

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 35

Thursday 11 October 1979

-
1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
 2. PRIVILEGE MATTER - STATEMENT: Mr Isaacs (Leader of the Opposition), by leave, made a statement relating to the complaint referred by Mr Speaker to the Committee of Privileges on 20 September 1979 and advised the Assembly that he now doubted the veracity of assurances given by him in relation to a paper he had tabled during debate on 18 September 1979.
 3. PRIVILEGE MATTER - STATEMENT: Mr Robertson (Minister for Education), by leave, made a statement relating to the same matter and, by leave, withdrew a letter tabled by him on 20 September 1979 containing the terms of a complaint and a request for reference of that complaint to the Committee of Privileges.
 4. SPEAKER'S STATEMENT: Mr Speaker referred to the statements made and indicated that he agreed to withdraw his reference of the complaint to the Committee of Privileges.
 5. QUESTIONS: Questions without notice were asked.
 6. WORKMEN'S COMPENSATION BILL (No. 5) 1979 (Serial 354): Mr Collins, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Collins 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.

7. TERRITORY DEVELOPMENT BILL (No. 2) 1979 (Serial 296): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and negatived.

8. CLASSIFICATION OF PUBLICATIONS BILLS - CLASSIFICATION OF PUBLICATIONS BILL 1979 (Serial 306), POLICE AND POLICE OFFENCES BILL (No. 3) 1979 (Serial 307) and POLICE ADMINISTRATION BILL (No. 2) 1979 (Serial 308): 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 resumed.

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Classification of Publications Bill 1979 (Serial 306)

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

Clause 4 -

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

Insert after the definition of "Board" in sub-clause (1) the following new definition:

"'child pornography publication' means a publication classified as a child pornography publication;"

Omit from the definition of "classified publication" in sub-clause (1) "prohibited" and substitute "child pornography".

Insert after the definition of "employee" in sub-clause (1) the following definition:

"'infant' means a person who has not attained the age of 18 years;"

Insert in sub-clause (1) in paragraph (c) of the definition of "publication" after "record" the words "or videotape".

Omit the definition of "prohibited publication".

Omit from sub-clause (5) "obscene or" (twice occurring).

Clause, as amended, agreed to.

Clause 5 -

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

Insert after "Public Service of" the words "or a person otherwise employed by".

Clause, as amended, agreed to.

Clause 6 -

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

Insert in sub-clause (2) after "Public Service of" the words "or a person otherwise employed by".

Clause, as amended, agreed to.

Clauses 7 to 12, by leave, taken together and agreed to.

Clause 13 -

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

Insert after "6" the figure ", 8".

Clause, as amended, agreed to.

Clause-14 agreed to.

Clause 15 -

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

Omit sub-clause (2)(b) and substitute the following paragraph:

"(b) is of unsound mind."

Clause, as amended, agreed to.

Clause 16 agreed to.

Clause 17 -

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

Omit from sub-clause (2)(a) "a majority of the members present" and substitute "a majority of the votes of the members present".

Omit from sub-clause (2)(a) "and".

Insert after sub-clause (2)(a) the following new paragraph:

"(aa) the Chairman or, if he is not present, the Deputy Chairman shall preside; and".

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19 -

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

Insert in sub-clause (1) after "Act" the words "during the previous year".

Omit from sub-clause (2) "may, at any time," and substitute "may at any time and shall, when required to do so by the Minister,".

Clause, as amended, agreed to.

Clause 20 agreed to.

Clause 21 -

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

Omit from sub-clause (1)(a) "obscene or" and substitute "in the opinion of the classifying authority".

Omit from sub-clause (1)(a) "describes or".

Omit from sub-clause (1)(a) "prohibited" and substitute "child pornography".

Omit from sub-clause (1)(b) "does not describe or depict a child in the manner referred to in paragraph (a)" and substitute "does not depict a child under or apparently under the age of 16 years in the manner referred to in paragraph (a)".

Insert in sub-clause (2)(a) next after "authority" (first occurring) the words "other than a classifying officer appointed under section 6(2)".

Clause, as amended, agreed to.

Clauses 22 and 23, by leave, taken together and agreed to.

Clause 24 -

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

Omit from sub-clause (2) "prohibited" and substitute "child pornography".

Clause, as amended, agreed to.

Clauses 25 and 26, by leave, taken together and agreed to.

Clause 27 -

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

Omit from sub-clause (1) "prohibited publication" and substitute "child pornography publication".

Clause, as amended, agreed to.

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

Clause 32 -

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

Omit from sub-clause (1)(a) "and" and substitute "or".

Omit from sub-clause (2) "sub-section (1)" and substitute "sub-section (1)(a)".

Omit from sub-clause (2) "has" and substitute "had".

Clause, as amended, agreed to.

Clause 33 to 37, by leave, taken together and agreed to.

Heading to Division 5 of Part IV -

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

Omit the heading to the Division and substitute the following heading:

"Division 5 - Sexual Articles".

Heading, as amended, agreed to.

Clause 38 -

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

Omit "indecent" (wherever occurring) and substitute "sexual".

Clause, as amended, agreed to.

Clause 39 -

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

Omit "indecent" (wherever occurring) and substitute "sexual".

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

Insert at the end the following new sub-clause:

"(3) It is a defence to a prosecution for an offence against sub-section (1) that -

- (a) the defendant carried on or managed, at the time of commission of the offence, a prescribed business;
- (b) the business was being carried on in accordance with such conditions as are prescribed; and
- (c) the display, permitting, placing or leaving constituting the offence was done only as part of the carrying on of that business."

Clause, as amended, agreed to.

Clause 40 -

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

Omit "indecent" (wherever occurring) and substitute "sexual".

Omit from sub-clause (2) "A person shall not be held to have contravened sub-section (1) by reason only that the object of the business is made known to" and substitute "It is a defence to a prosecution for an offence against sub-section (1) that the object of the business was made known only to".

Insert at the end the following new sub-clause:

"(3) It is a defence to a prosecution for an offence against sub-section (1) that -

- (a) the defendant carried on or managed, at the time of the commission of the offence, a prescribed business;
- (b) the business was being carried on in accordance with such conditions as are prescribed in relation to that business; and
- (c) the advertising, attempt, counselling or procuring constituting the offence was done only as part of the carrying on of that business."

Clause, as amended, agreed to.

Clause 41 agreed to.

Clause 42 -

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

Insert in sub-clause (3) after "prosecution" the words "for an offence".

Clause, as amended, agreed to.

Clause 43 agreed to.

Clause 44 -

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

Omit "60" (wherever occurring) and substitute "30".

Clause, as amended, agreed to.

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

Police and Police Offences Bill (No. 3) 1979 (Serial 307)

Clause 1 -

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

Omit "Police and Police Offences Act (No. 3) 1979" and substitute "Summary Offences Act (No. 3) 1979".

Clause, as amended, agreed to.

Clause 2 agreed to.

Clause 3 -

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

Omit "Police and Police Offences Act" and substitute "Summary Offences Act".

Clause, as amended, agreed to.

Title -

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

Omit "Police and Police Offences Act" and substitute "Summary Offences Act".

Title, as amended, agreed to.

Police Administration Bill (No. 2) 1979 (Serial 308)

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

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

The Bills were read a third time and passed to be proposed laws.

9. REMUNERATION (STATUTORY BODIES) BILL 1979 (Serial 360): Mr Everingham (Chief Minister), by leave, 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.

10. CRIMINAL LAW AND PROCEDURE BILL (No. 3) 1979 (Serial 357): Mr Everingham (Chief Minister), by leave, 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.

11. WORKMEN'S COMPENSATION BILL (No. 5) 1979 (Serial 358): Mr Everingham (Chief Minister), by leave, 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.

12. SUMMARY OFFENCES BILL (No. 4) 1979 (Serial 361): Mr Everingham (Chief Minister), by leave, 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.

13. TAXATION (ADMINISTRATION) BILL (No. 2) 1979 (Serial 363): Mr Perron (Treasurer), by leave, 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.

14. STAMP DUTY BILL (No. 3) 1979 (Serial 364): Mr Perron (Treasurer), by leave, 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.

15. EDUCATION BILL (No. 2) 1979 (Serial 359): Mr Robertson (Minister for Education), by leave, presented the Bill which was thereupon read a first time.

Mr Robertson 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.

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

That the Assembly do now adjourn.

Debate ensued.

PERSONAL EXPLANATION: Mrs Lawrie (Nightcliff), by leave, made a personal explanation refuting remarks attributed to her by the Chief Minister during this debate.

Debate resumed.

PERSONAL EXPLANATION: Mr Everingham (Chief Minister), by leave, made a personal explanation denying his use of a certain word attributed to him by Mr Collins during this debate.

Question put and negatived.

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

That the Assembly, at its rising, adjourn until Tuesday 13 November 1979 or such other time as may be notified by Mr Speaker to all members in writing.

Question put and passed.

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

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1303 hours adjourned until Tuesday 13 November 1979 or such other time as may be notified by Mr Speaker to all members in writing.

PAPERS: The following papers were deemed to have been presented on 11 October 1979, pursuant to statute:

Regulations 1979:

No. 22 Criminal Law (Conditional Release of Offenders) (Community Service Orders) Regulations

No. 23 Amendments of the Abattoirs and Slaughtering Regulations

No. 24 Amendments of the Veterinary Surgeons Regulations

No. 25 Weights and Measures Regulations

No. 26 Home Loan Scheme Regulations

ATTENDANCE: All members attended the sitting.

F.K.M. THOMPSON

Clerk of the Legislative Assembly

SECOND LEGISLATIVE ASSEMBLY

INDEX TO MINUTES

SITTING DAY No. 35

From	To	Pages
11 October 1979	11 October 1979	429 - 437
 BILLS -		
Serial 306	Classification of Publications 1979	429-34P
357	Criminal Law and Procedure (No. 3) 1979	435
359	Education (No. 2) 1979	436
308	Police Administration (No. 2) 1979	429-30,434P
307	Police and Police Offences (No. 3) 1979 (Passed as Summary Offences (No. 3) 1979)	429-30,434P
360	Remuneration (Statutory Bodies) 1979	435
364	Stamp Duty (No. 3) 1979	435-6
361	Summary Offences (No. 4) 1979	435
296	Territory Development (No. 2) 1979	429N
363	Taxation (Administration) (No. 2) 1979	435
354	Workmen's Compensation (No. 5) 1979	429
358	Workmen's Compensation (No. 5) 1979	435
	N - Negatived P - Passed	
 PAPERS (Tabled Pursuant to statute) -		
<u>Regulations 1979:</u>		
No. 22	Criminal Law (Conditional Release of Offenders) (Community Service Orders) Regulations	436
No. 23	Amendments of the Abattoirs and Slaughtering Regulations	436
No. 24	Amendments of the Veterinary Surgeons Regulations	436
No. 25	Weights and Measures Regulations	437
No. 26	Home Loan Scheme Regulations	437
 PERSONAL EXPLANATIONS -		
	Mr Everingham	436
	Mrs Lawrie	437
 SPECIAL ADJOURNMENT -		
	Tuesday 13 November 1979	436
 STATEMENTS -		
	Privilege matter	429,429,429