

LEGISLATIVE ASSEMBLY

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 7

Tuesday 21 November 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PRESENTATION OF ADDRESS IN REPLY: Mr Speaker informed the Assembly that he would present the Address in Reply to His Honour the Administrator at 1700 hours, and invited Members to accompany him to Government House for the purpose.
3. MESSAGES FROM THE ADMINISTRATOR: The following messages were read by the Clerk -

Message No. 4:

I inform the Assembly of the following action taken pursuant to sub-section 8(1) of the Northern Territory (Self-Government) Act 1978:

His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, did on 13 September 1978 declare that he has withheld assent to the proposed law entitled the Cattle Price Stabilization Ordinance 1975.

A Statement of Reasons for withholding assent to this proposed law, and a copy of the relevant Order by the Governor-General, are attached in pursuance of section 10 of the Act.

(Sgd) J.A. ENGLAND
Administrator

The Clerk tabled the Statement of Reasons for withholding assent and a copy of the Order by the Governor-General.

Northern Territory (Self-Government) Act 1978
Section 10

STATEMENT OF REASONS FOR WITHHOLDING ASSENT
TO A PROPOSED LAW

The proposed law entitled Cattle Price Stabilization Ordinance 1975 was passed by the Legislative Assembly for the Northern Territory at the meeting held in April 1975, and reserved by the Administrator for the Governor-General's pleasure. The Governor-General on 13 September 1978 withheld assent to it.

Due to a continuing sharp decline in world beef prices, the voluntary price-support scheme provided for in the Ordinance became outdated and inappropriate to the situation of the Territory cattle industry shortly after its passage. Because of this and policy considerations related to financial assistance to the cattle industry at the national level, the Ordinance, which also contain-

ed some administrative weaknesses, was initially reserved to enable it to be examined more closely in relation to the changing industry situation.

In view of the constitutional changes that were to take place, a final decision on this Ordinance was subsequently deferred in order to give the Government of the Northern Territory the opportunity to reconsider it in relation to the current situation and its proposed policies. That Government now agrees that the situation in the Territory has changed considerably since the Ordinance was passed and had no objection to assent being withheld, as it preferred to have the opportunity to review the situation and, if necessary, devise appropriate current legislation.

(Sgd) J.A. ENGLAND
Administrator

Message No. 5:

I inform the Assembly of the following action taken pursuant to subsection 8(1) of the Northern Territory (Self-Government) Act 1978:

His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, did on 21 September 1978 declare that he assents to the proposed laws passed by the Legislative Assembly of the Northern Territory and reserved by the Administrator for the Governor-General's pleasure, and entitled -

Construction Safety Ordinance 1975
Firearms Ordinance (No. 2) 1975
Construction Safety Ordinance 1976.

(Sgd) J.A. ENGLAND
Administrator

4. PETITION - ELECTRICITY SUPPLY, HUNDRED OF STRANGWAYS: Mr Doolan (Victoria River) presented a petition from a number of Northern Territory residents regarding the supply of electricity to the area.

Petition received and read.

5. STATEMENT: Mr Perkins (Macdonnell), by leave, made a statement correcting remarks made by him during the September 1978 sittings of the Assembly relating to funds used for electoral purposes.

Mr Robertson, by leave, moved -

That the Statement be noted

and was granted leave to continue his remarks at a later hour.

6. NOTICES: The following notices were given:

Mr Everingham: To present the following Bills -

Companies (Trustees and Personal Representatives) Bill 1978
(Serial 163);
Legislative Assembly (Remuneration, Allowances and Entitlements)
Bill (No. 2) 1978 (Serial 226);
Jabiru Town Development Bill 1978 (Serial 227);
Administration and Probate Bill (No. 2) 1978 (Serial 214);
Statute Law Revision Bill (No. 2) 1978 (Serial 217);
Registration of Births, Deaths and Marriages Bill (No. 3) 1978
(Serial 221); and

Transfer of Powers (Law) Bill 1978 (Serial 222).

Mrs O'Neil: To present the Second-hand Motor Vehicles Bill 1978 (Serial 210).

Mr Steele: To present the following Bills -

Motor Vehicles Bill (No. 8) 1978 (Serial 180);
Motor Vehicles Bill (No. 9) 1978 (Serial 206); and
Veterinary Surgeons Bill 1978 (Serial 181).

Mr Collins: To move -

That during the present session of the Assembly a committee to be known as the Sessional Committee on the Environment, consisting of three members nominated by the Chief Minister and two members nominated by the Leader of the Opposition, be appointed.

That the committee be empowered to inquire into and from time to time report upon and make recommendations on all matters relating to uranium mining and processing activities and their effects on the environment within the proposed Kakadu National Park.

That the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place.

Mr Tuxworth: To present the following Bills -

Mining Bill (No. 5) 1978 (Serial 177);
Petroleum (Prospecting and Mining) Bill (No. 2) 1978 (Serial 179);
Hospitals and Medical Services Bill 1978 (Serial 195);
Food Standards Bill 1978 (Serial 196);
Food and Drugs Bill 1978 (Serial 197);
Transfer of Powers (Health) Bill 1978 (Serial 212); and
Explosives Bill 1978 (Serial 220).

Mr Perron: To present the following Bills -

Appropriation Application Bill 1978 (Serial 198);
Housing Bill (No. 2) 1978 (Serial 178); and
Freehold Titles Bill 1978 (Serial 190).

7. QUESTIONS: Questions without notice were asked.
8. NORTHERN TERRITORY CONSUMERS PROTECTION COUNCIL - ANNUAL REPORT 1978: Mr Robertson (Minister for Community Development) presented the report and moved -
That the Report be printed.
Debate ensued.
Question put and passed.
9. REMUNERATION TRIBUNAL REPORT - PENSION SCHEME: Mr Everingham (Chief Minister) laid on the Table a copy of the Tribunal's report on a proposed pension scheme for Members of the Legislative Assembly of the Northern Territory.

Mr Everingham moved -

That the Report be noted

and was granted leave to continue his remarks at a later hour.

10. DIRECTION OF ADMINISTRATOR AND DIRECTION OF THE TREASURER: Mr Perron laid on the Table copies of a Direction of the Administrator dated 15 November 1978 and a Direction of the Treasurer dated 20 November 1978, under the Financial Administration and Audit Act.
11. EMPLOYMENT - STATEMENT: Mr Everingham, by leave, made a statement on employment in the Northern Territory.

Mr Everingham moved -

That the Statement be noted.

Debate ensued.

SUSPENSION OF SITTING: The sitting was suspended between 1202 and 1400 hours.

PERSONAL EXPLANATION: Mrs Lawrie, by leave, made a personal explanation refuting remarks concerning her attendance in the Chamber which were made by Mr Robertson during this debate.

Question put and passed.

12. FINANCIAL ADMINISTRATION AND AUDIT BILL (No. 3) 1978 (Serial 142): 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.

13. REMUNERATION OF MEMBERS - DETERMINATION: Mr Everingham (Chief Minister), by leave, laid on the Table a copy of the Determination of the Acting Administrator dated 18 October 1978; and Mr Everingham, by leave, made a statement.
14. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 4) 1978 (Serial 143): 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. CRIMINAL LAW AND PROCEDURE BILL (No. 2) 1978 (Serial 144): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Everingham moved -

That the committee stages be later taken.

Question put and passed.

16. ABSCONDING DEBTORS BILL 1978 (Serial 149): 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 adjourned and the resumption of the debate made an order of the day for a later hour.

17. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to noting the Statement made by the Member for Macdonnell was called on.

18. CENTRAL AUSTRALIAN ABORIGINAL CONGRESS FUNDS - USE FOR ELECTION AND POLITICAL PURPOSES - STATEMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Robertson

That the Statement be noted -

Debate resumed.

Question put and passed.

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

That the Assembly do now adjourn.

MINUTES OF PROCEEDINGS - Tuesday 21 November 1978

Debate ensued.

Question put and passed.

And then the Assembly at 1648 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 21 November 1978, pursuant to statute:

Annual Reports:

Darwin Hospital Advisory Board, 1977-8
Katherine Hospital Advisory Board, 1977-8
Katherine Town Management Board, 1977-8
Tennant Creek Hospital Advisory Board, 1977-8
Tennant Creek Town Management Board, 1977-8

Minutes of Town Management Boards:

Katherine - Meetings Nos. 162 to 171
Tennant Creek - Meetings Nos. 136 to 145

Public Service By-laws 1978:

No. 10 Amendments of the Public Service (Salaries and Designations) By-laws
No. 11 Amendments of the Public Service (Terms and Conditions of Service By-laws
No. 12 Amendments of the Public Service (Conditions of Appointment and Promotion) By-laws

Recommendation under section 103(3) of Crown Lands Ordinance:

Proposed revocation and proclamation of Reserve No. 1604

Regulations 1978:

No. 25 Amendments of the Brands Regulations
No. 26 Amendment of the Building Regulations
No. 27 Amendments of the Workmen's Compensation Regulations
No. 28 Amendment of the Fisheries Regulations
No. 29 Amendments of the Mining Regulations
No. 30 Stamp Duty (Exemption) Regulations
No. 31 Registration of Births, Deaths and Marriages Regulations
No. 32 Amendments of the Lottery and Gaming Regulations
No. 33 Ombudsman (Witnesses' Expenses) Regulations

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 8

Wednesday 22 November 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. NOTICES: The following notices were given:

Mr Isaacs: To move -

That -

1. A Standing Committee be appointed to:
 - (a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine;
 - (b) consider how, if at all, policies implied in the figures of expenditure and in the estimates may be carried out more economically;
 - (c) examine the relationship between the costs and benefits of implementing government programs;
 - (d) inquire into and report upon any question in connexion with public expenditure which is referred to it by the Legislative Assembly.
2. The committee consist of five members, three of whom will be nominated by the Chief Minister and two nominated by the Leader of the Opposition.
3. Every nomination of a member of the committee be forthwith notified in writing to the Speaker.
4. The members of the committee will hold office for the full term of the Legislative Assembly.
5. The committee elect one of its members as Chairman.
6. The committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee, and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the Chairman at that meeting.
7. The committee have power to appoint sub-committees consisting of three or more of its members, and shall appoint the Chairman of each sub-committee who shall have a casting vote only, and refer to any such sub-committee any matter which the committee is empowered to examine.
8. A majority of the members of a sub-committee constitute a quorum of that sub-committee.
9. Members of the committee who are not members of a sub-committee may take part in the public proceedings of that sub-committee but shall not vote or move any motion or constitute a quorum.
10. The committee or any sub-committee have power to send for persons, papers and records.
11. The committee have power to move from place to place and to sit during any recess.
12. Any sub-committee have power to move from place to place, adjourn from time to time and to sit during any recess, sitting or adjournment.
13. The committee or any sub-committee have power to authorize publication of any evidence given before it and any document presented to it.

14. Three members of the committees constitute a quorum of the committee.
15. The committee be provided with necessary staff, facilities and resources.
16. The committee in selecting particular matters for investigation take account of the investigations of other committees of the Assembly and avoid duplication.
17. The committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report.
18. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Isaacs: To present the Classification of Publications Bill 1978 (Serial 207).

Mr Everingham: To present the following Bills -

Administration and Probate Bill 1978 (Serial 205);
Intestate Aboriginals (Distribution of Estates) Act Repeal Bill 1978 (Serial 193); and
Family Provision Bill 1978 (Serial 194).

Mr Robertson: To present the Criminal Law (Conditional Release of Offenders) Bill (No. 2) 1978 (Serial 218).

Mr Robertson: To move -

That during the present session of the Assembly, notwithstanding any previous resolution of the Assembly, Mr Speaker may, at his discretion, appoint a time for holding a sittings of the Assembly, which time shall be notified to each member by letter or telegram.

Mr Collins: To present the Workmen's Compensation Bill (No. 2) 1978 (Serial 208).

3. QUESTIONS: Questions without notice were asked.

4. NORTHERN TERRITORY OMBUDSMAN - FIRST REPORT: Mr Everingham (Chief Minister) laid on the Table the first report of the N.T. Ombudsman for the period 1 July 1978 to 27 October 1978.

Mr Everingham having spoken by leave then moved -

That the Report be noted.

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

5. RELATIONSHIP BETWEEN THE TERRITORY AND THE AUSTRALIAN LOAN COUNCIL - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on the relationship between the N.T. Government and the Australian Loan Council.

Mr Isaacs asked leave to make a statement on the same subject -

Leave denied.

Mr Isaacs, by leave, moved -

That so much of standing orders be suspended as would prevent him making a statement.

Question put and negatived.

6. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - HEALTH POLICIES: Mr Speaker informed the Assembly that Mrs O'Neil (Fannie Bay) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely:

"The failure of the Northern Territory Government to announce its health policies, and to seek the views of the people of the Northern Territory on them, prior to the transfer of responsibility for Health on 1 January 1979".

The proposal having received the necessary support -

Mrs O'Neil addressed the Assembly.

Discussion ensued.

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

7. JABIRU TOWN DEVELOPMENT BILL 1978 (Serial 227): 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.

8. APPROPRIATION APPLICATION BILL 1978 (Serial 198): 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.

9. LEGISLATIVE ASSEMBLY (REMUNERATION, ALLOWANCES AND ENTITLEMENTS) BILL (No. 2) 1978 (Serial 226): 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.

10. HOSPITALS AND MEDICAL SERVICES BILL 1978 (Serial 195): 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.

11. LAPSE OF NOTICE: Mr Steele not rising to move Notice No. 5 standing in his name, the notice lapsed.
12. TRANSFER OF POWERS (LAW) BILL 1978 (Serial 222): Mr Everingham (Attorney-General), 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.

13. TRANSFER OF POWERS (HEALTH) BILL 1978 (Serial 212): 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.

14. HOUSING BILL (No. 2) 1978 (Serial 178): Mr Perron (Minister for Lands and Housing), 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.

15. MOTOR VEHICLES BILL (No. 9) 1978 (Serial 206): Mr Steele (Minister for Transport and Works), 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.

16. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL (No. 3) 1978 (Serial 221): Mr Everingham (Attorney-General), 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.

17. MINING BILL (No. 5) 1978 (Serial 177): Mr Tuxworth (Minister for Mines and Energy), 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.

18. LAPSE OF NOTICE: Mr Perron not rising to move Notice No. 12 standing in his name, the notice lapsed.

19. STATUTE LAW REVISION BILL (No. 2) 1978 (Serial 217): Mr Everingham (Attorney-General), 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.

20. EXPLOSIVES BILL 1978 (Serial 220): Mr Tuxworth (Minister for Mines and Energy), 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.

21. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham, Notice No. 17, Government Business, was called on.

22. COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) BILL 1978 (Serial 163): Mr Everingham (Attorney-General), 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.

23. ADMINISTRATION AND PROBATE BILL (No. 2) 1978 (Serial 214): Mr Everingham (Attorney-General), 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.

24. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Tuxworth moved -

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

- (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report 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 -

Question put and passed.

25. FOOD BILLS: FOOD STANDARDS BILL 1978 (Serial 196) and FOOD AND DRUGS BILL 1978 (Serial 197): Mr Tuxworth (Minister for Health), pursuant to notice, 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.

SUSPENSION OF SITTING: The sitting was suspended between 1200 and 1400 hours.

26. STATEMENT: Mr Everingham, by leave, corrected a statement made by him in the Assembly on 12 September 1978 regarding Senator E.A. Robertson.
27. VETERINARY SURGEONS BILL 1978 (Serial 181): 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.

28. PETROLEUM (PROSPECTING AND MINING) BILL (No. 2) 1978 (Serial 179): Mr Tuxworth (Minister for Mines and Energy), 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.

29. CASINO DEVELOPMENT BILL 1978 (Serial 151): 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 -

Miss D'Rozario moved as an amendment -

Omit all words after "That" and insert the following:

"whilst not denying the Bill a second reading, this Assembly is of the opinion that no casino licence should be issued unless an expression of approval is first obtained by the conduct of a referendum amongst the

citizens of the town in respect of which it is proposed to issue the licence."

Debate ensued.

Question put - The Assembly divided (Mr Speaker MacFarlane in the Chair).

NOES 12

AYES 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr MacFarlane
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

And so it was resolved in the negative.

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

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

Clause 2 -

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

Omit the definition of "gross profit".

Clause, as amended, agreed to.

Clause 3 -

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

Omit "erection" and substitute "establishment".

Clause, as amended, agreed to.

Clause 4 -

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

Omit "until" and insert "unless".

Miss D'Rozario moved as an amendment -

Insert the following new paragraph:

"(aa) a provision that no licence will be issued unless an expression of

approval is first obtained by the conduct of a referendum amongst the citizens of the town in respect of which it is proposed to issue the licence."

Debate ensued.

Question put and negatived.

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

Omit paragraph (b) and substitute the following paragraph:

"(b) a provision that the premises will not be licensed unless they are accompanied by or incorporate substantial hotel development and other amenities to international standards to the satisfaction of the Minister."

Clause, as amended, agreed to.

Clause 5 -

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

Omit from sub-clause (1) "erection" and substitute "establishment".

Omit paragraph (1)(b) and insert instead:

"(b) a tax at a rate to be determined,".

Clause, as amended, agreed to.

Clause 6 -

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

Omit "(1)"

Omit "games of chance specified in the agreement", insert instead "games of chance approved by the Minister".

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.

30. LOTTERY AND GAMING BILL (No. 4) 1978 (Serial 154): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 to 4, by leave, taken together, and agreed to.

Clause 5 -

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

Omit from paragraph (c) the proposed definition of "member" and substitute the following definition:

"'member' means a member of the Commission other than the Chairman."

Clause, as amended, agreed to.

Clause 6 -

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

Omit sub-section (2) from proposed section 7B and substitute the following sub-section:

"(2) The Administrator may appoint a person who is an employee within the meaning of the Public Service Act to be the Chairman and 2 persons to be members."

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

Omit proposed section 7C.

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

Omit paragraph (a) from proposed section 7D(1).

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

Omit sub-section (2) from proposed section 7D.

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

Omit paragraphs (a) and (b) from proposed section 7E(1).

Omit from proposed section 7E(2) "other than the Chairman,".

Omit sub-section (1) from proposed section 7H and substitute the following sub-section:

"(1) The Chairman shall, by notice in writing to the members, convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions."

Omit sub-section (2) from proposed section 7H.

Omit from proposed section 7H(3) "or (2), as the case may be".

Omit from proposed section 7H(4)(a) "or, in the absence of the Chairman, the executive officer".

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

Omit from proposed section 7H(4)(b) and (d) "the person presiding" and substitute "the Chairman".

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

Omit paragraph (c) from proposed section 7H(4).

Omit paragraph (e) from proposed section 7H(4) and substitute the following paragraph:

"(e) in the event of an equality of votes, the Chairman shall defer consideration of the unresolved question until the earliest practicable date when the Chairman and the 2 members may consider the question at a meeting of the Commission;"

Omit paragraph (f) from proposed section 7H(4) and substitute the following paragraph:

"(f) the Commission shall keep a record of its proceedings; and".

Omit from proposed section 7J "the executive officer" (twice occurring) and substitute "an employee engaged in the work of the Commission".

Omit paragraph (b) from proposed section 7K(1).

Omit from proposed section 7L(1)(d) "book-maker's clerk" and substitute "bookmaker's clerk".

Omit from proposed section 7M(1) "A member of the Police Force or of the Commission" and substitute "The Chairman, a member, an employee engaged in the work of the Commission or a member of the Police Force".

Omit from proposed section 7M(2) "A member of the Police Force or of the Commission who enters premises in pursuance of this section may" and substitute "Where the Chairman, a member, an employee engaged in the work of the Commission or a member of the Police Force enters premises in pursuance of this section, he may".

Clause, as amended, agreed to.

Remainder of the 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.

31. CRIMINAL LAW AND PROCEDURE BILL (No. 2) 1978 (Serial 144): 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 negatived.

New clause -

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

"3. The Principal Act is amended by adding after section 54 the following sections:

'55.(1) This section shall apply in respect of offences committed and acts done or omitted to be done on or after the date of commencement of this section but in respect of no other offences, acts or omissions.

'(2) Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the marital coercion of the husband is abolished.

'56.(1) The Administrator may -

(a) remit, with or without conditions, any sentence of imprisonment; and

(b) remit any fine, penalty or forfeiture due or accrued to the Crown,

under, or in respect of an offence against, any law in force in the Territory (other than a law of the Commonwealth).

'(2) Nothing in this section shall be construed as affecting the powers vested in the Governor-General in the exercise of the Royal prerogative of mercy.'".

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.

32. ABSCONDING DEBTORS BILL 1978 (Serial 149): 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 3, by leave, taken together and agreed to.

Clause 4 -

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

Insert after "if he is satisfied that" the words "there are reasonable grounds".

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

Omit from paragraph (a) "there are reasonable grounds".

Omit from paragraph (b) "there are reasonable grounds".

Clause, as amended, agreed to.

Clause 5 negatived.

Clause 6 -

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

In sub-clause (1) omit "justice" and substitute "magistrate or Judge".

Clause, as amended agreed to.

Clause 7 -

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

Omit from sub-clause (1) and (2) "justice" and substitute "magistrate or Judge".

Clause, as amended, agreed to.

Clause 8 -

On the motion of Mr Everingham, by leave, the following unscheduled amendment was made, after debate:

Omit "justice" and substitute "magistrate or Judge".

Clause, as amended, agreed to.

Clauses 9, 10 and 11, by leave, taken together and agreed to.

Clause 12 -

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

Insert in sub-clause (2)(b) after "within 24 hours" the words "of, or as soon as practicable after, receiving the debtor into custody,".

Clause, as amended, agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Clause 15 -

On the motion of Mr Everingham the following amendments were made, after debate:

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

"(1) Upon an application made under section 14, a Judge or magistrate may make such order as he sees fit."

Omit from sub-clause (2) "a Judge" and substitute "a magistrate or Judge".

Omit from sub-clause (2) ", after reasonable inquiry,".

Clause, as amended, agreed to.

Clauses 16, 17 and 18, by leave, taken together and agreed to.

Clause 19 -

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

Omit from sub-clause (1) "that condition" and substitute "a condition to which his release from custody was subject".

Insert in sub-clause (2) after "within 24 hours of" the words ", or as soon as practicable thereafter,".

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together and agreed to.

Clause 23 -

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

Insert after "as the case may be" the words "unless the applicant introduces further information in support of his application that was not and could not reasonably have been introduced at the time when the warrant or order set aside or quashed, as the case may be, was applied for".

Clause, as amended, agreed to.

Clauses 24 to 30, by leave, taken together and agreed to.

New clause -

On the motion of Mr Everingham the following new clause was added to the Bill:

"31. The Administrator may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act (matters in respect of which Rules of Court may be made under section 30 excepted)."

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.

33. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1917 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 9

Thursday 23 November 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.

2. NOTICES: The following notices were given -

Mr Perron: To present the following Bills -

Freehold Titles Bill (No. 2) 1978 (Serial 211);
Stamp Duty Bill (No. 4) 1978 (Serial 215); and
Taxation (Administration) Bill (No. 3) 1978 (Serial 216).

3. QUESTIONS: Questions without notice were asked.

4. EDUCATION ADVISORY GROUP REPORT: Mr Robertson (Minister for Education) laid on the Table the Report of the Education Advisory Group on matters relating to the structure of Education Administration for a Self-governing Northern Territory, dated October 1978.

5. SUSPENSION OF STANDING ORDERS: Mr Everingham (Attorney-General), by leave, moved -

That so much of standing orders be suspended as would prevent three Bills relating to intestate Aborigines -

(a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report 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 -

Question put and passed.

6. INTESTATE ABORIGINES BILLS: ADMINISTRATION AND PROBATE BILL 1978 (Serial 205), INTESTATE ABORIGINES (DISTRIBUTION OF ESTATES) ACT REPEAL BILL 1978 (Serial 193) and FAMILY PROVISION BILL 1978 (Serial 194): Mr Everingham (Attorney-General), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham 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.

7. NEWSPAPERS IN CHAMBER - STATEMENT: Mr Speaker MacFarlane made a statement in the following terms:

I wish to clarify for Members my attitude towards the bringing of newspapers into the Chamber. I do not attempt to prohibit newspapers being brought into the Chamber, but I do object to the reading of newspapers in the Chamber in a manner which might tend to give the impression that the Chamber is the reading room of a club and not the House of the Parliament. Newspapers have

a place in parliamentary business; they are often referred to in debate and indeed for the purposes of certain standing orders may have to be produced in the Chamber. It is left to Members' sense of decorum how they conduct themselves in the Chamber and what use they make of material which they bring into this place, but I have the responsibility to intervene if I find that sense of decorum lacking to the extent that a Member's behaviour becomes unparliamentary.

8. CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL (No. 2) 1978 (Serial 218): Mr Robertson (Minister for Community Development), pursuant to notice, 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.

9. SITTINGS OF ASSEMBLY - SESSIONAL ORDER: Mr Robertson, pursuant to notice, moved -

That during the present session of the Assembly, notwithstanding any previous resolution of the Assembly, Mr Speaker may, at his discretion, appoint a time for holding a sittings of the Assembly, which time shall be notified to each member by letter or telegram.

Debate ensued.

Question put and passed.

10. APPROPRIATION BILL (No. 1) 1978-79 (Serial 150): 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)

Schedule 2 -

Allocations for Divisions 11, 12, 14, 15, 16, 17, 18, 19, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 agreed to.

Remainder of Schedule 2 -

Allocations for Divisions 40 to 44, 50 and 52, 55 and 56, 60 to 62, 65 to 69, by leave, taken together, and agreed to.

Clause 1 agreed to.

Remainder of 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.

11. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Robertson, Order of the Day No. 2, Government Business, was postponed to a later hour.

12. APPROPRIATION APPLICATION BILL 1978 (Serial 198): 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 Robertson moved -

That so much of standing orders be suspended as would prevent the Appropriation Application Bill 1978 (Serial 198) passing through all stages at this sitting.

The motion having been supported -

Question put and passed.

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

Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

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

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

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

13. LEGISLATIVE ASSEMBLY (REMUNERATION, ALLOWANCES AND ENTITLEMENTS) BILL (No. 2) 1978 (Serial 226): 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 Robertson moved -

That so much of standing orders be suspended as would prevent the Legislative Assembly (Remuneration, Allowances and Entitlements) Bill (Serial 226) passing through all stages at this sitting.

The motion having been supported -

Question put and passed.

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

Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

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

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

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

14. SUSPENSION OF STANDING ORDERS - PASS FIVE BILLS THROUGH ALL STAGES: Mr Robertson (Minister for Community Development), by leave, moved -

That so much of standing orders be suspended as would prevent the Hospitals and Medical Services Bill 1978 (Serial 195), the Transfer of Powers (Law) Bill 1978 (Serial 222), the Transfer of Powers (Health) Bill 1978 (Serial 212), the Motor Vehicles Bill (No. 9) 1978 (Serial 206) and the Statute Law Revision Bill (No. 2) 1978 (Serial 217) passing through all stages at this sitting.

Question put and passed.

15. POISONS BILL 1978 (Serial 152): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 7, Government Business, was called on.

17. CRIMINAL LAW CONSOLIDATION BILL 1978 (Serial 160): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

Bill, by leave, taken as a whole.

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

Omit from clause 1 "and Ordinance".

Bill, as amended, agreed to.

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

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

18. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 8, Government Business, was postponed to a later hour and Order of the Day No. 9 was called on.

19. CRIMINAL LAW (OFFENCES AT SEA) BILL 1978 (Serial 161): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit from the definition of "act" the words ", condition of being".

Insert after the definition of "omission" the following definition:

"'proceedings' includes committal proceedings;"

Clause, as amended, agreed to.

Clauses 4 to 7, by leave, taken together and agreed to.

Clause 8 -

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

Omit from clause 8(1) "of the Territory".

Omit from clause 8(4) "examination of witnesses" and substitute "examination of witnesses in committal proceedings".

Omit from clause 8(5) "unless the contrary has been established" and substitute "unless the contrary is established".

Clause, as amended, agreed to.

Clause 9 -

Debate ensued.

Mr Everingham moved -

That the committee report progress.

Question put and passed.

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

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

20. INTERPRETATION BILL (No. 3) 1978 (Serial 165): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

21. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson the Order of the Day relating to the Criminal Law (Offences at Sea) Bill 1978 was called on.

22. CRIMINAL LAW (OFFENCES AT SEA) BILL 1978 (Serial 161): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

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

(In the committee)

(Deputy Chairman - Mr Ballantyne)

Consideration resumed.

Clause 9 agreed to, after further debate.

Clause 10 -

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

Omit "State or Territory" substitute "State or in another Territory".

Clause, as amended, agreed to after debate.

Clause 11 -

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

Omit "by virtue of this Act or to the act or omission" and substitute "by virtue of this Act to the act or omission".

Clause, as amended, agreed to.

Clause 12 -

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

Omit from clause 12(1)(a) "a State or Territory" and substitute "a State or another Territory of the Commonwealth".

Clause, as amended, agreed to.

Clause 13 agreed to, after debate.

Title agreed to.

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

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

23. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson Order of the Day No. 12, Government Business, was called on:

24. STATUS OF CHILDREN BILL 1978 (Serial 170): 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 Robertson moved -

That the committee stages be later taken.

Question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1243 and 1400 hours.

25. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson the Order of the Day relating to the Poisons Bill 1978 (Serial 152) was called on.
26. POISONS BILL 1978 (Serial 152): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit "medicants" and substitute "medicaments".

Clause, as amended, agreed to.

Title agreed to.

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

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

27. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson Order of the Day No. 6, Government Business, was called on.
28. EXPLOSIVES BILL 1978 (Serial 155): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mr Ballantyne)

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

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

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

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

30. TRAFFIC BILL (No. 3) 1978 (Serial 164): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

31. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson Order of the Day No. 11, Government Business, was called on:

32. TRAFFIC BILL (No. 2) 1978 (Serial 168): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

33. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson Order of the Day No. 21, Government Business, was called on:
24. MOTOR VEHICLES BILL (No. 7) 1978 (Serial 169): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

35. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1606 hours adjourned until 1000 hours on Tuesday 28 November 1978.

PAPERS: The following papers were deemed to have been presented on 23 November 1978, pursuant to statute:

Determinations and Agreements:

Agreement between Administrator and N.T. Police Association dated 22 November 1978

Agreement between Administrator and N.T. Police Commissioned Officers Association dated 22 November 1978

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 10

Tuesday 28 November 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. DEATH OF SIR ALAN TURNER: Mr Speaker informed the Assembly of the death on 27 November 1978 of Sir Alan Turner, a former Clerk of the House of Representatives, who assisted the Clerk at the first sitting of the Legislative Council for the Northern Territory.

3. NOTICES: The following notices were given:

Mr Everingham: To move -

That the Legislative Assembly recommend to His Honour the Administrator of the Northern Territory that he appoint Russell Henderson Watts to the office of the Ombudsman for the Northern Territory.

Mr Everingham: To present the following Bills -

Domicile Bill 1978 (Serial 201);
Criminal Law Consolidation Bill (No. 2) 1978 (Serial 219);
Land and Business Agents Bill 1978 (Serial 223);
Commercial and Private Agents Licensing Bill 1978 (Serial 230);
Local Courts Bill 1978 (Serial 231);
Public Trustee Bill 1978 (Serial 232); and
Justices Bill (No. 2) 1978 (Serial 234).

Mr Perron: To present the following Bills -

Planning Bill 1978 (Serial 182);
Darwin Town Area Leases Bill 1978 (Serial 183);
Special Purposes Leases Bill 1978 (Serial 184);
Church Lands Leases Bill 1978 (Serial 185);
Crown Lands Bill (No. 2) 1978 (Serial 187);
Lands Acquisition Bill (No. 2) 1978 (Serial 188);
Building Bill 1978 (Serial 189);
Freehold Titles Bill 1978 (Serial 190); and
Unit Titles Bill 1978 (Serial 192).

Mr Collins: To present the Long Service Leave Bill 1978 (Serial 209).

Mr Tuxworth: To present the Petroleum (Prospecting and Mining) Bill 1978 (Serial 204) and the Mining Bill (No. 6) 1978 (Serial 233).

Mr Steele: To present the Employment (Leave of Absence) Bill 1978 (Serial 229) and the Workmen's Compensation Bill (No. 2) 1978 (Serial 228).

Mr Robertson: To present the following Bills -

Adoption Bill 1978 (Serial 202);
Tenancy Bill 1978 (Serial 199); and
Local Government Bill (No. 5) 1978 (Serial 191).

QUESTIONS: Questions without notice were asked.

5. ADVANCE TO TREASURER: Mr Perron (Treasurer) laid on the Table, pursuant to section 15 of the *Financial Administration and Audit Act*, a paper relating to an increase to the advance to the Treasurer.
6. COASTAL SURVEILLANCE - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement relating to coastal surveillance.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

7. AUSTRALIAN ABORIGINAL AFFAIRS COUNCIL - CONFERENCE OF MINISTERS - STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement relating to his attendance at the conference in Brisbane on 20 October 1978, and, by leave, laid on the Table copies of two papers presented by him to the conference.
8. DARWIN COMMUNITY COLLEGE ANNUAL REPORT 1973: Mr Robertson (Minister for Education) laid on the Table a copy of the College's Annual Report for 1973 and, by leave, made a statement relating to the delay in presentation of the report.
9. CASINO DEVELOPMENT - MINISTERIAL STATEMENT: Mr Perron (Treasurer), by leave, made a statement relating to casino development in the Territory.

Miss D'Rozario asked leave to make a statement on the same subject -

Leave denied.

Mr Isaacs moved -

That so much of standing orders be suspended as would prevent Miss D'Rozario (Sanderson) making a statement.

Debate ensued.

PERSONAL EXPLANATION: Mr Isaacs made a personal statement relating to remarks made by the Treasurer in this debate.

Motion, by leave, withdrawn.

Miss D'Rozario, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

10. PERSONAL EXPLANATIONS: Mr Everingham and Mr Isaacs made personal statements relating to the distribution and receipt of copies of papers presented in the Assembly during this sittings.
11. DISTINGUISHED VISITOR - Mr T.M. McRAE, M.L.A.: Mr Speaker informed the Assembly that Mr T.M. McRae, M.L.A., Member for Playford in the South Australian Legislative Assembly, was present in the gallery.

Mr Speaker formally welcomed the distinguished visitor.

12. FREEHOLD TITLES BILL (No. 2) 1978 (Serial 211): Mr Perron (Minister for Lands and Housing), 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.

13. STAMP DUTY BILL (No. 4) 1978 (Serial 215): 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.

14. TAXATION ADMINISTRATION BILL (No. 3) 1978 (Serial 216): 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.

15. HOSPITALS AND MEDICAL SERVICES BILL 1978 (Serial 195): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

16. TRANSFER OF POWERS (LAW) BILL 1978 (Serial 222): 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)

(Deputy Chairman - Mr Ballantyne)

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8 -

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

Omit paragraph (b) and substitute the following paragraph:

"(b) by omitting from sub-paragraph (v) 'sub-paragraphs (i), (ii), (iii)' and substituting 'sub-paragraph (i), (ii), (ia), (iii)'."

Clause, as amended, agreed to.

Clause 9 agreed to.

Title agreed to.

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

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

17. SUSPENSION OF STANDING ORDERS - PASS 3 BILLS THROUGH ALL STAGES: Mr Robertson (Minister for Community Development), by leave, moved -

That so much of standing orders be suspended as would prevent the Stamp Duty Bill (No. 4) 1978 (Serial 215), the Taxation (Administration) Bill (No. 3) 1978 (Serial 216), and the Jabiru Town Development Bill 1978 (Serial 227) passing through all stages at this sitting.

The motion having been supported -

Debate ensued.

Mr Robertson moved -

That the Question be now put.

Question put.

The Assembly divided. (The Deputy Speaker, Mr Dondas, in the Chair).

AYES 11

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

NOES 7

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

And so it was resolved in the affirmative.

Original question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1159 and 1400 hours.

18. TRANSFER OF POWERS (HEALTH) BILL 1978 (Serial 212): 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.

19. SITTING TIMES: Mr Speaker informed the Assembly that it was proposed that the Assembly sit until 1800 hours and, after a one-hour break for dinner, resume sitting at 1900 hours.

20. JABIRU TOWN DEVELOPMENT BILL 1978 (Serial 227): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit the definition of "Chairman" and substitute:

"'Chairman' means the Chairman of the Authority and includes the Deputy Chairman while he is acting in the office of the Chairman;"

Omit the definition of "member" and substitute:

"'member' means a member of the Authority and includes -

(a) the Chairman; and

(b) the deputy of a member while he is acting in the office of the member;"

Clause, as amended, agreed to.

Clauses 4 to 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit from sub-clause (3) ", or in the opinion of the Minister are likely to become,"

Omit paragraph (b) of sub-clause (3) and substitute:

"(b) mining a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth in the Alligator Rivers Region within the meaning of the Environment Protection (Alligator Rivers Region Act) 1978 of the Commonwealth."

Clause, as amended, agreed to.

Clause 8 negatived.

New clause -

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

"8.(1) The Minister may appoint a member to be the Deputy Chairman.

"(2) A member, other than the Chairman, may appoint a person to be his deputy.

"(3) The deputy of a member may act in the office of that member -

(a) while that member is unable or unwilling to exercise a power or perform a function as a member; or

(b) if that member is Deputy Chairman, while the member is acting in the office of the Chairman."

Clauses 9 to 11, by leave, taken together and agreed to.

Clause 12 -

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

Omit from sub-clause (3) "4 days" and substitute "7 days".

Clause, as amended, agreed to.

Clause 13 -

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

Insert in sub-clause (1)(a), after "Chairman", the words "and one of whom is a principal representative".

Clause, as amended, agreed to.

Clause 14 -

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

Insert in sub-clause (2), after "directs", the words "or the member is a principal representative".

Clause, as amended, agreed to.

Clauses 15 to 20, by leave, taken together and agreed to.

Clause 21 -

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

Omit from sub-clause (2)(d) "who wishes".

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23 -

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

Omit paragraph (a) of sub-clause (2) and substitute:

"(a) may include a component for the repayment of a loan;

(aa) may include a component for payment of interest on a loan;".

Clause, as amended, agreed to.

Clauses 24 and 25, by leave, taken together and agreed to.

Clause 26 negatived.

New clause -

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

"26.(1) The moneys of the Authority consist of -

(a) moneys paid to the Authority out of moneys appropriated for the purpose by the Commonwealth Parliament;

(b) moneys paid to the Authority out of moneys appropriated for the purpose by the Northern Territory Legislative Assembly;

(c) moneys paid to it by a participating body; and

(d) such other moneys as the Authority receives in the exercise of its powers and the performance of its functions.

"(2) The Minister for Finance of the Commonwealth, or the Treasurer of the Northern Territory, may give directions as to the amounts in which, and the times at which, moneys appropriated for the use of the Authority by the Commonwealth Parliament or the Northern Territory Legislative Assembly, as the case may be, are to be payable to the Authority."

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

The Assembly resumed - The Chairman reported the Bill.

Mr Everingham moved -

That the Bill be recommitted to the committee of the whole for further consideration of clause 14.

Question put and passed.

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

(In the committee)

On recommitment

Clause 14 -

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

Omit from sub-clause (3) "sub-section (3)" and substitute "sub-section (2)".

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.

21. MOTOR VEHICLES BILL (No. 9) 1978 (Serial 206): 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.

22. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL (No. 3) 1978 (Serial 221): 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 adjourned and the resumption of the debate made an order of the day for a later hour.

23. STATUTE LAW REVISION BILL (No. 2) 1978 (Serial 217): 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.

24. SOIL CONSERVATION AND LAND UTILIZATION BILLS: CONTROL OF WATERS BILL 1978 (Serial 156) and SOIL CONSERVATION AND LAND UTILIZATION BILL 1978 (Serial 157): 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.

(In the committee)

Control of Waters Bill 1978 (Serial 156)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Insert before paragraph (a) the following paragraph:

"(a)(i) by inserting before the definition of 'Bed' and 'Banks' the following definition:

"aquifer" means a geological formation which is capable of accepting, storing or transmitting water;";".

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 negatived.

New clause -

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

"5. Section 10 of the Principal Act is amended -

(a) by omitting 'If' and substituting 'Subject to section 10A, if'; and

(b) by omitting 'or lake' (wherever occurring) and substituting ', lake or aquifer'".

Clause 6 -

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

Omit from proposed section 10A(1), (2) and (3) "or lake" and substitute ", lake or aquifer".

Omit from proposed section 10A(2) "prescribed in respect of that restricted substance" and substitute "specified by the Minister under sub-section (5) in respect of that restricted substance".

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

Omit proposed section 10A(4).

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

Insert after proposed section 10A(3) the following new sub-section:

"(4) The Minister may, from time to time, by notice published in the Gazette, specify concentrations in respect of prescribed substances as restricted substances.".

Clause, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clause 9 -

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

Omit from proposed section 16M(1)(d) "underground".

Insert in proposed section 16M(3) after "Penalty: \$10,000" the words "and, in addition, a penalty of \$2,000 for each day in respect of which the person contravenes or fails to comply with the notice.".

Omit from the sidenote to proposed section 16M "water control areas" and substitute "Drainage Control Areas".

Insert in proposed section 16N after "comply with" the words "section 10A or".

Clause, as amended, agreed to.

Clause 10 -

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

Insert at the end of clause 10 the following new sub-clause:

"(2) Section 17 of the Principal Act is amended by omitting '100 dollars' and substituting '\$1,000'."

Clause, as amended, agreed to.

Clauses 11 and 12 agreed to.

Title agreed to.

Soil Conservation and Land Utilization Bill 1978 (Serial 157)

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.

25. POLICE ADMINISTRATION BILL 1978 (Serial 159): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1802 and 1900 hours.

PERSONAL EXPLANATION: Mr Isaacs made a personal explanation relating to remarks made by Mr Everingham (Chief Minister) during this debate.

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 8, by leave, taken together and agreed to.

Clause 9 -

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

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

"(3) In determining the matters specified in sub-section (1) the Administrator shall ensure that the remuneration and allowances and terms and conditions of the Commissioner, a Deputy Commissioner or an Assistant Commissioner shall be not less than those of other members of the Police Force.

"(4) Where the Commissioner, a Deputy Commissioner or an Assistant Commissioner ceases to hold office other than by reason of his death, resignation or retirement under section 10(3), he shall be paid compensation to be determined by the Administrator."

Clause, as amended, agreed to.

Clause 10 -

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

Omit sub-clauses (2), (3) and (4) and substitute the following new sub-clauses:

"(2) The Commissioner, a Deputy Commissioner or an Assistant Commissioner, who attains the age of 60 years, shall cease to hold office as a member of the Police Force.

"(3) Notwithstanding any other provision of this Act, the Commissioner, a Deputy Commissioner or an Assistant Commissioner may retire from the Police Force where he satisfies the Administrator that by reason of illness or other incapacity he is unable to discharge the duties of his position.

"(4) A retirement under sub-section (3) is not effective until it is accepted by the Administrator."

Clause, as amended, agreed to.

Clauses 11 to 16, by leave, taken together and agreed to.

Clause 17 negatived.

New clause -

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

"17.(1) An appointment of a person to be a member of the Police Force under section 16(1)(a) shall not be made unless -

(a) the appointment is to a prescribed position; and

(b) the Commissioner has at least 14 days before the appointment published or caused to be published in the Police Gazette a notice of the qualifications required for the position, together with a statement that if, in the Commissioner's opinion, having received applications from members of the Police Force, there is not within the Police Force a member who has the skill and efficiency suitable for the position, the Commissioner shall appoint a person from outside the Police Force.

"(2) An appeal shall lie to the Police Promotions Board from a decision of the Commissioner made under section 17(1)(b) that there is not within the Police Force a member who possesses the skill and efficiency suitable for promotion to the prescribed position."

Clause 18 agreed to, after debate.

Clause 19 agreed to after debate.

Clause 20 -

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

Omit from sub-clause (2) "3 months" and substitute "3 months or both."

Clause, as amended, agreed to.

Clause 21 agreed to.

Clause 22 -

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

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

"(2) A member who attains the age of 60 years ceases to be a member of the Police Force."

Clause, as amended, agreed to.

Clauses 23 to 27, by leave, taken together and agreed to.

Clause 28 -

Debate ensued.

On the motion of Mr Everingham consideration of clause 28 was postponed.

Clause 29 -

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

"Omit from sub-clause (1) "Police Force" and insert "police force".

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

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

"(2) A person appointed in pursuance of sub-section (1) shall not be a member of the Police Force but shall comply with the provisions of Part IV of this Act and shall have the powers and duties of a member of the Police Force under any law in force in the Territory."

Clause, as amended, agreed to.

Clause 30 -

Debate ensued.

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

Clause 31 agreed to with a formal amendment.

Clauses 32, 33, 34 and 34A agreed to.

Clause 34B negatived.

New clause -

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

"34B. The Tribunal shall be constituted by a member of the Australian Conciliation and Arbitration Commission, established by the Conciliation

and Arbitration Act 1904 of the Commonwealth, appointed for that purpose, from time to time, by the President of the Australian Conciliation and Arbitration Commission."

Clause 34C negatived.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the Bill, after debate:

"34C. Where no appointment is made under section 34B, the Minister may appoint any other person to constitute the Tribunal."

Clause 34D negatived.

New clause -

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

"34D. Subject to this Act the proceedings to be adopted at the hearings of the Tribunal shall be determined by the Tribunal."

Clauses 34E and 34F negatived.

Clauses 34G and 34H agreed to.

Clause 34I -

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

Omit "member" and insert "person".

Clause, as amended, agreed to.

Clause 34J -

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

Omit sub-clauses (5) and (6).

Clause, as amended, agreed to.

Clause 34K -

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

Omit "3 months" and insert "3 months or both".

Clause, as amended, agreed to.

Clauses 34L and 34M agreed to.

Clause 34N -

Mr Everingham moved as an amendment:

Insert after "an oath" the words "or affirmation".

Debate ensued.

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

Clause agreed to.

Clause 34P -

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

Omit "3 months" and insert "3 months or both."

Clause, as amended, agreed to.

Clause 34Q -

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

Omit "3 months" and insert "3 months or both."

Clause, as amended, agreed to.

Clause 34R -

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

Omit "12 months" and insert "12 months or both".

Clause, as amended, agreed to.

Clauses 34S, 34T and 34U agreed to.

Clause 34V -

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

Omit sub-clauses (6) and (7).

Clause, as amended, agreed to.

Clause 34W -

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

Omit from sub-clause (2) "3 months" and insert "3 months or both".

Clause, as amended, agreed to.

Clauses 34X, 34Y and 34Z, by leave, taken together and agreed to.

Clause 34AA agreed to.

Clause 35 negatived.

New clause -

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

"35.(1) There is hereby established the Northern Territory Police Promotions Board to hear and determine matters relating to promotion, personnel and administration within the Police Force.

"(2) In this Part unless the contrary intention appears 'member' means a member of the Police Promotions Board established by sub-section (1)."

Clauses 36 to 38, by leave, taken together and agreed to.

Clause 39 agreed to, after debate.

Clauses 40 to 42, by leave, taken together and agreed to.

Clause 43 -

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

Omit paragraph (b) and substitute the following new paragraph:

"(b) hear and determine an appeal in relation to a provisional promotion.".

Clause, as amended, agreed to.

Clauses 44 to 46, by leave, taken together and agreed to.

Clause 47 -

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

Omit "counsel or solicitor" and insert "a legal practitioner".

Clause, as amended, agreed to.

Clause 48 agreed to.

Clause 49 -

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

Omit from sub-clause (2) the words "barrister, solicitor" and substitute "legal practitioner".

Clause, as amended, agreed to.

Clauses 50 to 53, by leave, taken together and agreed to.

Clause 54 negatived.

New clause -

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

"54. A member shall promptly obey all lawful instructions given to him by a member of superior rank.".

Clauses 55 to 60, by leave, taken together and agreed to.

Clause 61 negatived.

Clauses 62 and 63 agreed to.

Clause 64 agreed to.

Clause 65 negatived.

New clause -

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

"65. Where a member has committed a disciplinary offence the Commissioner or the Police Appeal Board, as the case may be, may, as a punishment -

- (a) reprimand the member;
- (b) impose on the member a fine not exceeding \$100;
- (c) reduce the member to the rank below the rank which the member holds;
- (d) reduce the rate of salary of the member to a rate of salary within the limits of salary fixed for the rank held by the member;
- (e) suspend the member from the Police Force for such time as the Board may specify; or
- (f) dismiss the member from the Police Force."

Clause 66 negatived.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the Bill, after debate:

"66.(1) There is hereby established the Police Appeal Board to hear and determine appeals from determinations under Division 3 of Part IV of this Act.

(2) In this Part unless the contrary intention appears 'member' means a member of the Police Appeal Board established by sub-section (1)."

Clauses 67 to 79, by leave, taken together and agreed to.

Clause 80 -

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

Omit "counsel or solicitor" and substitute "a legal practitioner".

Clause, as amended, agreed to.

Clause 81 agreed to.

Clause 82 -

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

Omit from sub-clause (2) "barrister, solicitor" and substitute "legal practitioner".

Clause, as amended, agreed to.

Clause 83 -

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

In sub-clause (2)(c) omit "77" and substitute "64(8)".

Clause, as amended, agreed to.

Clauses 84 to 88, by leave, taken together and agreed to.

Clause 89 and the heading "Division 5 - Appeals to the Supreme Court" negatived.

Clause 90 -

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

Omit in sub-clause (1) "section 63(1)" and substitute "section 63".

Omit sub-paragraph (2)(c) and substitute the following new sub-paragraph:

"(c) the Board determines that the member has not committed a breach of discipline.".

Clause, as amended, agreed to.

Clause 91 agreed to.

Clause 92 -

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

In sub-clause (1)(b) omit "the fine is imposed by the Board or".

Clause, as amended, agreed to.

Clause 93 -

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

Omit "or 65" and substitute "or 64".

Clause, as amended, agreed to.

Clause 94 -

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

Omit from sub-clause (7) "information" and substitute "an information".

Omit from sub-clause (7) the words "has a corresponding meaning" and substitute "includes a complainant".

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

Omit sub-clause (9) and insert the following new sub-clause:

"(9) For the purposes of this Part, a person shall not be taken to have been charged with an offence unless -

(a) subject to paragraph (b), particulars of the charge have been entered in a Police Station charge book; or

(b) where it is not practicable to comply with the requirements of paragraph (a), a person is held in custody following his arrest.".

Clause, as amended, agreed to.

Clause 95 -

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

Insert after sub-clause (5) the following new sub-clause:

"(6) A member may at any time before a warrant issued under sub-section (1) or (2) is executed make application to a justice to withdraw the warrant."

Clause, as amended, agreed to.

Clause 96 agreed to.

Clause 97 -

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

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

"(1) A member of the Police Force may, in circumstances of such seriousness and urgency as to require and justify immediate search or entry without the authority of an order of a court or of a warrant issued under this Part, without warrant -

- (a) search the person of, the clothing that is being worn by and property in the immediate control of, a person reasonably suspected by him to be carrying anything connected with an offence; or
- (b) enter into or upon any land, vehicle or vessel, on or in which he believes, on reasonable grounds, that anything connected with an offence is situated,

and if the member of the Police Force believes on reasonable grounds that it is necessary to do so in order to prevent the loss or destruction of anything connected with an offence, he may seize any such thing that he finds in the course of that search, or upon or in the land, vehicle or vessel, as the case may be."

Omit in sub-clause (2) "or anything connected with an indictable offence".

Omit in sub-clause (2) "or thing".

Omit in sub-clause (3) "or anything connected with an indictable offence".

Omit in sub-clause (3) "or thing".

Clause, as amended, agreed to.

Clause 98 -

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

Insert in sub-section (1)(b), before "for" the words "being used".

Clause, as amended, agreed to.

Clause 99 negatived.

Clause 100 -

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

Insert after sub-clause (6) the following new sub-clauses:

"(7) A member may, at any time before a warrant issued under sub-section (1) is executed, make application to a justice to withdraw the warrant.

"(8) Where a warrant issued under sub-section (1) has been executed the person arrested shall be charged with the offence specified in the warrant and shall be brought before a justice unless sooner released on bail."

Clause, as amended, agreed to.

Clause 101 -

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

Omit in sub-clause (5) "expiry" and substitute "execution".

Clause, as amended, agreed to.

Clause 102 negatived.

New clause -

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

"102.(1) A member of the Police Force may, without warrant, arrest and take into custody any person where he believes on reasonable grounds that the person has committed, is committing or is about to commit an offence.

"(2) Where a person has been arrested in accordance with sub-section (1) and is in the custody of a member of the Police Force but is not charged with an offence, it is lawful to continue to hold the person in custody for so long only as the member believes on reasonable grounds that it is necessary to hold the person -

- (a) to ensure the appearance of the person before a court of competent jurisdiction in respect of the offence;
- (b) to prevent a continuation of, or repetition of or commission of the offence; or
- (c) to prevent the loss or destruction of evidence relating to the offence."

Clause 103 -

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

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

"(2) Where a member arrests a person under sub-section (1), the member shall, as soon as reasonably practicable thereafter, produce or cause to be produced to the person the warrant authorizing his apprehension or committal and the person shall be charged with the offence specified in the warrant and shall be brought before a justice unless sooner released on bail."

Clause, as amended, agreed to.

Clause 104 -

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

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

"(1) A member of the Police Force may, without warrant, arrest and take into custody a person if the member believes on reasonable grounds that the person has, in a State or another Territory, committed an offence against the law of that State or Territory and there is under the law of the Northern Territory a similar offence that is punishable by imprisonment for a period exceeding 6 months."

Clause, as amended, agreed to.

Clause 105 -

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

Insert in sub-clause (2) after "if necessary," the words "and with such assistance as he thinks necessary,".

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

Omit sub-clauses (3) and (4).

Clause, as amended, agreed to.

Clauses 106 to 108, by leave, taken together and negatived.

Clause 109 -

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

Insert in sub-section (1) after "time of the arrest" the words "or as soon as practicable thereafter".

Clause, as amended, agreed to.

Clauses 110 and 111, by leave, taken together and agreed to.

Clause 112 -

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

Omit from sub-clause (1) the words "sub-section (1)" and substitute "section 110".

Clause, as amended, agreed to.

Clauses 113 and 114, by leave, taken together and agreed to.

Clause 115 -

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

Omit from sub-clause (2) "possible" and substitute "reasonably practicable".

Clause, as amended, agreed to.

Clause 116 negatived, after debate.

Clause 117 agreed to.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the Bill, after debate:

"117A.(1) A member of the Police Force shall when requested to do so -

(a) by a legal practitioner representing a person held in custody under a law in force in the Territory; or

(b) by the spouse (including a de facto spouse), parent or child of a person held in custody under a law in force in the Territory,

disclose to the person so requesting, whether or not a person is being held in custody and if so where that person is being so held.

"(2) A disclosure under sub-section (1) that a person is being held in custody shall only be made with the consent of the person being so held."

Clause 118 -

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

Omit from sub-clause (1) "if it is possible" and substitute "if it is practicable".

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

"(2) Where a member of the Police Force who charges a person with an offence is unable to comply with sub-section (1), the member shall -

(a) inform the person charged of his right to apply for bail; and

(b) as far as practicable, ensure that the person charged is able to communicate with a legal practitioner or any other person of his choosing in connexion with any application for bail."

Insert in sub-clause (4) after "shall comply with" the words "this Act and with".

Clause, as amended, agreed to.

Clause 119 -

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

Omit from sub-clause (1) "the bail" and substitute "the release on bail".

Omit from sub-clause (2) "bail" (first occurring) and insert "release on bail".

Insert in sub-clause (2)(c) after "forfeit" the words "to the Territory".

Insert in sub-clause (2)(d) after "forfeit" the words "to the Territory".

Omit from sub-clause (2)(d) "on" and substitute "of".

Insert in sub-clause (2)(e) after "forfeited" the words "to the Territory".

Omit sub-clause (5) and substitute the following new sub-clause:

"(5) Where a sum of money is deposited with a member in accordance with sub-section (2), (3) or (4) an amount equal to that sum

shall be returned to the person -

- (a) if the defendant appears in Court when required to do so by the terms of his release for the purpose of answering to the relevant charge;
- (b) if the defendant fails to appear in Court in accordance with paragraph (a) but the relevant charge is withdrawn or dismissed; or
- (c) if the Court so orders."

Clause, as amended, agreed to.

Clause 120 -

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

Omit from sub-clause (1) "comply with such general orders as may be issued from time to time by the Commissioner of Police designed to".

Omit from sub-clause (1)(b) "this" and substitute "his".

Insert in sub-clause (1)(c) after "legal practitioner" the words "or any other person".

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

"(b) fails to determine whether or not to grant bail to that person within a period of 4 hours after the person was charged with an offence; or".

Omit from sub-clause (3) "Judge, a" and "a Judge,".

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

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

"(4) A member of the Police Force shall not arrange for a person to make application to a magistrate or a justice by telephone if it is practicable to bring him before a magistrate or a justice in person."

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

Omit from sub-clause (5) "a Judge," and "Judge,".

Clause, as amended, agreed to.

Clause 121 agreed to.

Clause 122 -

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

Insert at the end of sub-clause (1) "and shall as soon as practicable be brought before a justice to be dealt with according to law".

Insert at the end of sub-clause (2) "and shall as soon as practicable be brought before a justice to be dealt with according to law".

Clause, as amended, agreed to.

Clause 123 negatived.

Clauses 124 to 127, by leave, taken together and agreed to.

Clause 128 -

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

Omit from sub-clause (1) "person" (first occurring) and substitute "body".

On the motion of Mr Everingham the following further amendments were made, after debate:

Omit from sub-clause (1) "that person" and substitute "the person".

Omit from sub-clause (1) "is" and substitute "if".

Omit from sub-clause (1) "would" and substitute "may".

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

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

Clause 129 -

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

Omit from sub-clause (1) paragraphs (c), (d), (e) and (f) and substitute the following new paragraphs:

"(c) prints of the hands, fingers, feet or toes of the person; or
(d) photographs of the person."

Clause, as amended, agreed to.

Clause 130 negatived.

New clause -

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

"130.(1) Where proceedings are not instituted against a person for an offence in relation to which he was examined under section 128 or in relation to which a specimen was taken under that section, or in relation to which he was required to submit to the taking of prints or photographs under section 129 -

- (a) within the period of 12 months after such examination occurred or the specimens, prints or photographs were taken; or
- (b) if that period is extended under sub-section (4) within that period as from time to time so extended,

the person having the custody of the report of the examination, or the report of the analyses or other examination of the specimen, or the specimen itself, or the Commissioner of Police in the case of prints or photographs, as the case may be, shall cause them and all copies thereof to be destroyed.

"(2) Where proceedings are instituted against a person for an offence in relation to which he was examined under section 128 or in relation to which a specimen was taken under that section, or in relation to which he was required to submit to the taking of prints or photographs under section 129 -

- (a) within the period of 12 months after the examination occurred or the specimens, prints or photographs were taken; or
- (b) if that period is extended under sub-section (4) within that period as from time to time so extended,

but the court does not convict the person of the offence, or find, without recording a conviction, that the person committed the offence, the person having the custody of the report of the examination, or the report of the analyses or other examination of the specimen, or the specimen itself, or the Commissioner of Police in the case of prints or photographs as the case may be, shall cause them and all copies thereof to be destroyed.

"(3) Where an examination occurred or specimens were taken from a person under section 128 or prints or photographs to which section 129 applies were taken of, or in relation to, a person, the Commissioner of Police may, at any time before proceedings are instituted against the person in respect of an offence to which the examination, specimens, prints or photographs relate, but not after -

- (a) the expiration of the period of 12 months after the examination occurred or the specimen, prints or photographs were taken; or
- (b) if that period has been extended under this section - the expiration of that period as so extended or as last so extended, as the case may be,

make application to a magistrate to extend that period, or to extend further that period as previously or last previously extended, as the case may be.

"(4) Where application is made to a magistrate under this section to extend the period, or to extend further such a period as previously, or last previously, extended, the magistrate shall -

- (a) if he is satisfied, by information on oath, that there are special reasons why the period should be extended for a period or why the period as previously, as or last previously, extended should be further extended for a period - direct that the period be extended, or that period as previously, or last previously, extended be further extended, for a specified period; or
- (b) if he is not so satisfied - dismiss the application.

"(5) The regulations may make provision for and in relation to the hearing of applications under this section, including provision for permitting a person concerned to appear before the magistrate upon the hearing of an application to extend a period."

Clause 131 agreed to.

Clause 132 -

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

Omit from sub-clause (1) "verbally" and substitute "orally".

Omit from sub-clause (2) "by the use or by the threat to use an offensive weapon".

Omit "verbally" and substitute "orally".

Clause, as amended, agreed to.

Clause 133 -

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

Insert in sub-clause (1) after "3 months" the words "or both".

Clause, as amended, agreed to.

Clause 134 -

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

Insert in sub-clause (1) after "3 months" the words "or both".

Insert in sub-clause (2) after "3 months" the words "or both".

Clause, as amended, agreed to.

Clause 135 -

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

Insert after "12 months" the words "or both".

Clause, as amended, agreed to.

Clause 136 -

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

Insert after "12 months" the words "or both".

Clause, as amended, agreed to.

Clause 137 -

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

Insert after "6 months" the words "or both".

Clause, as amended, agreed to.

Clause 138 -

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

Insert in sub-clause (1) after "3 months" the words "or both".

Clause, as amended, agreed to.

Clause 139 -

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

Insert in sub-clause (1) after "3 months" the words "or both".

Insert in sub-clause (2) after "3 months" the words "or both".

Clause, as amended, agreed to.

Clause 140 -

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

Insert after "3 months" the words "or both".

Clause, as amended, agreed to.

Clause 141 -

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

Insert after "12 months" the words "or both".

Clause, as amended, agreed to.

Clause 142 -

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

Insert after "6 months" the words "or both".

Clause, as amended, agreed to.

Clause 143 -

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

Insert after "6 months" the words "or both".

Clause, as amended, agreed to.

Clause 144 -

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

Insert in sub-clause (1) after "6 months" the words "or both".

Insert in sub-clause (2) after "6 months" the words "or both".

Clause, as amended, agreed to.

Clause 145 agreed to.

Clause 146 agreed to, after debate.

Clause 147 -

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

Omit from sub-clause (1) "negligent act or omission" (wherever occurring) and substitute "tort".

Omit from sub-clause (1) "an act or omission" and substitute "tort".

Omit from sub-clauses (2), (3), (4) and (6) "a negligent act or omission" and substitute "a tort".

Clause, as amended, agreed to.

Clauses 148 to 151, by leave, taken together and agreed to.

Schedule agreed to.

Postponed clause 28 agreed to.

Postponed clause 30 agreed to, after debate.

Postponed clause 128 -

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

In sub-clause (6) after "may", insert "after hearing the member and the person who is in lawful custody,".

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - The Chairman reported the Bill.

Mr Everingham moved -

That the Bill be recommitted to the committee of the whole for the further consideration of clauses 17, 64, 97 and 131.

Question put and passed.

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

(In the committee)

On recommittal

Clause 17 -

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

Omit in sub-clause (1)(b) "shall" and substitute "may".

Clause, as amended, agreed to.

Clause 64 negatived.

New clause -

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

"64.(1) After the expiration of the time specified in the notice given under section 63 the Commissioner shall -

(a) where he determines that if the member were found guilty of the disciplinary offence with which he is charged, the member would

be subject to a penalty specified in section 65(1)(a) or (b) - hear and determine whether the member has committed the disciplinary offence specified in the notice; and

- (b) where he determines that if the member were found guilty of the disciplinary offence with which he is charged, the member would be subject to a penalty specified in section 65(1)(c), (d), (e) or (f) - refer the matter to the Police Appeal Board for hearing.

"(2) The procedure to be adopted at a hearing under sub-section (1)(a) shall be at the discretion of the Commissioner.

"(3) For the purpose of determining at a hearing under sub-section (1)(a) whether a member of the Police Force has committed the disciplinary offence, the Commissioner shall take into account the contents of any written statement delivered to him by the member, and if the member appears before the Commissioner on the hearing, any oral statements made before him by the member, in relation to the question whether the member has committed that disciplinary offence.

"(4) At a hearing under sub-section (1)(a), a member may appear in person but may not be represented by any other person.

"(5) At a hearing under sub-section (1)(a), a member shall answer any question put to him which is within his knowledge.

"(6) An answer given by a member pursuant to sub-section (5) shall be used only for the purpose of determining the charge which is the subject of the hearing.

"(7) Where, during the course of a hearing under sub-section (1)(a) the Commissioner forms the opinion that the matter should be referred to the Police Appeal Board for determination he shall discontinue the hearing and refer the matter to the Police Appeal Board.

"(8) The Commissioner shall cause to be served personally on the member to whom a determination under sub-section 1(a) relates, notice of the determination and of the punishment imposed.

"(9) Where the Commissioner has determined that a member has not committed the disciplinary offence with which he was charged, the Commissioner shall dismiss the charge and notify the member in writing accordingly.

"(10) A determination made by the Commissioner in which he exercises the powers conferred by sub-section (1)(a) has, unless an appeal is instituted under Part V, full force and effect."

Clause 97 -

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

Omit in sub-clause (2) "or thing" (second occurring).

Clause, as amended, agreed to.

Clause 131 -

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

Omit "141" and substitute "128".

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.

26. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Mr Everingham moved -

That the question be now put.

Question put and passed.

Original question put and negatived.

27. RESCISSION OF MOTION: Mr Everingham, by leave, moved -

That the adoption of the Report and the motion for the third reading of the Police Administration Bill 1978 (Serial 159) be rescinded.

Question put and passed.

28. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham the order of the day relating to the Police Administration Bill (Serial 159) was called on.

29. POLICE ADMINISTRATION BILL 1978 (Serial 159): The order of the day having been read for the report stages of the Bill to be again taken on the question

That the report be adopted -

Mr Everingham moved -

That the Bill be recommitted to the committee of the whole for further consideration of clause 131.

Question put and passed.

The Assembly resolved itself into a committee of the whole.

(In the committee)

On recommitment

Clause 131 negatived, after debate.

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.

30. ADJOURNMENT: Mr Everingham moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 2203 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 11

Wednesday 29 November 1978

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

Message No. 6:

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978, recommend to the Legislative Assembly a Bill entitled the Workmen's Compensation Bill (No. 2) 1978.

Dated this twenty-eighth day of November, 1978.

(Sgd) J.A. ENGLAND
Administrator

3. NOTICES: The following notices were given:

Mr Isaacs: To present the Electoral Bill 1978 (Serial 213).

Mr Collins: To move -

That the report of the Education Advisory Group, which was tabled by the Honourable Minister for Education in this Assembly on Thursday 23 November 1978, be noted.

4. QUESTIONS: Questions without notice were asked.

5. NORTHERN TERRITORY PORT AUTHORITY - ANNUAL REPORT 1975-6: Mr Steele laid on the Table the Annual Report, financial statements and auditor's report of the Authority for 1975-6.

6. ROAD ACCIDENT SITUATION - SAFETY MEASURES CURRENT AND PROPOSED - MINISTERIAL STATEMENT: Mr Steele (Minister for Transport and Works), by leave, made a statement on the N.T. road accident situation and safety measures, current and proposed.

Mr Steele moved -

That the Statement be noted

and was granted leave to continue his remarks at a later hour.

7. OMBUDSMAN - RECOMMENDED APPOINTMENT: Mr Everingham (Chief Minister), pursuant to notice, moved -

That this Assembly recommends to His Honour the Administrator of the Northern Territory that he appoint Russell Henderson Watts to the office of the Ombudsman for the Northern Territory.

Debate ensued.

Question put and passed.

8. SITTING TIMES: Mr Speaker informed the Assembly that the sitting would be suspended between 1230 and 1330 hours.

9. SUSPENSION OF STANDING ORDERS - NINE BILLS TOGETHER: Mr Perron moved -

That so much of standing orders be suspended as would prevent 9 Bills relating to planning -

(a) being presented and read a first time together and one motion being put in regard to, respectively, the second reading, the committee's report stage and the third reading of all the Bills together; and

(b) being considered in one committee of the whole.

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

10. PLANNING BILLS: PLANNING BILL 1978 (Serial 182), DARWIN TOWN AREA LEASES BILL 1978 (Serial 183), SPECIAL PURPOSES LEASES BILL 1978 (Serial 184), CHURCH LANDS LEASES BILL 1978 (Serial 185), CROWN LANDS BILL (No. 2) 1978 (Serial 187), LANDS ACQUISITION BILL (No. 2) 1978 (Serial 188), BUILDING BILL 1978 (Serial 189), FREEHOLD TITLES BILL 1978 (Serial 190), and UNIT TITLES BILL 1978 (Serial 192): Mr Perron (Minister for Lands and Housing), pursuant to notice, 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.

11. DOMICILE BILL 1978 (Serial 201): 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.

12. ADOPTION OF CHILDREN BILL 1978 (Serial 202): Mr Robertson (Minister for Community Development), 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.

13. MINING BILL (No. 6) 1978 (Serial 233): Mr Tuxworth (Minister for Mines and Energy), 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.

14. WORKMEN'S COMPENSATION BILL (No. 2) 1978 (Serial 228): 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.

15. CRIMINAL LAW CONSOLIDATION BILL (No. 2) 1978 (Serial 219): 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.

16. LOCAL GOVERNMENT BILL (No. 5) 1978 (Serial 191): Mr Robertson (Minister for Community Development), pursuant to notice, 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.

17. LAND AND BUSINESS AGENTS BILL 1978 (Serial 223): 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.

18. EMPLOYMENT (LEAVE OF ABSENCE) BILL 1978 (Serial 229): 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.

19. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham moved -

That so much of standing orders be suspended as would prevent 2 Bills relating to the licensing of agents -

(a) being presented and read a first time together and one motion being put in regard to, respectively, the second reading, the committee's report

stage and the third reading of both Bills together, and
(b) being considered in one committee of the whole.

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

20. LICENSING OF AGENTS BILLS: COMMERCIAL AND PRIVATE AGENTS LICENSING BILL 1978 (Serial 230) and LOCAL COURTS BILL 1978 (Serial 231): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham 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.

21. TENANCY BILL 1978 (Serial 199): Mr Robertson (Minister for Community Development), pursuant to notice, 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.

22. PETROLEUM (PROSPECTING AND MINING) BILL 1978 (Serial 204): Mr Tuxworth (Minister for Mines and Energy), 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.

23. PUBLIC TRUSTEE BILL 1978 (Serial 232): 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.

24. JUSTICES BILL (No. 2) 1978 (Serial 234): 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.

25. ANSWER TO QUESTION: Mr Tuxworth (Minister for Health), by leave, answered a question asked of him on 28 November 1978 relating to the Mataranka water supply.

26. LIQUOR BILL 1978 (Serial 153): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1225 and 1330 hours.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4 -

On the motion of Mr Tuxworth the following amendments were made, after debate:

Insert after the definition of "Commission" the following definitions:

"'community government area' means a community government area within the meaning ascribed to that term in the Local Government Act;"

'community government council' means a community government council with- in the meaning ascribed to that term in the Local Government Act;"

Insert after the definition of "condition" the following definition:

"'council' means a council within the meaning ascribed to that term in the Local Government Act;"

Insert after the definition of "member" the following definition:

"'municipality' means a municipality within the meaning ascribed to that term in the Local Government Act;"

Clause, as amended, agreed to.

Clause 5 -

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

Omit from sub-clause (2)(d)(ii) "guests of those passengers" and substitute "guests on board".

After sub-clause (2)(g) insert the following paragraph:

"(h) of liquor to a person who is licensed or authorized to sell liquor under a law of a State or Territory."

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

"(3) The provisions of this Act, other than those requiring the obtaining of a licence or special licence for the sale of liquor apply, so far as applicable, to and in relation to -

(a) the sale of liquor by a person in respect of whom; or

(b) the consumption of liquor on premises in respect of which,

there is an exemption from so obtaining a licence or special licence by virtue of this section or any other law of the Territory as if that person were a licensee and those premises were licensed premises."

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Omit sub-clause (1)(b).

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

"(2) For the better performance of the functions of the Commission under this Act, the Minister may -

(a) in addition to the members referred to in sub-section (1), appoint a person to be the Deputy Chairman of the Commission; and

(b) determine an area of land to be known as the Southern Region."

Clause, as amended, agreed to.

Clause 8 -

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

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

"(b) a member, other than the Chairman, shall be appointed for a period not exceeding 3 years; and".

Clause, as amended, agreed to.

Clause 9 -

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

Omit from the provisions specified in column 1 of the following table the words (wherever occurring) specified in column 2 of that table:

Column 1	Column 2
Clause	Omit
9(1)	and the Deputy Chairman
9(2)	or Deputy Chairman

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

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

Omit from the provisions specified in column 1 of the following table the words (wherever occurring) specified in column 2 of the table:

Column 1	Column 2
Clause	Omit
11(3), (4)	or the Deputy Chairman
11(3), (4)	as the case may be

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

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

Omit from the provisions specified in column 1 of the following table the words (wherever occurring) specified in column 2 of that table:

Column 1	Column 2
Clause	Omit
13(1)	or Deputy Chairman
13(1), (2), (3), (4), (5)	or the Deputy Chairman
13(2), (4), (5)	as the case may be
13(1)	as the case requires

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

Omit sub-clause (6) and substitute the following sub-clause:

"(6) Subject to this section, where a member, other than the Chairman is, or is expected to be, absent from duty, or there is a vacancy in the office of a member, the Minister may appoint a person to act in the place of that member during the absence or until the filling of the vacancy, as the case requires."

Clause, as amended, agreed to.

Clause 14 negatived.

Clauses 15 to 20, by leave, taken together and agreed to.

Clause 21 negatived.

Proposed new clause -

Mr Perkins moved -

That the following new clause be inserted in the Bill:

"21.(1) Where a member or an assessor, or a relative of a member or an assessor, has a financial interest in a matter to be considered by the Commission, the member or assessor, as the case may be, shall not act in relation to that matter.

Penalty: \$2,000 or imprisonment for 12 months.

"(2) A member shall not hold or have any interest in a licence.

Penalty: \$2,000 or imprisonment for 12 months.

"(3) For the purposes of this section, 'relative' means -

(a) the parent, grandparent, brother, sister, uncle, aunt, newpew, niece, lineal descendant or adopted child of that person or of his or her spouse; or

(b) the spouse of that person or of any other person specified in paragraph (2).".

Debate ensued.

Question put and negatived.

New clause -

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

"21.(1) Where an assessor whose advice the Commission is required to seek and consider by section 17(1) or a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission that assessor or member shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Commission and to the Minister.

"(2) Where, for any reason, an assessor whose advice the Commission is required to seek and consider by section 17(1) or a member is of the opinion that it would be improper for him to take part in any deliberation or decision of the Commission in relation to a matter or a class of matters being considered or about to be considered by the Commission he shall, as soon as possible after the relevant facts have come to his knowledge, inform the Commission and the Minister accordingly.

"(3) Where an assessor whose advice the Commission is required to seek and consider by section 17(1) or a member -

(a) has an interest of a description referred to in sub-section (1); or

(b) holds an opinion of a description referred to in sub-section (2),

that assessor or member, as the case may be, shall not, unless the Minister otherwise determines, take part in any deliberation or decision of the Commission in relation to the matter which is the subject of his interest or the matter or class of matters of a description referred to in sub-section (2), as the case may be, and shall be disregarded for the purpose of constituting a quorum of the Commission in relation to that matter or class of matters.

"(4) Where an assessor or a member -

(a) discloses an interest to the Minister pursuant to sub-section (1);
or

(b) informs the Minister that he holds an opinion of a description referred to in sub-section (2),

the Minister may appoint a person to act in the place of that assessor or member, as the case may be, in relation to the matter which is the subject of the assessor's or member's interest or the matter or class of matters of a description referred to in sub-section (2), as the case may be.

"(5) A person appointed under sub-section (4) to act in the place of a member referred to in section 7(1)(c) shall be a person who is a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in a State or Territory. .

"(6) A member shall not hold or have any interest in a licence."

Clause 22 -

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

Omit from sub-clause (2)(c) "the Chairman shall have a casting vote" and substitute "the Chairman shall defer consideration of the unresolved question until the earliest practicable date when the Chairman and 2 other members may consider the question at a meeting of the Commission".

Clause, as amended, agreed to.

Clause 23 -

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

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

"(1) The Commission may, by instrument in writing, either generally or in relation to a matter or class of matters, delegate to -

(a) a member;

(b) the Registrar; or

(c) a Deputy Registrar,

all or any of its powers or functions under this Act other than -

(d) a power to conduct a hearing under this Act;

(e) a power or function where, prior to the exercise of that power or function, the Commission is required to conduct a hearing under this Act; or

(f) this power of delegation."

Clause, as amended, agreed to.

Clause 24 -

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

Omit "does not lie against the Commission" and "thing done in good faith by the Commission" and substitute "does not lie against the Commission, a member, an assessor" and "thing done in good faith by the Commission, a member, an assessor" respectively.

Clause, as amended, agreed to.

Clause 25 -

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

Omit "in the prescribed form" and substitute "in a form approved by the Commission".

Clause, as amended, agreed to.

Clause 26 -

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

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

"(2) Where a body corporate applies for a licence, it shall nominate a person to be its manager of the licensed premises.

"(2A) For the purposes of this Act, the manager of the licensed premises nominated by a body corporate shall be deemed to be the person licensed in respect of the premises and the premises shall be deemed to be his licensed premises or the premises in respect of which he is licensed."

Omit from sub-clause (5) "sub-section (1)" and substitute "sub-section (2)".

Clause, as amended, agreed to.

Clause 27 agreed to.

Clause 28 -

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

After sub-clause (2) insert the following sub-clause:

"(3) Where -

(a) an application lodged under section 27 is with respect to premises which are located in a community government area; and

(b) the community government council for that community government area has the power to make by-laws with respect to liquor,

the Registrar shall, as soon as reasonably practicable, inform the clerk of that community government council of the fact that an application has been made for the grant of a licence."

Clause, as amended, agreed to.

Clauses 29 to 32, by leave, taken together and agreed to.

Clause 33 -

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

Omit from sub-clause (1) "In determining the conditions of a licence pursuant to section 32" and substitute "In considering whether to grant an application for a licence and in determining the conditions of a licence pursuant to section 32".

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

"(f) where -

- (i) the premises which are the subject of an application for a licence are located in a community government area; and
- (ii) the community government council for that community government area has the power to make by-laws with respect to liquor -

advice offered by that community government council, including advice with respect to any intended exercise of the power referred to in subparagraph (ii); and

(g) any other matter that the Commission thinks fit."

Clause, as amended, agreed to.

Clause 34 negatived.

New clause -

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

"34.(1) Subject to this section, the Commission may, from time to time by notice in writing, vary the conditions of the licence held by a licensee.

"(2) A licensee may, within 28 days of the date on which the licensee receives a notice of a description referred to in sub-section (1), by notice in writing lodged with the Registrar, request that the Commission conduct a hearing in relation to the conditions of his licence.

"(3) Where, under sub-section (2), a licensee requests that the Commission conduct a hearing, the Commission shall conduct a hearing in relation to the conditions of the licence of the licensee.

"(4) After the Commission has conducted a hearing pursuant to this section, the Commission may -

- (a) affirm, set aside or vary the decision made without a hearing; and
- (b) make such other order as it thinks fit.

"(5) A variation of the conditions of a licence under this section shall have effect on and from -

- (a) where the licensee does not request, under sub-section (2), that the Commission conduct a hearing -

(i) the expiration of the period referred to in that sub-section;
or

(ii) such later date as the Commission may specify in the notice referred to in that sub-section; or

(b) where the Commission conducts a hearing pursuant to sub-section (3) and the Commission affirms or varies the variation of the conditions of the licence -

(i) the date of the conclusion of the hearing; or

(ii) such later date as the Commission may specify at that hearing."

Clause 35 agreed to.

Clause 36 -

Mr Tuxworth moved as an amendment -

Omit from sub-clause (1)(d) all the words and figures after "on or at those other premises - " and substitute "\$200".

Debate ensued.

Mr Tuxworth, by leave, moved -

That the proposed amendment be amended by omitting "\$200" and substituting "\$40".

Question put and passed.

Proposed amendment, as amended, agreed to.

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

Omit sub-clause (2).

Omit sub-clause (6) and substitute the following sub-clause:

"(6) For the purposes of this section -

'cost into store' means the gross price of all liquor purchased or procured, during the period in which a licence was in force in the 12 months ending on 30 June prior to the date of expiry of the licence or a renewal of the licence, for disposal under the licence sought to be renewed, not being liquor sold -

(a) to any other licensee for the purposes of disposal pursuant to the licence of the second-mentioned licensee; or

(b) to a consular representative or Trade Commissioner in Australia of another country if he is a citizen of that country and is not otherwise engaged in a business, occupation or profession;

'gross price' in relation to liquor includes all duties, taxes, imposts and other charges, not being the cost of freight or packaging for freight, paid or payable for or in connexion with liquor regardless of whether such duties, taxes, imposts or other charges are paid or payable together with or separately from the price paid or payable for liquor."

Clause, as amended, agreed to.

Clauses 37 to 42, by leave, taken together and agreed to.

Clause 43 agreed to, after debate.

Clause 44 -

Mr Tuxworth proposed as amendments -

Omit sub-clauses (1) and (3).

Omit from sub-clause (2) "After considering an application for the transfer of a licence" and substitute "The Commission shall, as soon as reasonably practicable, consider an application for the transfer of a licence and after such consideration".

Debate ensued.

Proposed amendments, by leave, withdrawn.

Question - That clause 44 stand as printed - put and passed.

Clauses 45 to 47, by leave, taken together and agreed to.

Clause 48 negatived.

New clause -

On the motion of Mr Tuxworth the following new clause was inserted in the Bill, after debate:

"48.(1) Subject to sub-section (3), where a licensee is, or is expected to be, unable for any reason to conduct the business of a licensee, the licensee shall appoint a person to act in his place during his inability to conduct the business of a licensee.

"(2) A licensee shall, by notice in writing lodged with the Registrar, notify the Commission within 7 days of the date of the appointment of the full name, address and occupation of a person appointed under sub-section (1).

"(3) Where a licensee is unable for any reason to appoint a person to act for him during his inability to conduct the business of a licensee, the Commission may appoint a person to act in place of the licensee during the period that the licensee is unable to conduct the business of a licensee.

"(4) Unless the Commission otherwise determines, a person appointed under sub-section (1) or (3) shall not act in place of a licensee for a continuous period of more than 90 days.

"(5) Where -

(a) a licensee's inability to conduct the business of a licensee is, or is expected to be, permanent; and

(b) an application for transfer of the licence of that licensee is not made in accordance with section 42 within the period referred to in sub-section (4) of this section,

the Commission shall cancel that licence at the expiration of that period, unless arrangements which are satisfactory to the Commission are made during that period to conduct the business of the licensee.

"(6) A person appointed to act in place of a licensee has all the rights, powers, authorities, functions, duties and obligations of a licensee under this Act.

"(7) Notwithstanding sub-section (1), a licensee shall not, unless the Commission otherwise determines, absent himself from the licensed premises for a total of more than 42 days during any period of 12 months that his licence is in force.

"(8) For the purposes of sub-section (7), 'licensee' means the holder of a licence which authorizes the sale of liquor for consumption on or at the licensed premises, regardless of whether the licence, in addition, authorizes the sale of liquor for removal from and consumption away from the licensed premises."

Clause 49 -

Debate ensued.

On the motion of Mr Tuxworth consideration of clause 49 was postponed.

Clause 50 agreed to.

Clause 51 -

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

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

"(c) a licensee requests a hearing in relation to the conditions of his licence where the licence was issued without a hearing."

Clause, as amended, agreed to.

Clauses 52 to 56, by leave, taken together and agreed to.

Clause 57 -

Mr Perkins proposed as an amendment -

Omit the clause.

Debate ensued.

Question put and negatived.

Question - That clause 57 stand as printed - put and passed.

Clauses 58 to 60, by leave, taken together and agreed to.

Clause 61 -

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

Omit from sub-clause (2)(a) "the prescribed form" and substitute "a form approved by the Commission".

Clause, as amended, agreed to.

Clause 62 agreed to.

Clause 63 -

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

Omit from sub-clause (3)(a) "the prescribed form" and substitute "a form approved by the Commission".

Clause, as amended, agreed to.

Clauses 64 to 67, by leave, taken together and agreed to.

Clause 68 -

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

Omit "The Commission may publish guidelines" and substitute "Subject to the approval of the Minister, the Commission may publish guidelines".

Clause, as amended, agreed to.

Clauses 69 to 77, by leave, taken together and agreed to.

Clause 78 -

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

Insert after sub-clause (2)(c) the following paragraphs:

"(d) where the relevant area forms the whole or part of a municipality - the clerk of the council for that municipality; and

(e) where the relevant area forms the whole or part of a community government area - the clerk of the community government council for that community government area,".

Clause, as amended, agreed to.

Clause 79 agreed to.

Clause 80 -

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

Insert after sub-clause (1)(c) the following paragraphs:

"(d) where the relevant area forms the whole or part of a municipality - ascertain the advice of the council for that municipality regarding the application; and

(e) where the relevant area forms the whole or part of a community government area - ascertain the advice of the community government council for that community government area regarding the application.".

Clause, as amended, agreed to.

Clause 81 negatived.

New clause -

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

"81. In deciding whether to grant an application for an area of land to be declared a restricted area, the Commission shall -

- (a) consider the opinions regarding that application expressed or ascertained pursuant to sections 79, 80(1)(c) and (2); and
- (b) where the relevant area forms the whole or part of a municipality or a community government area - consider any advice regarding the application ascertained pursuant to section 80(1)(d) or (e), as the case may be."

Clauses 82 to 84, by leave, taken together and agreed to.

Clause 85 -

Mr Perkins proposed as an amendment -

Omit the clause.

Debate ensued.

Question put and negatived.

Question - That clause 85 stand as printed - put and passed.

Clause 86 agreed to.

Clause 87 -

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

Omit from sub-clause (2) "beyond reasonable doubt,".

Clause, as amended, agreed to.

Clauses 88 to 92, by leave, taken together and agreed to.

Clause 93 -

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

Omit from paragraph (a) "the prescribed form" and substitute "a form approved by the Commission".

Clause, as amended, agreed to.

Clause 94 agreed to.

Clause 95 -

Mr Perkins proposed as an amendment -

Omit the clause.

Debate ensued.

Question put and negatived.

Question - That clause 95 stand as printed - put and passed.

Clause 96 -

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

Omit sub-clauses (4) and (6).

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

Omit from sub-clause (7) "sub-sections (2), (4) and (6)," and substitute "sub-section (2)".

Clause, as amended, agreed to.

Clauses 97 to 111, by leave, taken together and agreed to.

Clause 112 -

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

Omit from sub-clauses (1) and (3) "each period of 3 months referred to in section 114" and substitute "each period of 3 months or 12 months, as the case may be, referred to in section 114(1)".

Clause, as amended, agreed to.

Clause 113 agreed to.

Clause 114 negatived.

New clauses -

On the motion of Mr Tuxworth the following new clauses were inserted in the Bill:

"114.(1) Subject to the conditions of his licence, a licensee shall -

- (a) within 28 days of the last day of March, June, September and December in each year, lodge with the Registrar a return, in a form approved by the Commission, showing details of all purchases of liquor for disposal in pursuance of his licence made by the licensee in the 3 months preceding the last day of that March, June, September or December, as the case requires; or
- (b) within 28 days of the last day of June in each year, lodge with the Registrar such a return showing details of all purchases of liquor for disposal in pursuance of his licence made by the licensee in the 12 months preceding that last day of June.

"(2) A licensee shall not -

- (a) refuse or neglect to make a return in accordance with sub-section (1);

- (b) before the expiration of the period of 3 years referred to in section 112(3), destroy without the permission of the Commission any record kept for the purposes of section 112(1) or any document or paper referred to in section 113; or
- (c) furnish any return which is false in any particular or falsify any such document or paper.

"114A.(1) The Commission may require any person, firm or body corporate to furnish to it particulars of the names and addresses of all licensees to whom that person, firm or body corporate has supplied or delivered liquor during the 12 months immediately preceding the date of the requirement, together with particulars of the respective amounts of liquor so supplied or delivered and the gross prices paid or payable for that liquor by those licensees.

"(2) A person, firm or body corporate to whom a requirement is made under sub-section (1) shall furnish the particulars referred to in that sub-section within 28 days after the date of the requirement."

Clauses 115 to 118, by leave, taken together and agreed to.

Clauses 119.

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

Omit from sub-clause (1) "structural alteration or addition" and substitute "material alteration".

Omit from sub-clauses (2), (3), (5) and (6) "or addition" (wherever occurring).

Clause, as amended, agreed to.

Clause 120 -

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

Omit from sub-clause (1) "structural alteration or addition" and substitute "material alteration".

Omit from sub-clause (1) "or addition" (second occurring).

Clause, as amended, agreed to.

Clauses 121 to 124, by leave, taken together and agreed to.

Clause 125 agreed to.

New clauses -

On the motion of Mr Tuxworth the following new clauses were inserted in the Bill:

"125A. Subject to this Act, the Commission may determine the manner in which the business of the Commission will be conducted and the forms or contents of applications, licences, special licences, permits, notices, returns and other documents required by or for the purposes of this Act.

"125B.(1) Where this Act provides that an act or thing may or is required to be done -

(a) within a specified time; or

(b) not before the expiration of a specified time,

the Commission may, in its discretion, extend or abridge that time.

"(2) The Commission may extend time under sub-section (1) notwithstanding that the time prescribed by this Act for the doing of an act or thing has expired."

Clause 126 -

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

Omit "Minister" and substitute "Administrator".

Clause, as amended, agreed to.

Clauses 127 and 128, by leave, taken together and agreed to.

Clause 129 -

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

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

"(1) Notwithstanding the repeal effected by section 3 and subject to this section -

(a) sections 140C, 140E and 141 of the repealed Ordinance shall be deemed to continue in force until such time as the Commission otherwise determines;

(b) an approval given under section 140E of the repealed Ordinance or a declaration made under section 141 of the repealed Ordinance shall be deemed to continue in force in the same manner as was provided by those sections of the repealed Ordinance immediately before the commencement of this Act; and

(c) for the purposes of section 140E of the repealed Ordinance, a reference to a person in charge of a reserve or mission lease shall be read as a reference to the Commission."

Clause, as amended, agreed to.

Clause 130 agreed to.

Schedule agreed to.

Postponed clause 49 -

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

Omit from sub-clause (1), "the grant, renewal or transfer of a licence" and substitute "the grant or renewal of a licence".

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

"(d) be accompanied by a deposit of \$20, unless the objection or complaint is made by -

(i) an inspector;

(ii) the Commissioner of Police; or

(iii) where the premises or licensed premises which are the subject of an objection or complaint are located in a municipality or a community government area - the council for that municipality or the community government council for that community government area, as the case may be."

Omit sub-clause (5).

Omit from sub-clause (6) "or (5)".

Omit from sub-clause (7)(a) "the licensee, applicant for a licence, holder for the time being of a licence which it is proposed to transfer or person to whom it is proposed to transfer a licence, as the case requires," and substitute "the licensee or applicant for a licence".

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - The Chairman reported the Bill.

Mr Tuxworth moved -

That the Bill be recommitted to the committee of the whole for further consideration of clause 44.

Question put and passed.

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

(In the committee)

On recommitment

Clause 44 -

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

Omit sub-clauses (1) and (3).

Omit from sub-clause (2) "After considering an application for the transfer of a licence" and substitute "The Commission shall, as soon as reasonably practicable, consider an application for the transfer of a licence and after such consideration".

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.

27. LOCAL GOVERNMENT BILL (No. 4) 1978 (Serial 173): 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 1750 and 1828 hours.

Debate resumed.

SUSPENSION OF SITTING: The sitting having been interrupted by a power failure, the sitting was suspended at 1930 hours until 0900 hours on Thursday 30 November 1978.

Thursday 30 November 1978

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 5, by leave, taken together and agreed to.

Clause 6 -

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

Omit paragraph (b).

Clause, as amended, agreed to.

Clause 7 was postponed until after consideration of the Schedule.

Schedule 1 -

Proposed sections 423 and 424 agreed to.

Proposed section 425 -

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

Add the following new sub-section:

"(2) A community government scheme may authorize the community government council to make by-laws in accordance with this Part, not inconsistent with any other law of the Territory, in relation to -

- (a) the sale, purchase, possession, presence and consumption of liquor within the meaning of the Liquor Act;
- (b) the sale, display, possession, hire, purchase, presence and use of firearms; and
- (c) the sale, display, possession, hire, purchase, presence and use of offensive weapons,

within the community government area."

Proposed section, as amended, agreed to.

Proposed sections 426 and 427 agreed to.

New section -

On the motion of Mr Isaacs the following new section was inserted in the Schedule, after debate:

"427A. Where 10 adults living in a particular area desire that a community government council be formed in respect of that area, they may apply in writing, signed by each of them, to the Minister with a view to the establishment of a community government council for that area."

Proposed section 428 -

Mr Isaacs proposed as an amendment:

In sub-section (1) insert before "Minister" the following:

"upon receipt of an application as specified in section 427A, the".

Debate ensued.

Question put and negatived.

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

In sub-section (1) omit "The Minister" and substitute "Upon receipt of an application as specified in section 427A, the Minister".

Proposed section, as amended, agreed to.

Mr Isaacs proposed as an amendment:

Omit sub-section (3) and insert the following:

"(3) Any person may, at the request of at least 10 residents of any area, prepare a draft community government scheme."

On the motion of Mr Robertson the following amendment to the amendment was made:

Omit "at least" and substitute "not less than".

Amendment, as amended, agreed to.

Proposed section 428, as amended, agreed to.

Proposed sections 429 and 431 agreed to.

Proposed section 432 -

Mr Isaacs proposed as an amendment:

Omit section 432 and insert the following:

"432.(1) Where the Minister receives an application under section 427A, he shall -

- (a) inform the adults living in the area to which the application relates of his receipt of the application;

(b) explain to those adults -

- (i) the purpose of the application;
- (ii) the boundaries of the area the subject of the application;
and
- (iii) the functions of the proposed community government council
for that area; and

(c) fix a time and place for a meeting to discuss the application
and notify those adults of that time and place.

"(2) The Minister shall convene a meeting in accordance with a
notification given under paragraph (1)(c) of this section.

"(3) The Minister shall attend a meeting convened under sub-section
(1) and shall endeavour to ascertain the opinions of the persons present
at the meeting regarding -

- (a) the establishment of a community government council for the area
the subject of the application or a part of that area; and
- (b) the functions to be conferred on such a council.

"(4) The applicants may, having regard to the opinions expressed at a
meeting convened in pursuance of sub-section (2), vary their application
as they think fit but not so as to extend the area to which the applic-
ation relates.

"(5) The applicants may, by notice in writing served on the Minister,
withdraw an application at any time before the constitution of a
community government council in accordance with the application."

Debate ensued.

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

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

- 28. PERSONAL EXPLANATION: Mr Steele made a personal explanation relating to
his acceptance of a gift referred to during this sittings.
- 29. N.T. BETTING CONTROL BOARD - ANNUAL REPORT: Mr Perron (Treasurer), by
leave, laid on the Table a copy of the Board's annual report for 1977-8.
- 30. HOUSING COMMISSION OF THE N.T. - ANNUAL REPORT: Mr Perron (Minister for
Lands and Housing), by leave, laid on the Table a copy of the Commission's
annual report for 1974-5.
- 31. PUBLIC ACCOUNTS - QUARTERLY STATEMENT: Mr Perron (Treasurer), by leave,
laid on the Table the Statement of Public Accounts for the quarter ended
30 September 1978 and, by leave, made a statement on the subject document.
- 32. SUSPENSION OF STANDING ORDERS - INTRODUCE BILL AND PASS THROUGH ALL STAGES:
Mr Steele (Minister for Industrial Development), by leave, moved -

That so much of standing orders be suspended as would prevent the introduction of the Fisheries Bill (No. 2) 1978 (Serial 235) without notice and its passage through all stages at this sittings.

Debate ensued.

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

33. FISHERIES BILL (No. 2) 1978 (Serial 235): Mr Steele (Minister for Industrial Development), pursuant to resolution, 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.

34. SUSPENSION OF STANDING ORDERS - PASS 5 BILLS THROUGH ALL STAGES: Mr Robertson, by leave, moved -

That so much of standing orders be suspended as would prevent the Mining Bill (No. 6) 1978 (Serial 233), the Criminal Law Consolidation Bill (No. 2) 1978 (Serial 219), the Public Trustee Bill 1978 (Serial 232), the Justices Bill (No. 2) 1978 (Serial 234) and the Mining Bill (No. 4) 1978 (Serial 176) passing through all stages at this sittings.

Debate ensued.

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

35. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, General Business was called on.

36. SECOND-HAND MOTOR VEHICLES BILL 1978 (Serial 210): Mrs O'Neil (Fannie Bay), pursuant to notice, present the Bill which was thereupon read a first time.

Mrs O'Neil 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.

37. SESSIONAL COMMITTEE ON THE ENVIRONMENT - APPOINTMENT: Mr Collins (Arnhem), pursuant to notice, moved -

That during the present session of the Assembly a committee to be known as the Sessional Committee on the Environment, consisting of three members to be nominated by the Chief Minister and two members to be nominated by the Leader of the Opposition, be appointed.

That the committee be empowered to inquire into and from time to time report upon and made recommendations on all matters relating to uranium mining and processing activities and their effects on the

environment within the proposed Kakadu National Park.

That the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place.

On the motion of Mr Vale the following amendments were made, after debate:

Omit "consisting of three members to be nominated by the Chief Minister and two members to be nominated by the Leader of the Opposition" and substitute "consisting of Mrs D. Lawrie, Mrs N. Padgham-Purich, Mr B. Collins, Mr T. Harris and Mr R. Vale."

Add to the motion of the following:

"That the Committee be empowered to authorize the daily release of transcripts of evidence during public hearings and that the Chairman be empowered to issue from time to time information pertaining to the Committee's activities."

Motion, as amended, agreed to.

38. ALTERATION OF ORDER OF BUSINESS: Mrs O'Neil (Fannie Bay), by leave, moved -

That General Business be taken in the following order:

Notices relating to Workmen's Compensation Bill (No. 2) 1978 (Serial 208); Long Service Leave Bill (Serial 209); noting report of Education Advisory Group; Classification of Publications Bill 1978 (Serial 207); Electoral Bill 1978 (Serial 213); and appointing a Standing Committee on Expenditure.

Question put and passed.

39. WORKMEN'S COMPENSATION BILL (No. 2) 1978 (Serial 208): Mr Collins (Arnhem), 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.

40. LONG SERVICE LEAVE BILL 1978 (Serial 209): Mr Collins (Arnhem), 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.

41. EDUCATION ADVISORY GROUP REPORT: Mr Collins (Arnhem), pursuant to notice, moved -

That the report of the Education Advisory Group, which was tabled by the Honourable Minister for Education in this Assembly on Thursday 23 November 1978, be noted.

Debate ensued.

Question put and passed.

42. CLASSIFICATION OF PUBLICATIONS BILL 1978 (Serial 207): Mr Isaacs (Leader of the Opposition), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Isaacs 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.

43. ELECTORAL BILL 1978 (Serial 213): Mr Isaacs (Leader of the Opposition), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Isaacs 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.

44. EXPENDITURE COMMITTEE - PROPOSED APPOINTMENT: Mr Isaacs (Leader of the Opposition), pursuant to notice, moved -

That -

1. A Standing Committee be appointed to:

- (a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine;
- (b) consider how, if at all, policies implied in the figures of expenditure and in the estimates may be carried out more economically;
- (c) examine the relationship between the costs and benefits of implementing government programs;
- (d) inquire into and report upon any question in connexion with public expenditure which is referred to it by the Legislative Assembly.

2. The committee consist of five members, three of whom will be nominated by the Chief Minister and two nominated by the Leader of the Opposition.

3. Every nomination of a member of the committee be forthwith notified in writing to the Speaker.

4. The members of the committee will hold office for the full term of the Legislative Assembly.

5. The committee elect one of its members as Chairman.

6. The committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee, and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the Chairman at that meeting.

7. The committee have power to appoint sub-committees consisting of three or more of its members, and shall appoint the Chairman of each sub-committee who shall have a casting vote only, and refer to any such sub-committee any matter which the committee is empowered to examine.

8. A majority of the members of a sub-committee constitute a quorum of that sub-committee.

9. Members of the committee who are not members of a sub-committee may take part in the public proceedings of that sub-committee but shall not vote or move any motion or constitute a quorum.

10. The committee or any sub-committee have power to send for persons, papers and records.

11. The committee have power to move from place to place and to sit during any recess.

12. Any sub-committee have power to move from place to place, adjourn from time to time and to sit during any recess, sitting or adjournment.

13. The committee or any sub-committee have power to authorize publication of any evidence given before it and any document presented to it.

14. Three members of the committee constitute a quorum of the committee.

15. The committee be provided with necessary staff, facilities and resources.

16. The committee in selecting particular matters for investigation take account of the investigations of other committees of the Assembly and avoid duplication.

17. The committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report.

18. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

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

SUSPENSION OF SITTING: The sitting was suspended between 1205 and 1330 hours.

45. NORTHERN TERRITORY EXECUTIVE EXPENDITURES IN 1977-8 - STATEMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Isaacs

That the Statement be noted -

No member rising to answer the call -

The Order was discharged from the notice paper.

46. PROPOSED MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Mines and Energy) asked leave to make a statement.

Leave denied.

47. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Local Government Bill (No. 4) 1978 was called on.
48. LOCAL GOVERNMENT BILL (No. 4) 1978 (Serial 173): The order of the day having been read for the further consideration of the Bill in the committee of the whole -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Proposed section 432 and the amendment proposed by Mr Isaacs -

Omit proposed section 432 and insert the following:

"432.(1) Where the Minister receives an application under section 427A, he shall -

(a) inform the adults living in the area to which the application relates of his receipt of the application;

(b) explain to those adults -

(i) the purpose of the application;

(ii) the boundaries of the area the subject of the application; and

(iii) the functions of the proposed community government council for that area; and

(c) fix a time and place for a meeting to discuss the application and notify those adults of that time and place.

"(2) The Minister shall convene a meeting in accordance with a notification given under paragraph (1)(c) of this section.

"(3) The Minister shall attend a meeting convened under sub-section (1) and shall endeavour to ascertain the opinions of the persons present at the meeting regarding -

(a) the establishment of a community government council for the area the subject of the application or a part of that area; and

(b) the functions to be conferred on such a council.

"(4) The applicants may, having regard to the opinions expressed at a meeting convened in pursuance of sub-section (2), vary their application as they think fit but not so as to extend the area to which the application relates.

"(5) The applicants may, by notice in writing served on the Minister, withdraw an application at any time before the constitution of a community government council in accordance with the application."

Proposed amendment, by leave, withdrawn.

Proposed sections 432 to 435 agreed to.

Proposed section 436 -

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

Insert after "scheme" (last occurring) the following:

"and details of the scheme".

Proposed section, as amended, agreed to.

Proposed section 437 -

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

Omit from sub-section (2) "they do take effect" and substitute "it takes effect".

Omit from sub-section (2) "given" and substitute "published".

Omit sub-section (7).

Proposed section, as amended, agreed to.

Proposed sections 438 and 439 agreed to.

Proposed section 440 negatived, after debate.

Proposed new section -

On the motion of Mr Isaacs the following new section was inserted in the Schedule -

"440. The Minister may, after the publication under section 435(1)(b) of the notice first fixing the boundaries of a community government area, request the Returning Officer for the Northern Territory to conduct the election of the first community government council of that area."

Progress to be reported and leave asked to sit again.

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

49. EXPECTED BENEFIT TO N.T. ECONOMY - MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement on the expected benefit to the Northern Territory economy from the projected programmes of four well-known uranium developers.

Mr Tuxworth, by leave, moved -

That the Statement be noted

and was granted leave to continue his remarks at a later hour.

50. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Local Government Bill (No. 4) 1978 was called on.

51. LOCAL GOVERNMENT BILL (No. 4) 1978 (Serial 173): The order of the day having been read for the further consideration of the Bill in the committee of the whole -

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

(In the committee)

Proposed section 441 negatived.

Proposed new sections -

On the motion of Mr Robertson the following new sections were inserted in the schedule:

"440A.(1) If the Minister is satisfied that, within 2 years before the commencement of a community government scheme, the residents of the community government area have elected a number of persons to carry out functions of a similar kind to the functions which the community government council may, under that community government scheme, perform, he may appoint the persons so elected to be members of the community government council.

"(2) An appointment under sub-section (1) shall be notified in the Gazette and shall take effect from -

- (a) the date of that notification; or
- (b) if there is a later date specified in the notification - that later date.

"441. A general election shall be held before 31 December of -

- (a) in the case of a community government council which consists of members appointed under section 440A - the second year after the appointment of those members; or
- (b) in any other case - the fourth year after the general election immediately prior to that election."

Proposed sections 442 to 446, by leave, taken together and agreed to.

Proposed section 447 -

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

Add the following paragraph:

"(e) the member no longer has the eligibility requirement as set out in the community government scheme for that area pursuant to section 425(k).

Proposed section, as amended, agreed to.

Proposed section 448 agreed to.

Proposed section 449 -

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

Omit sub-section (2).

Proposed section, as amended, agreed to.

Proposed section 450 -

Mr Robertson proposed as an amendment:

Omit sub-section (1)(b).

Debate ensued.

Proposed amendment, by leave, withdrawn.

Proposed section 450 negatived.

Proposed section 451 -

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

Omit "terms and conditions," and substitute "terms and conditions".

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

Omit "'other than a clerk'".

Proposed section, as amended, agreed to.

Proposed section 452 -

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

Insert before paragraph (a) the following new paragraph:

"(ai) commercial development;".

Proposed section, as amended, agreed to.

Proposed section 453 -

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

Omit "whether or not the Minister has so requested, advise the Minister or any other person holding office under an Act" and substitute "whether or not the Minister or some other person holding office under an Act has so requested, advise the Minister or that person".

Insert after "Minister" (third occurring) "or that person".

Add the following new sub-section:

"(2) The power of a community government council under sub-section (1) includes a power to lodge with the Registrar of Liquor Licences under the Liquor Act any objection, complaint, application or opinion required or permitted under that Act to be made.".

Proposed section, as amended, agreed to.

Proposed sections 454 to 459, by leave, taken together and agreed to.

Proposed section 460 -

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

Omit "end" and substitute "beginning".

Omit sub-section (1)(b).

Proposed section, as amended, agreed to.

Proposed section 461 negatived, after debate.

Proposed new sections -

On the motion of Mr Isaacs the following new sections were inserted in the schedule, after debate:

"461.(1) Subject to this section, a community government council shall not appoint a person to be auditor unless he is a member of an institute or association of accountants of which the Minister has approved as an institute or association for the purpose of this section.

"(2) Where, on an application being made to him by a community government council, the Minister is satisfied that -

- (a) no person who is a member of an institute or association of accountants approved under sub-section (1) is available for appointment as auditor; and
- (b) a person nominated by the council is competent to carry out the duties of auditor,

he may approve of the appointment as auditor of the person nominated, notwithstanding that the person is not a member of an institute or association of accountants so approved.

"461A.(1) A person who -

- (a) is a member or officer of the community government council;
- (b) holds an office of profit under, or at the disposal of, the council other than as auditor; or
- (c) is directly or indirectly interested in a contract with the council other than as a shareholder in or a member, director, manager or servant of a company which consists of at least 70 registered shareholders or members, which is incorporated or registered in a State or Territory, and which is concerned in a contract or dealing with the council,

is disqualified from holding office as auditor for that community government council.

"(2) A person who -

- (a) is an undischarged bankrupt; or
- (b) has been sentenced to a term of imprisonment for an indictable offence, until that term expires,

is disqualified from holding office as auditor for a community government council."

Proposed section 462 -

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

Omit sub-section (2)(a).

Proposed section, as amended, agreed to.

Proposed section 463 negatived, after debate.

Proposed section 464 negatived.

New sections -

On the motion of Mr Robertson the following new sections were inserted in the schedule:

"463.(1) The auditor shall inspect and audit the accounts of the community government council in respect of its operations during the financial year immediately preceding the financial year in which he was appointed as auditor in the manner directed by the Minister.

"(2) The auditor may, at his discretion, dispense with any or all of a detailed audit required under sub-section (1).

"(3) The auditor shall report to the Minister the results of each inspection and audit carried out in accordance with sub-section (1).

"(4) A report under sub-section (2) shall draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the auditor, of sufficient importance to justify his so doing.

"(5) For the purposes of carrying out an inspection and audit in pursuance of this section, the auditor is entitled at all reasonable times to full and free access to the accounts and records of the community government council and may make copies or take extracts from those accounts and records.

"464.(1) Each community government council shall, within 3 months of the end of a financial year, or such longer time as the Minister may permit, submit to the auditor financial statements in respect of that year in the prescribed form.

"(2) The auditor shall, within 3 months of receiving the financial statements referred to in sub-section (1), or within such longer period as the Minister may permit, forward to the Minister -

(a) those financial statements; and

(b) a report thereon.

"(3) A report made by an auditor under sub-section (2) shall -

(a) state whether, in the opinion of the auditor, the financial statements in respect of which the report is made -

(i) are based on proper accounts;

(ii) are in agreement with those accounts; and

(iii) have been drawn up so as to present a true and fair view

of the transactions for the financial year of the community government council and the financial position of the council at the end of that year;

- (b) state whether in the opinion of the auditor the receipt and expenditure of moneys and the acquisition and disposal of property by the council during the year have been in accordance with this Act; and
- (c) draw the attention of the Minister to such other matters and things arising out of his consideration of the statements as the auditor considers should be reported to the Minister.

"(4) The Minister shall table in the Legislative Assembly a copy of the report and financial statements referred to in sub-section (1) together with a copy of the report referred to in sub-section (2) within 3 sitting days of receiving them."

New section -

On the motion of Mr Isaacs the following new section was inserted in the schedule, after debate:

"464A. The clerk shall inform the council at the first meeting held after he becomes aware that the auditor -

- (a) is disqualified under the last preceding section from holding office as auditor;
- (b) has died;
- (c) has become mentally defective within the meaning of the Mental Defectives Act;
- (d) has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with his creditors or has made an assignment of his remuneration for their benefit; or
- (e) has failed to attend at the time and place appointed by the council for the holding of an audit after the clerk has given 14 clear days' notice of the appointment to carry out the audit and inspection to the auditor.

"464B.(1) At the meeting of the community government council at which -

- (a) the council accepts the resignation of the auditor; or
- (b) the clerk informs the council of a matter pursuant to the provisions of the last preceding section;

the council shall declare the office of auditor to be vacant.

"(2) The office of auditor becomes vacant when -

- (a) the council passes a resolution to that effect under the last preceding sub-section; or
- (b) the term for which the auditor was appointed expires."

Proposed section 465 negatived.

Proposed section 466 agreed to.

Proposed sections 467 to 471, by leave, taken together and agreed to.

Proposed section 472 -

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

Omit "A community government council" and substitute "Subject to this Act, a community government council".

Omit paragraphs (c) and (d) and substitute the following new paragraphs:

"(c) regulating the supply of those services;

(d) for or with respect to the sale, purchase, possession, presence and consumption of liquor within the meaning of the Liquor Act;

(e) for or with respect to the sale, display, possession, hire, purchase, presence and use of firearms;

(f) for or with respect to the sale, display, possession, hire, purchase, presence and use of offensive weapons;

(g) for or in relation to the exercise of its functions under the community government scheme of this Act; and

(h) providing for a penalty not exceeding \$200 for an offence against the by-laws."

Insert at the end thereof the following new sub-section:

"(2) A community government council shall, before it makes any by-laws by reference to section 472(1)(d), advise the Liquor Commission of its intention to make those by-laws and the proposed contents thereof."

Proposed section, as amended, agreed to.

New section -

On the motion of Mr Robertson the following new section was inserted in the schedule:

"472A. It is a defence to a prosecution in respect of a breach of a by-law made by reference to section 472(1)(d) that the act or thing complained of was authorized by or under the Liquor Act."

Proposed sections 473 and 474, by leave, taken together and agreed to.

Proposed section 475 -

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

In paragraph (b) omit "14 days" and insert "6 weeks".

Proposed section, as amended, agreed to.

Proposed section 476 -

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

After "Gazette" insert "and in a newspaper circulating in the locality to which the notice of dissolution relates".

Proposed section, as amended, agreed to.

Proposed section 477 -

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

In sub-section (1)(a), omit "12" and insert "2".

Mr Isaacs proposed as an amendment:

In sub-section (2), after "appointed" (last occurring) add "and shall be paid from funds of the council."

Debate ensued.

Question put and negatived.

Proposed section, as amended, agreed to.

New section -

On the motion of Mr Isaacs the following new section was inserted in the schedule, after debate:

"477A. Where a manager is appointed by the Minister under section 472 -

(a) the officers of the community government council referred to in that section cease to hold office unless specifically retained by the manager; and

(b) the members of the council are deemed to vacate their respective offices,

from and including the day following the date upon which the appointment of the manager becomes effective."

Proposed sections 478 to 484, by leave, taken together and agreed to.

Schedule, as amended, agreed to.

Clause 7 agreed to.

Title agreed to.

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

Mr Robertson moved -

That the Bill be recommitted to the committee of the whole for further consideration of the schedule.

Question put and passed.

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

(In the committee)

On recommittal

Schedule -

Proposed new section 427A negatived.

New section -

On the motion of Mr Isaacs the following new section was inserted in the schedule, after debate:

"427A. Any 10 residents of an area may apply in writing signed by each of them to the Minister for the establishment of a community government council in respect of that area."

"427B.(1) Where the Minister receives an application under section 427A, he shall -

- (a) inform the residents of the area to which the application relates of the receipt of the application;
- (b) fix a time and place for a meeting with those residents; and
- (c) notify the residents of the time and place fixed for the meeting under paragraph (b).

"(2) At a meeting fixed under sub-section (1)(b), the Minister, or a person nominated by him, shall -

- (a) explain to the residents present at the meeting -
 - (i) the purpose of the application under section 427A received by him; and
 - (ii) the function which a community government council may perform; and
- (b) endeavour to ascertain the opinion of the residents present at the meeting in relation to -
 - (i) the proposal to establish a community government council in relation to the area or a part thereof; and
 - (ii) the functions to be conferred on such a council, if established.

"(3) The applicants may, having regard to the opinions expressed at a meeting convened under sub-section (2), vary their application as they think fit but not so as to extend the area to which the application relates.

"(4) The applicants may, by notice in writing served on the Minister, withdraw an application at any time before the constitution of a community government council in accordance with the application."

Proposed section 464A -

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

after "auditor" in (e) add ", of that fact".

Proposed section, 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.

52. ASSOCIATIONS INCORPORATION BILL 1978 (Serial 158): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Mr Everingham (Chief Minister), by leave, assumed control of the Bill.

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

Clause 4 -

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

Omit from the definition of "prescribed property" in paragraph (c) ", in relation to an incorporated trading association,".

Clause, as amended, agreed to.

Clauses 5 to 7, by leave, taken together and agreed to.

New clauses -

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

"7A. Section 9(1) of the Principal Act is amended by omitting 'acquire, hold and dispose of real and personal property' and substituting 'acquire and, subject to section 9B, may hold and dispose of real and personal property'.

"7B. The Principal Act is amended by inserting after section 9 the following sections:

'9A. A description of an incorporated association is not inadequate or incorrect by reason only of the use of the abbreviation "Inc." in lieu of "Incorporated".

'9B. An incorporated association shall not dispose of, charge or otherwise deal with prescribed property -

(a) without the consent of the Minister; or

(b) if the prescribed property is a lease under the Special Purposes Leases Act - without the consent required under section 6 of that Act.'."

Clauses 8 and 9, by leave, taken together and agreed to.

New clauses -

On the motion of Mr Everingham the following new clauses were inserted in the Bill, after debate:

"9A. The Principal Act is amended by omitting from section 20 'sections 21 and 22' and substituting 'sections 21, 22 and 22A'.

"9B. The Principal Act is amended by inserting after section 22 the following section:

'22A. Prescribed property is not an asset in the winding up of an incorporated association.'

"9C. The Principal Act is amended by inserting after section 23G the following section:

'23H.(1) This section applies notwithstanding sections 23 to 23G inclusive.

'(2) The Registrar shall not dispose of prescribed property without the approval of the Minister.

'(3) The Supreme Court may, in a winding up of an incorporated association by the Court, make any order in relation to the disposing of prescribed property which it thinks fit.

'(4) The Court shall, in making an order under sub-section (3), have regard to -

(a) the circumstances in which the property was acquired;

(b) any submission to the Court made by the Minister; and

(c) any other matter that the Court considers relevant.'."

Clause 10 -

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

Insert in proposed new section 25C(3)(d) after sub-paragraph (i) the following new sub-paragraph:

"(ia) that, on a date and in a newspaper specified in the declaration, he gave notice under section 25A(1) of his intention to apply for the incorporation of the trading association;"

Omit from proposed new section 25E "upon" (first occurring) and substitute "before".

Omit proposed new section 25K and substitute the following new section:

"25K. An incorporated trading association shall not dispose of, charge or otherwise deal with prescribed property -

(a) without the consent of the Minister; or

(b) if the prescribed property is a lease under the Special Purposes Leases Act - without the consent required under section 6 of that Act."

Insert at the end of proposed new section 25L the following new sub-section:

"(2) A description of an incorporated trading association is not inadequate or incorrect by reason only of the use of the abbreviation 'Inc.' in lieu of 'Incorporated'."

Omit from proposed new section 25N(1) "and to sub-section (2)" and substitute "and to this Act".

Omit proposed new section 25N(2).

Omit proposed new section 25R(3)(c) and substitute the following paragraph:

"(c) becomes of unsound mind;".

Omit from proposed new section 25S "3" and substitute "14".

Insert after proposed new section 25T the following new section:

"25TA.(1) An incorporated trading association shall, within 3 months after its incorporation under this Part, file with the Registrar -

(a) a copy of the rules of the association; and

(b) particulars of, and a copy of any instrument evidencing, the trusts, if any, relating to the association.

Penalty: \$500.

"(2) A copy of the rules of an incorporated trading association or of any other instrument filed under sub-section (1) shall be accompanied by a statutory declaration made by the public officer of the association declaring that that copy is a true copy of the instrument of which it purports to be a copy."

Omit proposed new section 25U(4) and substitute the following sub-section:

"(4) An alteration of the objects, purposes or rules of an incorporated trading association or any trusts relating to an incorporated trading association is of no effect until -

(a) this section has been complied with in respect of the alteration; and

(b) in the case of an alteration of the objects or the purposes of the trading association - the alteration is approved by the Registrar."

Omit from proposed new section 25AF(9) "Default penalty: \$200."

Omit from proposed new section 25AH(1) and (2) "An incorporated trading association" and substitute "The committee of an incorporated trading association".

Insert at the end of proposed new section 25AH(1) and (2) "Penalty: \$200."

Insert -

(a) after "balance sheet" in proposed new section 25AH(4)(a); and

(b) after "expenditure" in proposed new section 25AH(4)(b),

"certified as correct by the person engaged to audit the financial affairs of the incorporated trading association under sub-section (2)".

Insert after proposed new section 25AK the following new section:

"25AKA. Where the committee of an incorporated trading association fails to comply with an obligation imposed on it under section 25AH or 25AK, each member of the committee shall be guilty of an offence punishable upon conviction by a fine not exceeding \$200.".

Clause, as amended, agreed to.

Clauses 11 and 12 agreed to.

New clause -

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

"13. The Principal Act is amended by omitting from the provisions set out in column 1 of Schedule 1 the words set out in column 2 of that Schedule and substituting the matter set out in column 3 of that Schedule opposite that provision.".

New schedule -

On the motion of Mr Everingham the following schedule was added to the Bill:

"SCHEDULE 1

Section 13

ALTERATION OF PENALTIES

Column 1	Column 2	Column 3
Provision	Matter to be omitted	Matter to be substituted
12(2)	20 dollars	\$200
14(2)	40 dollars	\$200
15(1)	100 dollars	\$500
16(1)	40 dollars	\$200
16(2)	40 dollars	\$200
17(5)	100 dollars	\$500
19	40 dollars	\$200
23G(2)	20 dollars	\$200
25(2)	20 dollars	\$200
25(3)	40 dollars	\$200
28(g)	40 dollars	\$200".

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.

53. LANDS ACQUISITION BILL 1978 (Serial 145): 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)

Mr Everingham, by leave, assumed control of the Bill.

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

Clause 4 -

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

Omit from the definition of "date of acquisition" the words "(which relates to compulsory acquisitions), means".

Insert after the definition of "proposal" the following definition:

"'public purpose' means a purpose in relation to the Territory and includes a purpose related to the carrying out of a function by a statutory corporation;".

Clause, as amended, agreed to.

Clauses 5 to 9, by leave, taken together and agreed to.

Clause 10 agreed to, after debate.

Clause 11 agreed to.

Clause 12 negatived.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the Bill, after debate:

"12.(1) A member who has a direct or indirect interest in any matter the subject of any proceedings before the Tribunal shall, as soon as possible after he knows that he has the interest and that the Tribunal is hearing the matter, disclose his interest to the Tribunal.

"(2) A disclosure under sub-section (1) shall be lodged in the office of the Registrar.

"(3) A member who makes a disclosure under sub-section (1) shall not serve as a member for the hearing of the matter to which the disclosure relates.".

Clause 13 agreed to, after debate.

Clauses 14 to 18, by leave, taken together and agreed to.

Clause 19 -

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

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

"(1) The Chairman or the Deputy Chairman shall, in respect of each proposal referred to the Tribunal under section 36(1) and each matter referred to it under Division 1 or 2 of Part VIII, select 3 members to hear and consider or hear and determine, as the case may be, that proposal or matter."

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together and agreed to.

Clause 23 agreed to, after debate.

Clauses 24 to 31, by leave, taken together and agreed to.

Clause 32 -

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

Insert after "shall not acquire land" in sub-clause (1) "for public purposes".

Omit from sub-clause (1)(b)(i) "and".

Omit from sub-clause (1)(b)(ii) "land." and substitute

"land;

(iii) caused a notice in the prescribed form to be published in a newspaper circulating in the area in which the land the subject of the proposal is situated; and

(iv) if the land, or if only an interest in the land is proposed to be acquired - the land or the land in respect of which it is proposed to acquire that interest, is registered under the Real Property Act - caused a copy of that notice to be lodged with the Registrar-General."

Omit sub-clause (2).

Clause, as amended, agreed to.

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

Clause 38 -

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

Omit from sub-clause (2)(c) "documents," and substitute "documents or".

Clause, as amended, agreed to.

Clause 39 agreed to.

Clause 40 -

Mr Everingham proposed as an amendment:

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

"(2) The Tribunal shall consider, having regard to the evidence placed before it, whether the proposal in respect of which it is conducting a pre-acquisition hearing should be -

(a) implemented by the acquisition of the land the subject of the proposal or a part of that land;

(b) modified; or

(c) abandoned.".

Mr Everingham moved -

That the proposed amendment be amended by omitting "and (3)".

Question put and passed.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clauses 41 and 42, by leave, taken together and agreed to.

Clause 43 -

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

Insert after "land" (first occurring) "for public purposes".

Clause, as amended, agreed to.

Clauses 44 and 45, by leave, taken together and agreed to.

Clause 46 agreed to, after debate.

Clause 47 agreed to.

Clause 48 negatived.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the Bill, after debate:

"48.(1) The Minister may, by notice published in the Gazette, declare that any land acquired under this Act is no longer required for the public purpose for which it was acquired.

"(2) Land referred to in a notice under sub-section (1) may be dealt with as unalienated Crown land under a law in force in the Territory.".

Clauses 49 to 54, by leave, taken together and agreed to.

Clause 55 -

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

Omit from sub-clause (1) "The Chairman or Deputy Chairman" and substitute "A Magistrate".

Clause, as amended, agreed to.

Clauses 56 to 58, by leave, taken together and agreed to.

Clause 59 -

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

Omit "(which relates to re-settlement offers)".

Clause, as amended, agreed to.

Clause 60 agreed to.

Clause 61 -

Omit "(which relates to temporary entry onto land)".

Clause, as amended, agreed to.

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

Clause 64 -

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

Omit sub-clause (5) and substitute:

"(5) Interest paid to the Tribunal on an investment made under section 94 shall be paid to the claimant in respect of whose claim the amount of compensation was paid into the Tribunal by the Minister.".

Clause, as amended, agreed to.

Clause 65 -

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

Omit "under this section", insert "under section 64(1)".

Clause, as amended, agreed to.

Clause 66 negatived.

New clause -

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

"66. Compensation shall be assessed in accordance with the rules set out in Schedule 2.".

Clauses 67 to 78, by leave, taken together and agreed to.

Clause 79 -

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

Omit "proposal" and substitute "proceedings".

Clause, as amended, agreed to.

Clauses 80 to 83, by leave, taken together and agreed to.

Clause 84 negatived.

New clause -

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

"84. A person aggrieved by a determination of the Tribunal under section 58 or 81 may appeal to the Supreme Court."

Clauses 85 and 86, by leave, taken together and agreed to.

Clause 87 -

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

Omit from sub-clause (2) "(which relates to advances for costs)".

Omit from sub-clause (3) "(which relates to the Tribunal's power to award costs)".

Clause, as amended, agreed to.

Clauses 88 to 94, by leave, taken together and agreed to.

Clause 95 -

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

Omit from sub-clause (2)(b) "prescribed" and substitute "prescribing".

Clause, as amended, agreed to.

Schedules 1 and 2 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.

54. STATUS OF CHILDREN BILL 1978 (Serial 170): The order of the day having been read for the consideration of the Bill in the committee of the whole -

The Assembly resolved itself into a committee of the whole.

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 from the definition of "marriage" the words "by the society or group" and substitute "by the community or group".

Insert before the definition of "marriage" the following definition:

"'District Registrar' means the District Registrar for the purposes of the Registration of Births, Deaths and Marriages Act";".

Clause, as amended, agreed to.

Clause 4 agreed to, after debate.

Clauses 5 to 9, by leave, taken together and agreed to.

Clause 10 -

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

Omit from sub-clause (1), (2) and (3) "Registrar-General" and substitute "District Registrar".

Omit from sub-clause (3) "Registrar" and substitute "Master".

Clause, as amended, agreed to.

Clause 11 agreed to.

Clause 12 -

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

Omit from sub-clause (2) "paternity" and substitute "maternity".

Clause, as amended, agreed to.

Clauses 13 to 16, by leave, taken together and agreed to.

Clause 17 -

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

Omit from sub-clause (1) "If the Court orders," and insert "Unless the Court otherwise orders,".

Clause, as amended, agreed to.

Clauses 18 to 19, by leave, taken together and agreed to.

New clause -

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

"19A. The Children's Protection Act, 1899, of South Australia, in its application to the Territory, is amended by omitting from section 2 the definition of 'near relative' and substituting the following definition:

"near relative", in relation to a child, includes any parent, grandparent, stepfather or stepmother of the child;".

Schedule -

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

Omit from the heading to column 3 of the Schedule "Insert" and substitute "Substitute".

Insert after the entry relating to the Child Welfare Act the following entry:

"Compensation

(Fatal Injuries) :

Section 4(3)(a) omit ".

Insert after "at the" in column 3 of the entry relating to section 31(2) of the Maintenance Act "time".

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.

55. SUMMARY OFFENCES BILL 1978 (Serial 162): 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.

56. PUBLIC SERVICE BILL (No. 2) 1978 (Serial 171): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 negatived.

New clause -

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

"5. The Principal Act is amended by inserting after section 45 the following section:

'45A.(1) Subject to the Police Administration Act, a member of the Police Force shall be subject to the provisions of this Act.

'(2) A person who ceases to be a member of the Police Force in accordance with the provisions of the Police Administration Act, not being a person who is retired under section 24 of the Police Administration Act, shall thereby cease to be an employee in the public service.

'(3) The Commissioner upon a person ceasing to be a member of the Police Force by reason of section 24 of the Police Administration Act, shall not -

(a) place that person in a unit of administration; or

(b) determine the designation of that person,

unless he has given 14 days notice in writing of his intention to do so to the secretary of the relevant association.

'(4) For the purposes of this section "relevant association" means the association, being the Northern Territory Police Commissioned Officers Association or the Northern Territory Police Association, of which the person was a member immediately before he ceased to be a member of the Police Force.'."

Remainder of 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.

57. MINING BILL (No. 4) 1978 (Serial 176): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

New clause -

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

"2A. Section 7 of the Principal Act is amended by inserting in the definition of 'minerals', after 'includes', the words 'prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth, '."

Clause 3 -

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

Omit proposed new section 7A and substitute:

"7A.(1) Subject to sub-section (2), but notwithstanding anything elsewhere contained in this Act or the Regulations made thereunder, in respect of a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Minister -

(a) shall exercise his powers in accordance with and give effect to the advice of the Minister of the Commonwealth for the time being administering section 41 of that Act; and

(b) shall not exercise his powers otherwise than in accordance with such advice.

"(2) Sub-section (1) does not operate to prevent the Minister from acting without advice, or to require the Minister to take or give effect to advice, in relation to a matter arising under Part IVA."

Clause, as amended, agreed to.

New clauses -

On the motion of Mr Tuxworth the following new clauses were inserted in the Bill:

"3A. Section 43 of the Principal Act is amended -

(a) by inserting in sub-section (2), after 'Territory', the words
' , in respect of gold and minerals other than prescribed substances, ';

(b) by inserting in sub-section (3), after 'substance', the words

', other than a prescribed substance,';

(c) by inserting in sub-sections (5)(a)(i), (7)(a), (8)(a) and (9)(a) (i), after 'substances' (first occurring), the words ', other than prescribed substances,';

(d) by omitting sub-sections (15) and (16) and substituting the following sub-sections:

'(15) The lessee of a gold-mining lease is liable to pay royalty to the Commonwealth, in the manner provided in this Act, on the value of any prescribed substance obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of the Atomic Energy Act 1953 of the Commonwealth.

'(16) Subject to this Act, all matters relating to the lodging of royalty returns and to the assessment, payment and recovery of royalty, on the value of any prescribed substance obtained from land comprised in a gold-mining lease shall be specified in the lease.

'(16A) A person holding office under this Act may, in accordance with the terms and conditions of a gold-mining lease -

(a) receive an amount of money in respect of royalty;

(b) assess royalty; and

(c) exercise other powers and perform other functions in relation to the assessment and collection of royalty

on the value of prescribed substances obtained from land comprised in that lease.

'(16B) Where the Northern Territory receives an amount of money in respect of royalty on the value of any prescribed substance obtained from land comprised in a gold-mining lease, it shall, if the royalty has not already been assessed, hold that money until the royalty is assessed and pay to the Commonwealth the amount of the royalty, when assessed.'; and

(e) by inserting in sub-section (17), after the definition of "buyer", the following definition:

"prescribed substance" means a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth;.

"3B. Section 44 of the Principal Act is amended by inserting after the words 'for gold and other minerals' the words ', other than prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth,'.

"3C. Section 50 of the Principal Act is amended -

(a) by inserting in sub-section (2), after 'Territory', the words ', in respect of gold and minerals other than prescribed substances,';

(b) by inserting in sub-section (3), after 'substance', the words ', other than a prescribed substance,';

(c) by inserting in sub-sections (5)(a)(i), (7)(a), (8)(a) and (9)(a) (i), after 'substances' (first occurring), the words ', other than prescribed substances,';

(d) by omitting sub-sections (15) and (16) and substituting the following sub-sections:

'(15) The lessee of a mineral lease is liable to pay royalty to the Commonwealth, in the manner provided in this Act, on the value of any prescribed substance obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of the Atomic Energy Act 1953 of the Commonwealth.

'(16) Subject to this Act, all matters relating to the lodging of royalty returns and to the assessment, payment and recovery of royalty, on the value of any prescribed substance obtained from land comprised in a mineral lease shall be specified in the lease.

'(16A) A person holding office under this Act may, in accordance with the terms and conditions of a mineral lease -

(a) receive an amount of money in respect of royalty;

(b) assess royalty; and

(c) exercise other powers and perform other functions in relation to the assessment and collection of royalty

on the value of prescribed substances obtained from land comprised in that lease.

'(16B) Where the Northern Territory receives an amount of money in respect of royalty on the value of any prescribed substance obtained from land comprised in a mineral lease, it shall, if the royalty has not already been assessed, hold that money until the royalty is assessed and pay to the Commonwealth the amount of the royalty, when assessed.'; and

(e) by inserting in sub-section (17), after the definition of "buyer", the following definition:

"'prescribed substance" means a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth;".

"3D. Section 50B of the Principal Act is amended by inserting after 'Territory' the words ', in respect of gold and minerals other than prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth,'.

"3E. Section 54E of the Principal Act is amended by omitting 'A special mineral lease' and substituting 'Subject to section 54F, a special mineral lease'.

"3F. Section 54F of the Principal Act is amended -

(a) by omitting from sub-section (1) 'The rate' and substituting 'Subject to sub-section (1A), the rate';

(b) by inserting after sub-section (1) the following sub-section:

'(1A) In respect of a special mineral lease granted in respect of a prescribed substance, within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the lessee is liable to pay royalty to the Commonwealth on the value of prescribed substances within the meaning of that Act obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of that Act.'; and

(c) by adding at the end thereof the following sub-section:

'(5) In respect of royalties payable under, and royalty returns in respect of, a special mineral lease granted in respect of a prescribed substance, within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the provisions of section 50 apply as if the special mineral lease were a mineral lease.'."

Clause 4 agreed to.

New clauses -

On the motion of Mr Tuxworth the following new clauses were inserted in the Bill:

"5. Section 167 of the Principal Act is amended by inserting after the words 'the Territory' the words 'or, in the case of a substance that is a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Commonwealth'.

"6. Section 167A of the Principal Act is amended by inserting after the words 'the Territory' the words 'or, in the case of a substance that is a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Commonwealth'."

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.

58. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - EIGHTH REPORT: Mr Oliver (Alice Springs), by leave, laid on the Table the 8th report of the standing committee.

Mr Oliver, by leave, moved -

That the Report be noted

and was granted leave to continue his remarks at a later hour.

59. STAMP DUTY BILL (No. 4) 1978 (Serial 215): 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 3 agreed to.

Clause 4 -

Progress to be reported and leave asked to sit again.

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

60. TAXATION ADMINISTRATION BILL (No. 3) 1978 (Serial 216): 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.

(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.

61. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Mining Bill (No. 6) 1978 (Serial 233) was called on.

62. MINING BILL (No. 6) 1978 (Serial 233): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 agreed to, after debate.

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.

63. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Criminal Law Consolidation Bill (No. 2) 1978 (Serial 219) was called on.

64. CRIMINAL LAW CONSOLIDATION BILL (No. 2) 1978 (Serial 219): 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)

(Deputy Chairman - Mr Ballantyne)

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

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

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

65. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Fisheries Bill (No. 2) 1978 (Serial 235) was called on.

66. FISHERIES BILL (No. 2) 1978 (Serial 235): 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.

67. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, it was ordered that the Public Trustee Bill 1978 (Serial 232) be next called on with the Justices Bill (No. 2) 1978 (Serial 232) to follow.

68. PUBLIC TRUSTEE BILL 1978 (Serial 232): 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.

69. JUSTICES BILL (No. 2) 1978 (Serial 234): 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.

70. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Stamp Duty Bill (No. 4) 1978 (Serial 215) was called on.

7. STAMP DUTY BILL (No. 4) 1978 (Serial 215): 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 4 negatived.

New clause -

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

"4. Schedule 2 of the Principal Act is amended -

(a) by omitting Item 1; and

(b) by omitting from Item 12 the words 'under the Taxation (Administration) Ordinance or'."

Clause 5 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.

72. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, the order of the day relating to the Remuneration Tribunal Report, October 1978, was called on.

73. REMUNERATION TRIBUNAL - NORTHERN TERRITORY LEGISLATIVE ASSEMBLY - REPORT OCTOBER 1978: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham

That the Report be noted -

Debate resumed.

Question put and passed.

74. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

SEASONAL GREETINGS: Mr Speaker extended seasonal greetings to Members and staff.

Question put and negatived.

75. SPECIAL ADJOURNMENT: Mr Robertson moved -

That the Assembly, at its rising, adjourn until a time and date to be fixed by Mr Speaker and notified to members by letter or telegram.

Question put and passed.

76. ADJOURNMENT: Mr Everingham moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1855 hours adjourned until a time and date to be fixed by Mr Speaker and notified to members by letter or telegram.

ATTENDANCE: All members attended the sitting.

F.K.M. THOMPSON

Clerk of the Assembly

SECOND LEGISLATIVE ASSEMBLY

INDEX TO MINUTES SITTING DAYS No. 7 to No. 11

<i>From</i>	<i>To</i>	<i>Pages</i>
21 November 1978	30 November 1978	29 - 148
ADDRESS IN REPLY - Presentation		29
ADVANCE TO TREASURER		60
BILLS -		
Serial 149 Absconding Debtors 1978		33,45-8P
205 Administration and Probate 1978		36,49
214 Administration and Probate (No. 2) 1978		30,39
202 Adoption of Children 1978		59,92
150 Appropriation (No. 1) 1978-79		50P
198 Appropriation Application 1978		31,37,51P
158 Associations Incorporation 1978		128-32P
189 Building 1978		59,92
151 Casino Development 1978		40-42P
185 Church Lands Leases 1978		59,92
207 Classification of Publications 1978		36,116
230 Commercial and Private Agents Licensing 1978		59,94
163 Companies (Trustees and Personal Representatives) 1978		30,39
156 Control of Waters 1978		56-9P
218 Criminal Law (Conditional Release of Offenders) (No. 2) 1978		36,50
144 Criminal Law and Procedure (No. 2) 1978		33,44-5P
160 Criminal Law Consolidation 1978		52-3P
219 Criminal Law Consolidation (No. 2) 1978		59,93,145P
161 Criminal Law (Offences at Sea) 1978		53-4,54-5P
187 Crown Lands (No. 2) 1978		59,92
183 Darwin Town Area Leases 1978		59,92
201 Domicile 1978		59,92
213 Electoral 1978		91,116
229 Employment (Leave of Absence) 1978		59,93
155 Explosives 1978		56-7P
220 Explosives 1978		31,39
194 Family Provision 1978		36,49
142 Financial Administration and Audit (No. 3) 1978		32P
235 Fisheries (No. 2) 1978		114,145P
197 Food and Drugs 1978		31
196 Food Standards 1978		31,40
190 Freehold Titles 1978		31,59,92
211 Freehold Titles (No. 2) 1978		49,61
195 Hospitals and Medical Services 1978		31,37,61P
178 Housing (No. 2) 1978		31,38
165 Interpretation (No. 3) 1978		54P
193 Intestate Aboriginals (Distribution of Estates) Act Repeal 1978		36,49
227 Jabiru Town Development 1978		30,37,63-6P
234 Justices (No. 2) 1978		59,94,146P
223 Land and Business Agents 1978		59,93
145 Lands Acquisition 1978		132-6P
188 Lands Acquisition (No. 2) 1978		59,92
226 Legislative Assembly (Remuneration, Allowances and Entitlements) (No. 2) 1978		30,37,51-2P

Serial 153	Liquor 1978	94-110P
231	Local Courts 1978	59,94
173	Local Government (No. 4) 1978	110-13,118-9,120-28P
191	Local Government (No. 5) 1978	59,93
209	Long Service Leave 1978	59,115
154	Lottery and Gaming (No. 4) 1978	42-4P
176	Mining (No. 4) 1978	140-43P
177	Mining (No. 5) 1978	31,38-9
233	Mining (No. 6) 1978	59,92,144-5P
169	Motor Vehicles (No. 7) 1978	58P
180	Motor Vehicles (No. 8) 1978	31
206	Motor Vehicles (No. 9) 1978	31,38,66-7P
204	Petroleum (Prospecting and Mining) 1978	59,94
179	Petroleum (Prospecting and Mining) (No. 2) 1978	31,40
182	Planning 1978	59,92
152	Poisons 1978	52,56P
159	Police Administration 1978	69-88,88-9P
171	Public Service (No.2) 1978	139P
232	Public Trustee 1978	59,94,146P
221	Registration of Births, Deaths and Marriages (No. 3) 1978	30,38,67
210	Second-hand Motor Vehicles 1978	31,114
157	Soil Conservation and Land Utilization 1978	67-9P
184	Special Purposes Leases 1978	59,92
215	Stamp Duty (No. 4) 1978	49,61,143-4,146-7P
170	Status of Children 1978	55,136-8P
217	Statute Law Revision (No. 2) 1978	30,39,67P
162	Summary Offences 1978	138P
216	Taxation (Administration) (No. 3) 1978	49,61,144P
199	Tenancy 1978	59,94
143	Territory Parks and Wildlife Conservation (No. 4) 1978	32-3P
168	Traffic (No. 2) 1978	57P
164	Traffic (No. 3) 1978	57P
212	Transfer of Powers (Health) 1978	31,38,63P
222	Transfer of Powers (Law) 1978	31,38,61-2P
192	Unit Titles 1978	59,92
181	Veterinary Surgeons 1978	31,40
208	Workmen's Compensation (No. 2) 1978	36,115
228	Workmen's Compensation (No. 2) 1978	59,93
DEATH OF SIR ALAN TURNER		59
DETERMINATION OF ACTING ADMINISTRATOR - Remuneration of members		32
DIRECTIONS - Administrator - 15 November 1978 Treasurer - 20 November 1978		32 32
DISCUSSION - MATTER OF PUBLIC IMPORTANCE - Health policies		37
DISTINGUISHED VISITOR - T.M. McRae, M.L.A.		60
MESSAGES FROM THE ADMINISTRATOR - No. 4 Cattle Price Stabilization Ordinance 1975 No. 5 Assent to three Ordinances No. 6 Workmen's Compensation Bill (No. 2) 1978		29 30 91

MOTIONS (Procedural) -

Suspension of standing orders -

Allow Mr Isaacs to make a statement	36
Introduce and pass Fisheries Bill (No. 2) 1978	113-4
Two Bills together	39-40
Two Bills together (Licensing of Agents)	93-4
Three Bills together (Intestate Aboriginals)	49
Nine Bills together (Planning)	92
Pass Appropriation Application Bill 1978	51
Pass Legislative Assembly (Remuneration, Allowances and Entitlements) Bill (No. 2) 1978	51
Pass three Bills	62-3
Pass five Bills	52,114
Rescind adoption of report and motion for third reading (Police Administration Bill)	89

MOTIONS (Substantive) -

Appoint Sessional Committee on the Environment	31,114
Appoint Standing Committee on Public Expenditure	35,116-7
Note report -	
Education Advisory Group	115
N.T. Ombudsman	36
Remuneration Tribunal - Pension Scheme	32,147
Subordinate Legislation and Tabled Papers Committee - 8th Report	143
Note statement -	
Casino development	60
Coastal surveillance	60
Employment in N.T.	32
Expected benefit to N.T. economy (Uranium)	119
N.T. Executive expenditure in 1977-8	117
Road accidents and safety measures	91
Use of funds for election and political purposes	33
Printing N.T. Consumer Protection Council annual report - 1978	31
Recommend appointment of ombudsman (R.H. Watts)	59,91
Sessional order - sittings of Assembly	36

NOTICE LAPSED

38,39

PAPERS (Tabled by Members) -

Advance to Treasurer	60
Public Accounts - Quarterly statement	113

PAPERS (Tabled pursuant to statute) -

Annual Reports

Darwin Hospital Advisory Board, 1977-8	34
Katherine Hospital Advisory Board, 1977-8	34
Katherine Town Management Board, 1977-8	34
Tennant Creek Hospital Advisory Board, 1977-8	34
Tennant Creek Town Management Board, 1977-8	34

Determinations and Agreements

Agreement between Administrator and -

N.T. Police Association, dated 22 November 1978	58
N.T. Police Commissioned Officers Association, dated 22 November 1978	58

Minutes of Town Management Board Meetings

Katherine - Meetings Nos. 162-171	34
Tennant Creek - Meetings Nos. 136-145	34

PAPERS (Tabled pursuant to statute) - (Cont'd)	
<u>Public Service By-laws 1978</u>	
No. 10 Amendments of Public Service (Salaries and Designations) By-laws	34
No. 11 Amendments of Public Service (Terms and Conditions of Service) By-laws	34
No. 12 Amendments of Public Service (Conditions of Appointment and Promotion) By-laws	34
<u>Recommendation under S.103(3) of Crown Lands Ordinance</u>	
Proposed revocation and proclamation Reserve No. 1604	34
<u>Regulations 1978</u>	
No. 25 Amendments of the Brands Regulations	34
No. 26 Amendment of the Building Regulations	34
No. 27 Amendment of the Workmen's Compensation Regulations	34
No. 28 Amendment of the Fisheries Regulations	34
No. 29 Amendments of the Mining Regulations	34
No. 30 Stamp Duty (Exemption) Regulations	34
No. 31 Registration of Births, Deaths and Marriages, Regulations	34
No. 32 Amendments of the Lottery and Gaming Regulations	34
No. 33 Ombudsman (Witnesses' Expenses) Regulations	34
PERSONAL EXPLANATIONS -	
Mr Everingham	60
Mr Isaacs	60,60,69
Mrs Lawrie	32
Mr Steele	113
PETITION -	
Electricity supply - Hundred of Strangways	30
REPORTS -	
Betting Control Board, 1977-8	113
Consumers Protection Council, 1978	31
Darwin Community College, 1973	60
Education Advisory Group	49
Housing Commission, 1974-5	113
Ombudsman - First report	36
Port Authority, 1975-6	91
Remuneration Tribunal - Pension Scheme	31
Subordinate Legislation and Tabled Papers Committee (8th Report)	143
SESSIONAL ORDER -	
Sittings of Assembly	36,50
SPECIAL ADJOURNMENT	
	147
STATEMENTS -	
Australian Aboriginal Affairs Council	60
Casino development	60
Coastal surveillance	60
Darwin Community College Annual Report 1973	60
Employment	32
Expected benefit to N.T. economy	119
Funds used for electoral purposes	30
Newspapers in Chamber	49-50
Public accounts - quarterly statement	113
Relationship between Territory and Australian Loan Council	36
Remuneration of Members	32
Senator Robertson	40

