

PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

FIRST SESSION

FIFTH ASSEMBLY

No. 30

Tuesday 23 February 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to resolution of the Assembly of 26 November 1987. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. PETITIONS:

Mr Setter presented a petition from 6024 citizens of the Northern Territory requesting that the conditions of present and future licences issued in respect of supermarket premises and liquor merchants be amended to permit the holders of such licences to sell liquor on Sundays.

Petition read.

Mr Reed presented a petition from 19 citizens of the Northern Territory requesting that the Legislative Assembly reverse the recent decision to increase salaries of Chief Executive Officers and to ensure all further pay rises be subject to the scrutiny of the Remuneration Tribunal or comply with the Conciliation and Arbitration Commission National Wage Guidelines.

Petition read.

4. NOTICE:

The following notice was given:

Mr Manzie: To present the Meteorites Bill 1988 (Serial 68).

5. ADMINISTRATIVE ARRANGEMENTS - MINISTERIAL STATEMENT - PAPER TABLED:

The Chief Minister (Mr Hatton) laid on the Table Gazette No. S6 of 15 February 1988 which contained an amendment of the Administrative Arrangements Order, changing the portfolio title of Mr McCarthy to Minister for Labour, Administrative Services and Local Government, and varying responsibilities for certain Departments.

Mr Hatton made a statement relating thereto.

6. QUESTIONS:

Questions were asked of Ministers.

Papers tabled: The Minister for Tourism (Mr Hanrahan) laid on the Table four brochures published by the Northern Territory Tourist Bureau:

- N.T. Station Holidays
- Tourism Awareness
- Come Share Our Culture
- People of Two Times

Further questions were asked of Ministers.

7. AUDITOR-GENERAL'S REPORT UPON PRESCRIBED STATUTORY CORPORATIONS, 1986-87 - PAPER TABLED - ORDER TO PRINT:

The Speaker (Mr Vale) laid on the Table the report of the Auditor-General upon Prescribed Statutory Corporations for the year ended 30 June 1987.

The Leader of Government Business (Mr Hanrahan) moved - That the Report be printed.

Question - put and passed.

8. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE, FOURTH REPORT - PAPER TABLED:

The Member for Jingili (Mr Setter) laid on the Table the Fourth Report of the Subordinate Legislation and Tabled Papers Committee.

9. POLICE, FIRE AND EMERGENCY SERVICES - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Chief Minister (Mr Hatton) made a statement relating to the new procedures and initiatives for the Police, Fire and Emergency Services.

Mr Hatton moved - That the Assembly take note of the statement.

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.55 a.m. and 2.00 p.m.

Debate continued.

Question - put and passed.

10. MATTER OF PUBLIC IMPORTANCE - SOCIAL AND ECONOMIC NEEDS OF KATHERINE:

The Speaker (Mr Vale) informed the Assembly that the Leader of the Opposition (Mr Smith) had proposed that the following definite matter of public importance be submitted to the Assembly for discussion this day:

"The Government's cynical disregard of the social and economic needs of the Katherine Community".

The proposed discussion having received the necessary support -

The Speaker called on Mr Smith to address the Assembly.

Discussion ensued.

Discussion concluded.

11. REQUEST TO TABLE REPORT:

The Leader of the Opposition (Mr Smith) requested, under Standing Order 255, that the Minister for Health and Community Services (Mr Dale) table the document 'Who Speaks for Katherine?' from which the Minister had quoted during discussion on the Matter of Public Importance.

Discussion ensued.

Mr Dale undertook to Table the document at a later hour.

12. POLICE ADMINISTRATION AMENDMENT BILL 1987 (Serial 33) - BILL DISCHARGED:

The Chief Minister (Mr Hatton), by leave, moved - That the resumption of the debate on the motion - That the Police Administration Amendment Bill 1987 (Serial 33) be read a second time - Government Business, Order of the Day No.1 - be discharged from the Notice Paper.

Question - put and passed.

13. SUSPENSION OF STANDING ORDERS - INTRODUCE ONE BILL WITHOUT NOTICE - PASS BILL THROUGH ALL STAGES - TAKE THREE BILLS TOGETHER:

The Chief Minister (Mr Hatton) moved - That so much of Standing Orders be suspended as would prevent -

- (1) the introduction of the Police Administration Amendment Bill 1988 (Serial 83) without notice;
- (2) one motion being put in regard to the second readings, the Committee's Report stage and the third readings of the following Bills:
 - (a) Police Administration Amendment Bill 1988 (Serial 83);
 - (b) Bail Amendment Bill 1987 (Serial 34); and
 - (c) Criminal Code Amendment Bill 1987 (Serial 35);
- (3) the consideration of the Bills separately in Committee of the Whole; and
- (4) the Police Administration Amendment Bill 1988 (Serial 83) passing through all stages at these sittings.

Debate ensued.

The Leader of the Opposition (Mr Smith) moved the following amendment -

"Omit paragraph 4".

Debate ensued.

Paper tabled: Mr Smith, by leave, laid on the Table a letter to the Commissioner of Police from a lawyer of the Northern Australian Aboriginal Legal Aid Service Inc. dated 18 June 1987.

Debate resumed.

Question - That the words proposed to be omitted be omitted - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 9

Mr Bell
 Mr Collins
 Mr Ede
 Mr Lanhupuy
 Mr Leo
 Mrs Padgham-Purich
 Mr Smith
 Mr Tipiloura
 Mr Tuxworth

NOES, 15

Mr Coulter
 Mr Dale
 Mr Dondas
 Mr Finch
 Mr Firmin
 Mr Hanrahan
 Mr Harris
 Mr Hatton
 Mr McCarthy
 Mr Manzie
 Mr Palmer
 Mr Perron
 Mr Poole
 Mr Reed
 Mr Setter

And so it was resolved in the negative.

Debate resumed.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

Mr Coulter
 Mr Dale
 Mr Dondas
 Mr Finch
 Mr Firmin
 Mr Hanrahan
 Mr Harris
 Mr Hatton
 Mr McCarthy
 Mr Manzie
 Mr Palmer
 Mr Perron
 Mr Poole
 Mr Reed
 Mr Setter

NOES, 9

Mr Bell
 Mr Collins
 Mr Ede
 Mr Lanhupuy
 Mr Leo
 Mrs Padgham-Purich
 Mr Smith
 Mr Tipiloura
 Mr Tuxworth

And so it was resolved in the affirmative.

14. POLICE ADMINISTRATION LEGISLATION - PAPER TABLED:

The Chief Minister (Mr Hatton), laid on the Table a letter from Mr Justice Stewart (Chairman) of the National Crimes Authority dated 7 January 1987 referring to the need for uniform legislation relating to police powers of arrest and detention.

15. POLICE ADMINISTRATION AMENDMENT BILL 1988 (Serial 83):

The Chief Minister (Mr Hatton), pursuant to resolution, presented a Bill for an Act to amend the *Police Administration Act*.

Bill read a first time.

Mr Hatton moved - That the Bill be now read a second time.

Matter of Privilege: The Deputy Leader of the Opposition (Mr Ede), pursuant to Standing Order 83, raised as a matter of privilege statements made by the Chief Minister on the matter of urgency of the Police Administration Amendment Bill 1988 (Serial 83); claimed that the Chief

Minister had misled the Assembly; and requested that the Acting Speaker (Mr Poole) refer the matter to the Committee of Privileges.

The Acting Speaker declined to refer the complaint to the Committee of Privileges.

Debate resumed.

On the motion of the Leader of Government Business (Mr Hanrahan) debate was adjourned.

16. ADJOURNMENT:

The Leader of Government Business (Mr Hanrahan) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 8.35 p.m. until tomorrow at 10 a.m.

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PAPERS:

The following papers were deemed to have been presented on 23 February 1988:

Annual Reports:

Darwin Institute of Technology, 1986-87
Department of Community Development, 1985-86
Department of the Chief Minister, 1986-87
Department of the Legislative Assembly, 1986-87
Menzies School of Health Research, 1986-87
National Crime Authority, 1986-87
Northern Territory Tourist Commission, 1986-87
Police Force of the Northern Territory, Northern Territory Emergency Service, Fire Service of the Northern Territory, 1986-87
Public Trustee for the Northern Territory, 1986-87
Road Safety Council of the Northern Territory, 1986-87
Trade Development Zone Authority, 1986-87
Work Health Authority, 1986-87

Financial Statement:

Darwin Bus Service, 1986-87

Recommendations under S.103 of Crown Lands Act:

Revocation of reserve No.1013, Lot 3477 Gilruth Avenue,
Town of Darwin - Gardens Oval
Revocation of Reserve No.1037, Lot 1784 Westralia Street,
Town of Darwin - Bill Sullivan Park
Revocation of Reserve No.1038, Lot 3162 Worgan Street,
Town of Darwin
Revocation of Reserve No.1039, Lot 3117 Clancy Street,
Town of Darwin
Revocation of Reserve No.1041, Lot 3262 Gilbert Street,
Town of Darwin
Revocation of Reserve No.1043, Lot 2962 Giles Street,
Town of Darwin
Revocation of Reserve No.1044, Lot 2490 Warrego Court,
Town of Darwin
Revocation of Reserve No.1089, Lot 3775 Duke Street,
Town of Darwin
Revocation of Reserve No.1161, Lot 595 Ternau Street,
Town of Nightcliff

Revocation of Reserve No.1162, Lot 626 Dudley Street,
Town of Nightcliff - Dudley Park
Revocation of Reserve No.1163, Lot 732 Chrisp Street,
Town of Nightcliff - Rapid Creek Park
Revocation of Reserve No.1164, Lot 1013 Becker Place,
Town of Nightcliff
Revocation of Reserve No.1165, Lot 1284 Millner Street,
Town of Nightcliff
Revocation of Reserve No.1178, Lot 3510 Harriet Place,
Town of Darwin - Harriet Park
Revocation of Reserve No.1181, Lot 2868 Christie Street,
Town of Darwin - Allen Park
Revocation of Reserve No.1187, Lot 4799 Bayview Street,
Town of Darwin - Bayview Park
Revocation of Reserve No.1188, Lot 4800 George Crescent,
Town of Darwin - George Park
Revocation of Reserve No.1194, Lot 1199 Jacaranda Avenue,
Town of Nightcliff
Revocation of Reserve No.1195, Lot 1200 Jacaranda Avenue,
Town of Nightcliff
Revocation of Reserve No.1205, Lot 1594 Gulnare Street,
Town of Nightcliff
Revocation of Reserve No.1265, Lot 4363 Duke Street,
Town of Darwin
Revocation of Reserve No.1362, Portion 1676 McMillans Road,
Hundred of Bagot - Bagot Park
Revocation of Reserve No.1373, Lot 6116 Clarke Crescent,
Town of Nightcliff
Revocation of Reserve No.1383, Lots 4900 and 4833
Kurrajong Crescent, Town of Nightcliff
Revocation of Reserve No.1399, Lot 4029 Carstens Crescent,
Town of Nightcliff - Colster Park
Revocation of Reserve No.1400, Lot 4051 Malay Road,
Town of Nightcliff - Wagaman Park
Revocation of Reserve No.1401, Lot 4108 Tasman Circuit,
Town of Nightcliff - Tasman Park
Revocation of Reserve No.1402, Lot 4266 Groote Street,
Town of Nightcliff - Groote Park
Revocation of Reserve No.1403, Lot 4504 Macassar Street,
Town of Nightcliff - Amsterdam Park
Revocation of Reserve No.1405, Lot 2067 Alawa Crescent,
Town of Nightcliff - Alawa Park
Revocation of Reserve No.1428, Lot 7165 Tiwi Gardens,
Town of Nightcliff
Revocation of Reserve No.1499, Lot 7639 Harris Street,
Town of Nightcliff
Revocation of Reserve No.1500, Lot 4221 Stuart Highway,
Town of Darwin - Dwyer Park
Revocation of Reserve No.1501, Lot 4639 Tudawali Street,
Town of Darwin
Revocation of Reserve No.1502, Lot 3622 Narrows Road,
Town of Darwin
Revocation of Reserve No.1504, Lot 4737 Jacksonia Circuit,
Town of Nightcliff
Revocation of Reserve No.1505, Lot 4392 Mosec Street,
Town of Darwin
Revocation of Reserve No.1506, Lots 4790 and 4722
Hickory Street, Town of Nightcliff

Revocation of Reserve No.1507, Town of Nightcliff
Revocation of Reserve No.1509, Lots 3739, 3391-3395
Elizabeth Street, Town of Darwin
Revocation of Reserve No.1511, Lot 5054 Hinkler Crescent,
Town of Darwin
Revocation of Reserve No.1513, Lot 1993 Young Crescent,
Town of Nightcliff - Young Park
Revocation of Reserve No.1514, Lot 1912 Bald Circuit,
Town of Nightcliff - Bald Park
Revocation of Reserve No.1515, Lot 2308 Mullen Gardens,
Town of Nightcliff - Mullen Park
Revocation of Reserve No.1516, Lot 2126 Stobo Crescent,
Town of Nightcliff
Revocation of Reserve No.1517, Lot 2471 Stedcombe Street,
Town of Nightcliff - Stedcombe Park
Revocation of Reserve No.1518, Lot 2701 Varney Crescent,
Town of Nightcliff - Varney Park
Revocation of Reserve No.1519, Lot 2795 Winton Street,
Town of Nightcliff - Cameron Park
Revocation of Reserve No.1520, Lot 2886 Kilian Crescent,
Town of Nightcliff - Kilian Park
Revocation of Reserve No.1521, Lot 2988 Jingili Terrace,
Town of Nightcliff - Jingili Park
Revocation of Reserve No.1522, Lot 3060 Gaden Circuit,
Town of Nightcliff - Gaden Park
Revocation of Reserve No.1523, Lot 3146 Borella Circuit,
Town of Nightcliff - Borella Park
Revocation of Reserve No.1524, Lot 3328 Thornton Crescent,
Town of Nightcliff - Thornton Park
Revocation of Reserve No.1525, Lot 3470 Greenwood Crescent,
Town of Nightcliff - Greenwood Park
Revocation of Reserve No.1526, Lot 3601 Byrne Circuit,
Town of Nightcliff - Byrne Park
Revocation of Reserve No.1527, Lot 3668 Butters Street,
Town of Nightcliff - Butters Park
Revocation of Reserve No.1528, Lot 3554 Moil Crescent,
Town of Nightcliff - Moil Park
Revocation of Reserve No.1529, Lot 3760 Linde Street,
Town of Nightcliff - Linde Park
Revocation of Reserve No.1530, Lot 3826 Wilson Crescent,
Town of Nightcliff - Wilson Park
Revocation of Reserve No.1531, Lot 2394 Britomart Gardens,
Town of Nightcliff - Britomart Gardens
Revocation of Reserve No.1539, Lots 3867 and 3868 Nudl Street,
Town of Darwin
Revocation of Reserve No.1540, Lot 4784 Guy Street,
Town of Darwin
Revocation of Reserve No.1541, Lot 6392 Wanguri Terrace,
Town of Nightcliff - Wanguri Park
Revocation of Reserve No.1542, Lot 4106 Temira Crescent,
Town of Darwin - Kahlin Oval
Revocation of Reserve No.1545, Lots 4770 and 3025
Meigs Crescent/Beatrice Street, Town of Darwin
Revocation of Reserve No.1547, Lot 5050 Kilfoyle Crescent,
Town of Nightcliff
Revocation of Reserve No.1548, Lot 5368 Copeland Crescent,
Town of Nightcliff - Copeland Park

Revocation of Reserve No.1549, Lot 6333 Allwright Street,
Town of Nightcliff - Fong Park
Revocation of Reserve No.1550, Lot 7355 Kapalga Street,
Town of Nightcliff - Kapalga Park
Revocation of Reserve No.1551, Lot 6893 Tiwi Gardens,
Town of Nightcliff
Revocation of Reserve No.1552, Lot 397 Yanyula Drive,
Town of Sanderson - Yanyula Park
Revocation of Reserve No.1556, Lot 6502 Haritos Street,
Town of Nightcliff - Haritos Park
Revocation of Reserve No.1557, Lot 6663 Kailis Street,
Town of Nightcliff - Kailis Park
Revocation of Reserve No.1558, Lot 6552 Harmanis Street,
Town of Nightcliff - Harmanis Park
Revocation of Reserve No.1559, Lot 6754 Mazlin Street,
Town of Nightcliff - Mazlin Park
Revocation of Reserve No.1560, Lot 6830 Strele Crescent,
Town of Nightcliff - Strele Park
Revocation of Reserve No.1561, Lot 5446 Buchanan Terrace,
Town of Nightcliff
Revocation of Reserve No.1562, Lot 5512 Croker Street,
Town of Nightcliff
Revocation of Reserve No.1563, Lot 5544 Cahill Crescent,
Town of Nightcliff - Cahill Park
Revocation of Reserve No.1564, Lot 5487 Cahill Crescent,
Town of Nightcliff
Revocation of Reserve No.1565, Lot 7006 Tiwi Gardens,
Town of Nightcliff - Tiwi Park
Revocation of Reserve No.1566, Lot 7177 Marrakai Street,
Town of Nightcliff - Marrakai Park
Revocation of Reserve No.1567, Lot 5317 Macredie Street,
Town of Nightcliff - Nakara Park
Revocation of Reserve No.1568, Lot 5188 Adcock Crescent,
Town of Nightcliff - Harwood Park
Revocation of Reserve No.1569, Lot 7063 Rocklands Drive,
Town of Nightcliff - Glencoe Park
Revocation of Reserve No.1570, Lot 7247 Calvert Street,
Town of Nightcliff - Calvert Park
Revocation of Reserve No.1571, Lot 6994 Koolpinyah Crescent,
Town of Nightcliff - Koolpinyah Park
Revocation of Reserve No.1572, Lot 71 Yanyula Drive,
Town of Sanderson
Revocation of Reserve No.1573, Lot 645 Yanyula Drive,
Town of Sanderson
Revocation of Reserve No.1574, Lot 398 Town of Sanderson -
Anula buffer adjacent to Yanyula Park
Revocation of Reserve No.1575, Lot 887 Yanyula Drive,
Town of Sanderson
Revocation of Reserve No.1576, Lot 950 Town of Sanderson -
Wulagi buffer strip off Broilga Street
Revocation of Reserve No.1577, Lot 1586 Wulagi Crescent,
Town of Sanderson - Wulagi Park
Revocation of Reserve No.1578, Lot 1345 off Wulagi Crescent,
Town of Sanderson
Revocation of Reserve No.1579, Lot 1425 Rosella Crescent,
Town of Sanderson
Revocation of Reserve No.1583, Lot 2404 Smith Street,
Town of Darwin - Poinciana Park

- Revocation of Reserve No.1595, Lot 5187 Fannie Bay Place,
Town of Darwin
- Revocation of Reserve No.1605, Lot 8640 Lakeside Drive,
Town of Nightcliff
- Revocation of Reserve No.1624, Lot 5221 Duke Street,
Town of Darwin
- Revocation of Reserve No.1627, Lot 4825 Kurrajong Crescent,
Town of Nightcliff
- Revocation of Reserve No.1636, Lot 6190 Kelsey Crescent,
Town of Nightcliff
- Revocation of Reserve No.1644, Lot 8692 Sabine Road, Town of
Nightcliff and Portion 2239 McMillans Road, Hundred of Bagot
- Revocation of Reserve No.1652, Lot 5297 Malabar Street,
Town of Darwin
- Revocation of Reserve No.1660, Lot 8712 Lakeside Drive,
Town of Nightcliff
- Revocation of Reserve No.1674, Lot 9126 Craig Crescent,
Town of Nightcliff
- Revocation of Reserve No.1700, Lot 5283 Tiger Brennan Drive,
Town of Darwin
- Revocation of Reserve No.1709, Lot 2284 Town of Sanderson -
Malak Park
- Revocation of Reserve No.1721, Lot 8907 Greenwood Crescent,
Town of Nightcliff
- Revocation of Reserve No.1725, Lot 6120 off Chambers Crescent,
Town of Sanderson
- Revocation of Reserve No.1726, Lot 9119 Nation Crescent,
Town of Nightcliff
- Revocation of Reserve No.1732, Lot 6846 Grebe Crescent,
Town of Sanderson - Grebe Park

Regulations 1987:

- No.45 - Darwin (Control of Public Places) By-laws
- No.47 - Darwin (Council Meetings and Procedures) By-laws
- No.48 - Amendments of the Work Health Regulations
- No.49 - Amendments of the Northern Territory Building Code
- No.50 - Unit Titles Regulations
- No.51 - Real Property (Unit Titles) Regulations
- No.52 - Amendments of the Police Administration (Fees) Regulations
- No.53 - Amendment of the Mines Safety Control Regulations
- No.54 - Amendments of the Motor Vehicles (Fees and Charges)
Regulations
- No.55 - Amendments of the Education (School Councils) Regulations

Regulations 1988:

- No. 1 - Amendments of the Supreme Court Rules
- No. 2 - Amendments of the Treasury Regulations
- No. 3 - Criminal Law (Conditional Release of Offenders)
(Home Detention Orders) Regulations
- No. 4 - Amendments of the Education (School Councils) Regulations

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ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 31

Wednesday 24 February 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. NOTICES:

The following notices were given:

Mr Perron: To present the Grain Marketing Amendment Bill 1988 (Serial 77) and the Stock Diseases Amendment Bill 1988 (Serial 85).

Mr Ede: To move - That the Amendments of the Education (School Councils) Regulations as contained in Regulations 1988, No.4 and made under the *Education Act* be disallowed.

4. QUESTIONS:

Questions were asked of Ministers.

5. PROPOSED SUSPENSION OF STANDING ORDERS TO AUTHORIZE TELEVISION AND BROADCASTING OF ASSEMBLY PROCEEDINGS ON THE POLICE ADMINISTRATION AMENDMENT BILL 1988 (Serial 83):

The Leader of the Opposition (Mr Smith) moved - That so much of Standing Orders be suspended as would prevent his moving the following motion forthwith -

That, unless otherwise ordered, this Assembly, for the purposes of section 24 of the *Legislative Assembly (Powers and Privileges) Act* authorizes the broadcasting and re-broadcasting on radio and television stations of the whole or part or excerpts of proceedings in the Legislative Assembly when the Assembly is debating the second reading, Committee stages and the remaining stages of the Police Administration Amendment Bill 1988 (Serial 83); Bail Amendment Bill 1987 (Serial 34); and Criminal Code Amendment Bill 1987 (Serial 35) under the following rules:

(A) TELEVISION

- (1) Cameras are to focus on the Member speaking; wide camera shots are permitted but no general panning of the Chamber during debate is permitted;
- (2) in a direct broadcast, no announcement is permitted except a straight description of the proceedings before the Assembly;
- (3) no political views or forecasts are to be included;
- (4) the announcement of each Member receiving the call shall include the following:
 - (a) name;
 - (b) parliamentary office or portfolio; and
 - (c) political party;

- (5) no comment on the presence or absence of Members (including Ministers) is to be made; and
- (6) no sponsorship shall be associated with any direct broadcast;

(B) RADIO

Direct broadcasts by radio stations shall be made in accordance with the rules laid down for the broadcast of Question Time by the Resolution of the Assembly of 11 October 1983 as varied by the Resolution of 12 November 1985.

(C) EXCERPTS OF RECORDINGS FOR BROADCAST BY TELEVISION AND RADIO

- (1) Sound excerpts for radio broadcasting purposes shall be recorded from the audio signal of proceedings transmitted by the Assembly monitoring system throughout the Northern Territory Legislative Assembly;
- (2) excerpts for television purposes may be taken from recordings made in accordance with the Rules laid down under "Part (A) TELEVISION";
- (3) excerpts are not to be used for the purposes of satire or ridicule;
- (4) excerpts shall not be used for the purposes of political party advertising or in election campaigns;
- (5) fairness and accuracy and a general overall balance should be observed;
- (6) excerpts of proceedings which are subsequently withdrawn shall be available for re-broadcast provided the withdrawal is also reported;
- (7) excerpts must be placed in context - commentators should identify Ministers and Members at least by name;
- (8) events in the Gallery are not part of the proceedings and excerpts in relation to such events, as far as is practicable, should not be used;
- (9) qualified privilege only shall apply to broadcasters in the use of excerpts;
- (10) the instructions of the Speaker or his delegated representative on the use of recorded excerpts shall be observed at all times;

(11) where the excerpts are used on commercial networks, the station should try to ensure that advertising before and after excerpts is of an appropriate nature; and

(12) access to proceedings for the purpose of recording excerpts shall be on the basis of an undertaking to observe these guidelines; and

(D) BREACHES OF RULES

It is a fundamental term of these conditions that any breach of any of these Rules may result in the immediate suspension of the privilege by Mr Speaker.

Debate ensued.

The Leader of Government Business (Mr Hanrahan) moved - That the question be now put.

Question - That the question be now put - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

NOES, 8

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter

Mr Bell
Mr Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura
Mr Tuxworth

And so it was resolved in the affirmative.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 7

NOES, 16

Mr Bell
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura
Mr Tuxworth

Mr Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron

Mr Poole
Mr Reed
Mr Setter

And so it was resolved in the negative.

6. MATTER OF PUBLIC IMPORTANCE - PSYCHIATRIC PATIENTS' ACCOMMODATION:

The Speaker (Mr Vale) informed the Assembly that the Member for Macdonnell (Mr Bell) had proposed that the following definite matter of public importance be submitted to the Assembly for discussion this day:

"The inability of the Minister for Health and Community Services to protect mothers and babies at the Royal Darwin Hospital, his failure to provide secure, humane care and accommodation for psychiatric patients and his demonstrated ignorance of their plight".

The proposed discussion having received the necessary support -

The Speaker called on Mr Bell to address the Assembly.

Discussion ensued.

Suspension of sitting: The sitting was suspended between 11.58 a.m. and 2.00 p.m.

Discussion continued.

Discussion concluded.

7. METEORITES BILL 1988 (Serial 68):

The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to make provision for the protection of meteorites and tektites.

Bill read a first time.

Mr Manzie moved - That the Bill be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

8. DISCHARGE OF GOVERNMENT BUSINESS - ORDER OF THE DAY:

The Attorney-General (Mr Manzie), by leave, moved - That Government Business, Order of the Day No.22 relating to the Bail Amendment Bill (No.2) 1987 (Serial 57) be discharged from the Notice Paper.

Question - put and passed.

9. INTERPRETATION AMENDMENT BILL 1987 (Serial 60):

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.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

10. DISTINGUISHED VISITOR - MR ROGER STEELE:
The Speaker (Mr Vale) informed the Assembly that Mr Roger Steele, a former Speaker and Member of the Northern Territory Legislative Assembly, was present in the Gallery.
Mr Speaker extended a warm welcome to the distinguished visitor.
11. FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) AMENDMENT BILL 1987 (Serial 69):
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.
Leave granted for a motion for the third reading of the Bill to be moved forthwith.
On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.
12. TAXATION (ADMINISTRATION) AMENDMENT BILL (No.3) 1987 (Serial 81) AND STAMP DUTY AMENDMENT BILL (No.4) 1987 (Serial 80):
The order of the day having been read for the resumption of the debate on the question - That the Bills be now read a second time -
Debate resumed.
Question - put and passed.
Bills read a second time.
Leave granted for a motion for the third reading of the Bills to be moved forthwith.
On the motion of the Treasurer (Mr Coulter) the Bills were read a third time and passed to be proposed laws.
13. RADIOGRAPHERS AMENDMENT BILL 1987 (Serial 82):
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, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

In the Committee
(Chairman - Mr Dondas)

Clause 1 agreed to.
Clause 2 negatived, after debate.
Remainder of the Bill, by leave, taken as a whole and agreed to.
Bill to be reported with an amendment.

- The Speaker (Mr Vale) resumed the Chair and the Chairman (Mr Dondas) reported accordingly and the report was adopted.
On the motion of the Minister for Health and Community Services (Mr Dale) the Bill was read a third time and passed to be a proposed law.
14. LAW OFFICERS AMENDMENT BILL 1987 (Serial 78):
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.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

15. ADJOURNMENT:

The Leader of Government Business (Mr Hanrahan) moved - That the Assembly do now adjourn.

Debate ensued.

Paper tabled: The Member for Ludmilla (Mr Firmin), by leave, laid on the Table a letter from Mr P.H. Fuchs to Town Clerk, Darwin City Council, dated 29 January 1988 relating to the intended closing of Hudson Fysh Avenue.

Petition: Mr Firmin, by leave, presented a petition, not conforming with Standing Orders, from 184 citizens of the Northern Territory requesting that the Darwin City Council reconsider its intention to close Hudson Fysh Avenue.

Statement by Mr Speaker:

The Speaker (Mr Vale) made a statement relating to the removal of demountables from the Assembly precincts.

Question - put and passed.

The Assembly adjourned at 4.38 p.m. until tomorrow at 10.00 a.m.

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ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 32

Thursday 25 February 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. QUESTIONS:

Questions were asked of Ministers.

And the Minister for Mines and Energy (Mr Coulter) proceeding to answer a question asked by the Member for Macdonnell (Mr Bell) on 24 February 1988 -

Point of order: The Member for Nhulunbuy (Mr Leo) raised as a point of order that Mr Coulter's answer should not be given during Question Time as the question which the Minister was answering had been asked during debate on the Adjournment for the previous day.

Ruling of Speaker: The Speaker (Mr Vale) ruled - That Mr Coulter was in order in answering the question.

Answer continued to be given.

Dissent from Speaker's ruling: The Leader of the Opposition (Mr Smith) moved dissent from the Speaker's ruling.

Ruling of Speaker: The Speaker ruled that the dissent motion was not in order as Mr Smith had not moved his motion of dissent at once in accordance with the terms of Standing Order 82.

Dissent from Speaker's ruling: The Leader of the Opposition (Mr Smith) moved - That the ruling of the Speaker (that Mr Smith's motion of dissent was not in order as it did not accord with Standing Order 82) be dissented from.

The motion was submitted in writing and the Member for Stuart (Mr Ede) seconded the motion.

Debate ensued.

Question - That the dissent by Mr Smith to the Speaker's ruling be agreed to - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 6

NOES, 15

Mr Bell
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter

And so it was resolved in the negative.
Further questions were asked of Ministers.

4. WHO SPEAKS FOR KATHERINE? - REPORT - PAPER TABLED:

The Minister for Health and Community Services (Mr Dale) pursuant to an undertaking given on 24 February 1988, laid on the Table the report of the Katherine Social Planning and Development Unit entitled "Who Speaks for Katherine?" dated September 1987 together with an Errata Sheet.

5. TERRITORY DEVELOPMENT STRATEGY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Chief Minister (Mr Hatton) made a statement relating to the Government's development strategy timetable for the Northern Territory.

Mr Hatton moved - That the Assembly take note of the statement.

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.58 a.m. and 2.00 p.m.

Debate continued.

Suspension of Standing Orders: The Minister for Industries and Development (Mr Perron) moved - That so much of Standing Orders be suspended as would prevent the Leader of Government Business (Mr Hanrahan) from completing his speech.

Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.

Debate continued.

Question - put and passed.

6. SPEECH TIME LIMITS - STATEMENT:

The Speaker (Mr Vale) made a statement relating to practice in the timing of speeches.

7. AMENDMENTS OF THE EDUCATION (SCHOOL COUNCILS) REGULATIONS - MOTION FOR DISALLOWANCE:

The Member for Stuart (Mr Ede) moved - That the Amendments of the Education (School Councils) Regulations as contained in Regulations 1988 No.4 and made under the *Education Act* be disallowed.

Debate ensued.

The Leader of Government Business (Mr Hanrahan) moved - That the debate be adjourned.

Question - That the debate be adjourned - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

NOES, 9

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole

Mr Bell
Mr Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mrs Padgham-Purich
Mr Smith
Mr Tipiloura
Mr Tuxworth

Mr Reed
Mr Setter

And so it was resolved in the affirmative.

8. AMENDMENTS OF THE EDUCATION (SCHOOL COUNCILS) REGULATIONS - MOTION FOR DISALLOWANCE - SPECIAL ADJOURNMENT:

The Leader of Government Business (Mr Hanrahan) moved - That the resumption of the debate be made an Order of the Day for 17 May 1988 or until the day following the receipt of a Report from the Subordinate Legislation and Tabled Papers Committee on Amendments of the Education (School Councils) Regulations as contained in Regulations 1988 No.4 made under the *Education Act*, if such a Report be received earlier.

Mr Hanrahan moved - That the question be now put.

Question - That the question be now put - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

NOES, 9

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter

Mr Bell
Mr Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mrs Padgham-Purich
Mr Smith
Mr Tipiloura
Mr Tuxworth

And so it was resolved in the affirmative.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

NOES, 9

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter

Mr Bell
Mr Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mrs Padgham-Purich
Mr Smith
Mr Tipiloura
Mr Tuxworth

And so it was resolved in the affirmative.

9. GRAIN MARKETING AMENDMENT BILL 1988 (Serial 77):

The Minister for Industries and Development (Mr Perron), pursuant to notice, presented a Bill for an Act to amend the *Grain Marketing Act*.

Bill read a first time.

Declaration of urgency: The Speaker (Mr Vale) having considered an application made by the Chief Minister (Mr Hatton) pursuant to Standing Order 179, declared the Bill to be an urgent Bill.

Mr Perron moved - That the Bill be now read a second time.

On the motion of the Member for Millner (Mr Smith) debate was adjourned.

10. STOCK DISEASES AMENDMENT BILL 1988 (Serial 85):

The Minister for Industries and Development (Mr Perron), pursuant to notice, presented a Bill for an Act to amend the *Stock Diseases Act*.

Bill read a first time.

Declaration of urgency: The Speaker (Mr Vale) having considered an application made by the Chief Minister (Mr Hatton) pursuant to Standing Order 179, declared the Bill to be an urgent Bill.

Mr Perron moved - That the Bill be now read a second time.

On the motion of the Member for Millner (Mr Smith) debate was adjourned.

11. ADJOURNMENT:

The Chief Minister (Mr Hatton) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 7.50 p.m. until Tuesday 1 March 1988 at 10.00 a.m.

=====

PAPERS:

The following papers were deemed to have been presented on 25 February 1988:

Annual Reports:

National Trust of Australia (Northern Territory), 1986-87

Northern Territory Electricity Commission, 1986-87

Northern Territory Totalizator Administration Board, 1986-87 (Second)

Northern Territory Water Authority, 1986-87

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ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 33

Tuesday 1 March 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. PRIVILEGE - SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE, EVIDENCE NOT REPORTED - REQUEST FOR REFERRAL TO COMMITTEE OF PRIVILEGES - PAPER AND VIDEO TABLED:

Question to Chairman of the Subordinate Legislation and Tabled Papers Committee: The Chief Minister (Mr Hatton), by leave, asked the Chairman of the Subordinate Legislation and Tabled Papers Committee whether that Committee had given permission for the evidence taken by it, documents presented to it or its proceedings during this current period of sittings to be disclosed or published by any Member of the Committee or any other person, pursuant to Standing Order 274.

And the Chairman (Mr Setter) having answered in the negative -

Matter of Privilege: Mr Hatton, pursuant to Standing Order 83, then raised as a matter of privilege the fact that the Member for Barkly (Mr Tuxworth) appeared on the ABC 7.30 Report on 25 February 1988 and purported to detail proceedings of a Standing Committee of the Assembly, in breach of Standing Order 274, and submitted that the statement so made constituted a contempt of the Parliament and requested that the Speaker refer the matter to the Committee of Privileges.

Paper tabled: Mr Hatton, pursuant to Standing Order 87, produced a transcript of the ABC 7.30 Report interview and a video copy of the interview.

The Speaker (Mr Vale) agreed to consider the matter and to report his decision before or during the next sitting day.

4. NOTICES:

The following notices were given:

Mr Ede: To move -

That, in view of the fact that -

- (a) the Assembly will probably not consider the proposed disallowance of the Education (School Councils) Regulations until 17 May 1988;
- (b) a number of School Councils have expressed concern over the Regulations; and
- (c) considerable confusion exists over the interpretation of the Regulations,

this Assembly request the Government to amend the Regulations as soon as possible to provide that -

- (1) teachers in a school comprise no more than one-third of the membership of that School's Council;
- (2) two-thirds of School Council membership comes from parents of students at the school;

(3) schools may opt to co-opt their local Member of Parliament and Local Government Representative without ministerial veto; and

(4) Head Teachers are always members of School Councils.

Mr Ede: To further move -

That this Assembly -

(1) draws to the attention of the Government the lack of broad consultations on the issue of the future of advanced education in the Territory;

(2) notes the confusion and concerns that exist because of that lack; and

(3) requests the Minister for Education immediately to remedy the situation.

Mr Hatton: To present the Fire Service Amendment Bill 1988 (Serial 70).

Mr Coulter: To present the Mining Amendment Bill 1988 (Serial 88).

Mr Bell: To move -

That this Assembly -

(1) endorses the principle that every Territorian should have a right to know the reasons for administrative decisions that adversely affect him or her; and

(2) is of the opinion that a trial, non-legislative scheme should be implemented, based on reform elsewhere in Australia requiring administrators in appropriate areas to give reasons for administrative decisions when they are made under legislation with a view to the future introduction of a legislative framework for such a scheme.

Mr Bell: To present the Liquor Amendment Bill 1988 (Serial 89).

Mr Bell: To move -

That the following matter be referred to the Sessional Committee on the Environment -

The use of non-urban land in the Northern Territory with particular reference to:

(1) the allegation of the degradation of Territory rangeland; and

(2) the regulation and management of the Territory's rural land use resource with particular reference to -

(a) the information base relating to natural resources; and

(b) the transfer of appropriate and useful techniques to landholders.

Mr Finch: To present the Traffic Amendment Bill 1988 (Serial 87).

5. LEAVE OF ABSENCE:

The Member for Ludmilla (Mr Firmin) moved - That leave of absence be granted to the Minister for Tourism (Mr Hanrahan) for the remainder of these sittings on account of government business overseas.

Question - put and passed.

6. ACTING LEADER OF GOVERNMENT BUSINESS - STATEMENT:

The Chief Minister (Mr Hatton) informed the Assembly that in the absence of the Leader of Government Business (Mr Hanrahan) the Minister for Mines and Energy (Mr Coulter) would undertake the duties of the Leader of Government Business.

7. LEAVE OF ABSENCE:

The Member for Arnhem (Mr Lanhupuy) moved - That leave of absence be granted to the Member for Arafura (Mr Tipiloura) for the remainder of these sittings on account of his accompanying the Minister for Tourism (Mr Hanrahan) on government business overseas.

Question - put and passed.

8. QUESTION TIME - SPEAKER'S STATEMENT:

The Speaker (Mr Vale) informed the Assembly of the reasons for his ruling on a point of order raised by the Member for Nhulunbuy (Mr Leo) - questioning the appropriateness of the Minister for Mines and Energy (Mr Coulter) answering a question during Question Time of 25 February 1988 which had been asked during the adjournment debate of 24 February 1988.

9. QUESTIONS:

Questions were asked of Ministers.

10. GENERAL BUSINESS DAY - STATEMENT:

The Minister for Mines and Energy (Mr Coulter), by leave, advised the Assembly, pursuant to Standing Order 93, that the Chief Minister had nominated Wednesday 2 March 1988 as the next day on which General Business would take precedence of Government Business.

11. STANDING ORDERS COMMITTEE, THIRD REPORT - PAPER TABLED - ORDER TO PRINT - MOTION TO ADOPT REPORT:

The Member for Araluen (Mr Poole) laid on the Table the Third Report of the Standing Orders Committee.

Ordered - That the Report be printed.

Mr Poole moved - That the Report be adopted.

On the motion of the Member for Stuart (Mr Ede) debate was adjourned.

12. MIMOSA PIGRA - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Industries and Development (Mr Perron) made a statement relating to the control of Mimosa Pigra weed in the Northern Territory wetlands.

Mr Perron moved - That the Assembly take note of the statement.

Question - put and passed.

13. MINING AND PETROLEUM INDUSTRY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Mines and Energy (Mr Coulter) made a statement relating to the mining and petroleum developments in the Northern Territory and their effects on the Territory economy.

Mr Coulter moved - That the Assembly take note of the statement.

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.59 p.m. and 2.00 p.m.

Debate continued.
Question - put and passed.

14. **MATTER OF PUBLIC IMPORTANCE - FREEHOLDING OF PASTORAL LAND :**
The Speaker (Mr Vale) informed the Assembly that the Member for Macdonnell (Mr Bell) had proposed that the following definite matter of public importance be submitted to the Assembly for discussion this day:

"The Government's stated policy of freeholding pastoral land".

The proposed discussion having received the necessary support -
The Speaker called on Mr Bell to address the Assembly.
Discussion ensued.
Discussion concluded.

15. **TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1987 (Serial 55):**
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, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

In the Committee
(Chairman - Mr Dondas)

Clauses 1 to 3, by leave, taken together and agreed to.
Clause 4 -
Mr Manzie moved the following amendment -

Insert in the proposed definition of "progeny" in paragraph (a), after "includes", the words "live ova and live sperm and".

Amendment agreed to.
Clause, as amended, agreed to.
Clauses 5 and 6, by leave, taken together and agreed to.
Clause 7 -
Mr Manzie moved the following amendment -

Insert after paragraph (a) the following:

"(aa) by omitting from subsection (1) 'limitations of' and substituting 'limitations of the Regulations, ' ; and".

Amendment agreed to, after debate.
Clause, as amended, agreed to.
Clause 8 -
Mr Lanhupuy moved the following amendment -

Add at the end the following:

"(2) Section 42 of the Principal Act is amended by inserting after subsection (1) the following:

'(1A) Regulations shall not be made for the purposes of subsection (1)(d) unless the Director first -

(a) publishes in a newspaper circulating in the Territory a notice -

(i) giving details of the effect of the proposed Regulations, including any terms, conditions and limitations to which the catching or restraining is to be subject; and

(ii) inviting members of the public to make submissions to the Director in relation to the proposed Regulations within 28 days after the publication of the notice; and

(b) after the expiration of that 28 day period, considers all such submissions made to him.'."

Debate ensued.

Amendment negatived.

Clause agreed to.

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

New clause -

Mr Manzie moved - That the following new clause be inserted in the Bill -

"11. REGULATIONS

Section 123(2) of the Principal Act is amended -

(a) by omitting from paragraph (a) 'aviaries; and' and substituting 'aviaries;';

(b) by omitting from paragraph (b) 'nature.' and substituting 'nature;'; and

(c) by adding at the end the following:

'(c) specify terms, conditions and limitations to which the issue of permits under this Act shall be subject; and

(d) limit the persons to whom permits may be issued.'."

Debate ensued.

Proposed new clause agreed to.

Title agreed to.

Bill to be reported with amendments.

The Speaker (Mr Vale) resumed the Chair and the Chairman (Mr Dondas) reported accordingly and the report was adopted.

On the motion of the Minister for Conservation (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

16. GRAIN MARKETING AMENDMENT BILL 1988 (Serial 77):

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.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Minister for Industries and Development (Mr Perron) the Bill was read a third time and passed to be a proposed law.

17. STOCK DISEASES AMENDMENT BILL 1988 (Serial 85):

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.

Leave granted for a motion for the third reading of the Bill to be moved forthwith.

The Minister for Industries and Development (Mr Perron) 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 a proposed law.

18. ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 7.50 p.m. until tomorrow at 10 a.m.

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PAPERS:

The following papers were deemed to have been presented on 1 March 1988:

Annual Reports:

Accounting Standards Review Board, 1986-87

Juvenile Justice Review Committee, 1986-87

Mental Health Act, 1986-87

Northern Territory Racing, Gaming and Liquor Commission (First Report),
1 October 1986 - 30 June 1987

Northern Territory Racing and Gaming Commission (Final Report),
1 July 1986 - 30 September 1986

Hospital Management Board Reports:

Alice Springs, 1986-87

Katherine, 1986-87

Royal Darwin, 1986-87

Regulations 1988:

- No. 5 - Amendments of the Electricity By-laws
- No. 6 - Motor Vehicles (Hire Car) Loan Security Regulations
- No. 7 - Amendment of Stock Diseases Regulations
- No. 8 - Amendment of Liquor Regulations

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ATTENDANCE:

All Members attended the sitting, except Mr Hanrahan and Mr Tipiloura (on leave).

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 34

Wednesday 2 March 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. PRIVILEGE - ABC 7.30 REPORT - INTERVIEW WITH MEMBER FOR BARKLY, MR TUXWORTH - REFERENCE TO COMMITTEE OF PRIVILEGES:

The Speaker (Mr Vale) informed the Assembly that he had considered the matter of privilege relating to an interview with the Member for Barkly (Mr Tuxworth) televised on the ABC 7.30 Report on 25 February 1988 which was raised by the Chief Minister (Mr Hatton) on 1 March 1988 and that he referred the matter to the Committee of Privileges and would advise the Committee accordingly.

4. COMMITTEE OF PRIVILEGES - LEGAL REPRESENTATION OF MEMBER - STATEMENT:

The Member for Barkly (Mr Tuxworth), by leave, made a statement seeking legal representation for himself during the inquiry by the Committee of Privileges.

5. COMMITTEE OF PRIVILEGES - POWERS OF INQUIRY - MOTION AGREED TO:

The Leader of Government Business (Mr Coulter), by leave, moved - That, for the purpose of the inquiry of the Committee of Privileges into statements made by the Member for Barkly (Mr Tuxworth) on the ABC 7.30 Report on 25 February 1988, the Committee have power to send for persons, papers and records and to move from place to place.

Question - put and passed.

6. QUESTIONS:

Questions were asked of Ministers.

Paper tabled: The Member for Stuart (Mr Ede), by leave, laid on the Table a copy of advice he had received from K.A. Parish, Barrister at Law, dated 25 February 1988 regarding certain aspects of the Amendments of the Education (School Councils) Regulations, No.4 of 1988.

Further questions were asked.

7. COPYRIGHT - STATEMENT BY SPEAKER:

The Speaker (Mr Vale) made a statement in reply to a question asked of him by the Leader of the Opposition (Mr Smith) earlier this day concerning copyright and the transcript and video of the ABC 7.30 Report of 25 February 1988 tabled on 1 March 1988.

8. AMENDMENTS OF THE EDUCATION (SCHOOL COUNCILS) REGULATIONS - MOTION TO AMEND NEGATIVED:

The Member for Stuart (Mr Ede), pursuant to notice, moved -

That, in view of the fact that -

(a) the Assembly will probably not consider the proposed disallowance of the Education (School Councils) Regulations until 17 May 1988;

(b) a number of School Councils have expressed concern over the Regulations; and

(c) considerable confusion exists over the interpretation of the Regulations,

this Assembly request the Government to amend the Regulations as soon as possible to provide that -

- (1) teachers in a school comprise no more than one-third of the membership of that School's Council;
- (2) two-thirds of School Council membership comes from parents of students at the school;
- (3) schools may opt to co-opt their local Member of Parliament and Local Government Representative without ministerial veto; and
- (4) Head Teachers are always members of School Councils.

Debate ensued.

Papers tabled: The Treasurer (Mr Coulter) pursuant to Standing Order 256, moved - That the Member for Stuart table papers from which he had quoted during his speech.

Question - put and passed.

Mr Ede thereupon tabled the following papers:

- Education (School Councils) Regulations Amendments, questionnaire
- letter - President of the Leanyer School Council to the Minister for Education dated 15 February 1988.

Debate continued.

Suspension of sitting: The sitting was suspended between 12.07 p.m. and 2.00 p.m.

Debate continued.

Question - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 6

NOES, 15

Mr Bell
Mr Ede
Mr Lanhupuy
Mr Leo
Mrs Padgham-Purich
Mr Smith

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed

Mr Setter
Mr Vale

And so it was resolved in the negative.

9. NORTHERN TERRITORY FOOTBALL LEAGUE - CONGRATULATIONS - MOTION AGREED TO:
The Minister for Health and Community Services (Mr Dale), by leave, moved - That a telex be sent on behalf of all Members of the Legislative Assembly congratulating the Northern Territory Football League team competing in the Bicentennial Competition in Adelaide upon its victory over Tasmania today.

Debate ensued.

Question - put and passed.

10. NOTICES:

The following notices were given, by leave:

Mr Manzie: To present the Public Trustee Amendment Bill 1988 (Serial 96) and the Administration and Probate Amendment Bill 1988 (Serial 95).

11. ADVANCED EDUCATION - MOTION NEGATIVED:

The Member for Stuart (Mr Ede), pursuant to notice, moved - That this Assembly -

- (1) draws to the attention of the Government the lack of broad consultations on the issue of the future of advanced education in the Territory;
- (2) notes the confusion and concerns that exist because of that lack; and
- (3) requests the Minister for Education immediately to remedy the situation.

Debate ensued.

Question - put and negatived.

12. ADMINISTRATIVE DECISIONS - MOTION NEGATIVED:

The Member for Macdonnell (Mr Bell), pursuant to notice, moved - That this Assembly -

- (1) endorses the principle that every Territorian should have a right to know the reasons for administrative decisions that adversely affect him or her; and
- (2) is of the opinion that a trial, non-legislative scheme should be implemented, based on reform elsewhere in Australia requiring administrators in appropriate areas to give reasons for administrative decisions when they are made under legislation with a view to the future introduction of a legislative framework for such a scheme.

Debate ensued.

The Member for Nhulunbuy (Mr Leo), moved the following amendment -

Omit Paragraph (2) and insert in its stead:

"(2) is of the opinion that the implementation of a trial, non-legislative scheme should be investigated, based on reforms elsewhere in Australia requiring administrators in appropriate areas to give reasons for administrative decisions when they are made under legislation."

Debate ensued.

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

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

13. NOTICE WITHDRAWN - LIQUOR AMENDMENT BILL 1988 (Serial 89):
The Member for Macdonnell (Mr Bell) withdrew General Business, Notice No.1 standing in his name relating to the introduction of the Liquor Amendment Bill 1988 (Serial 89).

14. LIQUOR AMENDMENT BILL 1987 (Serial 41) - RESTORATION TO NOTICE PAPER - MOTION AGREED TO:

The Member for Macdonnell (Mr Bell), by leave, moved - That the Liquor Amendment Bill 1987 (Serial 41) be restored to the Notice Paper and that the question - That the Bill be now read a second time - be made an Order of the Day for a later hour.

Question - put and passed.

15. NON-URBAN LAND USE IN THE NORTHERN TERRITORY - PROPOSED REFERENCE TO SESSIONAL COMMITTEE ON ENVIRONMENT - MOTION NEGATIVED:

The Member for Macdonnell (Mr Bell), pursuant to notice, moved -

That the following matter be referred to the Sessional Committee on the Environment -

The use of non-urban land in the Northern Territory with particular reference to:

- (1) the allegation of the degradation of Territory rangeland; and
- (2) the regulation and management of the Territory's rural land use resource with particular reference to -
 - (a) the information base relating to natural resources; and
 - (b) the transfer of appropriate and useful techniques to landholders.

Debate ensued.

Paper tabled: The Minister for Lands and Housing (Mr Manzie) laid on the Table a letter from Dr G. Pickup, Officer-in-Charge, Centre for Arid Zone Research of the CSIRO, dated 12 February 1988.

Debate continued.

Question - put and negatived.

16. LOCAL GOVERNMENT AMENDMENT BILL 1987 (Serial 74):

The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

Question - put and negatived.

17. PUBLIC ACCOUNTS COMMITTEE - ACTUAL AND CONTINGENT LIABILITIES OF THE NORTHERN TERRITORY GOVERNMENT, REPORT - PAPER NOTED:

The order of the day having been read for the resumption of the debate on the motion of the Member for Karama (Mr Palmer) (24 November 1987) - That the Assembly take note of the Paper -

Debate resumed.

Question - put and passed.

18. PERSONAL EXPLANATION:

The Chief Minister (Mr Hatton) made a personal explanation relating to comments that he made during debate earlier this day upon the Local Government Amendment Bill 1987 (Serial 74).

19. STANDING ORDERS COMMITTEE, THIRD REPORT - REPORT ADOPTED:

The order of the day having been read for the resumption of the debate on the motion of the Member for Araluen (Mr Pcole) (1 March 1988) - That the Report of the Committee be adopted -

Question - put and passed.

20. LIQUOR AMENDMENT BILL 1987 (Serial 41):

The order of the day having been read for the second reading of the Bill - The Member for Macdonnell (Mr Bell) moved - That the Bill be now read a second time.

Debate ensued.

The Leader of Government Business (Mr Coulter) moved - That the question be now put.

Question - That the question be now put - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 14

NOES, 5

Mr Coulter

Mr Dale

Mr Dondas

Mr Finch

Mr Firmin

Mr Harris

Mr Hatton

Mr McCarthy

Mr Manzie

Mr Palmer

Mr Perron

Mr Poole

Mr Reed

Mr Setter

Mr Bell

Mr Ede

Mr Leo

Mrs Padgham-Purich

Mr Smith

And so it was resolved in the affirmative.

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

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 4

NOES, 16

Mr Bell

Mr Ede

Mr Leo

Mr Smith

Mr Coulter

Mr Dale

Mr Dondas

Mr Finch

Mr Firmin

Mr Harris

Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Vale

And so it was resolved in the negative.

21. ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 11.32 p.m. until tomorrow at 10.00 a.m.

=====

PAPER:

The following paper was deemed to have been presented on 2 March 1988:

Annual Report:

Department of Industries and Development, 1986-87

=====

ATTENDANCE:

All Members attended the sitting, except Mr Hanrahan and Mr Tipiloura (on leave).

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 35

Thursday 3 March 1988

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. QUESTION TIME - REFERENCE TO STANDING ORDERS COMMITTEE - MOTION AGREED TO:
The Leader of the Opposition (Mr Smith), by leave, moved -

That the practice of the Legislative Assembly whereby answers to Questions asked on previous days in either Question Time or on the Adjournment are, on occasion, given by Ministers during Question Time be referred to the Standing Orders Committee for consideration and that the Committee report on the matter to the Assembly generally and with particular reference to:

- (a) whether such answers should be given during or at the end of Question Time;
- (b) if Ministers desire to have such answers broadcast, whether such answers could be made at the end of Question Time and be included in an extended broadcast; and
- (c) whether any other arrangement would be more suitable to the needs of the Assembly and its Members.

Debate ensued.

Question - put and passed.

4. TELEVISIONING QUESTION TIME - STATEMENT:

The Speaker (Mr Vale) informed the Assembly that he had authorized officers from the Darwin Institute of Technology to televise a portion of Question Time this morning for the purposes of making a promotional video for 8-Top FM.

5. QUESTIONS:

Questions were asked of Ministers.

Privilege - Possible breach of copyright - Request for referral to Committee of Privileges: The Leader of the Opposition (Mr Smith) asked the Chief Minister (Mr Hatton) a question relating to the authority and author of the transcript and video of a portion of the ABC 7.30 Report of 25 February 1988 tabled on 1 March 1988.

And Mr Smith having been informed by the Chief Minister that the author of the transcript and video was his own Office -

Mr Smith, pursuant to Standing Order 83, then raised as a matter of privilege that, in his view, a prima facie case existed that the Chief Minister had been in breach of the *Copyright Act* by taping ABC 7.30 Report and having a transcript prepared and that by tabling in the Assembly material illegally copied the Chief Minister had brought the Assembly into disrepute. He requested that the Speaker refer the matter to the Committee of Privileges.

The Speaker (Mr Vale) agreed to consider the matter and to report his decision before or during the next sitting day.

Further questions were asked.

Privilege - Possible breach of copyright - Request for referral to Committee of Privileges - Speaker's Decision: The Speaker advised the Assembly that he had considered the request of Mr Smith to refer the matter to the Committee of Privileges.

The Speaker made a statement and then informed the Assembly of his decision in the following terms:

"It is not the responsibility or the province of Presiding Officers to interpret or to adjudicate on actions taken by Members which could be governed by Statute. That is the province of the Judicial Process.

I do not propose to refer the matter to the Committee of Privileges."

6. NORTHERN TERRITORY FOOTBALL LEAGUE - PAPER TABLED:

The Speaker (Mr Vale) read to the Assembly a letter from Mr Tony Shaw, President of the Northern Territory Football League expressing sincere thanks for the congratulations of the Members of the Legislative Assembly which were sent to the Northern Territory Football League team on Wednesday 2 March 1988.

7. ADULT GUARDIANSHIP AND POWERS OF ATTORNEY, DRAFT BILLS - PAPERS TABLED - STATEMENT:

The Minister for Health and Community Services (Mr Dale) laid on the Table draft Bills entitled Adult Guardianship Bill and Powers of Attorney Bill.

Mr Dale made a statement relating thereto.

8. TERRITORY LOANS MANAGEMENT CORPORATION, ANNUAL REPORT 1986-87 - PAPER TABLED - STATEMENT - PAPER NOTED:

The Treasurer (Mr Coulter) laid on the Table the report of the Territory Loans Management Corporation for the year 1986-87.

Mr Coulter, by leave, made a brief statement relating thereto.

Mr Coulter moved - That the Assembly take note of the Paper.

Question - put and passed.

9. CHILD ABUSE - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Health and Community Services (Mr Dale) made a statement relating to the problems of child abuse in the Northern Territory.

Mr Dale moved - That the statement be noted.

Debate ensued.

On the motion of the Member for Port Darwin (Mr Harris) debate was adjourned.

Suspension of sitting: The sitting was suspended between 11.58 a.m. and 2.00 p.m.

10. PERSONAL EXPLANATION:

The Chief Minister (Mr Hatton), by leave, made a personal explanation relating to comments made by the Member for Macdonnell (Mr Bell) regarding the Warumungu Land Claim earlier this sitting.

11. SPECIAL ADJOURNMENT:

The Acting Leader of Government Business (Mr Coulter) moved - That the Assembly at its rising adjourn until Tuesday, 17 May 1988 at 10.00 a.m. or such other time and/or date as may be set by Mr Speaker pursuant to Sessional Order.

Question - put and passed.

12. SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT - EXTENSION OF TIME TO REPORT - MOTION ADOPTED:

The Chief Minister (Mr Hatton), by leave, moved - That the time for reporting of the Select Committee on Constitutional Development be extended a further twelve months.

Question - put and passed.

13. FIRE SERVICE AMENDMENT BILL 1988 (Serial 70):

The Chief Minister (Mr Hatton), pursuant to notice, presented a Bill for an Act to amend the *Fire Service Act*.

Bill read a first time.

Mr Hatton moved - That the Bill be now read a second time.

On the motion of the Member for Arnhem (Mr Lanhupuy) debate was adjourned.

14. MINING AMENDMENT BILL 1988 (Serial 88):

The Minister for Mines and Energy (Mr Coulter), pursuant to notice, presented a Bill for an Act to amend the *Mining Act* and for another purpose.

Bill read a first time.

Mr Coulter moved - That the Bill be now read a second time.

On the motion of the Member for Nhulunbuy (Mr Leo) debate was adjourned.

15. TRAFFIC AMENDMENT BILL 1988 (Serial 87):

The Minister for Transport and Works (Mr Finch), pursuant to notice, presented a Bill for an Act to amend the *Traffic Act 1987*.

Bill read a first time.

Mr Finch moved - That the Bill be now read a second time.

On the motion of the Member for Arnhem (Mr Lanhupuy) debate was adjourned.

16. SUSPENSION OF STANDING ORDERS - TAKE TWO BILLS TOGETHER:

The Attorney-General (Mr Manzie) moved - That so much of Standing Orders be suspended as would prevent two Bills namely the Public Trustee Amendment Bill 1988 (Serial 96) and the Administration and Probate Amendment Bill 1988 (Serial 95) -

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

(b) the consideration of the Bills separately in Committee of the Whole.

Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.

17. PUBLIC TRUSTEE AMENDMENT BILL 1988 (Serial 96) AND ADMINISTRATION AND PROBATE AMENDMENT BILL 1988 (Serial 95):

The Attorney-General (Mr Manzie), pursuant to notice and resolution, presented a Bill for an Act to amend the *Public Trustee Act* and a Bill for an Act to amend the *Administration and Probate Act*.

Bills read a first time.

Mr Manzie moved - That the Bills be now read a second time.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

18. POLICE ADMINISTRATION AMENDMENT BILL 1988 (Serial 83); BAIL AMENDMENT BILL 1987 (Serial 34) AND CRIMINAL CODE AMENDMENT BILL 1987 (Serial 35):

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.

Papers tabled: The Member for Macdonnell (Mr Bell), by leave, laid on the Table the following papers -

- Letter, Northern Territory Bar Association to Editor N.T. News, 25 February 1988
- Letter, Eugene H. White to Chief Minister, 22 February 1988
- Report, "Custody and Investigation" by Consultative Committee on Police Powers of Investigation
- Legislative Council of Victoria Bill - Crimes (Criminal Investigations Act 1987 - (Private Members Bill))
- Legislative Council of Victoria Bill - Crimes (Custody and Investigation) Act 1987 - (Government)
- Legislative Assembly of Victoria - Second reading speech for introduction of Crimes (Custody and Investigation) Bill (Government) - dated 8 October 1987
- Mildren Amendments
- Draft amendments as agreed by Consultative Committee in November

Debate continued.

Suspension of Standing Orders: The Leader of Government Business (Mr Coulter) moved - That so much of Standing Orders be suspended as would prevent the Member for Macdonnell (Mr Bell) from completing his speech.

Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.

Debate continued.

Papers tabled: The Attorney-General (Mr Manzie), by leave, laid on the Table the following papers -

- The Judges Rules - guide for Police Officers to follow upon interrogations
- Australian Law Report Number 412 - R. v Anunga and Others; R. v Wheeler and Another.

Suspension of Standing Orders: The Minister for Health and Community Services (Mr Dale) moved - That so much of Standing Orders be suspended as would prevent the Attorney-General (Mr Manzie) from completing his speech.

Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.

Papers tabled: Mr Manzie, by leave, laid on the Table the following papers -

- Report - Royal Commission on Criminal Procedure -
Chairman: Sir Cyril Philips
- Juvenile Justice Act (Northern Territory) section 25.

Debate continued.

The Member for Nhulunbuy (Mr Leo) moved - That all words after " - That" be omitted, and insert -

"the Police Administration Amendment Bill 1988 (Serial 83) be withdrawn and redrafted to include those safeguards which were agreed to by the Committee of interested parties established to examine the original Bill in December 1987 and specifically to include the concepts of:

- (1) the right of a person in custody to have a relative, friend or lawyer informed of the fact of their arrest by a member of the Police Force unless the Police have reasonable grounds for refusing the request and, in serious cases, the right of a person suspected of having committed an offence to have information required and any responses thereto tape-recorded unless it is impracticable to do so;
- (2) the right of a person, suspected of having committed an offence, to refuse to answer questions or to participate in investigations except where required to do so by or under an Act or a Commonwealth Act;
- (3) evidence of a confession or admission made to a member of the Police Force by a person who was suspected of having committed a serious crime being held inadmissible as part of the prosecution case in proceedings for a crime unless it is tape-recorded;
- (4) the onus on the prosecution to establish the voluntariness of an admission or confession made by a person suspected of having committed an offence;
- (5) the discretion of a court to exclude unfairly obtained evidence; and
- (6) the discretion of a court to exclude illegally or improperly obtained evidence."

Debate ensued.

Question - That the amendment be agreed to - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 6

Mr Bell
Mr Collins
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tuxworth

NOES, 16

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Vale

Amendment negatived accordingly.

Debate continued.

Paper tabled: The Chief Minister (Mr Hatton), by leave, laid on the Table a copy of a letter from himself to Mr Graham Hiley QC, President, Northern Territory Law Society, dated 3 March 1988 together with the Terms of Reference for a Review Committee on Police Investigations and Rights of Persons Suspected or Accused of Crime.

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

The Assembly divided (the Speaker, the Hon. R.W.S Vale, in the Chair) -

AYES, 16

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Vale

NOES, 6

Mr Bell
Mr Collins
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tuxworth

And so it was resolved in the affirmative.

Bill read a second time.

The Assembly, according to Order, resolved itself into a Committee of the Whole for the consideration of the Bill.

In the Committee
(Chairman - Mr Dondas)

Police Administration Amendment Bill 1988 (Serial 83)

Clause 1 agreed to, after debate.

Clause 2 agreed to, after debate.

Clause 3 -

Debate ensued.

Question - That the clause stand as printed - put.

The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 16

NOES, 4

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith

And so it was resolved in the affirmative.

Clause 4 -

Debate ensued.

Question - That the clause stand as printed - put.

The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 16

NOES, 4

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith

And so it was resolved in the affirmative.

Clause 5 -

Debate ensued.

Suspension of sittings: The sitting of the Assembly was adjourned at 10.37 p.m. until the ringing of the Bells.

The Bells having been rung at 10.48 p.m. the Chairman (Mr Dondas) resumed the Chair.

Clause agreed to.

Clause 6 agreed to, after debate.

Clause 7 -

Mr Tuxworth moved the following amendment -

Insert in proposed section 138 before "In determining" the following:

"(1) In determining what is a reasonable time for the purposes of section 137(2), the justice or court before whom or which the question is brought shall accept as a law of the Territory that the right to personal liberty is the most elementary and important of all human rights, and shall have regard to that fact."

Debate ensued.

Question - That the amendment be agreed to - put.

The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 5

NOES, 16

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tuxworth

Mr Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter

Amendment negatived accordingly.

Mr Tuxworth moved the following further amendment -

Insert in proposed section 138 after paragraph (n) the following:

"(na) the time the person in custody has been in the company of police prior to and after the commencement of custody;"

Amendment agreed to, after debate.

Mr Tuxworth moved the following further amendment -

Insert after proposed section 138 the following:

"139. RIGHTS OF PERSONS IN RELATION TO QUESTIONING

"(1) Any member of the Police Force proposing to question a person whom the member reasonably believes to have committed an offence must inform that person that -

- (a) he or she may communicate with or attempt to communicate with a friend or relative to inform that person of his or her whereabouts;
- (b) he or she may communicate with or attempt to communicate with a legal representative of his or her choice; and
- (c) he or she is not obliged to say anything, but anything that he or she does say may be given in evidence.

"(2) Where any person, taken into custody in connection with the investigation of an alleged offence -

(a) expresses a desire to communicate with a relative, friend or legal adviser, the member in whose custody or company the person then is, or the member conducting or proposing to conduct an interview with such person, shall afford reasonable facilities as soon as practicable to enable the person to do so, unless the member believes on reasonable grounds -

(i) that the communication would result in the escape of an accomplice or the fabrication or destruction of evidence; or

(ii) that the interview of the person is a matter of such urgency, having regard to the safety of other people, that no delay should occur before the interview takes place;

(b) indicates that he or she does not wish to be interviewed before consultation with a legal adviser or friend, the member conducting the interview shall defer it for such time as is reasonable in the circumstances, to enable, the person to obtain advice, unless the member believes, on reasonable grounds that the conditions set out subparagraphs (i) and (ii) of paragraph (a) apply; and

(c) is a foreign national, the member in whose custody he or she then is or who is conducting or proposing to conduct any interview with the person, shall, in addition, afford such person every reasonable facility to communicate immediately with the Consular Office of his or her country.

"(3) Where a person is in custody or at a police station in connection with the investigation of an alleged offence the member in whose custody or company he or she then is or the member conducting or proposing to conduct an interview with such person shall allow the person's solicitor or the solicitor's clerk to communicate with such person and shall, as far as practicable afford such facilities as will ensure that such communications will not be overheard by anyone.

"140. EVIDENCE OF CONFESSIONS OR ADMISSIONS

"(1) Evidence of a confession or admission contained in a statement made to a member of the Police Force by a person who was at the time suspected, or ought reasonably to have been suspected, of having committed an indictable offence, shall not be admissible in evidence as part of the prosecution case upon an indictable offence unless the statement was recorded by means of a sound recording apparatus, or the substance of the statement was later confirmed by the suspect and this confirmation was recorded by means of a sound recording apparatus, and the recording is available to be tendered in evidence.

"(2) In deciding for the purpose of this section whether a confirmation by the accused of the substance of an earlier statement was recorded, it shall be for the court to decide whether there was sufficient confirmation.

"(3) A court may admit evidence of a statement which otherwise would be excluded if it is satisfied on the balance of probabilities (proof whereof shall lie on the prosecution) that the circumstances are exceptional and justify the reception of the evidence.

"(4) The suspect or his or her legal representative shall be provided with a copy of the original tape on request as soon as practicable after such request is made.

"(5) Whenever a transcript is prepared of the tape, a copy of that transcript shall be provided to the accused or his or her legal representative, if requested.

"141. CERTAIN RIGHTS NOT AFFECTED

"Nothing in this Division affects -

- (a) the right of a suspect to remain silent;
- (b) the rules excluding confessions not made voluntarily;
- (c) the discretion of courts to exclude evidence obtained unfairly; or
- (d) the discretion of courts to exclude evidence improperly obtained."

Debate ensued.

And the Assembly having continued to sit until 12 midnight -

FRIDAY 4 MARCH 1988, A.M.

Question - That the amendment be agreed to - put.

The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 5

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tuxworth

NOES, 15

Mr Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter

Amendment negatived accordingly.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Proposed new clause -

Mr Tuxworth moved - That the following new clause be inserted in the Bill -

"9. EXPIRATION

"(1) Sections 3 to 8 of this Act shall expire with the last day of a period of 12 months commencing with the day this Act comes into operation.

"(2) Notwithstanding anything to the contrary in the *Interpretation Act*, the law in force on and after the day subsection (1) applies shall be the law in force immediately before the commencement of this Act.

"(3) If on the day that subsection (1) applies there is a person held pursuant to section 137(2) of the Principal Act (as amended by this Act), that person shall be brought before a justice or a court of competent jurisdiction as soon as is practicable on or after that day unless he or she is sooner granted bail under the *Bail Act* or is released from custody."

New clause negatived.

Title agreed to.

Bill to be reported with an amendment.

Bail Amendment Bill 1987 (Serial 34)

Bill, by leave, taken as a whole and agreed to.
Bill to be reported without amendment.

Criminal Code Amendment Bill 1987 (Serial 35)

Bill, by leave, taken as a whole.
Debate ensued.
Question - put.
The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 15

NOES, 4

Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter
Mr Vale

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith

And so it was resolved in the affirmative.
Bill agreed to.
Bill to be reported without amendment.

The Speaker (Mr Vale) resumed the Chair and the Chairman (Mr Dondas) reported accordingly and the reports were adopted.

The Chief Minister (Mr Hatton) moved - That the Bills be now read a third time.

And the Member for Macdonnell (Mr Bell) speaking to the motion -

Point of order: The Member for Karama (Mr Palmer) raised a question of order and referred to page 342 of the House of Representatives Parliamentary Practice and claimed - That Mr Bell was debating matters not permissible in third reading debates.

Ruling of Speaker: The Speaker upheld the point of order.

Dissent from ruling: Mr Bell moved - That the ruling of the Speaker be dissented from.

The motion was submitted in writing and the Leader of the Opposition (Mr Smith) seconded the motion.

The Member for Ludmilla (Mr Firmin) moved - That the question be now put.

Question - That the question be now put - put and passed.

Member named and suspended: And Mr Bell refusing to withdraw an unparliamentary expression and repeating that expression -

The Speaker named Mr Bell.

The Leader of Government Business (Mr Coulter) moved - That the Honourable Member for Macdonnell be suspended from the service of the Assembly.

Question - put and passed.

Mr Bell was, therefore, suspended at 12.39 a.m. for 24 hours, pursuant to Standing Order 241.

Mr Bell thereupon withdrew from the Chamber.

Question - That the ruling of the Speaker be dissented from - put and negatived.

Question - That the Bills be now read a third time - put.

The Assembly divided (the Speaker, the Hon. R.W.S. Vale, in the Chair) -

AYES, 15

NOES, 4

Mr Coulter

Mr Collins

Mr Dale

Mr Lanhupuy

Mr Dondas

Mr Leo

Mr Finch

Mr Smith

Mr Firmin

Mr Harris

Mr Hatton

Mr McCarthy

Mr Manzie

Mrs Padgham-Purich

Mr Palmer

Mr Perron

Mr Poole

Mr Setter

Mr Vale

And so it was resolved in the affirmative.

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

18. ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.

Debate ensued.

The Member for Leanyer (Mr Finch), by leave, had speech notes incorporated in **Hansard**.

Debate continued.

Question - put and passed.

The Assembly adjourned at 1.08 a.m. until Tuesday 17 May 1988 at 10.00 a.m. or such other time and/or date as may be set by Mr Speaker, pursuant to Sessional Order.

=====

PAPERS:

The following papers were deemed to have been presented on 3 March 1988:

Annual Reports:

Department of Lands and Housing -

Lands and Housing, 1986-87 (First)

Northern Territory Housing Commission, 1986-87

Northern Territory Plumbers and Drainers Licensing Board,
year ended 30 September 1987

Department of Law, 1986-87

Jabiru Town Development Authority, 1986-87

The Surveyors Board of the Northern Territory, 1986-87

Financial Statement:
Northern Territory Local Government Grants Commission, 1986-87

=====

ATTENDANCE:

All Members attended the sitting, except Mr Hanrahan and Mr Tipiloura (on leave).

H.G. SMITH
Clerk of the Legislative Assembly

FIFTH LEGISLATIVE ASSEMBLY

FIRST SESSION

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