

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 48

Tuesday 22 April 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITIONS: SPELLING OF TOWNSHIP NAME TEA TREE: Mr Vale (Stuart) presented a Petition from 41 citizens regarding changing the spelling of Tea Tree to Ti Tree.

Petition received and read.

CAFETERIA IN BLOCK 8, DARWIN: Mr Harris (Port Darwin) presented a Petition from 364 citizens regarding the proposal to re-open the cafeteria in Block 8 (Chan Building), Darwin.

Petition received and read.

3. NOTICE: The following notice was given:

Mr Perron: To present the Supply Bill 1980-81 (Serial 430).

4. QUESTIONS: Questions without notice were asked.
5. PUBLIC SERVICE COMMISSIONER - ANNUAL REPORT 1979: Mr Everingham (Chief Minister) laid on the Table the Commissioner's report for the year ended 31 December 1979.
6. DEPARTMENT OF HEALTH - ANNUAL REPORT 1978-9: Mr Tuxworth (Minister for Health) laid on the Table the Department's report for 1978-9.
7. PORT AUTHORITY - ANNUAL REPORT 1978-9: Mr Steele (Minister for Transport and Works) laid on the Table the Authority's report for 1978-9.
8. APPOINTMENT OF HER MAJESTY'S COUNSEL: Mr Everingham (Chief Minister) laid on the Table a copy of a letter to the Chief Justice concerning the appointment of Queen's Counsel in the Northern Territory and, by leave, made a statement on the subject.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

9. TEACHING SERVICE BILL 1980 - MINISTERIAL STATEMENT: Mr Robertson (Minister for Education), by leave, made a statement concerning the Teaching Service Bill 1980 (Serial 412) presently before the Assembly.

Mr Robertson moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

10. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - CORRECTIONAL SERVICES: Mr Speaker informed the Assembly that Mrs Lawrie (Nightcliff) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely:

"The apparent maladministration of the Correctional Services Division of the Department of Community Development".

The proposal having received the necessary support -

Mrs Lawrie addressed the Assembly.

. SUSPENSION OF SITTING: The sitting was suspended between 1210 and 1400 hours.

Discussion ensued.

On the motion of Mr Everingham the Business of the Day was called on.

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister), Order of the Day - Government Business No. 2 was called on.
12. PUBLIC SERVICE BILL 1980 (Serial 394): 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 12, by leave, taken together and agreed to.

Clause 13 -

On the motion of Mr Everingham the following amendment was made -

Omit from paragraph (a) "required by" and substitute "made under".

Clause, as amended, agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education), Orders of the Day - Government Business were to be taken in sequence commencing from Order of the Day No. 2.
14. HOUSING BILL 1980 (Serial 398): 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)

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

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

The Bill was read a third time and passed to be a proposed law.

15. MEDICAL PRACTITIONERS REGISTRATION BILL 1980 (Serial 388): 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 Tuxworth (Minister for Health), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

16. FIREARMS BILL 1980 (Serial 396): 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 Everingham (Chief Minister), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

17. NOTICE: The following notice was given, by leave:

Mr Everingham: To present the Aboriginal Land Bill 1980 (Serial 437).

18. ADJOURNMENT: Mr Tuxworth (Minister for Mines and Energy) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1624 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 22 April 1980, pursuant to statute:

Recommendation under S.103 of Crown Lands Act:

Proposed revocation of part of Reserve No. 1362

Regulations 1980:

No. 14 Amendment of the Stock Routes and Travelling Stock Regulations

No. 15 Electoral Regulations

No. 16 Amendment of the Crown Lands Regulations

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 49

Wednesday 23 April 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. MESSAGES FROM ADMINISTRATOR: Mr Speaker advised the Assembly that he had received the following messages from the Administrator:

Message No. 16

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the Supply Act 1980-81 to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending 30 June, 1981.

Dated this twenty-second day of April, 1980.

(Sgd) J.A. ENGLAND
Administrator

Message No. 17

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the Pay-roll Tax Act 1980 to amend the Pay-roll Tax Act.

Dated this twenty-second day of April, 1980.

(Sgd) J.A. ENGLAND
Administrator

3. NOTICES: The following notices were given:

Mr Perron: To present the following Bills -
Crown Lands Amendment Bill (No. 2) 1980 (Serial 431); and
Pay-roll Tax Bill 1980 (Serial 428).

Mr Steele: To present the Territory Development Bill 1980 (Serial 421).

Mr Dondas: To present the Local Government Bill 1980 (Serial 438).

4. DISTINGUISHED VISITOR - SIR ASHER JOEL: Mr Speaker informed the Assembly that Sir Asher Joel, a former member of the New South Wales Legislative Council, was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.
5. QUESTIONS: Questions without notice were asked.
6. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - DISADVANTAGED SCHOOLS: Mr Speaker informed the Assembly that Mr Collins (Arnhem) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely:

"The failure of the government to properly care for the disadvantaged schools of the Northern Territory".

The proposal having received the necessary support -

Mr Collins addressed the Assembly.

Discussion ensued.

On the motion of Mr Everingham (Chief Minister) the Business of the Day was called on.

7. SUPPLY BILL 1980-81 (Serial 430): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron 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.

8. ABORIGINAL LAND BILL 1980 (Serial 437): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham 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.

9. MINING BILL 1979 (Serial 351): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly -

Bill, by leave, withdrawn.

10. SUSPENSION OF STANDING ORDERS - INTRODUCE BILL AND PASS THROUGH ALL STAGES: Mr Tuxworth (Minister for Mines and Energy) moved -

That so much of standing orders be suspended as would prevent the introduction of the Mining Bill 1980 (Serial 423) without notice and the Bill passing through all stages at this sittings.

Debate ensued.

. PERSONAL EXPLANATION: Mrs O'Neil (Fannie Bay) made a personal explanation refuting a statement attributed to her by the Minister for Mines and Energy during this debate.

The motion having been supported by an absolute majority of the Assembly the Speaker declared the question resolved in the affirmative.

11. MINING BILL 1980 (Serial 423): Mr Tuxworth (Minister for Mines and Energy), pursuant to resolution, presented the Bill which was thereupon read a first time.

Mr Tuxworth 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.

12. PRISONS (CORRECTIONAL SERVICES) BILL 1980 (Serial 365): 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 1203 and 1400 hours.

Debate resumed.

Question put and passed - Bill read a second time.

Mr Vale (Stuart) moved -

That the committee stages be later taken.

Question put and passed.

13. AMOEBIC MENINGITIS - STATEMENT: Mr Tuxworth (Minister for Health), by leave, made a statement regarding an alleged case of amoebic meningitis in the Northern Territory.

14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 4, to be followed by Order of the Day - Government Business No. 5, was called on.

15. RADIOGRAPHERS BILL 1980 (Serial 401): 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 in a committee of the whole.

(In the committee)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 negatived.

Clauses 5 to 8, by leave, taken together and agreed to.

Clause 9 negatived.

Clauses 10 and 11, by leave, taken together and agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

16. AVIATION AMENDMENT BILL 1980 (Serial 415): 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.

Question put and passed - Bill read a second time.

Mr Robertson (Minister for Education) moved -

That the committee stages be later taken.

Question put and passed.

17. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 6 was called on.

18. WORKMEN'S COMPENSATION BILL 1980 (Serial 408): 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 Vale (Stuart) moved -

That the committee stages be later taken.

Question put and passed.

19. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1552 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting except Mr Doolan.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 50

Thursday 24 April 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: HORSE RIDING, RAPID CREEK: Mr Isaacs (Leader of the Opposition) presented a Petition from 40 citizens regarding zoning proposals for the Rapid Creek area which will disadvantage horse-riders.

3. NOTICES: The following notices were given:

Mr Tuxworth: To present the following Bills -

Inspection of Machinery Bill 1980 (Serial 426);
Dangerous Goods Bill 1980 (Serial 420);
Mines Regulation Bill 1980 (Serial 432);
Mines Safety Control Bill 1980 (Serial 433);
Mining Assistance Bill 1980 (Serial 434);
Petroleum (Prospecting and Mining) Bill 1980 (Serial 435);
Uranium Mining (Environment Control) Bill 1980 (Serial 436);
Explosives Bill 1980 (Serial 427); and
Construction Safety Bill 1980 (Serial 425).

4. QUESTIONS: Questions without notice were asked.
5. ELECTRICITY SUPPLY PLANS FOR DARWIN - MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement on long-term plans for Darwin's power supply.

Mr Tuxworth, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

6. CROWN LANDS AMENDMENT BILL (No.2) 1980 (Serial 431): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

The 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.

7. TERRITORY DEVELOPMENT BILL 1980 (Serial 421): Mr Steele (Minister for Industrial Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele 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.

8. LOCAL GOVERNMENT BILL 1980 (Serial 438): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas 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.

9. PAY-ROLL TAX BILL 1980 (Serial 428): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron 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.

10. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1228 hours adjourned until Tuesday 29 April 1980 at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 51

Tuesday 29 April 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. ORAL HISTORY PROGRAMME - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on the oral history programme in the Territory.
4. SUSPENSION OF STANDING ORDERS - PRESENT 3 BILLS AND TAKE TOGETHER: Mr Tuxworth (Minister for Mines and Energy), by leave, moved -

That so much of standing orders be suspended as would prevent -

- (a) 3 Bills relating to industrial safety being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the Bills together; and
- (b) the consideration of the Bills separately in the committee of the whole.

The motion having been supported by an absolute majority of the Assembly the Speaker declared the question resolved in the affirmative.

5. INDUSTRIAL SAFETY BILLS - CONSTRUCTION SAFETY BILL 1980 (Serial 425), INSPECTION OF MACHINERY BILL 1980 (Serial 426) and EXPLOSIVES BILL 1980 (Serial 427): Mr Tuxworth (Minister for Mines and Energy), pursuant to resolution, presented the Bills which were thereupon read a first time.

Mr Tuxworth moved -

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.

6. DANGEROUS GOODS BILL 1980 (Serial 420): Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented the Bill which was thereupon read a first time.

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

7. NOTICES WITHDRAWN: Mr Tuxworth (Minister for Mines and Energy), by leave, withdrew Notices Nos. 5 to 9 relating to -

Mines Regulation Bill 1980 (Serial 432);
Mines Safety Control Bill 1980 (Serial 433);
Mining Assistance Bill 1980 (Serial 434);
Petroleum (Prospecting and Mining) Bill 1980 (Serial 435); and
Uranium Mining (Environmental Control) Bill 1980 (Serial 436).

8. SUPREME COURT (JUDGES PENSIONS) BILL 1980 (Serial 383): 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 Everingham (Chief Minister), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

9. LOTTERY AND GAMING BILL 1980 (Serial 409): 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.

Miss D'Rozario (Sanderson) moved as an amendment -

Omit all words after "That" and substitute -

"the Assembly declines to give the Bill a second reading as it is of the opinion that a comprehensive inquiry into taxing the racing industry ought to be undertaken."

Debate ensued.

Question put and negatived.

Question -

That the Bill be now read a second time.

Question put and passed - Bill read a second time.

Mr Robertson (Minister for Education) moved -

That the committee stages be later taken.

Question put and passed.

10. AGRICULTURAL DEVELOPMENT AND MARKETING BILL 1980 (Serial 414): 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 1152 and 1400 hours.

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, by leave, taken together and agreed to.

Clause 3 -

On the motion of the Mr Steele the following amendments were made -

Insert in sub-clause (2) after "Development" the word "Land".

Omit from sub-clause (3) "The rights, assets and liabilities of the Authority in relation to land" and substitute "Subject to sub-section (2), the rights, assets and liabilities of the Authority".

Insert in sub-clause (5) after "Development" (second occurring) the word "Land".

Omit from sub-clause (6) the definition of "Northern Territory Development Corporation" and substitute the following:

"'Northern Territory Development Corporation' and 'Northern Territory Development Land Corporation' mean, respectively, the Northern Development Corporation and the Northern Territory Development Land Corporation established by the Territory Development Act."

Clause, as amended, agreed to.

Clauses 4 to 12, by leave, taken together and agreed to, after debate.

Clause 13 -

On the motion of Mr Steele the following amendment was made -

Insert after "assist in the development" the words "and continued operation".

Clause, as amended, agreed to.

Clause 14 -

On the motion of Mr Steele the following amendments were made -

Omit paragraph (d) and substitute the following:

"(d) make such assessments as it thinks necessary, or as required by the Minister, of the agricultural industry in the Territory;"

Insert in paragraph (f) after "personal property," the words "or any interest therein, and any".

Clause, as amended, agreed to.

Clause 15 agreed to.

Clause 16 -

On the motion of Mr Steele the following amendments were made -

Omit from sub-clause (2) "the Minister" and substitute "the Treasurer".

Omit from sub-clause (3)(a) "the Minister" and substitute "the Treasurer".

Clause, as amended, agreed to.

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

Clause 21 -

On the motion of Mr Steele the following amendment was made -

Omit from sub-clause (2) "held by any person".

Clause, as amended, agreed to.

Clause 22 agreed to.

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

New clause -

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

"23. AUDIT, &c., PROVISIONS

The Authority is a prescribed statutory corporation within the meaning, and for the purposes, of the Financial Administration and Audit Act."

Clause 26 agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

11. LEAVE OF ABSENCE - Mr DOOLAN and Mr PERKINS: Mr Isaacs (Leader of the Opposition) moved -

That leave of absence be granted for this day and the remainder of this sittings for Mr Doolan (Victoria River) and Mr Perkins (Macdonnell) for medical reasons.

12. SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) BILL 1980 (Serial 384): 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 Everingham (Chief Minister), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

13. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1707 hours adjourned until tomorrow at 1000 hours.

PAPER: The following paper was deemed to have been presented on 29 April 1980, pursuant to statute:

Annual Report:

Department of Industrial Development, 1978-9

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 52

Wednesday 30 April 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITIONS - TRAFFIC HAZARDS IN NARROWS AREA and CONVEYANCE ALLOWANCE FOR CHILDREN: Mr Steele (Minister for Transport and Works) presented a Petition from 72 citizens of the Narrows area in Darwin regarding traffic hazards and danger to children in the area.

Petition received and read.

Mrs Padgham-Purich (Tiwi) presented a Petition from 39 residents of the rural area adjacent to Darwin regarding the reduction in conveyance allowance for schoolchildren.

Petition received and read.

3. NOTICES: The following notices were given:

Mr Perron: To present the following Bills -

Crown Lands Amendment Bill (No. 3) 1980 (Serial 440);
Control of Roads Amendment Bill 1980 (Serial 442); and
Local Government Amendment Bill (No. 2) 1980 (Serial 441).

Mr Tuxworth: To present the Leprosy Bill 1980 (Serial 439).

4. QUESTIONS: Questions without notice were asked.
5. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - SIXTEENTH REPORT: Mr Oliver (Alice Springs) presented the sixteenth report of the committee.
6. POLICY FOR IMPROVEMENT OF ABORIGINAL COMMUNITIES - MINISTERIAL STATEMENT AND PAPERS TABLED: Mr Everingham (Chief Minister), by leave, made a statement relating to the government's policy for improvement of Aboriginal communities and, by leave, laid on the Table the following draft reports -
 - . Development of Aboriginal rural towns - A discussion paper;
 - . Five-year development plan for essential services at remote communities; and
 - . Proposal for achieving improved housing conditions for Aboriginal communities.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

7. ABORIGINAL EDUCATION - MINISTERIAL STATEMENT: Mr Robertson (Minister for Education), by leave, made a statement relating to Aboriginal education in the Territory and the future of Dhupuma College.

Mr Robertson, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

. SUSPENSION OF SITTING: The sitting was suspended between 1155 and 1400 hours.

8. LOCAL GOVERNMENT BILL 1980 (Serial 438): 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 STANDING ORDERS: Mr Dondas, by leave, moved -

That so much of standing orders be suspended as would prevent the passage through all stages at this sittings of the Local Government Bill 1980 (Serial 438).

Debate ensued.

The motion having been supported by an absolute majority of the Assembly the Speaker declared the question resolved in the affirmative.

Question put and passed - Bill read a second time.

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

(In the committee)

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

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

The Bill was read a third time and passed to be a proposed law.

9. PRISONS (CORRECTIONAL SERVICES) BILL 1980 (Serial 365): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved intself into a committee of the whole.

(In the committee)

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

Clauses 3 and 4, by leave, taken together and negatived.

New clauses -

Mr Dondas moved that the following new clauses be inserted in the Bill -

"3. AMENDMENT OF PRISONS ACT

"(1) The Prisons Act is amended in the manner set out in the Schedule.

"(2) This Act, whether or not amended, may be reprinted by the Government Printer with the omission from the reprint of this section and the Schedule.

"4. SAVINGS AND TRANSITIONAL

"(1) A person who was, immediately before the commencement of this Act, a prison officer or visiting medical officer to a prison under the Prisons Act as in force immediately before that commencement, shall be deemed to be an officer appointed under this Act or a visiting medical officer appointed to that prison under this Act, as the case may be.

"(2) A person who was, immediately before the date of commencement of this Act, a visiting justice within the meaning of the Prisons Act as in force immediately before that commencement shall be deemed to have been appointed an official visitor to the prison for which he was appointed a visiting justice.

"(3) A magistrate who was, immediately before the date of commencement of this Act, a visiting justice within the meaning of the Prisons Act as in force immediately before that commencement for a prison shall be deemed to have been appointed a visiting magistrate for that prison under this Act.

"(4) A period of partial remission of sentence earned by a prisoner in accordance with the Prisons Regulations as in force immediately before the commencement of this Act shall be deemed to have been granted to him under this Act upon that commencement, but may be lost or reduced in accordance with this Act.

"(5) A place or police station that was, immediately before the commencement of this Act, a prison or police prison within the meaning of the Prisons Act as in force immediately before that commencement shall be deemed to be a prison or police prison, as the case may be, within the meaning of this Act."

On the motion of Mr Dondas the following amendment was made to proposed new clause 4, after debate -

Omit from sub-clause (2) "A person" and substitute "Subject to sub-section (3), a person".

New clauses, as amended, agreed to.

Clause 5 -

On the motion of Mr Dondas the following amendments were made -

Insert in the definition of "officer" after "under section 8(1)" the words "and includes the Director and".

Insert after the definition of "official visitor" the following definition:

"'Ombudsman' includes the Ombudsman appointed under the Ombudsman Act 1976 of the Commonwealth;"

On the motion of Mr Dondas the following further amendment was made, after debate -

Omit the definition of "prisoner" and substitute the following definitions:

"'prison offence' means an action, contravention or failure to act declared by the regulations to be a prison offence;

"'prisoner' means a person -

(a) committed or remanded by a court and in lawful custody; or

(b) under a sentence of imprisonment,

whether he was so committed or remanded, or the sentence was imposed, before or after the commencement of this Act and includes a person in custody under the Migration Act 1958 of the Commonwealth;"

On the motion of Mr Dondas the following further amendment was made -

Omit the definition of "repealed Act".

Mrs O'Neil moved as an amendment -

Omit the definition of "visiting magistrate".

Debate ensued.

Question put and negatived.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

Mrs Lawrie moved as an amendment -

Insert in sub-clause (1), after "other than" the words "his powers and functions under Part VIII and".

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 8 -

On the motion of Mr Dondas the following amendment was made -

In sub-clause (2) -

(a) omit "appointed under this section"; and

(b) insert after "duties" the words "and functions and the exercise of their powers".

Clause, as amended, agreed to.

New clause -

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

"8A. POWERS OF OFFICERS

"Every officer while acting as such, shall by virtue of his appointment be deemed to be a member of the Police Force and to have all powers and privileges of such a member for the purposes of the performance of his duties as an officer."

Clause 9 agreed to.

Clause 10 -

On the motion of Mr Dondas the following amendment was made -

Omit from paragraph (b) "under a system of release specified in this Act".

Clause, as amended, agreed to.

Clause 11 agreed to.

Clause 12 -

On the motion of Mr Dondas the following amendment was made -

Omit "shall be cumulative on the sentence, other than life imprisonment, that the prisoner was serving" and substitute "shall be served at the expiration of the sentence or sentences, other than a sentence of life imprisonment, which the prisoner was serving or was liable to serve".

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14 -

On the motion of Mr Dondas the following amendment was made -

Insert in sub-clause (2) after "The Director may" the words ", by notice in the Gazette,".

Clause, as amended, agreed to.

Clause 15 agreed to, after debate.

Clause 16 agreed to.

Clause 17 -

On the motion of Mrs O'Neil the following amendment was made, after debate -

Insert in sub-clause (2)(b) before "dispose of the possessions" the words "subject to the prisoner's consent,".

Clause, as amended, agreed to.

Clause 18 -

On the motion of Mr Dondas the following amendment was made -

Omit from sub-clause (1) "Every" and substitute "Subject to section 12, every".

Clause, as amended, agreed to.

Clause 19 -

Mrs O'Neil invited the defeat of the clause.

Debate ensued.

On the motion of Mr Dondas further consideration of the clause was postponed.

Clause 20 -

On the motion of Mr Dondas the following amendment was made -

Omit from sub-clauses (2) and (3) "person" (wherever occurring) and substitute "prisoner".

Clause, as amended, agreed to.

Clause 21 -

On the motion of Mr Dondas the following amendment was made, after debate -

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

"(4) Official visitors shall receive such remuneration, allowances and expenses, and at such rates, as the Minister determines."

Clause, as amended, agreed to.

Clause 22 -

On the motion of Mr Dondas the following amendment was made -

Omit paragraph (b) and substitute the following paragraph:

"(b) report, in writing -

(i) if the Minister has directed that the official visitor report in relation to a specified matter to the Director - in relation to that matter, to the Director; and

(ii) in any other case - to the Minister,

as soon as practicable after each visit to a prison."

Clause, as amended, agreed to.

Clause 23 -

On the motion of Mr Dondas the following amendment was made -

Omit "Three" and substitute "Not less than 3".

Clause, as amended, agreed to.

Clause 24 agreed to, after debate.

Clause 25 agreed to.

Clause 26 negatived, after debate.

Clause 27 -

On the motion of Mr Dondas the following amendment was made -

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

"(3) A visiting medical officer who is not an employee within the meaning of the Public Service Act shall receive such remuneration, allowances and expenses, and at such rates, as the Minister determines."

Clause, as amended, agreed to.

Clause 28 -

Mr Dondas invited the defeat of the clause.

Debate ensued.

On the motion of Mr Dondas further consideration of the clause was postponed.

Clause 20 agreed to.

Clause 30 negatived, after debate.

Clause 31 negatived, after debate.

New clause -

On the motion of Mr Dondas the following new clause was inserted in the Bill after clause 30 but in Part VIII, after debate -

"31. PRISON OFFENCES

"The Regulations may, for the purposes of this Part, declare that -

- (a) a specified offence against this Act or the Regulations committed by a prisoner while in lawful custody;
- (b) a specified contravention of or failure to comply with a determination made by the Director under section 93; or
- (c) a specified thing committed, done or not done by a prisoner while in lawful custody,

is a prison offence."

Clause 32 -

On the motion of Mr Dondas the following amendment was made, after debate -

Omit "complaint" and substitute "charge" and omit "category 1 offence" and substitute "prison offence".

Clause, as amended, agreed to.

Clause 33 -

On the motion of Mr Dondas the following amendments were made, after debate -

Omit sub-clauses (1) and (2) and substitute the following sub-clauses:

"(1) Subject to this section, the procedure at a hearing of a charge relating to a prison offence shall be as determined by the Director.

"(2) In hearing a charge relating to a prison offence, the Director shall not be bound by the rules of evidence."

Omit from sub-clause (3) "category 1 offence" and substitute "prison offence" and omit from sub-clause (3)(b) "or" and substitute "and".

Clause, as amended, agreed to.

Clause 34 -

On the motion of Mr Dondas the following amendment was made -

Omit from sub-clause (1) "complaint relating to a category 1 offence" and substitute "charge relating to a prison offence".

On the motion of Mrs Lawrie the following further amendment was made, after debate -

Insert in sub-clause (1) after "at any time" the words "before or".

On the motion of Mr Dondas the following further amendment was made -

Insert in sub-clause (2) after "magistrate" the words "for the prison or police prison".

Clause, as amended, agreed to.

Clauses 35 and 36, by leave, taken together and negatived.

New clause -

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

"35. COMPENSATION

"(1) A court or person convicting a prisoner of an offence, including a prison offence, may, in addition to imposing a penalty for the offence, order the prisoner to pay to the person specified by the court or person the amount specified by the court or person by way of compensation for damage to any property or injury to any person caused by the prisoner in the commission of the offence for which he has been convicted.

"(2) The failure of a prisoner to comply with an order under sub-section (1) is an offence punishable on conviction by imprisonment of one day for each \$25 or part thereof of the amount required to be paid but remaining unpaid at the end of the period allowed for its payment by the court or person who made the order.

"(3) A term of imprisonment imposed on a prisoner under sub-section (2) shall be served at the expiration of the term or terms of imprisonment which the prisoner is or is liable to serve at the time at which the term of imprisonment first referred to was imposed."

Clause 37 agreed to.

Clause 38 negatived, after debate.

New clause -

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

"38. CONVICTIONS, &c., TO BE RECORDED

"The Director and a visiting magistrate shall, in respect of each charge for a prison offence heard by him, record in a book kept for that purpose in the prison or police prison by the Director -

- (a) the details of the charge;
- (b) the name of the legal representative, if any, who represented the prisoner;
- (c) a summary of the evidence presented;
- (d) his findings; and
- (e) the penalty, if any, imposed."

Clause 39 -

On the motion of Mr Dondas the following amendment was made, after debate -

Omit from sub-clause (1) "within 14 days" and substitute "not later than 14 days after the decision or order is made, by notice in writing addressed to the Director," and insert in sub-clause (1) after "magistrate" the words "for the prison or police prison".

On the motion of Mr Dondas the following further amendments were made -

Omit from sub-clause (2)(a) -

- (a) ", if the appeal relates to a decision of the Director,"; and
- (b) all words after and including "the decision of the Director" to and including "imposed" (last occurring) and substitute "the decision or order or substitute another decision or order".

Omit from sub-clause (2)(b) "only".

Clause, as amended, agreed to, after debate.

Clause 40 negatived, after debate.

Clause 41 -

On the motion of Mr Dondas the following amendment was made -

Omit from sub-clause (2) "A chaplain may visit a prison" and substitute "Notwithstanding Part X, a chaplain may visit the prison at which he is chaplain".

Clause, as amended, agreed to.

Clause 42 negatived, after debate.

New clause -

Mr Dondas moved that the following new clause be inserted in the Bill -

Insert after clause 41 but in Part X the following new clause:

"42. CERTAIN PERSONS MAY VISIT

"A person who is -

(a) a Judge;

(b) a visiting magistrate;

(c) an official visitor;

(d) an Ombudsman, in the course of an inquiry conducted by him;

(e) a Field Officer within the meaning of the Criminal Law (Conditional Release of Offenders) Act;

(f) a member of the Legislative Assembly;

(g) a visiting medical officer; or

(h) a person authorized in writing by the Director,

may visit a prison at any reasonable time, subject to such terms and conditions as the Director thinks fit."

Debate ensued.

On the motion of Mr Dondas further consideration of the proposed new clause was postponed.

Clause 43 -

On the motion of Mr Dondas the following amendments were made, after debate -

Insert at the beginning of the clause the following new sub-clause:

"(1A) This section applies subject to Part XI."

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

"(2) The Director may determine, either generally or in relation to a specified prisoner or class of prisoners, the number, period and times of visits under this section.

"(3) The Director may, either generally or in relation to a specified prisoner or person or a specified class of prisoners or persons, prohibit visits to a prisoner if, in the opinion of the Director -

(a) the security or good order of a prisoner, prison or police prison may be jeopardized by a visitor; or

(b) a visitor may have a detrimental influence or effect on a prisoner."

Omit from sub-clause (5)(b) ", but not recorded" and substitute "or recorded".

Insert in sub-clause (6)(b) after "given" the words "or determination made".

Clause, as amended, agreed to.

Clause 44 -

Mrs Lawrie moved as an amendment -

Omit "prior written".

Debate ensued.

On the motion of Mr Dondas further consideration of the clause was postponed.

Clause 45 -

On the motion of Mr Dondas the following amendment was made -

Omit all words after and including "interpreter" and substitute "his interpreter at any reasonable time."

Clause, as amended, agreed to.

Clause 46 negatived, after debate.

New clause -

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

"46. VISITS NOT TO BE MONITORED, &c.

"(1) Visits to a prisoner by his legal representative and his interpreter, if any, shall not be monitored.

"(2) A document passing between a prisoner and his legal representative during a visit shall not be inspected or censored.

"(3) Where the legal representative of a prisoner receives a document from a prisoner during a visit and the document or the passing of the document between them constitutes an offence against a law in force in the Territory, the legal representative shall disclose the contents of the document to the Attorney-General."

New clause -

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

Insert after clause 46 but in Part XII the following new clause:

"46A. APPLICATION OF PART

"This Part applies subject to Part XI."

Clause 47 agreed to.

Clause 48 agreed to, after debate.

Clause 49 agreed to, after debate.

Clause 50 negatived, after debate.

New clause -

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

"50. LETTERS TO MINISTER, &c.

"(1) Subject to sub-section (2), an officer shall not delay, intercept, open or inspect a letter dispatched by or addressed to, a prisoner when that letter is addressed to or apparently originates from the office of the Minister, the Ombudsman, the Director or the prisoner's legal representative.

"(2) Where the officer in charge of a prison or police prison has reasonable cause to believe that a letter addressed to a prisoner and apparently originating from the office of the Minister, an Ombudsman, the Director or the prisoner's legal representative does not originate from that source, he may open the letter and inspect it to the extent necessary to establish its origin.

"(3) As soon as practicable after an officer in charge of a prison or police prison opens and inspects a letter under sub-section (2), he shall advise the Director, in writing, of the action taken, his reason for believing that the letter did not originate from the relevant source, and his finding on opening and inspecting the letter."

Clause 51 -

On the motion of Mrs Lawrie the following amendment was made, after debate -

Omit paragraph (k) of sub-clause (1).

Mr Dondas moved as an amendment -

Omit from sub-clause (1) "if" and substitute ", if, in the opinion of that officer" and omit sub-clause (1)(c).

On the motion of Mr Dondas further consideration of the clause was postponed, after debate.

Clause 52 agreed to.

Clause 53 negatived, after debate.

New clause -

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

"53. INFORMATION NOT TO BE DISCLOSED

"The Director or an officer shall not, unless the prisoner agrees, disclose any information obtained from the supervision, monitoring or recording of a visit between a prisoner and a visitor or from the censorship of any letter or parcel dispatched by the prisoner, unless the disclosure is necessary -

- (a) to maintain the security and good order of a prisoner, prison or police prison;
- (b) to prevent the breach of a law in force in the Territory; or
- (c) to obtain medical treatment for a prisoner."

Clause 54 agreed to.

Clause 55 -

On the motion of Mr Dondas the following amendments were made -

Omit from sub-clause (1) "whilst in prison".

Insert in sub-clause (2) after "accommodation for" the words "the children of".

Clause, as amended, agreed to.

Clauses 56 and 57, by leave, taken together and agreed to.

Clause 58 -

On the motion of Mr Dondas the following amendment was made -

Omit "Where" and substitute "Subject to section 76, where".

Clause, as amended, agreed to.

Clauses 59 and 60, by leave, taken together and agreed to.

Clause 61 -

On the motion of Mr Dondas the following amendment was made, after debate -

Omit sub-clauses (1) and (2) and substitute the following sub-clauses:

"(1) Subject to this section, a prisoner, his belongings and his cell may be searched.

"(2) A search carried out under this section -

(a) shall not be carried out unless approved by the Director; and

(b) shall be carried out in such manner as the Director determines."

Clause, as amended agreed to.

Clauses 62 and 63, by leave, taken together and agreed to.

Clause 64 -

On the motion of Mr Dondas the following amendment was made -

Insert at the beginning of the clause the following new sub-clause:

"(1A) This section does not affect the operation of the Firearms Act."

Clause, as amended, agreed to.

Clause 65 negatived, after debate.

Clause 66 -

On the motion of Mr Dondas the following amendment was made -

Omit all words to and including "from a prison for" and substitute "The Director may, on such terms and conditions as he thinks fit, grant leave of absence to a prisoner from a prison or police prison for any reason he thinks fit, including -".

Clause, as amended, agreed to.

Clause 67 -

On the motion of Mr Dondas the following amendment was made -

Omit "Minister" and substitute "Director".

Clause, as amended, agreed to.

Clause 68 agreed to.

Clause 69 -

On the motion of Mr Dondas the following amendment was made -

Omit "The Director" and substitute "Subject to this Part, the Director".

Clause, as amended, agreed to.

Clause 70 agreed to.

Clause 71 -

On the motion of Mr Dondas the following amendment was made -

Insert after "Part" the words ", other than work for necessary hygiene,".

Clause, as amended, agreed to.

Clause 72 -

On the motion of Mr Dondas the following amendment was made -

Insert after "Director" the words ", at rates determined by the Minister,".

Clause, as amended, agreed to.

Clauses 73 to 76, by leave, taken together and agreed to.

New clause -

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

"76A. CUSTODY OF PRISONER IN HOSPITAL

"(1) Where a prisoner is moved to a hospital outside a prison or police prison in pursuance of section 57 or 76, the officer in charge of the prison or police prison from which the prisoner was moved shall make such arrangements with the person in charge of the hospital as are necessary to ensure the security and good order of the prisoner while he is in the hospital.

"(2) A prisoner who is in a hospital in accordance with an arrangement made under sub-section (1) shall be deemed to be in lawful custody for the purposes of this Act.

"(3) If, upon discharge from hospital, the sentence of imprisonment of a prisoner moved to a hospital under section 57 or 76 has not expired, the prisoner shall be returned to the prison or police prison from which he was moved, or to another prison or police prison as directed by the Director, to serve the remainder of his sentence."

Clause 77 agreed to.

Clause 78 -

On the motion of Mr Dondas the following amendments were made, after debate -

Insert after "Where" the words ", in the opinion of a visiting medical officer,".

Omit ", after considering medical advice".

Insert after "drink" (last occurring) the words "under medical supervision".

On the motion of Mr Isaacs the following amendment to the clause as amended was made, after debate -

Insert after "under" the word "direct".

Clause, as amended, agreed to.

Clauses 79 to 83, by leave, taken together and agreed to.

Clause 84 -

On the motion of Mr Dondas the following amendment was made -

Omit "organized hobbies" and substitute "recreational,".

Clause, as amended, agreed to.

Clause 85 -

On the motion of Mr Dondas the following amendment was made -

Insert after "garden" the word "educational".

Clause, as amended, agreed to.

Clause 86 agreed to.

Part XXII negatived.

Clause 88 negatived, after debate.

New Clause -

On the motion of Mrs O'Neil the following new clause was inserted in the Bill -

Insert after clause 87 in Part XXIII the following new clause:

"88. PRISONERS MAY ATTEND SERVICES

"(1) Subject to section 89, the Director shall allow a prisoner to attend religious services and activities.

"(2) The Director may allow a prisoner to observe his religious rites and ceremonies."

Clauses 89 and 90, by leave, taken together and agreed to.

Clause 91 agreed to.

Clause 92 -

On the motion of Mr Dondas the following amendment was made -

Omit "or" and substitute "and".

Clause, as amended, agreed to.

Clause 93 negatived, after debate.

New clause -

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

"93. INTERNAL MANAGEMENT

"(1) The Director may, by instrument in writing, make determinations, not inconsistent with this Act or the Regulations, for or with respect to matters which the Director may determine under this Act and the internal management of a prison or police prison.

"(2) Without limiting the generality of sub-section (1), determinations made under that sub-section may impose duties on an officer or a prisoner or confer privileges on a prisoner.

"(3) A determination under this section shall be published in such manner as the Director thinks fit."

Clause 94 -

Mr Dondas moved as an amendment -

Omit "is informed" and substitute "is, so far as possible, informed in general terms".

Debate ensued.

Proposed amendment, by leave, withdrawn.

Question - That clause 94 stand as printed - put and negatived.

New clause -

Mrs Lawrie moved that the following new clause be inserted in the Bill -

"94. The Director shall ensure -

- (a) that a sufficient number of copies of this Act and the regulations to satisfy the reasonable requirements of the prisoners are available for perusal at all reasonable times in a library or other place that is open to the prisoners; and
- (b) that a copy of this Act and the regulations is available on demand for perusal at all reasonable times by a prisoner who is not able, or not allowed, to visit the library or place referred to in paragraph (a)."

Debate ensued.

On the motion of Mr Collins further consideration of the proposed new clause was postponed.

Clause 95 negatived, after debate.

New clauses -

On the motion of Mr Dondas the following new clauses were inserted in the Bill -

Insert after clause 94 but in Part XXVI the following new clauses:

"95. REMISSIONS

"(1) The Minister may make a determination specifying the amount of remission which may be granted to a prisoner, and the circumstances in which that remission may be granted.

"(2) Subject to an order of a court, the Minister may, on the recommendation of the officer for the time being in charge of the prison, grant a prisoner serving a total term of imprisonment of more than 28 days periods of partial remission of the sentence in accordance with a determination under sub-section (1).

"(3) Sub-section (2) applies when a person is in prison or on parole, and a partial remission granted under that sub-section shall be in addition to any other partial remission of sentence granted under this Act or any other law in force in the Territory.

"95A. FURTHER REMISSIONS

"Notwithstanding the power to grant remissions conferred on the Minister by section 95, the Director may grant a period of remission equivalent to not more than 7 days per year of the sentence being served by a prisoner in such circumstances as the Director thinks fit."

Clause 96 -

On the motion of Mr Dondas the following amendment was made -

Insert in sub-clause (1) after "person" the words "who is not a prisoner".

Mrs O'Neil moved as an amendment -

Insert in sub-clause (1)(c) after "police prison" the words "after a direction by an officer or a member of the police force to move from that vicinity".

Debate ensued.

On the motion of Mr Dondas further consideration of the clause was postponed.

Progress to be reported and leave asked to sit again.

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

10. AVIATION AMENDMENT BILL 1980 (Serial 415): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10 -

On the motion of Mr Steele the following amendments were made -

Omit from proposed new section 12A(2) "the States" and substitute "a State".

Omit proposed new section 12B and substitute:

"12B. INTRA-TERRITORY OPERATIONS

"A person shall not, except under and in accordance with a licence under this Part, take on board, or hold out that he will take on board, an aircraft, in the course of a regular public transport operation, a person or an item of cargo at a terminal or intermediate stopping place in the Territory for the purpose of carriage of the person or item to another terminal or intermediate stopping place in the Territory unless the person or item is itself in the course of trade, commerce or intercourse between the Territory and a State.

"Penalty: \$10,000 or imprisonment for 12 months."

After proposed new section 12B insert:

"12BA. LICENCES

"(1) The Minister may -

(a) grant, renew, vary or transfer; or

(b) enter into an agreement relating to the grant, renewal, variation or transfer of

a licence under this Part.

"(2) Where the Minister grants, renews or transfers a licence under this Part or enters into an agreement under this Part in relation to the

grant, renewal or transfer of a licence, the licence or agreement may contain a provision that the licensee or the person who becomes the licensee shall have the exclusive right to carry on regular public transport operations over a route or a section of a route during the term or a part of the term of the licence."

Omit proposed new section 12D.

Omit sub-section (3) of proposed new section 12E.

Omit from proposed new section 12F(3)(b) "timetables" and substitute "frequency and capacity".

Omit from proposed new section 12G "section 14" and substitute "sections 14 and 17".

Clause, as amended, agreed to.

Clauses 11 to 13, by leave, taken together and agreed to.

Clause 14 -

On the motion of Mr Steele the following amendment was made -

After proposed new section 17A insert:

"17B. INJUNCTIONS

"(1) The Court may, on the application of the Minister, grant an injunction restraining a person from engaging in conduct that constitutes or would constitute -

- (a) a contravention of a provision of this Act;
- (b) attempting to contravene such a provision;
- (c) aiding, abetting, counselling or procuring a person to contravene such a provision;
- (d) inducing, or attempting to induce, a person, whether by threats, promises or otherwise, to contravene such a provision;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision;
or
- (f) conspiring with others to contravene such a provision.

"(2) Where in the opinion of the Court it is desirable to do so, the Court may grant an interim injunction pending determination of an application under sub-section (1).

"(3) The Court may rescind or vary an injunction granted under sub-section (1) or (2)."

Clause, as amended, agreed to.

Clauses 15 and 16, by leave, taken together and agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

11. MINING BILL 1980 (Serial 423): 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)

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

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

The Bill was read a third time and passed to be a proposed law.

12. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1918 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 30 April 1980, pursuant to statute:

Reports:

Darwin Hospital Advisory Board, February 1980
Gove District Hospital Advisory Board, February 1980
Katherine Hospital Advisory Board, February 1980

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 53

Thursday 1 May 1980

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. NORTHERN TERRITORY - PAPER: Mr Steele (Minister for Transport and Works) laid on the Table a copy of the publication "Northern Territory".
4. ALCOHOL POLICIES - PAPER: Mr Tuxworth (Minister for Health) laid on the Table the proceedings of the conference on alcohol policies for the 1980s held in Darwin, February 1980.
5. EDUCATION ADVISORY COUNCIL - ANNUAL REPORT 1979: Mr Robertson (Minister for Education) laid on the Table the Council's annual report for 1979.
6. SERVICES TO HANDICAPPED - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement concerning services to the handicapped.
7. REFERENCE TO N.T. LAW REVIEW COMMITTEE - MINISTERIAL STATEMENT: Mr Everingham (Attorney-General), by leave, made a statement on a reference by the Attorney-General of the Northern Territory to the N.T. Law Review Committee on the desirability of establishing a suitors cost fund; and, by leave, laid a copy of the reference on the Table.
8. ROYAL COMMISSION ON DRUGS - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on the report of the Australian Royal Commission of Inquiry into Drugs.
9. AUSTRALIAN TERRITORIAL SEA - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on proposed legislation concerning the Australian territorial sea.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.
10. TREASURER'S FINANCIAL STATEMENT, 1978-9 - REPORT - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, laid on the Table a statement on the report by the Auditor-General on the Treasurer's annual financial statement for the year ended 30 June 1979, and measures taken in relation to certain matters raised by the Auditor-General and not previously reported by the Chief Minister to the Legislative Assembly.
11. IMPLEMENTATION OF ADMINISTRATOR'S PROPOSALS - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, laid on the Table a statement on the implementation of proposals made in His Honour the Administrator's speech of 12 September 1978.
12. SUSPENSION OF STANDING ORDERS - TAKE 3 BILLS TOGETHER: Mr Perron (Treasurer) moved -

That so much of standing orders be suspended as would prevent -

- (a) 3 Bills relating to vesting of fee simple in roads being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the Bill together; and
- (b) the consideration of the Bills separately in the committee of the whole.

The motion having been supported by an absolute majority of the Assembly the Speaker declared the question resolved in the affirmative.

13. ROADS BILLS - CROWN LANDS AMENDMENT BILL (No. 3) 1980 (Serial 440), LOCAL GOVERNMENT AMENDMENT BILL (No. 2) 1980 (Serial 441) and CONTROL OF ROADS AMENDMENT BILL 1980 (Serial 442): Mr Perron (Treasurer), pursuant to notice and resolution, presented the Bills which were thereupon read a first time.

Mr Perron moved -

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. LEPROSY BILL 1980 (Serial 439): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth 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.

15. PRISONS (CORRECTIONAL SERVICES) BILL 1980 (Serial 365): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 97 negatived, after debate.

New clauses -

On the motion of Mr Dondas the following new clauses were inserted in the Bill -

Insert after clause 96 but in Part XXVIII the following new clauses:

"97. COMPLIANCE WITH OTHER ACTS RELATING TO ADDRESSES, &c.

"Notwithstanding anything to the contrary contained in any Act, a prisoner shall not be held to have contravened or failed to comply with an Act which requires or permits him to state the address of his residence or place of living by reason only that he states the address of his residence or place of living immediately before he became a prisoner.

"97A. ARREST OF ESCAPED PRISONERS

"An officer may exercise any of the powers conferred on a member of the Police Force, and shall in relation to the exercise of those powers, discharge all of the duties imposed on such a member, by the Police Administration Act in respect of the arrest and taking into custody of a prisoner who has escaped from lawful custody."

Clauses 98 and 99, by leave, taken together and agreed to.

Clause 100 -

On the motion of Mr Dondas the following amendment was made -

Omit "Director" and substitute "Administrator".

Clause, as amended, agreed to.

Clauses 101 and 102, by leave, taken together and agreed to.

Schedule negatived, after debate.

New schedule -

On the motion of Mr Dondas the following new schedule was added to the Bill -

"SCHEDULE

Section 3

"AMENDMENT TO THE PRISONS ACT

"1. Omit the long title and substitute:

'An Act relating to the fixing of terms and conditions of service of prison officers'.

"2. Omit section 1 and substitute:

'1. SHORT TITLE

'This Act may be cited as the Prisons (Arbitral Tribunal) Act.'.

"3. Omit section 3.

"4. Omit section 5 and substitute the following section:

'5. INTERPRETATION

'Words and expressions used in this Act have the meanings ascribed thereto by the Prisons (Correctional Services) Act.'.

"5. Omit Parts II, III, IV, V, VI and VII.

"6. Omit from the sections specified in Column 1 of the Table at the end of this item the words specified opposite thereto in Column 2 of that Table and substitute the words, if any, specified opposite thereto in Column 3 of that Table.

"TABLE

Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
2	Ordinance	Act
11A(1)(d)	Comptroller (<u>twice occurring</u>)	Director
11A(2)(a)	a Judge of the Supreme Court of the Northern Territory of Australia	a Judge
11A(3B)	Ordinance (<u>wherever occurring</u>)	Act
11A(4)	Ordinance	Act
11A(5B)	such a notice, the person	a notice under sub-section (5A), the person specified in the notice
11D(1)	Administrator in Council sub-section (1) of section 11A	Administrator section 11A(1)
11D(5)	the Administrator	the Administrator, the Territory
11DA(3)	Legislative Council Council	Legislative Assembly Assembly
11F(1)	Ordinance	Act
11F(4)	Legislative Council Council	Legislative Assembly Assembly
11F(5)	Legislative Council at a meeting of the Council, comprised of one sitting day or a series of sitting days, or one of the sitting days of which a copy of the determination was laid before the Council	Legislative Assembly within 12 sitting days of the Assembly after the determination has been laid before it
11G	Ordinance Administrator (<u>wherever occurring</u>)	Act Administrator, the Territory
11H	Ordinance <u>Ordinance</u>	Act <u>Act</u>
11J	Ordinance (<u>twice occurring</u>)	Act

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Column 1	Column 2	Column 3
Section	Words omitted	Words substituted
11K	Ordinance	Act
11N	Penalty: 100 dollars	Penalty: \$100.
11P	Penalty: 100 dollars	Penalty: \$100.
11R	Ordinance	Act
11S	sub-section (3A) of section 11A gaoler, deputy gaoler or chief guard	section 11A(3A) superintendent, deputy superintendent or chief prison officer

Postponed clause 19 -

Mr Dondas moved as an amendment -

Insert at the beginning of clause 19 the following sub-clause:

"(1) The officer in charge of a prison shall ascertain whether a prisoner requires transport on his discharge from prison."

Debate ensued.

Mr Isaacs moved as an amendment to the proposed amendment -

Omit "officer in charge of a prison" and substitute "Director".

Amendment to proposed amendment agreed to.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Postponed clause 28 negatived.

New clause -

Mr Dondas moved that the following new clause be inserted in the Bill -

"28. DUTIES OF VISITING MEDICAL OFFICER

"A visiting medical officer shall perform, in and in relation to the prison or police prison for which he is appointed, such medical duties as the Director may specify."

Mr Dondas moved as an amendment to proposed new clause 28 -

Omit "specify" and substitute "assign to him".

Debate ensued.

On the motion of Mr Dondas further consideration of the proposed clause and the amendment was postponed.

Postponed proposed new clause 42, proposed to be inserted after clause 41 but in Part X:

"42. CERTAIN PERSONS MAY VISIT

"A person who is -

- (a) a Judge;
- (b) a visiting magistrate;
- (c) an official visitor;
- (d) an Ombudsman, in the course of an inquiry conducted by him;
- (e) a Field Officer within the meaning of the Criminal Law (Conditional Release of Offenders) Act;
- (f) a member of the Legislative Assembly;
- (g) a visiting medical officer; or
- (h) a person authorized in writing by the Director,

may visit a prison at any reasonable time, subject to such terms and conditions as the Director thinks fit."

On the motion of Mr Dondas the following amendment was made to proposed new clause 42 -

Omit paragraph (d) and substitute:

"(d) an Ombudsman or person authorized by an Ombudsman, in the course of an inquiry conducted by an Ombudsman;"

New clause, as amended, agreed to.

Postponed clause 44 and the amendment proposed by Mrs Lawrie -

Omit "prior written".

Debate ensued.

On the motion of Mrs Lawrie the following amendment to the proposed amendment was made, after debate -

Omit "prior".

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Postponed clause 51 and the amendment proposed by Mr Dondas -

Omit from sub-clause (1) "if" and substitute ", if, in the opinion of that officer" and omit sub-clause (1)(c).

Amendment agreed to, after debate.

Mr Dondas moved as a further amendment -

Omit from paragraph (f) ", foreign language" and substitute "or a language other than English".

Debate ensued.

Proposed amendment, by leave, withdrawn.

On the motion of Mr Dondas the following further amendments were made -

Omit from paragraph (f) the words "foreign language".

Insert after paragraph (j) -

"; or

(k) destroyed by the Director".

Clause, as amended, agreed to.

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

Postponed new clause 94 -

"94. The Director shall ensure -

- (a) that a sufficient number of copies of this Act and the regulations to satisfy the reasonable requirements of the prisoners are available for perusal at all reasonable times in a library or other place that is open to the prisoners; and
- (b) that a copy of this Act and the regulations is available on demand for perusal at all reasonable times by a prisoner who is not able, or not allowed, to visit the library or place referred to in paragraph (a)."

Proposed new clause, by leave, withdrawn.

New clause -

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

"94. PRISONERS TO BE INFORMED OF RIGHTS

"(1) The Director shall ensure that every prisoner, upon reception into a prison, is, so far as possible, informed in general terms of his rights, duties, responsibilities and liabilities under this Act and the Regulations.

"(2) The Director shall ensure -

- (a) that a sufficient number of copies of this Act and the Regulations to satisfy the reasonable requirements of the prisoners are available for perusal at all reasonable times in a library or other place that is open to the prisoners; and
- (b) that a copy of this Act and the Regulations is available on demand for perusal at all reasonable times by a prisoner who is not able, or not allowed, to visit the library or place referred to in paragraph (a)."

Postponed clause 96 and the amendment proposed by Mrs O'Neil -

Insert in sub-clause (1)(c) after "police prison" the words "after a direction by an officer or a member of the police force to move from that vicinity".

Proposed amendment, by leave, withdrawn.

Mrs Lawrie moved as an amendment -

Omit paragraph (c) of sub-clause (1).

Debate ensued.

Question put and negatived.

On the motion of Mr Dondas the following amendments were made -

Insert in sub-clause (1)(f) after "deliver" the words "or allow to be conveyed or delivered".

Insert at the end of sub-clause (1)(h) "or" and omit sub-clause (1)(k).

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

"(1A) A prisoner shall not -

(a) escape from lawful custody; or

(b) aid a prisoner to escape from lawful custody.

Penalty: Imprisonment for 5 years."

Clause, as amended, agreed to.

Postponed new clause 28 proposed by Mr Dondas -

"28. DUTIES OF VISITING MEDICAL OFFICER

"A visiting medical officer shall perform, in and in relation to the prison or police prison for which he is appointed, such medical duties as the Director may specify."

And the amendment proposed by Mr Dondas -

Omit "specify" and substitute "assign to him".

Debate ensued.

Mr Isaacs proposed as a further amendment -

Omit "such medical duties" and substitute "such general medical duties".

Proposed amendments, by leave, withdrawn.

On the motion of Mr Tuxworth the following amendment was made, after debate -

Omit "A visiting medical officer" and substitute "Subject to section 75, a visiting medical officer".

New clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - The Chairman reported the Bill.

Mr Dondas moved -

That the Bill be recommitted for reconsideration of clauses 15, 17, 27, 29, 43, 44, 48, 49, 51, 54, 59, 63, 64, 68, 69, 72, 73, 74, 76, 83, 89 and 102.

Question put and passed.

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

(In the committee)

On recommital -

Clauses 15, 17, 27, 29, 43, 44, 48, 49, 51, 53, 59, 63, 64, 68, 69, 72, 73, 74, 76, 83 and 89, by leave, taken together -

On the motion of Mr Dondas the following amendment was made, after debate -

Insert in clauses 15, 17(1), 27(1), 29, 43(4), 43(5), 44, 49, 51(1)(a), 51(2), 59, 63(2), 64(1), 64(2), 68, 69, 72, 73, 74, 76, 83, and 89(1) after "prison" (wherever occurring) the words "or police prison" and omit from clause 48 "the prison" and substitute "a prison, police prison".

Clauses, as amended, agreed to.

Clause 102 -

Mr Dondas moved as an amendment -

Add at the end thereof the following sub-clause:

"(2) Without limiting the generality of sub-section (1), the Regulations may make provision for or with respect to the conduct of appeals under Part VIII and the imposition of the penalties specified in that Part."

Debate ensued.

Mr Dondas moved as an amendment to the proposed amendment -

Omit "imposition" and substitute "enforcement".

Debate ensued.

Question put and passed.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

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

The Bill was read a third time and passed to be a proposed law.

16. ABORIGINAL LAND BILL 1980 (Serial 437): 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 -

. REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

Debate resumed.

Question put and passed - Bill read a second time.

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

(In the committee)

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

The Assembly resumed - The 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 a proposed law.

17. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES: Mr Robertson (Minister for Education), by leave, moved -

That so much of standing orders be suspended as would prevent the passage through all stages at this sittings of the Supply Bill 1980-81 (Serial 430).

The motion having been supported by an absolute majority of the Assembly the Speaker declared the question resolved in the affirmative.

18. LOTTERY AND GAMING BILL 1980 (Serial 409): 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, by leave, taken together and agreed to.

Clause 4 -

On the motion of Mr Perron the following amendments were made -

Omit from proposed section 74A(2)(d) "the grant (with or without conditions), renewal," and substitute "the grant or renewal of, with or without conditions and the".

Insert in proposed section 72A(2)(e) after "grant" the words "or renewal".

Clause, as amended, agreed to.

Clause 5 -

On the motion of Mr Perron the following amendment was made -

Insert after "(8)" the following words "and substituting the following sub-section:

'(8) Sections 57 and 63 of the Interpretation Act do not apply to or in relation to rules under this section'.

Clause, as amended, agreed to.

Clauses 6 to 9, by leave, taken together and agreed to.

Schedule -

On the motion of Mr Perron the following amendment was made -

Omit from Column 3 "which is a hotel" (wherever occurring) and substitute "except premises at which liquor may be sold but not consumed".

Schedule, as amended, agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

19. PERSONAL EXPLANATION: Mr Everingham (Chief Minister), by leave, made a personal explanation regarding an article in the Darwin Star claiming that he had been reading a foreign magazine during debate in the Assembly on 30 April 1980.

20. SUPPLY BILL 1980-81 (Serial 430): 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 Perron (Treasurer), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

21. WORKMEN'S COMPENSATION BILL 1980 (Serial 408): 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, by leave, taken together and agreed to.

Clause 3 -

On the motion of Mr Everingham the following amendments were made -

Omit sub-clause (1).

Omit from sub-clause (2) "Section 10" and substitute "Sections 4, 7, 8, 9 and 10".

Omit from sub-clause (3) "Subject to sub-section (1) and (2)" and substitute "Subject to this section".

Clause, as amended, agreed to.

New clauses -

On the motion of Mr Everingham the following new clauses were inserted in the Bill -

"3A. COMPOSITION OF NOMINAL INSURER

"Section 16E of the Principal Act is amended -

(a) by adding at the end of sub-section (4) 'and may appoint a person with the same qualification to be an alternate member for the departmental member'; and

(b) by inserting after sub-section (4) the following sub-section:

'(4A) During the absence from the Territory of the departmental member or where for any other reason the departmental member is unable to perform his duties as a member, the alternate member appointed under sub-section (4) shall have all the powers and functions of the departmental member and shall be counted towards a quorum at a meeting of the Nominal Insurer.'

"3B. NEW SECTION

"The Principal Act is amended by inserting after section 16Q the following new section:

'16R. REFUND OF MONEYS RECOVERED, &c.

'(1) All moneys recovered by the Nominal Insurer in respect of a claim referred to in section 18F(1) -

- (a) by virtue of its exercising the rights of the approved insurer under that section;
- (b) by virtue of its exercising a right of subrogation referred to in section 18F(3)(a); or
- (c) under an agreement, contract, treaty or other document relating to reinsurance referred to in section 18F(3)(c),

and all moneys received as a result of the winding up of a company that was an approved insurer required under section 16Q(6) or (7) to pay an amount to the Nominal Insurer shall, at such times as the Minister determines, be paid to the approved insurers (other than the defaulting insurer) and exempt employers by whom contributions under section 16Q(3) were paid for the purpose of meeting the Nominal Insurer's liability under this Act arising out of the default of the defaulting insurer, in the same proportions as those contributions were made or, at the direction of the Minister, the amounts payable under this section to the approved insurers and exempt employers shall be credited against their respective obligations under section 16Q(5) to pay instalments referred to in that sub-section that are uncalled.

'(2) The Minister may, in writing, authorize the Nominal Insurer to repay to the approved insurers and exempt employers in the proportions in which they contributed to the Fund in or in relation to the relevant year, any surplus money of the Fund contributed in pursuance of section 16Q(6) of this Act or section 24 of the Workmen's Compensation Act 1979 but not required for the purposes for which it was contributed, and the Nominal Insurer shall repay those amounts accordingly.'."

Clause 4 agreed to.

Clause 5 -

On the motion of Mr Everingham the following amendment was made -

Omit "(d) by adding at the end of sub-section (8)" and substitute "(d) by inserting after sub-section (8)(b)".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clauses 7 and 8, by leave, taken together and negatived.

New clause -

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

"7. REPEAL AND SUBSTITUTION OF SECTION 18F

"Section 18F of the Principal Act is repealed and the following section substituted:

'18F. DEFAULT OF APPROVED INSURER

'(1) Where -

- (a) a claim has been made against an employer that the employer is liable to pay compensation under this Act, or damages otherwise than under this Act, in respect of an injury, incapacity or death

in the circumstances referred to in section 17A(1)(a);

- (b) in relation to the claim, the employer has agreed to pay compensation or damages, as the case may be, or the liability of the employer to pay compensation or damages has not been established or has been declined;
- (c) the employer is entitled to be indemnified against his liability to pay the compensation, or all or part of the damages, referred to in paragraph (b) under a policy of insurance or indemnity obtained in accordance with this Act; and
- (d) (i) in the case of an amount of compensation or damages agreed to be paid or in respect of which the employer's liability to pay has been established - an amount payable under the policy of insurance or indemnity referred to in paragraph (c) is not paid and has remained unpaid for a period of one month;
 - (ii) in the case where the liability of an employer to pay compensation or damages claimed has not been established within one month after notice of a workman's claim has been lodged with the relative approved insurer; or
 - (iii) in the case where the liability of an employer to pay compensation or all or any damages claimed has been declined,

the Nominal Insurer shall, subject to sub-section (3), have the same rights, powers, duties and liabilities in respect of the claim as the approved insurer would have had if the approved insurer had provided the indemnity referred to in paragraph (c).

'(2) Where an approved insurer is unable to make a payment required to be made under a policy of insurance or indemnity issued in accordance with this Act in respect of a claim to which sub-section (1) applies, the approved insurer or any person holding in relation to the approved insurer the office of liquidator, receiver, receiver and manager or official manager shall -

- (a) forthwith notify the Nominal Insurer of any such claim; and
- (b) make available to the Nominal Insurer any books or papers relevant to such a claim, including all agreements, contracts, treaties or other documents relating to reinsurance arrangements in effect at the time of the injury, incapacity or death giving rise to the claim.

'(3) Where an approved insurer is unable to make any or complete payment required to be made under a policy of insurance or indemnity issued in accordance with this Act in respect of a claim to which sub-section (1) applies, and the Nominal Insurer has made a payment in respect of that claim -

- (a) the Nominal Insurer has the right to subrogation in respect of all rights that the employer may have against any person in relation to the occurrence that gave rise to the claim for compensation or damages, as the case may be;
- (b) the right of subrogation shall vest in the Nominal Insurer to the exclusion of all other rights of subrogation that would otherwise exist in favour of the approved insurer or the person, if any, holding in relation to the approved insurer the office

of liquidator, receiver, receiver and manager or official manager, whether arising under a law in force in the Territory or the policy of insurance or indemnity under this Act; and

- (c) all rights which the approved insurer might have to receive any payments under an agreement, contract, treaty or other document relating to reinsurance in respect of a claim referred to in subsection (1) shall be deemed to be assigned to the Nominal Insurer from the date that the Nominal Insurer first makes a payment in respect of that claim, to the exclusion of any person holding in relation to the approved insurer the office of liquidator, receiver, receiver and manager or official manager, notwithstanding any rule of law or statutory provision to the contrary'."

Clause 9 agreed to.

New clauses -

On the motion of Mr Everingham the following new clauses were inserted in the Bill -

"9A. NEW SECTION

"The Principal Act is amended by inserting after section 27A the following new section:

'27B. VARIATION OF RATES OF COMPENSATION

'(1) Where by this Act provision is made for the payment of -

(a) an amount of compensation; or

(b) an amount of compensation by reference to an amount,

fixed by or under this Act, that amount or referred-to amount may be amended by regulation made under this Act as though the amending regulation were an Act.

'(2) An amending regulation may be expressed to apply from a date specified in the regulation being a date before or after the regulation was made and the amending regulation shall be deemed to have come into operation or shall come into operation, as the case may be, on the date so specified.

'(3) Where, immediately before the operative date, a person was receiving or was entitled to receive, weekly payments in accordance with section 12(1) or the Second Schedule as then in force, he is, from and including the operative date, entitled to receive weekly payments in accordance with this Act as in force on the operative date.

'(4) Where, before the operative date -

(a) a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with section 12(1) or the Second Schedule would have been payable immediately before that date but for the fact that he did not require the constant help or attention of another person or that he was not then incapacitated for work; and

(b) on or after the operative date, he required the constant help or attention of another person, or became incapacitated for work, as a result of the injury or disease,

weekly payments in respect of that requirement or incapacity shall be in accordance with this Act as in force on the operative date.

'(5) Where on or after the operative date, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under this Act as in force before the operative date, compensation shall be paid in respect of that death in accordance with the Act as in force on the operative date.

'(6) A policy of indemnity or insurance against liability under this Act in force immediately before the operative date has effect during the unexpired balance of the currency of the policy as if it applies to liability under this Act as in force on the operative date.

'(7) An employer to whom a policy referred to in sub-section (6) has been issued is liable to pay to the insurer on the operative date, in respect of the additional liability that he may incur by reason of the application of this section, additional premium for the period during which the additional liability is incurred under the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued for the purposes of this Act as in force on the operative date.

'(8) Where an insurer under a policy of indemnity or insurance effected before the operative date would have been liable, if the amending regulation had not been made, to indemnify a person against his liability under this Act as then in force arising out of an injury sustained or a disease contracted before the operative date, the insurer is liable to indemnify the person against liability under this Act as in force on the operative date arising out of an injury or the contracting of the disease.

'(9) The amendments made by an amending regulation apply in relation to an injury sustained on or after the operative date, notwithstanding that the accident or disease that caused the injury occurred before that date.

'(10) In this section -

"amending regulation" means a regulation referred to in sub-section (1) amending an amount of compensation or an amount by reference to which payment of compensation is calculated; and

"operative date", in relation to an amending regulation, means the date on which the regulation came into operation or shall be deemed to have come into operation.'

"9B. REGULATIONS

"Section 28 of the Principal Act is amended by inserting after paragraph (da) the following paragraph:

'(db) the amount of compensation payable or by reference to which compensation is to be calculated;'. "

Clause 10 agreed to.

Title agreed to.

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

The Bill was read a third time and passed to be a proposed law.

22. SPECIAL ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly, at its rising, adjourn until Tuesday 24 June 1980 at 10 a.m. or such other date as may be advised to members by Mr Speaker in writing.

Question put and passed.

23. PAY-ROLL TAX BILL 1980 (Serial 428): 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.

. REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister, submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

Question put and passed - Bill read a second time.

Mr Perron (Treasurer), by leave, moved -

That the motion, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

The Bill was read a third time and passed to be a proposed law.

24. ADJOURNMENT: Mr Dondas (Minister for Community Development) moved -

That the Assembly do now adjourn.

Debate ensued.

And then the Assembly at 1745 hours adjourned until Tuesday 24 June 1980 at 10 a.m. or such other date as may be advised to members by Mr Speaker in writing.

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

F.K.M. THOMPSON
Clerk of the Legislative Assembly

SECOND LEGISLATIVE ASSEMBLY

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