

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 4

Tuesday 22 November 1977

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
 2. MESSAGE FROM ADMINISTRATOR: The following message was read by the Acting Clerk:

Message No. 2

I inform the Assembly of the following actions taken pursuant to the provisions of the Northern Territory (Administration) Act 1910 (as amended): -

His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, did on the twenty-seventh day of October, 1977, declare that he withholds assent to the Administrative Actions (Investigation) Ordinance 1972, made by the Legislative Council and reserved by the Administrator for the Governor-General's pleasure.

Copies of the relevant Order and of the Statement of Reasons tabled in Parliament pursuant to section 4Z of the Act, are attached.

J.A. ENGLAND
Administrator

The Acting Clerk laid on the Table the Statement of Reasons, and the copy of the order of His Excellency the Governor-General.

Northern Territory (Administration) Act 1910

Section 4Z

Statement of Reasons for Withholding Assent to the Administrative
Actions (Investigation) Ordinance 1972

This Ordinance was passed by the Legislative Council for the Northern Territory in May 1972, and was subsequently reserved by the Administrator for the Governor-General's pleasure. The Governor-General on 27 October 1977 declared that he withholds assent to the Ordinance.

The Ordinance provides for the appointment of a Commissioner for the Investigation of Administrative Actions for the Northern Territory, with powers to investigate actions taken in pursuance of statutory powers conferred by Ordinances of the Northern Territory, and to intervene by recommending remedial action or, as a final resort, by reporting cases of maladministration or injustice to the Legislative Council (now Legislative

Assembly).

Since the passage of this Ordinance, successive Federal Governments took action for the enactment of an Ombudsman Act which would apply to Territories as well as to other matters for which the Federal Government has responsibility throughout the Commonwealth. In anticipation of such legislation, action on this Ordinance was held in abeyance. The Ombudsman Act 1976, which was brought into operation on 1 July 1977, makes special provision for the appointment of a Deputy Ombudsman for the Northern Territory, and covers all areas purported to be covered by this Ordinance. It is considered therefore that the Administrative Actions (Investigation) Ordinance 1972 no longer serves any purpose. The Executive of the Legislative Assembly for the Northern Territory raised no objections to the action recommended to the Governor-General in this matter.

EVAN ADERMANN
Minister of State for
the Northern Territory

Commonwealth of Australia

ORDER

By His Excellency the Governor-General

WHEREAS by Section 4V of the Northern Territory (Administration) Act 1910 it is provided that every Ordinance passed by the Legislative Assembly for the Northern Territory shall be presented to the Administrator for assent, and that the Administrator shall thereupon declare, according to his discretion, but subject to the Act, that he assents thereto, or that he withholds assent, or that he reserves the Ordinance for the Governor-General's pleasure, or may return the Ordinance to the Legislative Assembly with amendments that he recommends:

AND WHEREAS by Section 4X of the said Act it is provided that where the Administrator reserves an Ordinance for the Governor-General's pleasure, the Governor-General shall, subject to that section, declare that he assents to the Ordinance, or that he withholds assent to the Ordinance, or that he withholds assent to part of the Ordinance and assents to the remainder of the Ordinance, or may return the Ordinance to the Administrator with amendments that he recommends:

AND WHEREAS an Ordinance entitled the Administrative Actions (Investigation) Ordinance 1972 was at the meeting of the Legislative Council for the Northern Territory held in May 1972, passed by that Council and has been presented to the Administrator for assent and the Administrator has declared that he reserves the Ordinance for the Governor-General's pleasure:

AND WHEREAS it is desirable that assent to the Ordinance be withheld:

NOW THEREFORE I, Sir John Robert Kerr, The Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby declare that I withhold assent to the Administrative Actions (Investigation) Ordinance 1972.

Dated this twenty-seventh day of October One thousand nine hundred and seventy-seven.

J.R. KERR
Governor-General

By His Excellency's Command.

EVAN ADERMANN
Minister of State for
the Northern Territory

GOD SAVE THE QUEEN!

3. PERSONAL EXPLANATION: Mr Isaacs, by leave, made a personal explanation, withdrawing words and apologising for their use in statements attributed to him in the media which may have been interpreted as a reflection on the Assembly and the office of Speaker.
4. PETITION: Mr Doolan presented a petition from certain residents of the Victoria River electorate relating to the use of derogatory terms by members of the Northern Territory Police Force in referring to Aboriginal citizens.

Petition received and read.

5. NOTICES: The following notices were given:

Mr Everingham: To move -

That the appointment of Mr M.B. Perron as the Assembly's representative on the Northern Territory's Further Education Council be terminated and that Mr J.M. Robertson be appointed to that position.

Mr Everingham: To move -

That the appointment of Dr G.A. Letts as the Assembly's observer at meetings of the Advisory Council for Inter-Governmental Relations be terminated and that Mr P.A.E. Everingham be the Assembly's observer on that committee with the power to appoint another member as his deputy if he is unable to attend a meeting.

Mr Everingham: to present the Validation of Acts Bill 1977 (Serial 24); the Auctioneers Bill 1977 (Serial 14); the Public Service Bill (No. 4) 1977 (Serial 17); the Anglican Church of Australia Bill 1977 (Serial 20); and the Legal Practitioners Bill (No. 2) 1977 (Serial 22).

Mr Robertson: To present the Local Government Bill (No. 2) 1977 (Serial 18).

Mr Perron: To present the Special Purposes Leases Bill 1977 (Serial 13), and the Crown Lands Bill (No. 3) 1977 (Serial 7).

Mr Ballantyne: To present the Uniting Church in Australia Bill 1977 (Serial 19).

Mr Steele: To present the Road Safety Council Bill 1977 (Serial 21), and the Motor Vehicles Bill (No. 2) 1977 (Serial 23).

6. QUESTIONS: Questions without notice were asked.

7. BLUE TONGUE VIRUS - STATEMENT: Mr Steele, by leave, made a statement relating to the isolation of a virus of the "blue-tongue" group in the Northern Territory.
8. CONSUMERS PROTECTION COUNCIL ANNUAL REPORT 1976-7: Mr Robertson laid on the Table the annual report of the Northern Territory Consumers Protection Council for 1976-7.

Mr Robertson moved - That the Report be printed.

Question put and passed.

9. HUMAN TISSUE TRANSPLANTS - REPORT: Mr Everingham laid on the Table a report on human tissue transplants.

Mr Everingham, moved -

That the Assembly take note of the Report

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

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

10. DARWIN CYCLONE TRACY RELIEF TRUST FUND - MONTHLY REPORTS: Mr Everingham, by leave, tabled reports for the months of May, June, July and August 1977.

Mrs Lawrie moved -

That the Reports be noted

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

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

11. BETTING CONTROL BOARD ANNUAL REPORT: Mr Tuxworth tabled the 13th Annual Report of the Northern Territory Betting Control Board.
12. COMMONWEALTH DEPARTMENT OF HEALTH - ANNUAL REPORT: Mr Tuxworth tabled the annual report of the Commonwealth Department of Health for 1976-7.
13. NORTHERN TERRITORY DIVISION, COMMONWEALTH DEPARTMENT OF HEALTH - ANNUAL REPORT: Mr Tuxworth tabled the annual report of the Division for 1976-7.
14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 2 was called on.
15. THE ADMINISTRATOR'S SPEECH - PROPOSED ADDRESS IN REPLY: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That the Address be agreed to.

POINT OF ORDER: Mr Everingham proposing to speak, Mr Isaacs raised as a point of order that Mr Everingham had already spoken in the debate and, having moved the motion in accordance with standing order No. 47, might

not speak except in explanation or reply.

Mr Robertson, Mr Isaacs and Mr Everingham having addressed the Chair, Mr Speaker upheld the point of order.

SUSPENSION OF STANDING ORDERS: Mr Robertson, moved -

That so much of standing orders be suspended as would prevent the Majority Leader taking part in this debate.

The motion having been supported -

Question put and passed.

Debate resumed.

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 1 was called on.
17. ALLOCATION OF FUNDS BILLS - ALLOCATION OF FUNDS (APPROPRIATION) BILL (NO. 1) 1977-78 (Serial 4), and ALLOCATION OF FUNDS (APPROPRIATION) BILL (NO. 2) 1977-78 (Serial 5): 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.

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

Debate resumed.

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

18. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1615 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 22 November 1977, pursuant to statute:

Annual Reports:

Betting Control Board 1976-7

Northern Territory Consumers Protection Council 1976-7

Northern Territory Port Authority 1974-5

Determinations and Agreements:

Agreement between Administrator and Northern Territory Police Association dated 7 November 1977

Public Service By-laws 1977:

No. 15 Amendments of the Public Service (Conditions of Appointment and Promotion) By-laws

Recommendation under Section 103(5) of the Crown Lands Ordinance:

Revocation of Reserve No. 1484 and reservation of Reserve No. 1537

Regulations 1977:

No. 17 Amendments of the Police Regulations

No. 18 Amendments of the Motor Vehicles (Third Party Insurance) Regulations

No. 19 Amendments of the Motor Vehicles (Third Party Insurance) Regulations

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 5

Wednesday 23 November 1977

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

2. NOTICES: The following notices were given:

Mr Everingham to move -

That this Assembly records its appreciation of the services rendered by the past and present members of the Reserves Board.

Mr Vale to move -

That during the present session of the Assembly a committee to be known as the Sessional Committee on the Environment, consisting of Mrs Padgham-Purich, Mr Vale, Mr Ballantyne, Mrs Lawrie and Mr Collins, 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.

3. QUESTIONS: Questions without notice were asked.
4. DARWIN RECONSTRUCTION COMMISSION ANNUAL REPORT 1975-6: Mr Perron laid on the Table the second annual report of the Darwin Reconstruction Commission.
5. NORTHERN TERRITORY FURTHER EDUCATION COUNCIL - APPOINTMENT: Mr Everingham, pursuant to notice, moved -

That the appointment of Mr M.B. Perron as the Assembly's representative on the Northern Territory's Further Education Council be terminated and that Mr J.M. Robertson be appointed to that position.

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

6. ADVISORY COUNCIL FOR INTER-GOVERNMENTAL RELATIONS - APPOINTMENT: Mr Everingham, pursuant to notice, moved -

That the appointment of Dr G.A. Letts as the Assembly's observer at meetings of the Advisory Council for Inter-Governmental Relations be terminated and that Mr P.A.E. Everingham be the Assembly's observer on that committee with the power to appoint another member as his deputy if he is unable to attend a meeting.

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

7. CROWN LANDS BILL (No. 3) 1977 (Serial 7): Mr Perron, 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 day.

8. VALIDATION OF ACTS BILL 1977 (Serial 24): Mr Everingham, 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 ensued.

REQUEST FOR URGENCY: Mr Speaker, having considered a request from Mr Everingham submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

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

9. LOCAL GOVERNMENT BILL (No. 2) 1977 (Serial 18): Mr Robertson, 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 day.

10. MOTOR VEHICLES BILL (No. 2) 1977 (Serial 23): Mr Steele, 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 day.

11. AUCTIONEERS BILL 1977 (Serial 14): Mr Everingham, 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 day.

12. SPECIAL PURPOSES LEASES BILL 1977 (Serial 13): Mr Perron, 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 day.

13. ANGLICAN CHURCH OF AUSTRALIA BILL 1977 (Serial 20): Mr Everingham, 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 day.

14. PUBLIC SERVICE BILL (No. 4) 1977 (Serial 17): Mr Everingham, 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 day.

15. ROAD SAFETY COUNCIL BILL 1977 (Serial 21): Mr Steele, 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 day.

16. LEGAL PRACTITIONERS BILL (No. 2) 1977 (Serial 22): Mr Everingham, 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 day.

17. ALLOCATION OF FUNDS BILLS - ALLOCATION OF FUNDS (APPROPRIATION) BILL (No. 1) 1977-78 (Serial 4) and ALLOCATION OF FUNDS (APPROPRIATION) BILL (No. 2) 1977-78 (Serial 5): 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.

SUSPENSION OF SITTING: The sitting was suspended between 1203 and 1400 hours.

Debate resumed.

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

SUSPENSION OF STANDING ORDERS: Mr Perron moved -

That standing orders 158 and 159 be suspended to facilitate the consideration of the Allocation of Funds (Appropriation) Bill (No. 1) 1977-78 and the Allocation of Funds (Appropriation) Bill (No. 2) 1977-78.

The motion having been supported -

Question put and passed.

Allocation of Funds (Appropriation) Bill (No. 1) 1977-78

Schedule 2 -

Allocations for Divisions 11, 12, 13, 16, 21 and 26 agreed to.

Allocations for Division 31 agreed to, after debate.

Schedule 2 agreed to;

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

Allocation of Funds (Appropriation) Bill (No. 2) 1977-78

Schedule 2 agreed to.

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

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

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

18. WORKMEN'S COMPENSATION BILL (No. 4) 1977 (Serial 28): Mr Steele, by leave, 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. THE ADMINISTRATOR'S SPEECH - PROPOSED ADDRESS IN REPLY: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That the Address be agreed to.

Debate resumed.

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

20. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1622 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

Thursday 24 November 1977

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

2. QUESTIONS: Questions without notice were asked.

3. DISTINGUISHED VISITOR - Mr J.A. ENGLAND: Mr Speaker informed the Assembly that His Honour the Administrator, Mr J.A. England, E.D., was present in the gallery. Mr Speaker formally welcomed the distinguished visitor.

4. CONDOLENCES - PEOPLE OF INDIA: Mr Everingham, by leave, moved -

That this Assembly offers its deepest condolences to the people of India for the loss of 16,000 people through natural disasters in the last month.

Debate ensued.

Question put and passed.

5. PROPOSED STATEMENT ON TRANSPORT SYSTEMS: Mr Steele sought leave to present a statement on transport systems in the Northern Territory.

Leave denied.

SUSPENSION OF STANDING ORDERS: Mr Everingham, moved -

That so much of standing orders be suspended as would prevent the Cabinet Member for Transport and Industry making a policy statement.

The motion having been supported -

Question put and passed.

6. TRANSPORT SYSTEMS - STATEMENT: Mr Steele made a policy statement on transport systems in the Northern Territory.

7. APPRECIATION OF SERVICES - RESERVES BOARD MEMBERS: Mr Everingham, pursuant to notice, moved -

That this Assembly records its appreciation of the services rendered by the past and present members of the Reserves Board.

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

8. FURTHER EDUCATION COUNCIL - APPOINTMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That the appointment of Mr M.B. Perron as the Assembly's representative on the Northern Territory's Further Education Council be terminated and that Mr J.M. Robertson be appointed to that position.

Question put and passed.

9. ADVISORY COUNCIL FOR INTER-GOVERNMENTAL RELATIONS - APPOINTMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That the appointment of Dr G.A. Letts as the Assembly's observer at meetings of the Advisory Council for Inter-Governmental Relations be terminated and that Mr P.A.E. Everingham be the Assembly's observer on that committee with the power to appoint another member as his deputy if he is unable to attend a meeting.

Debate resumed.

Question put and passed.

10. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 4 was called on.
11. DRUGS BILLS - PROHIBITED DRUGS BILL 1977 (Serial 1), DANGEROUS DRUGS BILL 1977 (Serial 2) and POISONS BILL 1977 (Serial 3): 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.

Mrs O'Neil moved as an amendment -

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

"the Assembly is of the opinion that the Bills should not be proceeded with until the findings of the Royal Commissions on Drugs, presently taking place in Australia, are known."

Question put -

That the amendment be agreed to.

The Assembly divided -

AYES 7

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

NOES 12

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

And so it was resolved in the negative.

Question -

That the Bills be now read a second time.

Debate resumed.

SUSPENSION OF SITTING: Sitting suspended between 1210 and 1400 hours.

Debate resumed

PERSONAL EXPLANATION: Mr Robertson made a personal explanation refuting certain statements attributed to him by the member for Sanderson during this debate.

Question put and passed - Bills read a second time.

12. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1650 hours adjourned until 1000 hours on Tuesday 29 November 1977.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 7

Tuesday 29 November 1977

1. The Assembly met at 1400 hours pursuant to sessional order passed on 23 September 1977 - Mr Speaker MacFarlane took the Chair.
2. MOTION OF CONDOLENCE - Mr JUSTICE R.C. WARD: Mrs Lawrie, by leave, moved-

That this Assembly expresses its deep regret at the death on Thursday, 24 November 1977 of Richard Charles Ward, a Judge of the Federal Court of Australia and of the Supreme Court of the Northern Territory and a former Member of the Legislative Council for the Northern Territory for varying periods between December 1947 and September 1974, places on record its appreciation of his meritorious public service and tenders its profound sympathy to his widow and family in their bereavement.

Mr Isaacs having seconded the motion and other members having addressed the Assembly in support thereof, Mr Speaker associated himself with the motion.

All members having risen in their places in silence -

Question passed.

3. ADJOURNMENT AS A MARK OF RESPECT: As a mark of respect to the memory of the late Mr Justice Ward, the Assembly at 1427 adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 8

Wednesday 30 November 1977

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 present the Sick Leave Bill 1977 (Serial 25); the Holidays Bill 1977 (Serial 26); and the Annual Holidays Bill 1977 (Serial 27).

3. QUESTIONS: Questions without notice were asked.
4. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - FIRST AND SECOND REPORTS: Mr Oliver laid on the Table the first and second reports of the committee.

Mr Oliver moved -

That the Reports be noted.

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

5. PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE: Mr Speaker informed the Assembly that Mr Perkins had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely: "The broken promises of the Fraser Government, especially in relation to the Northern Territory."

SPEAKER'S RULING

Mr Speaker, in the terms as follow, determined that the proposal was not in order:

"Pursuant to the discretion vested in me by standing order 81, I am not prepared to determine that this proposal is in order for the reason that the time of this Assembly should be devoted to the making of Ordinances for the good order and government of the Northern Territory and matters related thereto.

The matter proposed clearly relates to Federal politics which at the time of a Federal election campaign is being freely debated publicly outside this Assembly.

If the honourable member had alleged that promises had been broken by the Majority Party or its leader in this Assembly, I may have determined differently."

6. APPRECIATION OF SERVICES - RESERVES BOARD MEMBERS: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That this Assembly records its appreciation of the services rendered by the past and present members of the Reserves Board.

Debate resumed.

Question put and passed.

7. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Notice No. 2 General Business was called on.
8. SESSIONAL COMMITTEE ON THE ENVIRONMENT - APPOINTMENT: Mr Vale, 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 Mrs Padgham-Purich, Mr Vale, Mr Ballantyne, Mrs Lawrie and Mr Collins, 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.

Debate ensued.

Question put and passed.

9. OMBUDSMAN (NORTHERN TERRITORY) BILL 1977 (Serial 8): 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 1200 and 1400 hours.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

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

In paragraph (e) of the definition of "administrative action" in sub-clause (1), insert after "judicial nature" the words, ",including any responsibilities relating to an inquest or inquiry under the Coroners Ordinance or a preliminary examination under Part V of the Justices Ordinance,".

In paragraph (g) of the definition of "administrative action" in sub-clause (1), omit all words from and including ", not being".

Add at the end of the definition of "administrative action" in sub-clause (1), the following paragraph:

"(h) any such action taken by the Parole Board of the Northern Territory;"

In the definition of "complainant" in sub-clause (1), after "Ordinance" insert "and includes the person or body aggrieved where the complaint is not made by the person or body aggrieved".

Omit the definition of "Judge".

In paragraph (b) of the definition of "responsible Executive Member" in sub-clause (1), after "administers the" insert "provisions of the".

In paragraph (b) of the definition of "responsible Executive Member" after "established," insert "or, if that authority is not constituted or established by or under an Ordinance, the executive member who, in the opinion of the Ombudsman, is the appropriate executive member in relation to that authority,".

Clause, as amended, agreed to.

Clause 4 -

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

After "Territory" in sub-clause (2), insert ", other than a law of the Commonwealth,".

Clause, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit "physical or mental".

Clause 8 -

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

Omit from sub-clause (1) "physical or mental".

Clause, as amended, agreed to.

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

Clause 11 -

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

Omit from sub-clause (1) "persons employed under" and substitute "employees within the meaning of".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

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

Omit from sub-clause (1) "(1) Subject to this section," and substitute "Subject to the regulations,".

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 14 -

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

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

"(1) Subject to this Ordinance, the functions of the Ombudsman are -

- (a) to investigate any administrative action taken by, in or on behalf of any department or authority to which this Ordinance applies; and
- (b) to investigate any action taken, or refusal or failure to take an action, by a member of the Police Force of the Northern Territory, whether or not that action was an administrative action, where that action was, or was purported to be, for or in connexion with or incidental to the exercise or performance of that member's powers, duties or functions as a member of the Police Force.

"(1A) The Ombudsman shall not investigate a matter in pursuance of sub-section (1) (b) unless that matter -

(a) is the subject of a written complaint -

- (i) not made by a member of the Police Force or by a person who is, within the meaning of the Public Service Ordinance, an employee under the direct control of the Commissioner of Police;
 - (ii) made, subject to section 17(3), by the person aggrieved to a member of the Police Force;
 - (iii) concerning a member of the Police Force other than the member to whom it is made; and
 - (iv) referred to the Ombudsman by the Commissioner of Police; or
- (b) is or is alleged to be an action taken by a member of the Police Force in consequence of such a written complaint so referred.

"(1B) Where the Ombudsman could, in pursuance of sub-section (1)(b), investigate the subject matter of a written complaint made to a member of the Police Force if the complaint was referred to him by the Commissioner of Police -

- (a) the Commissioner may, of his own volition, at any time and shall, if so required under paragraph (b), as soon as practicable, refer the complaint to the Ombudsman; and
- (b) the member complained about or the person who made the complaint (or, if the case requires, the person who, in pursuance of section 17(3), could make a complaint to a member of the Police Force in relation to the matter concerned) may, at any time after the expiration of the period of 6 weeks after the date of receipt by the member of the Police Force to whom it was made, of the written complaint, if he is not satisfied with the action that has been taken in relation to the complaint and the Commissioner has not already referred the complaint to the Ombudsman, require the Commissioner to refer the complaint to the Ombudsman

"(1C) Where the Ombudsman investigates a matter in pursuance of sub-section (1B) -

- (a) his power to investigate the complaint referred to him by the Commissioner of Police includes a power to investigate any action taken by a member of the Police Force in consequence of that complaint; and
- (b) for the purposes of the application of this Ordinance, he shall investigate the matter as though -
 - (i) it was an administrative action; and
 - (ii) the complaint referred to him by the Commissioner of Police was a complaint made by the complainant to the Ombudsman under this Ordinance and received by the Ombudsman on the date on which it was received by the member of the Police Force to whom it was made,

but the Ombudsman is not required, in pursuance of section 19(1)(a), to inform the Commissioner of Police of his intention to conduct the investigation."

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

Omit from sub-clause (3)(a) "person aggrieved" and substitute "complainant".

Omit from sub-clause (3)(b) "person aggrieved" and substitute "complainant".

Omit from sub-clause (4) "person aggrieved" and substitute "complainant".

Omit from sub-clause (4)(a) "person aggrieved" and substitute "complainant".

Clause, as amended, agreed to.

Clause 15 -

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

Omit "aggrieved thereby" from sub-clause (3).

Clause, as amended, agreed to.

Clause 16 -

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

Add at the end of sub-clause (1) "or referred to him by the Commissioner of Police pursuant to section 14 (1B)".

Clause, as amended, agreed to.

Clause 17 -

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

Insert in sub-clause (2) after "A complaint" (first occurring) the words "that could be investigated under this Ordinance".

Mr Perkins moved as an amendment -

Omit from sub-clause (2) "by the person aggrieved".

Question put and negatived.

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

Insert in sub-clause (2) after "person" the words "or body".

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

Omit from sub-clause (3) "under this Ordinance" and substitute "(being a complaint that could be investigated under this Ordinance)".

Insert in sub-clause (3) after "made" (last occurring) the words "on his behalf".

Mr Perkins moved as a further amendment -

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

"(4) A person who is detained in custody is entitled, upon making a request to the person in whose custody he is detained or to another person performing duties in connexion with his detention, to be provided with facilities for the preparation of a complaint under this Ordinance for enclosing the complaint in a sealed envelope.

"(5) A person who has the custody of a person preparing a complaint under clause 17(4) shall arrange to forward, without undue delay, the complaint to the Ombudsman.

"(6) Where a sealed envelope is given to a person having custody of

a person who seeks to make a complaint under clause 17(4), neither the person in whose custody he is detained nor any other person performing duties in connexion with his detention is entitled to open the envelope or to inspect its contents."

Debate ensued.

Question put and negatived.

The Chairman made a statement concerning two amendments.

Mr Everingham indicated his intention to recommit the Bill for reconsideration of clause 17.

Clause, as amended, agreed to.

Clause 18 -

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

After "case" in sub-clause (1)(d) insert "and to such informal inquiries, if any, as he has seen fit to make".

Clause, as amended, agreed to.

Clause 19 agreed to.

Clauses 20 and 21, by leave, taken together and agreed to.

Clause 22 -

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

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

"(1) Where the Administrator furnishes to the Ombudsman a certificate certifying that the disclosure of information concerning a specified matter (including the furnishing of information in answer to a question) or the disclosure of the contents of any documents or records would be contrary to the public interest -

(a) by reason that it would involve the disclosure of communications between -

(i) the Executive Council or any member thereof and the Administrator;

(ii) an Executive Member and a Minister of the Commonwealth or of a State; or

(iii) a Commonwealth Minister and a Minister of a State; or

(b) by reason that it would involve the disclosure of deliberations or decisions of -

(i) the Executive Council or of a Committee of the Executive Council;

(ii) a Committee of the Legislative Assembly formed for the purpose of advising the Administrator or an Executive Member; or

(iii) the Commonwealth Cabinet or of a Committee of the Commonwealth Cabinet,

the Ombudsman is not entitled to require a person to furnish any information concerning the matter, to answer questions concerning the matter or to produce those documents or records to the Ombudsman."

Clause, as amended, agreed to.

Clauses 23 and 24, by leave, taken together and agreed to.

Clause 25 -

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

Omit from sub-clause (2) "against sub-section (1)" and substitute "of failing to produce any documents, books or writings under sub-section (1)".

Clause, as amended, agreed to.

Clause 26 agreed to.

Clause 27 -

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

After "Ordinance" insert "or referred to him by the Commissioner of Police pursuant to section 14(1B),".

Clause, as amended, agreed to.

Clauses 28 and 29, by leave, taken together and agreed to.

Clause 30 -

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

Omit from sub-clause (1) "of the Supreme Court".

Omit "order" in sub-clause (1), and substitute "orders".

Clause, as amended, agreed to.

Clause 31 -

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

Insert in sub-clause (1) and (4) after "section 11" the words "nor any delegate of the Ombudsman".

Omit from sub-clause (2) "or any member of his staff" and substitute ", any employee referred to in section 11 or any delegate of the Ombudsman".

Clause, as amended, agreed to.

Clause 32 negatived.

New clause -

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

"32.(1) The Administrator in Council may make regulations not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular providing for and in relation to -

(a) the payment of allowances and expenses to any person appearing before the Ombudsman as a witness for his travelling and maintenance while absent from his usual place of residence; and

(b) the exemption of the whole or any part of a department or authority from the application of this Ordinance.".

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill.

Mr Everingham moved -

That the Bill be now recommitted to the committee of the whole Assembly for reconsideration of clause 17.

Question put and passed.

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

(In the committee)

On recommital

Clause 17 -

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

Insert in sub-clause (2) after "A complaint" (first occurring) the words "that could be investigated under this Ordinance".

Mr Perkins moved as an amendment:

Omit from sub-clause (2) "by the person aggrieved".

Debate ensued.

Question put and negatived.

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

Insert in sub-clause (2) after "person" the words "or body".

Omit from sub-clause (3) "under this Ordinance" and substitute "(being a complaint that could be investigated under this Ordinance)".

Insert in sub-clause (3) after "made" (last occurring) the words "on his behalf".

Clause, as amended, agreed to.

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

Mr Everingham moved -

That the Bill be now read a third time.

Debate ensued.

Question put and passed.

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

0. DRUGS BILLS - PROHIBITED DRUGS BILL 1977 (Serial 1), DANGEROUS DRUGS BILL 1977 (Serial 2) and POISONS BILL 1977 (Serial 3): The order of the day having been read for the consideration of the Bills in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

Prohibited Drugs Bill 1977 (Serial 1)

Clauses 1 and 2 agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5 agreed to.

Clause 6 -

Debate ensued.

Question put -

The Committee divided (The Chairman, 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.

Clause 7 -

Mrs O'Neil moved as an amendment -

Omit "deemed" (twice occurring) and substitute "presumed".

Debate ensued.

Question put and negatived.

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

In sub-clause (1) add at the end "unless the contrary is proved".

In sub-clause (2) add at the end "unless the contrary is proved".

Clause, as amended, agreed to.

Clause 8 -

Mrs O'Neil moved as an amendment:

Omit "deemed" (twice occurring) and substitute "presumed".

Question put and negatived.

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

In sub-clause (1) add at the end "unless the contrary is proved".

In sub-clause (2) add at the end "unless the contrary is proved".

Clause, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11 -

Mrs O'Neil moved as an amendment -

Omit from sub-clause (4) "unless otherwise requested by the applicant send that warrant within seven days of its issue to the Commissioner of Police" and substitute "send that warrant or a copy thereof forthwith after its issue to the Commissioner of Police".

Debate ensued.

Question put and negatived.

Mrs O'Neil moved as an amendment -

Add the following sub-clause:

"(8) The applicant for a warrant under this section and the Justice to whom the application is made shall each separately at the time of the applications, if the application is not in writing, record in writing -

- (a) all details of the application;
- (b) any submissions made at the time of the application; and
- (c) any information furnished concerning an application.

PENALTY: Two hundred dollars."

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 12 -

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

Insert after "a person" in paragraph (b) "in a public place".

Clause, as amended, agreed to.

Proposed new clause -

Mrs O'Neil moved -

That the following new clause be inserted in the Bill -

"12A. Where a member of the Police Force has exercised the power conferred upon him under section 11, he shall, as soon as practical after the exercise of that power, forward a report in writing to the Administrator for submission to the Administrator in Council of all the circumstances relating to the exercise of that power, including -

- (a) the date and time when and place where the power was exercised;
- (b) details of the grounds he had for suspecting that an offence against this Ordinance had been, was being or was about to be committed; and
- (c) details of the exigencies which prevailed at the time which prevented him from applying for a warrant under section 10(1).

"(2) Evidence obtained by a member of the Police Force in the exercise of his power under section 11 is not admissible in any prosecution, whether under this Ordinance or any other law, unless the report referred to in sub-section (1) has been duly forwarded.

"(3) In proceedings for an offence against this Ordinance, a document -

- (a). purporting to be a copy of a report made in pursuance of this section;
- (b) stating a date on which that report was forwarded to the Administrator; and
- (c) endorsed with the signature of the Administrator,

is evidence that a report of which the document produced is a copy was made by the member of the Police Force named in that document and on the date stated in that document was duly forwarded to the Administrator by that member of the Police Force."

Debate ensued.

Question put and negatived.

Clauses 13 to 17, by leave, taken together and agreed to.

Clause 18 -

Mrs O'Neil moved as amendments -

Insert in sub-clause (1) after "instituted" the words "within twenty-one days of the date of the seizure".

Omit in sub-clause (1)(a) "who he reasonably believes is its owner" and substitute "from whom the thing was seized".

Insert in sub-clause (1)(b) before "satisfied" the word "reasonably".

Insert in sub-clause (2) after the word "found" the words "after reasonable efforts to find the person from whom the thing was seized including the publishing of an advertisement of not less than three column inches in a newspaper circulating in the area naming the person from whom the thing was seized, details of the thing seized and the address to which the claim should be directed".

Debate ensued.

Question put and negatived.

Clause 18 agreed to.

Proposed new clause -

Mrs O'Neil moved that the following new clause be inserted in the Bill:

"18A.(1) Where a thing is seized under this Ordinance and a person is acquitted of an offence relating to the thing seized the Commissioner of Police shall within thirty days of the date of acquittal -

- (a) return the thing seized to the person from whom it was seized, or
- (b) by notice in writing, where he is not reasonably satisfied as to whom that thing should be returned require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the likely owner of that thing, to claim delivery of him of that thing.

"(2) If no claim is made within twenty-one days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, after reasonable efforts to find the person from whom the thing was seized including the publishing of an

advertisement of not less than three column inches in a newspaper circulating in the area naming the person from whom the thing was seized, details of the thing seized and the address to which the claim should be directed, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

"(3) Where a person served with a notice under sub-section (1)(b) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance."

Debate ensued.

Question put and negatived.

Clauses 19 and 20 agreed to.

Clause 21 -

Mr Everingham moved as an amendment -

Omit sub-clause (3).

Debate ensued.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 22 to 24, by leave, taken together and agreed to.

Clause 25 agreed to.

Schedule 1 -

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

Omit after "Mescaline," the word "Methylessedioxy" and substitute "methylenedioxy".

After the item "methyl Cinchophen" insert the item "Parahexyl".

Schedule, as amended, agreed to.

Schedule 2 -

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

Omit in the first column of the Schedule the item "Methylessedioxy - amphetamine (MDA)" and substitute "Methylenedioxy - amphetamine (MDA)".

Before the item "Dimethoxymethyl - amphetamine (STP), (DOM)" insert the following item:

"Parahexyl

| 0.5 grams".

Schedule, as amended, agreed to.

Schedules 3 and 4 agreed to.

Title agreed to.

Dangerous Drugs Bill 1977 (Serial 2)

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 amendment was made:

Omit "section 23" from the definition of "psychotropic substance" and substitute "section 22".

Clause, as amended, agreed to.

Clause 5 -

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

Omit "against paragraph (a) or (b)" and substitute "against paragraph (a)".

Omit "against paragraph (c) or (d)" and substitute "against paragraph (b) or (c)".

Clause, as amended, agreed to.

Clauses 6 to 10, by leave, taken together and agreed to.

Clause 11 agreed to.

Clause 12 -

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

At the end of sub-clause (2) add "unless the contrary is proved".

Clause, as amended, agreed to.

Clauses 13 to 22, by leave, taken together and agreed to.

Clause 23 -

Mrs O'Neil moved as an amendment -

Omit from sub-clause (4) "unless otherwise requested by the applicant send that warrant within seven days of its issue to the Commissioner of Police" and substitute "send that warrant or a copy thereof forthwith after its issue to the Commissioner of Police".

Question put and negatived.

Mrs O'Neil moved as an amendment -

Add the following new sub-clause:

"(8) The applicant for a warrant under this section and the Justice to whom the application is made shall each separately at the time of the applications, if the application is not in writing, record in writing -

- (a) all details of the application;
- (b) any submission made at the time of the application; and
- (c) any information furnished concerning an application.

PENALTY: Two hundred dollars."

SUSPENSION OF SITTING: The sitting was suspended between 1554 and 1625 hours.

The committee resumed.

Mr Tuxworth moved -

That the committee report progress.

Question put and passed.

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

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

11. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1626 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 9

Thursday 1 December 1977

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: Mrs Lawrie presented a petition from certain residents of Darwin relating to the provision of cycle tracks.

Petition received and read.

3. QUESTIONS: Questions without notice were asked.
4. HOUSING COMMISSION FINANCES - STATEMENT: Mr Perron, by leave, made a statement relating to additional funds for the Housing Commission of the Northern Territory.

Miss D'Rozario moved -

That the Statement be noted

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

5. FINANCIAL ARRANGEMENTS - STATEMENT: Mr Everingham, by leave, made a statement relating to proposed financial arrangements between the Commonwealth and Northern Territory governments.

Mr Isaacs moved -

That the Assembly take note of the Statement

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

6. CONSTRUCTION SAFETY LEGISLATION - STATEMENT: Mr Steele laid on the Table a statement relating to construction safety legislation.

Mr Isaacs and Mr Tuxworth, by leave, addressed themselves to the statement.

7. DRUGS BILLS - PROHIBITED DRUGS BILL 1977 (Serial 1), DANGEROUS DRUGS BILL 1977 (Serial 2) and POISONS BILL 1977 (Serial 3): The order of the day having been read for the further consideration of the Bills in the committee of the whole Assembly -

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

(In the committee)

Dangerous Drugs Bill 1977 (Serial 2)

Consideration resumed -

Clause 23 and the amendment proposed by Mrs O'Neil -

(see Minutes, 30 November 1977).

Date resumed.

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

Clause agreed to.

Clause 24 -

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

Insert after "a person" in paragraph (b) "in a public place".

Clause, as amended, agreed to.

Clause 25 agreed to.

Proposed new clause -

Mrs O'Neil moved -

That the following new clause be inserted in the Bill:

"25A.(1) Where a member of the Police Force has exercised the power conferred upon him under section 11, he shall, as soon as practical after the exercise of that power, forward a report in writing to the Administrator for submission to the Administrator in Council of all the circumstances relating to the exercise of that power, including -

- (a) the date and time when and place where the power was exercised;
- (b) details of the grounds he had for suspecting that an offence against this Ordinance had been, was being or was about to be committed; and
- (c) details of the exigencies which prevailed at the time which prevented him from applying for a warrant under section 10(1).

"(2) Evidence obtained by a member of the Police Force in the exercise of his power under section 11 is not admissible in any prosecution, whether under this Ordinance or any other law, unless the report referred to in sub-section (1) has been duly forwarded.

"(3) In proceedings for an offence against this Ordinance, a document -

- (a) purporting to be a copy of a report made in pursuance of this section;
- (b) stating a date on which that report was forwarded to the Administrator,

is evidence that a report of which the document produced is a copy was made by the member of the Police Force named in that document and on the date stated in that document was duly forwarded to the Administrator by that member of the Police Force."

Question put and negatived.

Clauses 26 to 29 agreed to.

Clause 30 -

Mrs O'Neil moved as amendments:

Insert in sub-clause (1) after the word "instituted" the words "within twenty-one days of the date of the seizure".

Omit in sub-clause 1(a) "who he reasonably believes is its owner" and substitute "from whom the thing was seized".

Insert in sub-clause (1)(b) before "satisfied" the word "reasonably".

Insert in sub-clause (2) after the word "found" the words "after reasonable efforts to find the person from whom the thing was seized including the publishing of an advertisement of not less than three column inches in a newspaper circulating in the area naming the person from whom the thing was seized, details of the thing seized and the address to which the claim should be directed".

Debate ensued.

Question put and negatived.

Clause agreed to.

Proposed new clause -

Mrs O'Neil moved -

That the following new clause be inserted in the Bill:

"30A.(1) Where a thing is seized under this ordinance and a person is acquitted of an offence relating to the thing seized the Commissioner of Police shall within thirty days of the date of acquittal -

- (a) return the thing seized to a person from whom it was seized; or
- (b) by notice in writing, where he is not reasonably satisfied as to whom that thing should be returned require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the likely owner of that thing, to claim delivery to him of that thing.

"(2) If no claim is made within twenty-one days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, after reasonable efforts to find the person from whom the thing was seized including the publishing of an advertisement of not less than three column inches in a newspaper circulating in the area naming the person from whom the thing was seized, details of the thing seized and the address to which the claim should be directed, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

"(3) Where a person served with a notice under sub-section (1)(b) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance".

Debate ensued.

Question put and negatived.

Clause 31 -

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

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

Omit from sub-clause (3) "5(c) or (d)" and substitute "5(b) or (c)".

Clause, as amended, agreed to.

Clauses 32 to 35 agreed to.

Schedules 1 to 3 agreed to.

Schedule 4 -

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

Omit "dangerous drugs or opium" (wherever occurring) and substitute "a dangerous drug, opium or a psychotropic substance".

Omit "or opium" in paragraph (b)(i) and substitute ",opium or a psychotropic substance".

Omit "dangerous drugs and opium" in paragraph (b)(iii) and substitute "a dangerous drug, opium or a psychotropic substance".

Schedule, as amended, agreed to.

Schedule 5 -

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

Omit "dangerous drug or opium" (wherever occurring) and substitute "dangerous drug, opium or a psychotropic substance".

Omit "dangerous drugs or opium (wherever occurring) and substitute "a dangerous drug, opium or a psychotropic substance".

Schedule, as amended, agreed to.

Title agreed to.

Poisons Bill 1977 (Serial 3)

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

The Assembly resumed - Mr Chairman reported the Bills.

Mrs O'Neil moved -

That the Bills be now recommitted to the committee of the whole Assembly for reconsideration of clause 23 of the Dangerous Drugs Bill 1977 (Serial 2).

Question put and passed.

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

(In the committee)

On recommitment

Dangerous Drugs Bill 1977 (Serial 2)

Clause 23 -

Mrs O'Neil moved as an amendment -

Omit from sub-clause (4) "unless otherwise requested by the applicant send that warrant within seven days of its issue to the Commissioner of Police" and substitute "send that warrant or a copy thereof forthwith after its issue to the Commissioner of Police".

Mrs O'Neil further moved -

That the proposed amendment be amended by omitting "forthwith" and substituting "as soon as practicable".

Debate ensued.

Question put and passed.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

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

Question -

That the Bills be now read a third time.

Debate ensued.

Mr Robertson moved -

That the Member for Nightcliff be no longer heard.

Question put.

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

AYES 12

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

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.

Mr Robertson moved -

That the question be now put.

Question put and passed.

Question -

That the Bills be now read a third time -

put and passed.

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

8. TOWN PLANNING BILL 1977 (Serial 10): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate ensued.

Miss D'Rozario moved as an amendment -

That the word "now" be omitted and the words "this day six months" be added to the question.

Debate ensued.

SUSPENSION OF SITTING: The sitting was suspended between 1220 and 1400 hours.

Debate resumed.

Mr Steele moved -

That the question be put.

Question put and passed.

Question put -

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

AYES 7

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

NOES 12

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

And so it was resolved in the negative.

Question -

That the Bill be now read a second time.

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1420 and 1437 hours.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clauses 4 to 13 taken together and negatived.

New clauses -

Mr Perron moved -

That the following new clause be inserted in the Bill:

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

(a) by inserting before the definition of 'available local member' the following definition:

' "Appeals Committee" means the Town Planning Appeals Committee constituted by this Ordinance;';

(b) by inserting in the definition of 'Residential C land' after 'scheme' (first occurring) the words 'that was approved before 31 December 1977'; and

- (c) by adding at the end of the definition of 'the Darwin Town Plan' the words ', and includes the Darwin Town Plan as amended from time to time and, where the Darwin Town Plan is amended by way of repeal and replacement, includes the new Darwin Town Plan as amended from time to time'.

"(2) Section 3 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-sections:

'(2) In this Ordinance, unless the contrary intention appears -

- (a) a reference to an amendment of a town planning scheme (or town plan) includes a reference to a repeal and replacement of the scheme; and
- (b) a reference to a town planning scheme (or town plan) includes a reference to that scheme as amended from time to time (including amendments by way of repeal and replacement) and, if it has been repealed and replaced, includes a reference to the new town planning scheme and to the new scheme as amended from time to time.

'(3) For the purposes of this Ordinance, a town plan may be cited by reference to the name of the town to which it relates or by reference to the name of that town and the calendar year in which the proposals for the town planning scheme were prepared, were first exhibited or were approved.'."

Debate ensued.

Question put -

The committee divided (The Chairman, Mr Dondas, in the Chair).

AYES 11

NOES 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
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 affirmative.

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

"5. After section 8 of the Principal Ordinance the following section is inserted:

'8A.(1) For the purposes of this Ordinance there shall be a committee, to be known as the Town Planning Appeals Committee.

'(2) The Appeals Committee shall consist of 3 members, namely -

- (a) a person who is enrolled as a legal practitioner of the High Court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years; and
- (b) 2 other persons, each of whom -
 - (i) is a duly qualified civil or structural engineer practising in the Northern Territory, being a person who is a corporate member of the Institution of Engineers of Australia;
 - (ii) is an architect registered under the Architects Ordinance; or
 - (iii) is, or is entitled to be, a corporate member of the Royal Australian Planning Institute.

'(3) The members of the Appeals Committee shall be appointed by the Executive Member.

'(4) The person referred to in sub-section (2)(a) shall be the Chairman of the Appeals Committee.'."

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

"6.(1) Section 9(1) of the Principal Ordinance amended by inserting after 'available local members' the words 'of the Board and members of the Appeals Committee'.

"(2) Section 9 of the Principal Ordinance is amended by inserting after sub-section (2) the following sub-section:

'(2A) In the event of a member of the Appeals Committee ceasing to hold office before the termination of the period of his appointment, a person may be appointed to be a member of the Appeals Committee in his place for the remainder of that period.'.

"(3) Section 9(3) of the Principal Ordinance is amended -

- (a) by inserting after 'Board' (first occurring) the words 'or Appeals Committee'; and
- (b) by inserting after 'Board' (second occurring) the words 'or Appeals Committee, as the case may be'."

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

"7.(1) Section 10(1) of the Principal Ordinance is amended -

- (a) by inserting after 'available local member' (first occurring) the words 'of the Board or a member of the Appeals Committee';
- (b) by inserting in paragraph (b) after 'Board' the words 'or Appeals Committee, as the case may be,'; and

(c) by inserting after 'available local member' (second occurring) the words 'of the Board or the office of the member of the Appeals Committee, as the case may be,'.

"(2) Section 10 of the Principal Ordinance is amended by inserting after sub-section (2) the following sub-section:

'(2A) If a member of the Appeals Committee has a direct or indirect interest in land contained in an area in respect of which the Appeals Committee is considering a matter, he shall, as soon as possible after he knows that he has the interest and that the Appeals Committee is considering the matter, disclose his interest to the Appeals Committee at a meeting of the Appeals Committee.'.

"(3) Section 10(3) of the Principal Ordinance is amended by inserting after 'Board' the words 'or Appeals Committee, as the case may be'."

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

"8.(1) Section 11(1) of the Principal Ordinance is amended by inserting after 'available local member' the words 'of the Board or of a member of the Appeals Committee'.

"(2) Section 11(3) of the Principal Ordinance is amended by inserting after 'available local member' the words 'of the Board or a member of the Appeals Committee'.

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

"9. Section 12(1) and (2) of the Principal Ordinance is amended by inserting after 'Board' (wherever occurring) the words 'or Appeals Committee as the case may be'."

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

"10. Section 13 of the Principal Ordinance is amended by inserting after 'available local member' the words 'of the Board or to a member of the Appeals Committee, as the case may be,'."

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

"11. After section 13 of the Principal Ordinance the following section is inserted:

'13A.(1) Where there is or is expected to be a vacancy in an office of Chairman, ordinary member or local member of the Board or member of the Appeals Committee, or the occupant of such an office is or is expected to be absent or unable to act, the Executive Member may, by instrument in writing, direct a person who is qualified to hold the office to act in the office.

'(2) The power of the Executive Member under sub-section (1) includes power to direct a person to act in an office from time to

time during the absences and inabilities to act of the occupant of the office.

'(3) A person who, in pursuance of this section, is directed to act in an office has, while he is so acting, all the powers and functions of the holder of that office and this Ordinance applies to and in respect of him as though he was the holder of that office.'."

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"12. Section 14 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

'(2) The Chairman and members of the Appeals Committee shall be paid, in respect of attendance at meetings of the Appeals Committee, or while engaged, with the prior approval of the Appeals Committee, on business of the Appeals Committee, such fees, allowances and expenses as the Administrator in Council determines.'."

"13. Section 15(1), (2) and (3) of the Principal Ordinance is amended by inserting after 'Board' the words 'or Appeals Committee as the case may be'."

Mr Perron moved that the following new clause be inserted in the Bill:

"14. Section 16 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

'(1A) At a meeting of the Appeals Committee -

- (a) 2 members form a quorum;
- (b) the Chairman, or if he is not present the Deputy Chairman, shall preside;
- (c) all questions shall be decided by a majority of the members present; and
- (d) the Chairman, or if he is not present the Deputy Chairman, has a deliberative vote and, in the event of an equality of votes, also has a casting vote.'."

Debate ensued.

Mrs O'Neil proposing to move an uncirculated amendment; the proposal was not accepted.

Question - put and passed after further debate.

Mr Perron moved that the following new clause be inserted in the Bill:

"15. After section 17 of the Principal Ordinance the following section is inserted in Part II:

'17A. The functions of the Appeals Committee are -

- (a) to hear and determine an appeal against a decision of the Board given under section 38A(7); and

- (b) to hear and determine an appeal against a decision of the Board on an application to develop land in an area where development is not permitted without the consent of the Board.'."

Debate ensued.

Mrs O'Neil proposing to move an uncirculated amendment; the proposal was not accepted.

Question - put and passed after further debate.

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

"16.(1) Section 28(2) of the Principal Ordinance is amended -

- (a) by omitting from paragraph (a) 'and traffic' and substituting ', traffic and parking';
- (b) by omitting from paragraph (b) 'the location' and substituting 'the location, development and use';
- (c) by inserting after paragraph (c) the following paragraph:
'(ca) the regulation of space around buildings;'; and
- (d) by omitting from paragraph (e) 'zones' and substituting 'zones, sites and reserves'.

"(2) Section 28 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

'(3) Proposals for a town planning scheme may include -

- (a) maps; and
- (b) schedules providing for and in relation to -
 - (i) the interpretation of and the giving effect to the maps; and
 - (ii) the prohibition or regulation of the use of lands represented on the maps.

'(4) Without limiting the generality of sub-section (3), where a schedule to a map prohibits the use of an area of land represented on the map for a purpose that is indicated except with the consent of the Board, that consent may be conditional.'."

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"17. Section 30(1)(a) of the Principal Ordinance is amended by inserting after 'proposals' the words ', together with, in the case of proposals for a new town planning scheme or for a repeal and replacement of a town planning scheme, the by-laws relating to the proposed scheme,'.

"18. Section 35 of the Principal Ordinance is amended -

(a) by omitting from paragraph (d) 'and'; and

(b) by adding at the end thereof the following word and paragraph:

'; and (f) in the case of proposals for a new town planning scheme or for a repeal and replacement of a town planning scheme, the by-laws relating to the proposed scheme.'.

"19.(1) Section 36(1) and (2) of the Principal Ordinance is amended by inserting after 'proposals' (wherever occurring) the words 'and by-laws'.

"(2) Section 36(1)(b)(ii) of the Principal Ordinance is amended by inserting after 'scheme' the words 'and by-laws'."

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

"20. Section 37 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

'(2) Where a town plan is repealed and replaced -

(a) an application for an amendment of the former town plan or for approval to develop or use land, made before the repeal, continues to have effect, changing what needs to be changed, as though the new town plan had been in operation on the date on which the application was made and it had been made in respect of the new town plan;

(b) a prosecution for an offence committed before the repeal may, if the action founding the prosecution is still an offence, be continued as though the repeal had not been effected; and

(c) action may be taken under sections 58 to 68 inclusive as though the repeal had not been effected.'."

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

"21. After section 37 of the Principal Ordinance the following section is inserted:

"38.(1) The Board may make by-laws, not inconsistent with this Ordinance or the regulations, prescribing all matters required or permitted by this Ordinance to be prescribed by by-laws or necessary or convenient to be so prescribed for carrying out or giving effect to a town planning scheme.

"(2) Without limiting the generality of sub-section (1), the by-laws may make provision for and in relation to -

(a) the prohibition or regulation of the development of lands represented on a map of a scheme;

(b) the implementation and administration of the scheme.

"(3) A by-law made under this Ordinance -

(a) has no effect unless it is confirmed by the Administrator in Council; and

(b) comes into operation on the day on which notice of the confirmation of the by-law by the Administrator in Council is published in the Gazette or, if a later day is specified in that notice as the day on which it comes into operation, on that later day.

"(4) By-laws, when they are confirmed in pursuance of sub-section (3), shall be deemed to be regulations for the purposes of the Interpretation Ordinance and the Regulations Publication Ordinance.". "

Mr Perron moved -

That the following new clause be inserted in the Bill:

"22.(1) Section 38A of the Principal Ordinance is amended by inserting after sub-section (2A) the following sub-section:

'(2B) A person who is required by sub-section (2) to publish a notice shall, if so required by the Chairman, in addition to publishing that notice, display prominently on his land for a period of 28 days a sign approved by the Chairman stating that he has applied for amendment of the town plan and specifying the change applied for.

'(2) Section 38A(4) of the Principal Ordinance is amended by omitting "28" and substituting "56".

'(3) Section 38A(8) of the Principal Ordinance is amended by omitting paragraph (b).

"(4) Section 38A of the Principal Ordinance is amended by inserting after sub-section (8) the following sub-sections:

"(8A) A person who receives a notice in pursuance of sub-section (8) may, not later than 28 days after he received the notice, appeal to the Appeals Committee against the decision of the Board.

"(8B) If, after the hearing of all appeals, if any, made under sub-section (8A), the application is approved, the Board shall submit the application to the Administrator, together with each objection, if there are any objections, its decision on the application, its reasons for making that decision and, if there are any appeals, the decision of the Appeals Committee and the Committee's reasons for its decision.".'. "

'(5) Section 38A(9) of the Principal Ordinance is amended by omitting "within 14 days of the day on which an application is submitted to him under sub-section (8)".'.'. "

Debate ensued.

Mr Perron moved as an amendment to the proposed new clause 22 -

Omit sub-clause (2).

Debate ensued.

Question put and passed.

Question -

That the proposed new clause, as amended, be inserted in the Bill.

Debate ensued.

Question put and passed.

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

"23. After section 38A of the Principal Ordinance the following sections are inserted:

'38B. Where it is unlawful to develop an area of land without the consent of the Board, section 38A applies to and in relation to an application to develop that land as though the application to develop was an application to amend the town planning scheme relating to that area of land and the applicant was able to make the application, but the references in section 38A(2), (2B), (12) and (14) to an amendment of the town planning scheme shall be read, changing what needs to be changed, as references to a development application.

'38C. Where the Board approves a development application, it may impose conditions on its approval, including a condition that the applicant -

- (a) enter into a contract relating to the development to ensure that, if the development is commenced, it is completed to the satisfaction of the Board; and
- (b) give security, in such form and in such amount as the Board thinks fit, against default.

'38D.(1) The Administrator may appoint a person to be the clerk of the Appeals Committee.

'(2) An appeal to the Appeals Committee shall be instituted by lodging with the clerk a notice of appeal setting out details of the grounds of the appeal.

'(3) The grounds of appeal shall be that the Board -

- (a) failed to inform itself properly;
- (b) did not give the appellant a reasonable opportunity to present his case;
- (c) did not consider proper town planning principles; or

(d) could not, on the evidence, reasonably have come to its decision.

'(4) Upon the institution of an appeal, the clerk shall set a date for the hearing of the appeal and notify all parties -

(a) of the name of the appellant and grounds of the appeal; and

(b) the date, time and place where the appeal will be heard.

'(5) On the hearing of an appeal -

(a) the Chairman and each person who is given notice in pursuance of section 38A(8) are parties;

(b) the procedure of the Committee is within the discretion of the Committee;

(c) the Committee is not bound to act in a formal manner and is not bound by any rules of evidence but may inform itself on any matter in such manner as it thinks fit; and

(d) the Committee shall act without regard to technicalities and legal forms.

'(6) At the hearing of an appeal, a party may be represented by a barrister or solicitor having the right to practise in the Supreme Court or by any other person authorized by the party in writing.

'(7) The Committee may adjourn the hearing of an appeal from time to time.

'(8) If a party does not appear on the hearing of an appeal or on the resumption of the hearing after an adjournment, the Committee may, in its discretion, continue the hearing in his absence and, if he is the appellant, dismiss the appeal.

'(9) The Committee shall hear the appeal and shall -

(a) confirm the decision of the Board; or

(b) give to the Board such directions as it thinks fit.

'(10) The Committee shall give written reasons for its decision.

'(11) The Board shall comply with a direction given to it under sub-section (9)'. '."

Members having spoken to the new sections to be inserted in the Principal Ordinance by clause 23, Mr Everingham foreshadowed the recommittal of the clause.

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

"24. Section 39(1) of the Principal Ordinance is amended by inserting after 'scheme' (first occurring) the words 'that was approved under section 37 before 31 December 1977'."

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

"25.(1) Section 42 of the Principal Ordinance is amended by omitting sub-section (1).

"(2) Section 42(3)(a) of the Principal Ordinance is amended by inserting before 'apply' the words 'as in force on 31 December 1977'.

"(3) Notwithstanding the amendment effected by sub-section (1), a person who, immediately before 1 January 1978, held an approval under section 9 of the Darwin Town Area Leases Ordinance may continue to act in accordance with the approval while the approval remains effective."

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

"26. Section 43(1) of the Principal Ordinance is amended by inserting after 'Land' the words 'that is subject to a town planning scheme that was approved under section 37 before 31 December 1977 and'."

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

"27. Section 44 of the Principal Ordinance is amended -

- (a) by omitting 'this Ordinance' and substituting 'this Ordinance or in contravention of the scheme or of by-laws supplementary to the scheme'; and
- (b) by omitting '400 dollars and, in addition, 40 dollars' and substituting '2000 dollars and, in addition, 200 dollars'."

Mr Perron moved -

That the following new clause be inserted in the Bill:

"28. After Division 1 of Part IV of the Principal Ordinance the following Divisions are inserted:

'Division 2 - Approvals by Darwin Reconstruction Commission

'47.(1) In this Division, unless the contrary intention appears -

"Act" means the Darwin Reconstruction Act 1975;

"prescribed date of commencement", in relation to an approval given by the Commission under section 15(1) of the Act means -

- (a) in a case, not being a case referred to in paragraph (b), where the land in respect of which the approval was given is the subject of a lease from the Crown by reference to which there is an ascertainable date, being a date after 1 January 1978, on or before which building is to be commenced - that date or, if the time for commencement is extended, the expiry date of the last extension;

(b) in a case where by reference to that approval there is an ascertainable date, being a date after 1 January 1978, on or before which the approved building work was to be commenced - that date or, if the time for commencement is extended, the expiry date of the last extension; or

(c) in any other case - 31 December 1978;

"prescribed date of completion", in relation to an approval given by the Commission under section 15(1) of the Act, means -

(a) in a case, not being a case referred to in paragraph (b), where the land in respect of which the approval was given is the subject of a lease from the Crown by reference to which there is an ascertainable date, being a date after 1 January 1978, on or before which building is to be completed - that date or, if the time for completion is extended, the expiry date of the last extension;

(b) in a case where by reference to that approval there is an ascertainable date, being a date after 1 January 1978, on or before which the approved building work was to be completed - that date or, if the time for completion is extended, the expiry date of the last extension; or

(c) in any other case - 31 December 1979.

"(2) In this Division, unless the contrary intention appears, a word or expression used in the Act has the meaning that it has in the Act.

'48.(1) Notwithstanding anything contained in any other law in force in the Northern Territory, a person may at any time on or before the prescribed date of commencement in relation to an approval given by the Commission under section 15(1) of the Act commence building work in pursuance of the approval, if the work is commenced in accordance with any conditions to which the approval was subject.

'(2) Notwithstanding anything contained in any other law in force in the Northern Territory, a person may at any time on or before the prescribed date of completion in relation to an approval given by the Commission under section 15(1) of the Act continue and complete building work in pursuance of the approval, if the work is continued and completed in accordance with any conditions to which the approval was subject.

'(3) For the purposes of this section, the Administrator in Council may, in his discretion and subject to such conditions as he may impose, on application made before or within 6 months after a prescribed date of commencement or completion in relation to an approval -

(a) extend the time for commencement or completion, as the case may be of the approved work; and

(b) grant such other extensions of time as he thinks fit for the purpose of making the first-mentioned extension fully effective.

'(4) Nothing contained in sub-section (3) prevents the granting of an

extension of time under any other law in force in the Northern Territory.

'49.(1) A person may request the Adminintrator to issue to him a memorandum of an approval given to him under section 15(1) of the Act.

'(2) Where the Administrator receives a request under sub-section (1) and he is reasonably satisfied, on the balance of probabilities, that the relevant approval was given, he shall issue a memorandum of the approval in the terms that he considers, on the balance of probabilities, were the terms of the approval, including conditions to which the approval was subject.

'(3) For the purposes of considering a request made under sub-section (1), the Administrator may take into consideration evidence that building work was commenced on or before 1 January 1977.

'(4) A memorandum of an approval issued under sub-section (2) is evidence that the approval was given and of the terms of the approval.

'50.(1) Notwithstanding -

- (a) anything contained in this Ordinance (except this Division);
- (b) anything contained in any other Ordinance under which a lease of land may be granted; and
- (c) any express or implied prohibition against use for a particular purpose contained in any lease or agreement,

where -

- (d) building work has been completed on land in pursuance of an approval given by the Commission under section 15(1) of the Act and in accordance with any conditions to which the approval is subject; and
- (e) the use of the land for the purpose for which the approval was given is not permitted under the Darwin Town Plan,

that approval has effect, subject to this section and section 52, as though the Darwin Town Plan had been amended to permit that use.

'(2) Where the Commission gave an approval under section 15(1) of the Act and that approval purported to allow land to be used for the purpose for which the approval was given but only for a limited time or until the occurrence of an event, sub-section (1) ceases, upon the expiry of that time or the occurrence of that event, to have effect.

'51.(1) Where building work on land was commenced in the Darwin Town Area after 24 December 1974 and completed before 31 December 1976, the Administrator in Council, after receiving a recommendation from the Board, may, upon being satisfied that to do otherwise would cause undue hardship, order that, subject to section 52 and for such time or until the occurrence of a specified event and on such conditions as are specified in the order, the Darwin Town Plan shall be read as though it had been amended to permit the use of the land for a

purpose specified in the order.

'(2) Where an order has been made under sub-section (1), the Darwin Town Plan shall be read according to the terms of the order.

'52.(1) In this section "building" includes a building in the course of completion.

'(2) Subject to this section, neither section 50 nor an order made under section 51 or sub-section (3) apply to permit the use of land or a part of land where -

- (a) the building on that land or part that was the subject of the order or the approval under section 15(1) of the Act is demolished;
- (b) that building is substantially damaged and the Board serves notice on the occupier or the holder of an estate of freehold or leasehold in that land or part that, in its opinion, the use should not be continued; or
- (c) for any cause the use is discontinued for a continuous period of 6 months.

'(3) Nothing contained elsewhere in this Ordinance or in any other law in force in the Northern Territory shall operate to make lawful the continued use of land for a purpose beyond the time when its use for that purpose is lawful by virtue of this section or section 50 or 51.

'(4) Where the effect of sub-section (2) is that a use of land ceases to be lawful, the Administrator in Council, on application by the user or a proposed user of that land, may, if it is satisfied that to do otherwise would cause undue hardship, order that, subject to this section and for such time or until the occurrence of a specified event and on such conditions as are specified in the order, the Darwin Town Plan shall be read as though it had been amended to permit the use of the land for a purpose specified in the order.

'(5) Where an order has been made under sub-section (4), the Darwin Town Plan shall be read according to the terms of the order.

'52A.(1) Where the Administrator issues a memorandum of approval under section 49(2) or the Administrator in Council makes an order under section 51(1) or 52(4), the Administrator shall forward to the Registrar-General a copy of that memorandum or order.

'(2) Where the Administrator is reasonably satisfied, on the balance of probabilities, that an approval was given under section 15(1) of the Act, he may, notwithstanding that he has not received a request under section 49(1), forward to the Registrar-General -

- (a) a copy of that approval; or
- (b) a memorandum of the approval in the terms that he considers, on the balance of probabilities, were the terms of the approval, including conditions to which the approval was subject.

'(3) Upon receipt of a copy of an approval, memorandum or order in pursuance of this section, the Registrar-General shall register it and note its receipt on both the original and the duplicate copy of the lease or certificate of title of the land the subject of the approval or order.

'52B. Where, by reason of section 50, 51 or 52, land that is the subject of a Crown lease may be used for a purpose, then, while that section has effect to permit that use, section 38A applies to and in respect of the lease as though -

- (a) the Administrator had approved an application for an amendment of the Darwin Town Plan to permit that use; and
- (b) the conditions, if any, subject to which the land may be so used were conditions attached to the Administrator's approval.

'Division 2A - Darwin Reconstruction Commission Plan

'52C.(1) The Administrator in Council may cause to be exhibited publicly in Darwin on or before 1 January 1978 the proposals for a planning scheme to replace the 1966 Darwin Town Plan that were made available for inspection by the public by the Darwin Reconstruction Commission on 1 October 1977 until 5 November 1977, with such modifications as the Administrator in Council approves.

'(2) If the Administrator causes proposals to be exhibited in pursuance of sub-section (1), he shall -

- (a) cause the public exhibition to be continued until the new scheme is approved under section 37 in its application by virtue of section 52D(2); and
- (b) cause notice of the exhibition to be published in a newspaper circulating in Darwin.

'(3) The notice referred to in sub-section (2) -

- (a) shall be published on a day that is not earlier than 25 December 1977 and not later than 8 January 1978; and
- (b) shall specify the place where the proposals are, or are to be, exhibited.

'52D.(1) If the Administrator causes proposals to be exhibited in pursuance of section 52C(1), the proposals shall have effect, on and from 1 January 1978, as though -

- (a) the Administrator had, in pursuance of section 29(1), directed the Chairman to prepare proposals for an amendment by way of repeal and replacement of the town planning scheme for Darwin;
- (b) the Board had, in pursuance of section 29(3), approved the proposals that were exhibited in pursuance of section 52C(1);
- (c) the Chairman had complied with sections 30 and 31 in relation to those proposals;

(d) the Darwin Reconstruction Act 1975 had been repealed before the proposals were first exhibited publicly in pursuance of section 30;

(e) there had been no objections to the proposals; and

(f) the Administrator in Council had approved the proposals in pursuance of section 36(1) and had given notice of his approval, in pursuance of section 37, in the Gazette on 1 January 1978.

'(2) Notwithstanding sub-section (1) but subject to sub-section (3), sections 31 to 37 inclusive apply to and in relation to proposals exhibited in pursuance of section 52C(1) as though -

(a) sub-section (1) had no effect;

(b) the Administrator had, in pursuance of section 29(1), directed the Chairman to prepare proposals for an amendment of the town planning scheme for Darwin;

(c) the Board had, in pursuance of section 29(3), approved the proposals that were exhibited in pursuance of section 52C(1); and

(d) the Chairman had, in pursuance of section 30(1)(a), caused the proposals to be exhibited publicly on and from 1 January 1978 and had otherwise complied with section 30.

'(3) When the Administrator in Council, in pursuance of section 37 in its application by virtue of sub-section (2), gives notice in the Gazette of his approval of the amendments of the town planning scheme for Darwin, that approval has effect to repeal and replace the scheme that, until that time, had effect by virtue of sub-section (1).'. ''.

Debate ensued.

Question put -

The committee divided (The Chairman, Mr Dondas, in the Chair).

AYES 11

NOES 7

Mr Ballantyne

Mr Dondas

Mr Everingham

Mr Harris

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 affirmative.

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

"29.(1) Section 58(1) of the Principal Ordinance is amended -

- (a) by omitting 'a town planning scheme that applies to' and substituting ', or otherwise than in compliance with, this Ordinance or a by-law made under this Ordinance, a town planning scheme or a condition imposed by, under or in pursuance of such a by-law or scheme, being a by-law, scheme or condition that applies to or in relation to'; and
- (b) by omitting paragraph (a) and substituting the following paragraph:
 - '(a) to alter the structure in such particulars as the Chairman specifies;'; and
- (c) by omitting from paragraph (b) 'to so alter the structure' and substituting 'to alter the structure to make it possible to use the land in accordance with good town planning principles'.

(2) Section 58(2) of the Principal Ordinance is amended -

- (a) by omitting 'this Ordinance' and substituting ', or otherwise than in compliance with, this Ordinance or a by-law made under this Ordinance, a town planning scheme or a condition imposed by, under or in pursuance of such a by-law or scheme,'; and
- (b) by omitting ', being a use of the land that in the opinion of the Chairman is in contravention of this Ordinance'.

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

"30. Section 59(2) of the Principal Ordinance is amended -

- (a) by omitting from paragraph (a)(i) 'a town planning scheme that applies to' and substituting ', or otherwise than in compliance with, this Ordinance, a by-law, a condition or a town planning scheme that applies to or in relation to';
- (b) by omitting from paragraph (a)(ii) 'in such a manner that it will be in conformity with the town planning scheme that applies to it' and substituting 'in a manner, or in another manner, to make it possible to use the land in accordance with good town planning principles'; and
- (c) by omitting from paragraph (b) 'this Ordinance' and substituting ', or otherwise than in compliance with, this Ordinance, a by-law, a condition or a town planning scheme'.

Mr Perron moved -

That the following new clause be inserted in the Bill:

"31.(1) Section 66(1) of the Principal Ordinance is amended by omitting all the words from and including '400 dollars' and substituting '2000 dollars and, in addition, 200 dollars for each day during which the offence continues and, at any time after the person is convicted, the Chairman may request the Administrator -

- (a) to cause the structure to be removed or altered as required by the order or notice;
- (b) if the land is the subject of a lease from the Crown, to forfeit the lease; or
- (c) if the land is freehold, to sell the land.'

"(2) Section 66(2) of the Principal Ordinance is amended by omitting all the words from and including 'if he thinks fit' and substituting:

'if he thinks fit -

- (a) cause the structure to be removed or altered accordingly;
- (b) if the land is the subject of a lease from the Crown, exercise the power of forfeiture as though the lessee was in breach of covenant; or
- (c) if the land is freehold, exercise the power of sale as though the Administrator was a mortgagee.'."

Debate ensued.

Question put.

The committee divided (The Chairman, Mr Dondas, in the Chair).

AYES 11

NOES 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
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 affirmative.

Mr Perron moved -

That the following new clause be inserted in the Bill.

"32.(1) Section 67 of the Principal Ordinance is amended by omitting all the words from and including '400 dollars' and substituting '2000 dollars and, in addition, 200 dollars for each day during which the offence continues and, at any time after the person is convicted, the Chairman may request the Administrator -

- (a) if the land is the subject of a lease from the Crown, to forfeit the lease; or

(b) if the land is freehold, to sell the land'.

"(2) Section 67 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

"(2) Section 66(2) and (3) apply to and in relation to a request made under sub-section (1) as though that request had been made under section 66(1).".

Debate ensued.

Question put -

The committee divided (The Chairman, 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.

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

"33. Section 71 of the Principal Ordinance is amended by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:

'(2) Where it is proposed to use land of the Crown or the Commonwealth in contravention of, or otherwise than in compliance with, this Ordinance or by-law made under this Ordinance, a town planning scheme or a condition imposed by, under or in pursuance of such a by-law or scheme, being a by-law, scheme or condition that applies to or in relation to that land, the Administrator shall make an application under section 38A or 38B, as the case may be, as though the land was an allotment of freehold and he was the owner.

'(3) Subject to sub-sections (4) and (5), where the Administrator makes an application under section 38A or 38B in its application by virtue of sub-section (1), that section applies, changing what needs to be changed, accordingly.

'(4) Notwithstanding section 38A(8B), the Board shall submit an application made for the purposes of this section to the Administrator whether or not it approves the application.

'(5) Where the Administrator in Council and the Board fail to reach agreement in relation to an application made for the purposes of this

section, the Administrator in Council may give a direction to the Board, and the Board shall comply with that direction.'."

Mr Perron moved -

That the following new clause be inserted in the Bill:

"34. Section 73 of the Principal Ordinance is amended by adding at the end thereof:

'and in particular providing for and in relation to the charging of a fee for making an application for an amendment of a town planning scheme or an approval to develop land.'."

Debate ensued.

Question put -

The committee divided (The Chairman, Mr Dondas, in the Chair).

AYES 11

NOES 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
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 affirmative.

Title agreed to.

The Assembly resumed - Mr Chairman reported accordingly.

Mr Perron moved -

That the Bill be now recommitted to the committee of the whole Assembly for reconsideration of proposed clause 23.

Question put and passed.

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

(In the committee)

Proposed new clause 23 -

Mrs Lawrie moved as an amendment:

Omit in proposed 38C of the Principal Ordinance, all words after "on

its approval".

Debate ensued.

Question put and negatived.

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

Omit from proposed new section 38C of the Principal Ordinance paragraph (b).

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

Add to proposed section 38D(3) of the Principal Ordinance the following paragraph:

"(e) imposed conditions which were unreasonable.".

New clause 23, as amended, agreed to.

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

Question -

That the Bill be now read a third time.

Debate ensued.

PERSONAL EXPLANATIONS: Personal explanations were given by Mr Isaacs and Mr Everingham.

Mr Robertson moved -

That the question be now put.

Question put and passed.

Question -

That the Bill be now read a third time -

put and passed.

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

9. SPECIAL ADJOURNMENT: Mr Robertson moved -

That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 6 December 1977.

Question put and passed.

10. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1737 hours adjourned until 1000 hours on Tuesday, 6 December 1977.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 10

Tuesday 6 December 1977

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. PUBLIC SERVANTS IN N.T. - STATEMENT: Mr Everingham, by leave, made a statement relating to Australian Public Service officers transferring to the Northern Territory Public Service.

Mr Robertson moved -

That the statement be noted

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

4. DISTINGUISHED VISITOR - SEN. THE HON. DOUGLAS McCLELLAND: Mr Speaker informed the Assembly that Senator the Honourable Douglas McClelland was present in the gallery. Mr Speaker formally welcomed the distinguished visitor.
5. MINING BILL (No. 2) 1977 (Serial 29): Mr Tuxworth, by leave, 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 day.

6. PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE: Mr Speaker informed the Assembly that Miss D'Rozario had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely: "The Northern Territory Executive's failure to ensure a continuous electrical supply during the wet Season."

SPEAKER'S RULING

Mr Speaker, in the terms as follow, determined that the proposal was not in order:

"I have to rule the proposal out of order because the Northern Territory executive does not, as yet, control the electrical supply and it cannot be held responsible for any disruption to that supply which may or may not occur in the coming wet season in any unspecified part of the Territory."

DISSENT FROM SPEAKER'S RULING: Mr Isaacs moved -

That the Speaker's ruling be dissented from.

The motion was submitted in writing and having been seconded -

Debate ensued.

Question put and negatived.

7. BUILDING BILL 1977 (Serial 9): 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 - Mr Chairman reported the Bill and the report was adopted.

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

8. TRANSFER OF POWERS (FURTHER PROVISIONS) BILL 1977 (Serial 11): 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 agreed to.

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

New clauses -

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

"2. This Ordinance shall come into operation on 1 January 1978.

"3. The Ordinances specified in Parts I, II, III and IV of the Schedule are respectively amended as provided by the Schedule.

"4. The Regulations specified in Part V of the Schedule are respectively amended as provided by the Schedule.

"5. The Crown Law Officer Reference Ordinance is amended by adding at the end thereof the following section:

'4. If the name of the person for the time being holding or acting in or performing the duties of Departmental Head of the Department of Law under the Public Service Ordinance is on the Roll of Legal Practitioners kept under the Legal Practitioners Ordinance, he may, in his official capacity as Head of that Department, in the name of the Solicitor for the Northern Territory, act as a legal practitioner as though he was holding an unrestricted practising certificate issued under the Legal Practitioners Ordinance -

- (a) for such persons, bodies or authorities (whether incorporated or unincorporated) as the Executive Member directs; and
- (b) by arrangement with the Crown Solicitor for the Commonwealth, for other clients of the Crown Solicitor.'

"6. An appointment duly made, or other action duly taken or done before the commencement of this Ordinance under or for the purposes of a provision of an Ordinance specified in Part I, II, III or IV of the Schedule or of a regulation specified in Part V of the Schedule and having effect immediately before the commencement of this Ordinance is as valid and effectual as if duly made, taken or done under or for the purposes of that provision as amended by this Ordinance, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action."

Schedules 1 and 2 negatived.

New schedule -

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

"THE SCHEDULE

Sections 3 and 4

AMENDMENTS OF ORDINANCES

PART I - REFERENCES TO ADMINISTRATOR

The following Ordinances are amended by omitting from the provisions indicated the word 'Administrator' (wherever occurring) and substituting 'Executive Member':

Alsatian Dogs

Section 3A

Apprentices

Section 6(1), 6(2), 7(1)(a), 7(1)(b), 7(1)(c), 7(1)(ca), 7(1)(f), 7(1)(g), 8(1), 10(1)(b), 10(1)(c), 10(2)(a), 10(2)(b), 10(3), 11(e), 12(1), 12(2), 12(3), 12(4)(b), 12(6)(b), 12(6)(c), 12(8), 12(9), 16(1), 16(3), 17(1), 46

Auctioneers

Section 3A(1), 3A(2), 5(1), 6(1), 7(1), 7(2), 7(3), 8(1), 8(2)(a), 8(2)(b), 8B, 8E, 8F(1), 8F(2), 8J, 8K, 12, 17(b)

Caravan Parks

Section 6

Cemeteries

Section 8, 9, 10, 21, 25, 32(2), 33, 35, 36, 38, 39, 39A, 40(g)

Control of Roads

Section 38A(3), (4), (8), 47(1)

Darwin Rates

Section 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 32, 35, 37, 39, 44, 45, 48, 49, 51, 53, 54, 61

Hawkers

Section 10A(2)(b)

Litter

Section 3, 5(1), (2), (3), 6(2)(a), 9A(3)(f)

Local Courts

Section 8(1), (2), 13, 14

Maintenance

Section 93(1), (2)

Money-lenders Act and Ordinance

Section 3(1)(e), (2)

Nudity

Section 4

Oaths

Section 17(1)

Place Names

Section 7, 9, 10

Places of Public Entertainment

Section 5(1), 5(2), 7(1), 8, 11, 12(3), 14, 17(1), 17(2), 18(1), 18(2), 19, 21(b)

Prevention of Cruelty to Animals

Section 11, 15, 21

Radiographers

Section 6(3), 17(1)

Registration of Dogs

Section 6, 6A, 10

Town Planning

Section 11(2)(a), 11(3)

Traffic

Section 5A(1), (3), 8C(1), (2), 9B, 12(1), 20(1), 21(1), 28(1), (2), 34(1), (2), (3), (4), (5), (6), 34A, 34B, 34C(d), 35Q(8), (9), 36F(3), 41F(a), 50(2), 56A(1)(a), (3)(a)

PART II - REFERENCES TO ADMINISTRATOR IN COUNCIL

The following Ordinances are amended by omitting from the provisions indicated the words 'Administrator in Council' (wherever occurring) and substituting 'Executive Member':

Alsatian Dogs

Section 7

Caravan Parks

Section 2

Cemeteries

Section 4, 5, 7, 14

Darwin Rates

Section 25(3)(d)

Firearms

Section 44(4)

Litter

Section 4

Place Names

Section 5

Places of Public Entertainment

Section 7(2)

Pounds

Section 24

Spear-Guns Control

Section 4

PART III - REFERENCES TO ATTORNEY-GENERAL

The following Ordinances are amended by omitting from the provisions indicated the word 'Attorney-General' (wherever occurring) and substituting 'Executive Member':

Administration and Probate

Section 8(1), (2), (3), 23(2), 26(2)

Coroners

Section 10(1)(j), 12(3), (4), 14, 15, 39, 40

Schedule - Form 2

Criminal Law Consolidation Act and Ordinance

Section 204, 279

Evidence

Section 42B(6)

Foreign Judgments (Reciprocal Enforcement)

Section 5(1), 11(2)(b), 13(1), (2)

Justices

Section 18(1), (2)

Maintenance

Section 8(1), (2), (3), 117(2)

PART IV - MISCELLANEOUS AMENDMENTS

The Ordinances listed in column 1 of the following table are amended as set out in that table:

Column 1 Ordinance and Provision	Column 2 Omit	Column 3 Insert
<u>Administration and Probate</u> Section 7	Omit the section	

Apprentices
Section 5

- 15(1) Administrator or
the Board
- 15(2) Omit
- 15(3) Omit
- 15(4) Administrator or
the Board
- 45 Administrator

(2) This Ordinance shall apply to and in relation to the apprenticeship of any person employed in the Territory under or pursuant to the provisions of the Public Service Ordinance and the Public Service Commissioner for the Northern Territory, a Chief Executive Officer or a prescribed authority who employs any apprentice or trainee apprentice and any apprentice or trainee apprentice so employed shall be bound by the provisions of this Ordinance accordingly

Executive Member

Executive Member

Administrator in Council

Auctioneers

Section 8A(b)(i)

Administrator's

Executive Member's

Cemeteries

Section 6

- 32(1) Administrator
- from time to time, appropriated by the Parliament for the purposes of this Ordinance

Administrator in Council

approved by the Legislative Assembly for the purposes of the Board out of moneys appropriated by the Parliament for the Government of the Northern Territory

Compensation
Fatal Injuries

Section 3

Omit the section

Control of Roads

Section 7B

Administrator
(twice occurring)

Administrator or the
Executive Member

Crown Law Officer
Reference

Section 3

or the Deputy Crown
Solicitor

or performing the
duties of, the
office of Crown Law
Officer in the Terri-
tory under the
Public Service Act
1922-1973

or acting in or performing
the duties of the office of
Departmental Head of the
Department of Law under the
Public Service Ordinance

Darwin Rates

Section 23

	Commonwealth (wher- ever occurring)	Administrator
27	Commonwealth	Administrator
31(2)	Commonwealth (last occurring)	Administrator
35	Commonwealth	Administrator
41	Commonwealth	Administrator
45	Commonwealth (wher- ever occurring)	Administrator
46(1)	Commonwealth (wher- ever occurring)	Administrator
47	Commonwealth (first occurring)	Administrator
49	Commonwealth (wher- ever occurring)	Administrator
54	Commonwealth	Administrator
61	Commonwealth	Administrator
62	Administrator	Administrator or Executive Member

Evidence

Section 28B

	or the Administrator	, the Administrator or an executive member
36	(g) the Adminis- trator,	(g) the Administrator; or (h) an executive member,

53(1)	The Administrator, any head of a branch of the Department of the Administrator,	The Administrator, any Departmental Head of the Public Service of the Northern Territory or any person who, for any purpose, has all the powers of, or exercisable by, such Departmental Head, any executive member,
<u>Justices</u>		
Section 10(1)	, in the name of the Governor-General,	
10(2)	The Governor-General, or by the Adminis- trator, in the name or on behalf of the Governor-General	the Administrator
10(3)	Omit the sub-section	
18(1)	Governor-General (wherever occurring)	Administrator
18(3)	Governor-General	Administrator
18(4)	Governor-General	Administrator
42(1)	Minister	Executive Member
42(4)	Minister	Executive Member
<u>Local Courts</u>		
Section 5	the definition of 'the Minister'	
7	Minister	Executive Member
9(1)	Minister	Executive Member
9(2)	Minister (wherever occurring)	Executive Member
10(1)	Minister	Executive Member
10(2)	Minister	Executive Member
24(4)	Minister	Administrator in Council
288(3)	Minister shall pay the money	Administrator shall auth- orise payment of the money
<u>Maintenance</u>		
Section 9	Omit the section	

46(1)	Governor-General (wherever occurring)	Administrator
46 (4)	Omit the sub-section	
65(1)	the definition of 'the Crown Law Officer'	
<u>Place Names</u>		
Section 11	Administrator in Council may	Executive Member shall refer it to the Adminis- trator in Council, and the Administrator in Council may
<u>Pounds</u>		
Section 5	Government Resident	Executive Member
<u>Radiographers</u>		
Section 4(2)(b)(ii)	Administrator in Council on the nom- ination of the Chairman	Executive Member
4(2)(d)	Administrator in Council on the nomination of the Chairman	Executive Member
6	Administrator in Council (wherever occurring)	Executive Member
10(1)	Board	Executive Member
<u>Small Claims</u>		
Section 3	Omit the section	
<u>Town Planning</u>		
Section 8	Administrator in Council (wherever occurring)	Executive Member
10	Administrator in Council	Executive Member
11	Administrator in Council	Executive Member
<u>Trustee Act and Ordinance</u>		
Section 73(1)	Attorney-General of	Administrator

73(4)	<p>the said province</p> <p>Attorney-General (first occurring)</p> <p>Attorney-General shall pay</p>	<p>Administrator</p> <p>Administrator shall authorise payment</p>
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PART V - AMENDMENTS OF REGULATIONS

The regulations listed in column 1 of the following table are amended as set out in that table:

Column 1 Regulation	Column 2 Omit	Column 3 Insert
<p><u>Auctioneers Ordinance</u></p> <p><u>Auctioneers Regulations</u></p> <p>Form 1</p> <p>Form 2</p> <p>Form 3</p> <p>Form 4</p> <p>Form 5</p>	<p>His Honour, The Administrator, Darwin</p> <p>His Honour, the Administrator Darwin</p> <p>the Administrator of the Northern Territory of Australia, do hereby</p> <p>Administrator. (last occurring)</p> <p>His Honour, The Administrator, Darwin</p> <p>the Administrator of the Northern Territory of Australia, do hereby</p> <p>Administrator. (last occurring)</p>	<p>The Executive Member for , Darwin</p> <p>The Executive Member for , Darwin</p> <p>the Executive Member for , do hereby</p> <p>Executive Member for</p> <p>The Executive Member for , Darwin</p> <p>the Executive Member for , do hereby</p> <p>Executive Member for ,</p>
<p><u>Cemeteries Ordinance</u></p> <p><u>Cemeteries Regulations</u></p>		

Regulation 6, 13 <u>Darwin Rates Ordinance</u> <u>Darwin Rates Regulations</u>	Administrator	Executive Member
Regulation 6 Schedule - Form 1	Administrator His Honour the Administrator of the Northern Territory of Australia	Executive Member Executive Member for
Form 2	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
Form 4	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
Form 5	His Honour the Administrator of the Northern Territory of Australia	Executive Member for
<u>Traffic Ordinance</u> <u>Traffic Regulations</u>		
Regulation 35, 45	Administrator	Executive Member".

Title agreed to.

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

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

9. VALIDATION OF ACTS BILL 1977 (Serial 24): 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 - Mr Chairman reported the Bill and the report was adopted.

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

10. PUBLIC SERVICE BILL (No. 4) 1977 (Serial 17): 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.

SUSPENSION OF STANDING ORDERS: Mr Robertson moved -

That so much of standing orders be suspended as would prevent the Public Service Bill (No. 4) 1977 (Serial 17) 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)

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

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

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

11. WORKMEN'S COMPENSATION BILL (No. 4) 1977 (Serial 28): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

REQUEST FOR URGENCY: Mr Speaker, having considered a request from Mr Everingham submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

12. LOTTERY AND GAMING ORDINANCE INQUIRY - REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Tuxworth -

That the report be noted.

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1153 and 1400 hours.

Debate resumed.

Question put and passed.

13. ALICE SPRINGS ADMINISTRATION REPEAL BILL 1977 (Serial 12): 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 -

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

Omit "Alice Springs Administration Repeal Ordinance 1977" and substitute "Alice Springs Administration Ordinance Repeal Ordinance 1977".

Clause, as amended, agreed to.

Clause 2 agreed to.

Schedule agreed to.

Title agreed to.

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

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

14. PROPOSED STATEMENT: Mr Everingham sought leave to present a statement.

Leave denied.

SUSPENSION OF STANDING ORDERS: Mr Everingham moved -

That so much of standing orders be suspended as would prevent me from making a policy statement.

The motion having been supported -

Question put and passed.

15. MAJORITY PARTY POLICY FOR FUTURE PLANNING: Mr Everingham made a statement relating to the majority party's planning for the future.

SUSPENSION OF STANDING ORDERS: Mr Isaacs sought leave to move -

That so much of standing orders be suspended as would prevent the Leader of the Opposition making a statement on planning for the future.

The member not being supported - leave denied.

Mr Isaacs moved -

That the Statement (Mr Everingham's) be noted.

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

Debate adjourned.

16. THE ADMINISTRATOR'S SPEECH - PROPOSED ADDRESS IN REPLY: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That the Address be agreed to.

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

17. DAYLIGHT SAVING - 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.

18. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day Government Business No. 19 was called on.
19. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - FIRST AND SECOND REPORTS: The order of the day having been read for the resumption of the debate on the motion of Mr Oliver -

That the Reports be noted.

Debate resumed.

Question put and passed.

20. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and negatived.

21. SPECIAL ADJOURNMENT: Mr Robertson moved -

That the Assembly, at its rising, adjourn until a date and time to be appointed by Mr Speaker which time shall be notified to each member by letter or telegram.

Question put and passed.

22. ADJOURNMENT: Mr Steele moved -

That the Assembly do now adjourn.

Debate ensued.

DISTINGUISHED VISITOR - HON. PETER NIXON: Mr Speaker informed the Assembly that the Honourable Peter Nixon, Minister of State for Transport, was present in the gallery. Mr Speaker formally welcomed the distinguished visitor.

Debate resumed.

Question put and passed.

And then the Assembly at 1603 hours adjourned until a date and time to be appointed by Mr Speaker which time shall be notified to each member by letter or telegram.

ATTENDANCE: All members attended the sitting.

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

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