement be noted.

SUSPENSION OF SITTING: The sitting was suspended between 1158 and 1400 hours.

Question put and passed.

7. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Steele the order of the day relating to Standing Orders was called on.
8. AMENDMENT OF STANDING ORDERS: The order of the day having been read for the resumption of the debate on the motion by Mr Everingham -
- (1) That the Standing Orders be amended as follows:

Standing order 2

Omit the definition of Executive Member and substitute the following definition: "Cabinet Member" means a Member of the Executive Council or any other Member designated a Cabinet Member by the Majority Leader.

Standing order 38

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 39

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 80

Omit the words "an Executive Member" and substitute "a Cabinet Member".

Standing order 90

Omit standing order 90 and substitute the following "90 Questions may be put to a Cabinet Member relating to public affairs with which he is officially connected, to proceedings pending in the Assembly, or to any matter of administration for which he is responsible."

Standing order 92

Omit "Executive Members", substitute "Cabinet Members".

Standing order 209

Omit "an Executive Member", substitute "a Cabinet Member".

Standing order 211

Omit "an Executive Member", substitute "a Cabinet Member".

(2) That the amendments be effective from the date on which the Northern Territory (Administration) Act 1976 comes into operation.

Debate ensued.

Question put and passed.

9. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Steele, order of the day Government Business No. 5 was called on.
10. COUNTER DISASTER BILL 1976 (Serial 152): 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 resolved itself into a committee of the whole.

(In the committee)

Clause 1 negatived, after debate.

New clause -

On the motion of Miss Andrew the following new clause was inserted in the Bill, after debate:

"1. This Ordinance may be cited as the Northern Territory Disasters Ordinance 1976."

Clauses 2 to 5, by leave, taken together and agreed to.

Clause 6 -

On the motion of Miss Andrew the following amendment was made:

Omit from sub-clause (3) "may appoint" and substitute "shall appoint".

On the motion of Miss Andrew the following further amendment was made, after debate:

Omit sub-clause (4) and substitute the following new sub-clause:

"(4) The Administrator may appoint such additional members of the Council, and for such periods, as he considers necessary."

Clause, as amended, agreed to.

Clause 7 -

On the motion of Miss Andrew the following amendment was made:

In paragraph (a) after "guidelines" insert ", and where necessary give directions,".

Clause, as amended, agreed to.

Clauses 8 to 16, by leave, taken together and agreed to.

Clause 17 negatived, after debate.

Clause 18 -

On the motion of Miss Andrew the following amendment was made:

Omit paragraph (a) and substitute the following paragraph:

"(a) after consultation with the appropriate organizations and individuals in his region, to prepare suggested counter disaster plans for the region and submit them to the Director;".

Clause, as amended, agreed to.

Clause 19 -

On the motion of Miss Andrew the following amendment was made, after debate:

Omit "Director" and substitute "Territory Co-ordinator".

Clause, as amended, agreed to.

Clause 20 -

On the motion of Miss Andrew the following amendment was made, after debate:

Insert in paragraph (b) after "counter disaster" the words "planning and counter disaster".

Clause, as amended, agreed to.

Clauses 21 and 22 agreed to.

Clause 23 -

On the motion of Miss Andrew the following amendments were made, after debate:

In sub-clause (1) -

(a) insert after "counter disaster activities" the words "or for the safety of the public generally";

(b) insert after paragraph (b) the following paragraph:

"(ba) order the owner or person apparently in charge of any place of business, worship or entertainment to close to the public that place of business, worship or entertainment, as the case may be, for such period as ordered;" and

(c) omit from paragraph (c) "direct the evacuation" and substitute "subject to sub-section (1A), direct the evacuation".

After sub-clause (1) insert the following new sub-clause:

"(1A) A person shall not be evacuated from or denied entry to a municipality or town unless the Administrator in Council has declared that that municipality or town should be evacuated or entry to it should be denied."

On the motion of Miss Andrew the following further amendment was made:

From sub-clause (3) -

(a) omit "and civil defence"; and

(b) omit "Regional Controller" and substitute "Regional Co-ordinator".

Clause, as amended, agreed to.

New clause -

On the motion of Miss Andrew the following new clause was inserted in the Bill:

"23A.(1) In addition to the powers specified in section 23(1), the Territory Co-ordinator, a Regional Co-ordinator, a Local Co-ordinator, a member of the Police Force of the Northern Territory or an authorized person may, during a state of disaster, direct the owner or person apparently in charge of a vehicle, aircraft, ship, boat or barge to remove that vehicle, aircraft, ship, boat or barge, as the case may be, from a place, or from a place to such other place as the person giving the direction may specify.

"(2) If a person so directed refuses to, or does not within the time specified by the person giving the direction for doing so remove the vehicle, aircraft, ship, boat or barge in accordance with the direction, the person giving the direction may remove it and, to facilitate its removal, may use such force as is reasonably necessary to break into that vehicle, aircraft, ship, boat or barge.

"(3) When the owner of a vehicle, aircraft, ship, boat or barge can-

not conveniently be found and there is no other person apparently in charge of that vehicle, aircraft, ship, boat or barge, the Territory Co-ordinator, a Regional Co-ordinator, a Local Co-ordinator, a member of the Police Force of the Northern Territory or an authorized person may exercise his powers under this section as if the owner or person apparently in charge had refused to comply with a direction given under sub-section (1).".

Clauses 24 to 26, by leave, taken together and agreed to.

Clause 27 -

On the motion of Miss Andrew the following amendment was made:

Omit "an order lawfully given" and substitute "an order or direction lawfully given, or a requisition lawfully made".

Clause, as amended, agreed to.

Clauses 28 to 31, by leave, taken together and agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

Question - That the Bill be now read a third time.

Debate ensued.

Question put and passed.

The Bill was read a third time and passed to be an Ordinance.

11. PUBLIC SERVICE BILL 1976 (Serial 159): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

The Assembly again resolved itself into a committee of the whole.

(In the committee)

Postponed clause 18 and the amendment proposed by Dr Letts (see page 330) -

Proposed amendment, by leave, withdrawn.

On the motion of Dr Letts the following amendment was made, after debate:

Omit sub-clause (2).

On the motion of Dr Letts the following further amendment was made:

Omit from sub-clause (3) "there shall be, at the commencement of this Ordinance", substitute "the first Departments shall be".

Clause, as amended, agreed to.

Postponed clause 19 agreed to.

New clause -

On the motion of Dr Letts the following new clause was inserted in the Bill, after debate:

"19A(1) A power conferred on, and exerciseable by, the Commissioner shall, so far as it relates to employees employed as staff of the Legislative Assembly, be deemed to have been delegated to the Speaker of the Legislative Assembly and to be exerciseable by him with respect to such employees.

"(2) A power conferred on, and exerciseable by, an Executive Member shall, so far as it relates to employees employed as staff of the Legislative Assembly, be deemed to have been delegated to the Speaker of the Legislative Assembly and to be exerciseable by him with respect to such employees."

Postponed clause 31 and the amendment proposed by Dr Letts (see page 333) -

On the motion of Dr Letts the following amendment to the amendment was made, after debate:

Omit from the proposed new sub-clauses (3) and (4) "the promotion or transfer", substitute "the transfer".

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Postponed clause 37 and the amendment proposed by Dr Letts (see page 334) -

Debate ensued.

Question put and passed - amendment agreed to.

Clause, as amended, agreed to.

Postponed clause 63 and the amendment proposed by Dr Letts (see page 337) -

Debate ensued.

Question put and passed - amendment agreed to.

On the motion of Dr Letts the following further amendment was made:

Add at the end the following sub-clause:

"(4) For the purpose of this section, service, before 11 September 1975, of Papua New Guinea or of a body corporate (not being an incorporated Company, Society or Association) established for a public purpose by or under a law of Papua New Guinea shall be treated as service of a public employer."

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill.

Dr Letts moved - That the Bill be now recommitted to the committee of the whole Assembly for reconsideration of clause 59.

Question put and passed.

The Assembly again resolved itself into a committee of the whole.

(In the committee)

On recommittal

Clause 59 -

On the motion of Dr Letts the following amendments were made:

Omit from sub-clause (5) "provide" substitute "provides".

Omit from sub-clause (5) "that is" substitute "that are".

Omit from sub-clause (6) "that are" substitute "that is".

Clause, as amended, agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

Question - That the Bill be now read a third time.

Debate ensued.

Question put and passed.

The Bill was read a third time and passed to be an Ordinance.

12. TRANSFER OF POWERS BILL 1976 (Serial 158): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6 -

On the motion of Dr Letts the following amendments were made:

Omit "purported to have been made", "purported to have been taken" and "effective as if made" and substitute "duly made", "duly taken" and "effectual as if duly made" respectively.

After "under" (wherever occurring) insert "or for the purposes of".
Clause, as amended, agreed to.

Schedule 1 -

On the motion of Dr Letts the following amendments were made:

SCHEDULE 1, PART I

Architects Ordinance

After "21" insert ", 40"

Building Ordinance

Omit ", 11"

Bush Fires Control Ordinance

Omit "10(2)" substitute "10(2)(e)"

After "12" insert "(2)(b)(ii)"

After "18" insert "(1)"

Consumers Protection Council Ordinance

Omit "5(1), (6)", substitute "5(1)(b), (d), 6"

Omit the reference to and amendments of the Crown Lands Ordinance.

Motor Vehicles Ordinance

Omit "30(1), (5), (9), (11)", substitute "30(1), (5), (7), (11)"

After "102" insert "(1), (2),"

Museums and Art Galleries Ordinance

Omit "11(2)" substitute "11(2)(a), (b)"

Police and Police Offences Ordinance

Omit "12A(1)(a)" substitute "12A(1)(n)"

Prisons Ordinance

After "(6D)," insert "(7),"

Tourist Board Ordinance

Omit "6(5)" substitute "6(5)(b)"

Wildlife Conservation and Control Ordinance

Omit "6(1),"

SCHEDULE 1, PART II

Building Ordinance

Omit "8(1), (2), (3)" substitute "8(1), (2), (3), 11"

Consumers Protection Council Ordinance

Omit "5(1)" substitute "5(1)(a)"

Omit the reference to and amendments of the Crown Lands Ordinance.

Tourist Board Ordinance

Omit "6(1), (4), (5), (8), (9)" substitute "6(1), (4), (5)(a), (8), (9)"

SCHEDULE 1, PART IV

Omit "Government" (wherever occurring) and substitute "government" in the amendments of:

Encouragement of Primary Production Ordinance S.9(1)

Housing Ordinance S.13(2)(a)

Lottery and Gaming Ordinance S.94H

Museums and Art Galleries Ordinance S.23(a)

National Parks and Gardens Ordinance S.20(1)

Ports Ordinance S.10(1)(c)

Tourist Board Ordinance S.17

Omit "Executive Member responsible for Finance" and substitute "Executive Member" in the amendments of:

Housing Ordinance S.19A

Lottery and Gaming Ordinance S.94K

National Parks and Gardens Ordinance S.19A

Ports Ordinance S.3 and S.17(1)

Tourist Board Ordinance S.18

Architects Ordinance

Omit the reference to and amendment of Section 40

Dentists Registration Ordinance

Omit the reference to and amendment of Section 7 and substitute:

"7(1)	Board (first occurring)	Executive Member
7(2)	Board	Executive Member"

Housing Ordinance

Omit "15(a)" substitute "15A"

Omit the reference to and amendment of section 18 of the National Parks and Gardens Ordinance.

Police and Police Offences Ordinance

Insert in Column 3 opposite the reference to S.12C(1) "the members of the Tribunal"

Wildlife Conservation and Control Ordinance

Before the reference to and amendment of S.12(4) insert:

"S.6(1) Administrator (second Executive Member"
occurring)

Schedule, as amended, agreed to.

Schedule 2 -

On the motion of Dr Letts the following amendments were made:

SCHEDULE 2, PART I

Regulations under the Supply of Services Ordinance

Electricity Supply Regulations

Omit "7, 7A(1),"
Omit "Rules 5" substitute "Rules 4"

Water Supply (Terms and Conditions of Supply) Regulations

Omit "41(1)" substitute "4(1)"
Omit "25(1)" substitute "23(1)"
Omit "44B(1)" substitute "44B"

SCHEDULE 2, PART III

After the reference to and amendments of the Local Government Regulations insert:

"Lottery and Gaming Ordinance -

Lottery and Gaming Regulations

Regulation 26 executive Administrative
member Officer"

Supply of Services Ordinance

Before the reference to and amendments of the Sewerage Regulations insert:

"Electricity Supply Regulations

Regulation Administrator Executive
7A(1) (first, second and Member"
fourth occurring)

After the reference to and amendment of Regulation 28A of the Water Supply (Terms and Conditions of Supply) Regulations insert:

"44B(1) Administrator Executive
(third occurring) Member"

Schedule, as amended, agreed to,

Title -

On the motion of Dr Letts the following amendment was made:

Omit "Relating to the Transfer to the Legislative Assembly of certain Executive Powers" substitute "Relating to the Transfer to Executive Members of the Legislative Assembly of certain Executive Powers".

Title, as amended, agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

13. INTERPRETATION BILL 1976 (Serial 160): The order of the day having been read for the consideration of the Bill in committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Bill, by leave, taken as a whole and agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

14. LEAVE OF ABSENCE TO MEMBER: Mr Steele moved - That leave of absence be granted to Mr Kentish for this sitting day.

Question put and passed.

15. MAGISTRATES BILL 1976 (Serial 153): 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 resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

On the motion of Miss Andrew the following amendment was made:

Omit "Coroner's", substitute "Coroners".

Part II (Clauses 4, 5 and 6) -

Question - That the Part stand as printed - put and negatived.

Clause 7 -

On the motion of Miss Andrew the following amendments were made:

Insert after "6" in sub-clause (1)(b), "other".

Insert after sub-clause (1) the following new sub-clause:

"(1A) The Chief Magistrate is a Stipendiary Magistrate."

On the motion of Mr Withnall the following amendment was made, after debate:

Omit from sub-clause (2) "Governor-General", substitute "Administrator in Council".

On the motion of Mr Withnall the following further amendment was made:

Omit sub-clause (3).

On the motion of Miss Andrew the following amendment was made:

Insert after "ceases to hold the" in sub-clause (4), "former".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

On the motion of Mr Withnall the following amendment was made:

Omit "Governor-General", substitute "Administrator in Council".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

On the motion of Mr Withnall the following amendment was made:

Omit "Governor-General", substitute "Administrator".

Clause, as amended, agreed to.

Clause 12 -

On the motion of Mr Withnall the following amendment was made:

Omit from sub-clause (1), (2), (5) and (6), "Governor-General", substitute "Administrator in Council".

On the motion of Miss Andrew the following further amendment was made:

Omit from sub-clause (6) "happened", substitute "happens".

On the motion of Mr Withnall the following further amendment was made:

Omit from sub-clause (7) "Governor-General" substitute "Administrator".

Clause, as amended, agreed to.

Clause 13 -

On the motion of Mr Withnall the following amendments were made:

Omit from sub-clause (1) "Governor-General" (first occurring), substitute "Administrator in Council".

Omit from sub-clause (1) "Governor-General" (second occurring), substitute "Administrator".

Omit from sub-clause (2) "Governor-General", substitute "Administrator in Council".

Omit sub-clause (3), substitute the following sub-clause:

"(3) Where the Administrator in Council suspends a Magistrate from office, the Administrator shall forward a statement of the ground of the suspension to the Legislative Assembly for tabling within the period of 5 sitting days of that Assembly after the suspension."

Omit from sub-clauses (4) and (5) "Governor-General", substitute "Administrator".

Omit from sub-clause (7) "Governor-General", substitute "Administrator in Council".

Clause, as amended, agreed to.

Clause 14 -

On the motion of Mr Withnall the following amendment was made:

Omit from sub-clause (2) "Attorney-General", substitute "Administrator".

Clause, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clause 17 -

On the motion of Mr Withnall the following amendment was made:

Omit from sub-clause (1) "Governor-General", substitute "Administrator in Council".

Clause, as amended, agreed to.

Clause 18 -

On the motion of Mr Withnall the following amendment was made:

Omit "Governor-General", substitute "Administrator in Council".

Clause, as amended, agreed to.

Clause 19 -

On the motion of Mr Withnall the following amendment was made:

Omit "Governor-General" substitute "Administrator".

Clause, as amended, agreed to.

Clause 20 -

On the motion of Mr Withnall the following amendment was made:

Omit "Governor-General", substitute "Administrator in Council".

Clause, as amended, agreed to.

Clause 21 -

On the motion of Miss Andrew the following amendment was made:

Omit sub-clause (4).

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23 -

On the motion of Miss Andrew the following amendments were made:

Omit from sub-clause (1) "of" (last occurring).

Omit from sub-clause (1) "made an oath or", substitute "taken an oath or made an".

Omit from sub-clause (2) "made", substitute "taken or made".

Omit from sub-clause (3) "made the oath or ", substitute "taken the oath or made the".

Omit from sub-clause (3)(b) "of", substitute "or".

Omit from sub-clause (3) "make an oath of", substitute "take an oath or make an".

Clause, as amended, agreed to.

Clause 24 -

On the motion of Miss Andrew the following amendments were made:

Omit from sub-clause (3) "Special" (first occurring), substitute "Chief".

Omit from sub-clause (3)(d) "17(10)", substitute "17(1)".

Clause, as amended, agreed to.

Clause 25 -

On the motion of Mr Withnall the following amendment was made:

Omit "189" (second occurring).

Clause, as amended, agreed to.

Clause 26 -

On the motion of Mr Withnall the following amendment was made:

Omit from sub-clause (1) (a) "Governor-General", substitute "Administrator in Council".

On the motion of Miss Andrew the following further amendment was made:

Insert after "or make" in sub-clause (1) (b) "the".

Clause, as amended, agreed to.

New clause -

On the motion of Miss Andrew the following new clause was inserted in the Bill:

"27. A reference in any law in force in the Northern Territory to a Magistrate appointed under the Justices Ordinance, shall be read as a reference to a Magistrate appointed under this Ordinance."

Schedule agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

16. SPECIAL ADJOURNMENT: Dr Letts moved - That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 1 March 1977.

Question put and passed.

17. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Steele the order of the day relating to the Justices Bill 1976 was called on.

18. JUSTICES BILL 1976 (Serial 161): 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 ensued.

19. SUSPENSION OF STANDING ORDERS: Miss Andrew, by leave, moved -

That so much of Standing Orders as would prevent the passing through all stages this day of the Justices Bill 1976 (Serial 161) be suspended.

Question put and passed.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Bill, by leave, taken as a whole and agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

20. TRAFFIC BILL 1976 (Serial 136): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clause 4 -

On the motion of Mr Ryan the following amendments were made:

In the definition of "traffic infringement" in proposed section 36H(1), omit "of a kind specified" and substitute "which offence is one of a kind specified in short form".

In proposed section 36H(4) -

(a) in paragraph (a) -

(i) insert after "penalty set out" the words ", for the purposes of this section,"; and

(ii) omit "which appears" and substitute "and appearing"; and

(b) in paragraph (c) omit "are" and substitute "may be".

Omit sub-section (5) of proposed section 36H and substitute the following sub-section:

"(5) Unless the appropriate penalty has been paid, a traffic infringement notice may be withdrawn, at any time within 28 days of the service of that traffic infringement notice -

(a) by addressing to the alleged offender a written notice -

(i) signed by the member of the Police Force who served that traffic infringement notice or a member of the Police Force authorized for that purpose by the Commissioner of Police; and

(if) stating that the traffic infringement notice is withdrawn; and

(b) by sending that written notice by post to the last known place of residence or business of the alleged offender."

Omit sub-section (6) of proposed section 36H and substitute the following sub-sections:

"(6) A notice of withdrawal of a traffic infringement notice addressed, signed and sent in accordance with sub-section (5) takes effect on the day following the day on which it is sent.

"(6A) In the prosecution of proceedings against an alleged offender, the production of a certificate signed by a member of the Police Force stating -

(a) that he is a member of the Police Force and is authorized by the Commissioner of Police to sign notices withdrawing traffic infringement notices; and

(b) that on a specified date he signed a notice of withdrawal of a specified traffic infringement notice,

is evidence of the matters stated in that certificate."

In sub-section (9) of proposed section 36H -

(a) omit "9(b)" and substitute "8(b)";

(b) omit "notice" (first occurring) and substitute "traffic infringement notice": and

(c) omit "on the notice" and substitute "on that notice".

In proposed new section 36H(11) insert after "place specified" the words "in the traffic infringement notice".

After sub-section (11) of proposed section 36H insert the following new sub-section:

"(11A) Notwithstanding anything contained in this section, where, no later than the day before the date on which, in accordance with sub-section (6), a notice of withdrawal of a traffic infringement notice takes effect, a cheque is received at the address specified in that traffic infringement notice as the place where the penalty may be paid, payment shall, if the cheque is honoured upon presentation, be deemed to have been made before the date of withdrawal of the traffic infringement notice."

Omit proposed new section 36H(12) and substitute the following:

"(12) Nothing in this section -

(a) prevents the service of more than one traffic infringement notice in respect of the same traffic infringement, but it is sufficient for the application of sub-section (10) to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on him;

- (b) prejudices or affects (except as provided by sub-section (10)) the institution or prosecution of proceedings in respect of a traffic infringement or limits the amount of the fine that may be imposed by a court in respect of a traffic infringement; or
- (c) shall be construed as requiring the serving of a traffic infringement notice or as affecting the liability of a person to be prosecuted in a court in respect of a traffic infringement in relation to which a traffic infringement notice has not been served."

Omit proposed new section 36H(13).

Omit proposed new section 36H(17) and substitute the following:

"(17) In the prosecution of proceedings against an alleged offender -

- (a) the production of a document issued by the Registrar or by an officer having duties in connexion with the registration of motor vehicles in a State or in the Australian Capital Territory, and bearing his written, stamped or printed signature -
 - (i) stating that, during a specified period or on a specified date, a specified person was the person whose name was registered as the owner of a specified motor vehicle; and
 - (ii) stating the address of that specified person in the record of registration of that motor vehicle during that specified period or on that date,

is evidence of the matters stated in the document; and

- (b) a document purporting to be a document referred to in paragraph (a) and purporting to be signed by the Registrar, or an officer referred to in that paragraph, is admissible as evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he was the Registrar or the officer."

After proposed section 36H(17) insert the following new sub-section:

"(18) Where a traffic infringement notice has, in accordance with this section, been served on an alleged offender in respect of a traffic infringement to which section 50A applies, the service of that traffic infringement notice shall, in a prosecution for that traffic infringement, be deemed compliance with sub-section (2)(b) of that section notwithstanding that the traffic infringement notice may have been withdrawn under sub-section (5).

In proposed new section 36J(1)(a) insert after "person's" the words "name and".

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6 -

On the motion of Mr Ryan the following amendments were made:

Omit from the first column of the proposed Schedule "Fail to wear seat belt properly adjusted" and substitute "Fail to wear seat belt".

Insert at end of Schedule the following:

"Drive without 'L' or 'P' plate displayed
when required to display | 10".

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

Question - That the Bill be now read a third time.

Debate ensued.

Question put and passed.

The Bill was read a third time and passed to be an Ordinance.

21. ADJOURNMENT: Mr Pollock moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1734 hours adjourned until 1000 hours on Tuesday, 1 March 1977.

ATTENDANCE: All members attended the sitting except Mr Kentish who had been granted leave of absence.

F. WALKER
Clerk of the Assembly

Minutes of Proceedings

OF THE

LEGISLATIVE ASSEMBLY

No. 59

Tuesday, 21 December 1976

-
1. The Assembly met at 1000 hours being the time fixed by Mr Speaker pursuant to the powers vested by sessional order of 19 June 1975 - Mr Speaker MacFarlane took the Chair.
 2. QUESTIONS: Questions without notice were asked.
 3. DISTINGUISHED VISITOR: Mr Speaker informed the Assembly that Senator B.F. Kilgariff, a former Member and Speaker of the Assembly, was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.
 4. RESOLUTIONS OF AUSTRALIAN CONSTITUTIONAL CONVENTION: Dr Letts, by leave, tabled copies of the resolutions adopted at Convention meetings in Hobart on 27, 28 and 29 October 1976.

Dr Letts moved - That the Resolutions be adopted.

Debate ensued.

Question put and passed.

5. CABINET MEMBERS' RESPONSIBILITIES: Dr Letts, by leave, made a statement relating to proposed executive responsibilities and areas of control of Cabinet Members.
6. SUSPENSION OF STANDING ORDERS: Dr Letts, by leave, moved - That so much of Standing Orders be suspended as would prevent the passing through all stages this day of the Transfer of Powers Bill (No. 2) 1976 (Serial 166), the Public Service Bill (No. 2) 1976 (Serial 165) and the Territory Parks and Wildlife Conservation Bill (No. 3) 1976 (Serial 164).

Question put and passed.

7. TRANSFER OF POWERS BILL (No. 2) 1976 (Serial 166): Dr Letts, by leave, presented the Bill which was thereupon read a first time.

Dr Letts moved - That the Bill be now read a second time.

Debate ensued.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Bill, by leave, taken as a whole and agreed to.

The Assembly resumed - Mr Deputy Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

8. PUBLIC SERVICE BILL (No. 2) 1976 (Serial 165): Dr Letts, by leave, presented the Bill which was thereupon read a first time.

Dr Letts moved - That the Bill be now read a second time.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

New clause -

On the motion of Dr Letts, the following new clause was inserted in the Bill:

3A. Section 4(1) of the Principal Ordinance is amended by omitting the definition of 'Administrator' and substituting the following definition:

"Administrator" means the Administrator in Council;'

Clause 4 agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

9. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 3) 1976 (Serial 164): Dr Letts, by leave, presented the Bill which was thereupon read a first time.

Dr Letts moved - That the Bill be now read a second time.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Bill, by leave, taken as a whole and agreed to.

The Assembly resumed - Mr Chairman reported the Bill and the report was adopted.

The Bill was read a third time and passed to be an Ordinance.

10. SPECIAL ADJOURNMENT: Dr Letts moved - That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 1 March 1977.

Question put and passed.

11. ADJOURNMENT: Dr Letts moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1149 hours adjourned until 1000 hours on Tuesday, 1 March 1977.

PAPERS: The following papers were deemed to have been presented on 21 December 1976, pursuant to statute:

Regulations 1976:

No. 31 Amendment of the Lottery and Gaming Regulations

No. 32 Amendments to the Public Service Regulations

No. 33 Amendments to the Stock Diseases Regulations

ATTENDANCE: All members attended the sitting.

R. CHIN
Acting Clerk of the Assembly

FIRST LEGISLATIVE ASSEMBLY

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