

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings

OF THE

LEGISLATIVE ASSEMBLY

No. 40

Tuesday, 1 June 1976

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

2. QUESTIONS: Questions without notice were asked.

3. LAND TENURE INQUIRY - REPORT: Mr Tambling tabled the Final Report of the Commissioner on Land Tenure.

4. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - FOURTH AND FIFTH REPORTS: Mr Withnall presented the Fourth and Fifth Reports of the Committee.

5. POLICE AND POLICE OFFENCES BILL 1976 (Serial 113): Miss Andrew, pursuant to notice, presented the Bill which was thereupon read a first time.

Miss Andrew 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.

6. UNIT TITLES BILL 1976 (Serial 117): Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

7. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts notice No. 4 was called on.

8. FREEHOLD TITLES BILL 1976 (Serial 119): Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

9. REAL PROPERTY (UNIT TITLES) BILL 1976 (Serial 118): Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

10. SEEDS BILL 1976 (Serial 123): Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.

Dr Letts moved - That the Bill be now read a second time.

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

11. DARWIN HOSPITAL ADVISORY BOARD REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Pollock -

That the Assembly -

1. Notes the report of the Darwin Hospital Advisory Board for the year ended 29 February 1976, on the condition of buildings and facilities at the Darwin Hospital.
2. Expresses its concern at the condition of the buildings and facilities.
3. Calls on the Federal Government to take every possible action to rectify the problems.

Debate resumed.

Question put and passed.

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

12. ARRIVAL OF ADMINISTRATOR - STATEMENT: Dr Letts, by leave, made a statement relating to the arrival in Darwin of the newly appointed Administrator.

13. TRESPASSERS (TEMPORARY PROVISION) BILL 1976 (Serial 122): Miss Andrew, by leave, presented the Bill which was thereupon read a first time.

Miss Andrew moved - That the Bill be now read a second time.

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

14. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Steele, Order of the Day No. 2 (Road Safety Council Bill 1975) was postponed until a later hour.

15. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Steele, Order of the Day No. 3 (Lands Acquisition Bill 1975) was postponed until a later hour.

16. SELECT COMMITTEE ON REFURNISHING AND SECURITY - REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Robertson That the Report be adopted.

Debate resumed.

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

17. RADIOGRAPHERS BILL 1976 (Serial 97): 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.

18. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL 1976 (Serial 83): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

New clauses -

Dr Letts moved That the following new clauses be inserted in the Bill:-

"4.(1) Notwithstanding the repeals effected by section 3, the by-laws in force under the National Parks and Gardens Ordinance immediately before the commencement of this Ordinance are, in relation to the land in relation to which they operated immediately before the commencement of this Ordinance, as valid and effectual as if when they were made this Ordinance had been in operation and they had been made by the Commission under this Ordinance, and they shall continue in force but may be amended or repealed by by-laws made under this Ordinance.

"(2) For the purposes of sub-section (1), section 56 empowers the Commission to make by-laws in relation to land that, immediately before the commencement of this Ordinance, was committed to the care, control and management of the Reserves Board under section 13(1) of the National Parks and Gardens Ordinance as though that land was declared under this Ordinance to be a reserve for the purpose for which it is reserved under the Crown Lands Ordinance.

"4A.(1) Notwithstanding the repeals effected by section 3 but subject to this Ordinance, land that immediately before the commencement of this Ordinance was committed to the care, control and management of the Reserves Board under section 13(1) of the National Parks and Gardens Ordinance continues to be committed to the care, control and management of the Commission as though that Ordinance had not been repealed but the Commission had, by virtue of this Ordinance, assumed the assets, rights and liabilities of the Reserves Board.

"(2) The commission of an area of land, or of a part of an area of land, to the Commission may be revoked in like manner to the manner in which the commission of an area of land or of a part of an area of land to the Reserves Board could have been revoked immediately before the commencement of this Ordinance.

"4B. Where, immediately before the commencement of this Ordinance, an area of land was a protected area under the Wildlife Conservation and Control Ordinance, that area continues to be a protected area as though the declaration was made under this Ordinance but the declaration may be revoked by action taken under this Ordinance.

"4C.(1) At the commencement of this Ordinance all persons employed by the Northern Territory Reserves Board under the National Parks and Gardens Ordinance shall become employees of the Commission and, subject to sub-section (2), on the same terms under which they were employed immediately before the commencement of this Ordinance.

"(2) The rate of remuneration of a person referred to in sub-sec-

tion (1) shall, while he continues to be employed by the Commission, be not less favourable than that to which, in the opinion of the Administrator he would have been entitled in respect of the normal position that he occupied as an employee of the Northern Territory Reserves Board immediately before the commencement of this Ordinance.

"4D.(1) The rights, assets and liabilities of the Northern Territory Reserves Board existing immediately before the commencement of this Ordinance are acquired and accepted by the Commission.

"(2) The Commission shall carry out, complete and give effect to all dealings, transactions or matters that the Northern Territory Reserves Board was required to carry out, complete or give effect to at the commencement of this Ordinance as if the Commission were that Board and exercising its powers and functions under the National Parks and Gardens Ordinance.

"(3) All documents and things existing at the commencement of this Ordinance and executed by or signed on behalf of the Northern Territory Reserves Board shall be construed as if those documents or things were executed by or signed on behalf of the Commission, and all references in those documents or things to the Northern Territory Reserves Board shall be read as references to the Commission.

"(4) Notwithstanding any law of the Territory, the Registrar-General shall, after the commencement of this Ordinance, without other authority than this Ordinance, upon application by the Commission, amend all references in the registers kept under the Real Property Act and Ordinance to the Northern Territory Reserves Board, to read as references to the Commission."

Debate ensued.

On the motion of Mr Withnall further consideration of the proposed new clauses was postponed.

Clause 5 -

On the motion of Dr Letts the following amendments were made after debate:-

Insert in the definition of "aircraft", in sub-clause (1), after "buoyancy," the words "and includes a glider or hang-glider,".

Insert in sub-clause (1), after the definition of "protected animal", the following definition:

"'protected area' means a protected area declared under section 17A;".

On the motion of Dr Letts the following further amendment was made:-

Insert in sub-clause (1), after the definition of "this Ordinance", the following definition:

"'traffic sign' means a sign displayed on, above or adjacent to a road or public place, being a sign which gives or a combination of signs which together give a direction to traffic, and includes a mark made upon a road;".

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8 -

Dr Letts moved as an amendment -

Omit from sub-clause (2) "a sanctuary or".

Debate ensued.

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

Clause 9 agreed to.

Clause 10 -

On the motion of Dr Letts the following amendment was made:-

Add at the end "with its comments on those representations."

Clause, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13 -

Dr Letts moved as an amendment -

Insert in sub-clause (2) after "recovery" the words "or processing".

Debate ensued.

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

Clause 14 -

On the motion of Dr Letts the following amendments were made after debate:-

Add at the end of sub-clause (1) "taking into account such public opinion as is known to it".

Omit sub-clauses (2) and (3).

Omit paragraph (b) of sub-clause (12).

Omit sub-clauses (13) and (14).

From sub-clause (15) omit -

(a) "or (14)"; and

(b) "and setting out any views expressed by the Commission in respect of the matters to which the alterations relate".

Clause, as amended, agreed to.

Clause 15 agreed to.

Clause 16 -

On the motion of Dr Letts the following amendment was made:-

Omit from sub-clause (1) "sections 14(2) to (15)" and substitute "section 14, exclusive of sub-sections (1), (9) and (10),".

Clause, as amended, agreed to.

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

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

19. ADJOURNMENT: Mr Tambling moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1638 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 1 June 1976, pursuant to statute:

Regulations - 1976: No. 7 - Amendments of the Motor Omnibus Regulations.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 41

Wednesday, 2 June 1976

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITIONS: Miss Andrew presented a petition from staff members, students and citizens requesting the lifting of the staff ceiling at the Darwin Community College.

Petition received and read.

Petitions in similar terms were received from -

Mr Ballantyne;
Mr Robertson, and
Mr Manuell.

3. NOTICES: The following notices were given:-

Miss Andrew: To present the Disposal of Uncollected Goods Bill 1976 (Serial 121).

Miss Andrew: To move That the Assembly -

- (a) express its concern at the restriction placed on recruitment of Northern Territory Police beyond a limit of 468 including Trackers; and
- (b) draw the attention of the Minister for the Northern Territory to the need for urgent reconsideration of this limitation.

4. QUESTIONS: Questions without notice were asked.
5. KATHERINE RURAL COLLEGE PLANNING COMMITTEE - REPORT: Miss Andrew presented the Report of the Katherine Rural College Planning Committee.
6. SELECT COMMITTEE ON REFURNISHING AND SECURITY - REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Robertson That the report be adopted.

Debate resumed.

On the motion of Mr Pollock the following amendment was made after debate:-

Add the words "in principle".

Question - That the motion, as amended, be agreed to - put.

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

Ayes 8

Noes 10

Mr Ballantyne
Mr Dondas
Dr Letts
Mr MacFarlane
Mr Pollock

Miss Andrew
Mr Everingham
Mr Kentish
Mrs Lawrie
Mr Manuell

Mr Robertson
Mr Ryan
Mr Steele

Mr Perron
Mr Tambling
Mr Tuxworth
Mr Vale
Mr Withnall

And so it was resolved in the negative.

7. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL 1976 (Serial 83): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Clause 17 agreed to.

New clauses -

Dr Letts moved That the following heading and new clauses be inserted in the Bill:

"PART IIA - PROTECTED AREAS

"17A. The Administrator in Council, on the recommendation of the Commission, may declare any area of land, including land that has been alienated from the Crown or reserved for any purpose under any law, as a protected area.

"17B.(1) The Director shall cause to be prominently displayed, and shall maintain in good condition, at the side of each road entering a protected area, at or near the place where it enters the area, a clear sign indicating that the area is a protected area, setting out the terms of section 17C and generally indicating, by a diagram or otherwise, the boundaries of the protected area.

"(2) A person shall not remove, deface or otherwise interfere with a sign displayed under sub-section (1).

Penalty : 400 dollars.

"17C.(1) A person, other than a person included in a prescribed class of persons, shall not, without the written authority of the Director, have in his possession or under his control in a part of a protected area that is not a public road any kind of weapon that discharges a projectile or any kind of trap.

"(2) A person, other than a person included in a prescribed class of persons, shall not, without the written authority of the Director, use in a protected area any kind of weapon that discharges a projectile or any kind of trap.

Penalty : 400 dollars or imprisonment for 6 months."

Debate ensued.

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

Clause 18 agreed to, after debate.

Clauses 19 to 24 agreed to.

New clause -

Dr Letts moved That the following new clause be inserted in the Bill:-

"24A.(1) Notwithstanding anything elsewhere contained in this Ordinance, a person may take into his possession a protected or partly protected animal if he can establish that the action of taking it into his possession reasonably appeared to be necessary to preserve the life of the animal.

"(2) A person who takes an animal into his possession under sub-section (1) shall forthwith offer that animal to the Director.

Penalty : 400 dollars.

"(3) Where an offer is made under sub-section (2), the Director may accept the offer or issue to the person making the offer a permit to have the animal in his possession.

"(4) Where the Director accepts an offer under sub-section (3), he may keep the animal or dispose of it to such person or in such manner as he thinks fit.

"(5) Where the Director gives an animal to a person in pursuance of sub-section (4), that person may have the animal in his possession."

Debate ensued.

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

Clause 25 agreed to.

Clause 26 -

Dr Letts moved as an amendment -

Add at the end the following new sub-clause:

"(2) The onus of proving that an animal has been lawfully taken or has been bred in captivity lies with the person who has possession of that animal."

Debate ensued.

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

Clauses 27 to 29 agreed to.

Clause 30 -

On the motion of Dr Letts the following amendment was made:-

Insert in sub-clause (1), after "Gazette", the words ", upon the recommendation of the Commission or of a majority of the members of the Commission,".

Clause, as amended, agreed to.

Clause 31 agreed to.

Clause 32 -

Debate ensued.

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

Clause 33 agreed to.

Clause 34 -

On the motion of Dr Letts the following amendment was made:-

Omit from sub-clause (1) all the words from and including "unless".

Clause, as amended, agreed to.

Clauses 35 and 36 agreed to.

New clauses -

On the motion of Dr Letts the following new clauses were inserted in the Bill:-

"36A. The functions of the Director are -

- (a) to represent the Commission;
- (b) to execute the policy decisions of the Commission;
and
- (c) such other functions as are conferred on him by or under this Ordinance.

"36B. The Director has -

- (a) all the powers that are necessary for him to carry out his functions and duties under this Ordinance;
- (b) such powers as are delegated to him under section 60;
and
- (c) such other powers as are conferred on him by or under this Ordinance."

Clauses 37 to 41 agreed to.

Clause 42 -

On the motion of Dr Letts the following amendment was made:-

Insert in sub-clause (2), after paragraph (c), the following paragraph:

"(d) fails to comply with his obligations under section 93A,".

Clause, as amended, agreed to.

Clause 43 agreed to.

Clause 44 -

On the motion of Dr Letts the following amendment was made, after debate:-

Insert after "powers," the words "including the delegated powers,".

Clause, as amended, agreed to.

New clause -

On the motion of Dr Letts the following new clause was inserted in the Bill:-

"44A.(1) The Director may, subject to the directions of the Commission, by writing under his hand, delegate any of his powers and functions under this Ordinance (except this power of delegation).

"(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

"(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Director."

Clause 45 agreed to.

Clause 46 -

On the motion of Dr Letts the following amendments were made:-

Omit from sub-clause (1)(b) "the environment" and substitute "the Environment, Housing and Community Development".

Omit from sub-clause (1)(c) "Northern Australia" and substitute "the Northern Territory".

Clause, as amended, agreed to.

Clauses 47 to 49 agreed to.

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

Clause 50 -

On the motion of Dr Letts the following amendment was made:-

Insert in sub-clause (2), after "of the Commission," the words "or fails to comply with his obligations under section 93A,".

Clause, as amended, agreed to.

Clause 51 agreed to.

Clause 52 -

On the motion of Dr Letts the following amendments were made:-

After sub-clause (1) insert the following sub-clauses:

"(1A) The Director shall, within 7 days after he receives a request to do so from not less than 3 members, call a meeting of the Commission.

"(1B) A meeting of the Commission shall be deemed not to have been duly called unless -

- (a) at least 7 days notice of the meeting has been given to each member; or
- (b) at least 3 members consent to a lesser period of notice."

At the end of the clause add the following sub-clause:

"(7) The Commission shall keep a record of its proceedings."

Clause, as amended, agreed to.

Clauses 53 and 54 agreed to.

Clause 55 -

On the motion of Dr Letts the following amendment was made:-

Insert in sub-clause (1)(d), after "property", the words ", or an interest in real or personal property".

Clause, as amended, agreed to.

New clauses -

On the motion of Dr Letts the following new clauses were inserted in the Bill:-

"55A.(1) Subject to sub-section (2), the Commission may authorize the display of traffic signs in parks and on reserves for the purposes of -

- (a) regulating the speed of vehicles along roads and in public places in parks and on reserves;
- (b) regulating or prohibiting the parking or standing of vehicles on roads and in public places in parks and on reserves; or
- (c) otherwise regulating or prohibiting traffic on roads and in public places in parks and on reserves.

"(2) The Commission may not authorize the display of a traffic sign that would give a direction that is inconsistent with a direction given by a traffic sign already displayed in that place under another law of the Northern Territory.

"55B. A driver of a motor vehicle shall not contravene a direction given by a traffic sign that is displayed by authority of the Commission except in accordance with a direction given by a person acting with the authority of the Commission.

Penalty : 100 dollars.

"55C. In a prosecution for an offence under section 55B, evidence that a traffic sign was displayed is evidence that it was displayed by authority of the Commission."

Clause 56 -

On the motion of Dr Letts the following amendments were made, after debate:-

Omit paragraphs (a), (b), (c), (t) and (z).

Insert in sub-clause (2), after paragraph (b), the following paragraphs:

- "(ba) the prohibition or the regulation of fishing in parks or on reserves or part of parks or reserves;
- (bb) the prohibition of the use of firearms in parks or on reserves or part of parks or reserves;
- (bc) the prohibition of the setting of traps in parks or on reserves or part of parks or reserves;
- (bd) the requiring of persons, upon entering parks or reserves, to declare all items of fishing equipment, firearms, ammunition and traps in their possession;
- (be) the prohibition or the regulation of the carrying of fishing equipment, firearms, ammunition and traps in parks or on reserves or part of parks or reserves; and
- (bf) the seizing of fishing equipment, firearms, ammunition and traps reasonably suspected of being carried or used in contravention of a by-law;"

On the motion of Dr Letts the following further amendments were made:-

Omit from paragraph (d) ", sanctuaries".

Insert in sub-clause (2), after paragraph (e) the following paragraph:

"(ea) providing opening times and closing times for parks and reserves;"

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

"(g) providing for the removal from parks and reserves of persons who are believed on reasonable grounds to be trespassers or to have contravened or failed to comply with a provision of this Ordinance or a by-law;"

On the motion of Dr Letts the following further amendment was made, after debate:-

Insert in sub-clause (2), after paragraph (k), the following paragraph:

"(ka) providing for the prevention or control of nuisances in parks and reserves and of the fouling of water in parks and reserves;"

On the motion of Dr Letts the following further amendment was made:-

Insert in paragraph (m) of sub-clause (2), after "entering", the words ", camping in".

On the motion of Dr Letts the following further amendment was made, after debate:-

Insert in paragraph (o) of sub-clause (2), before "providing", the words "regulating or prohibiting, and".

On the motion of Dr Letts the following further amendments were made:-

Insert in paragraph (r) of sub-clause (2) after "specified" the words "sum in lieu of the".

Insert in paragraph (u) of sub-clause (2), after "reserves", the words "and providing for the control of animals in parks and reserves".

Clause, as amended, agreed to.

Clause 57 agreed to.

Clause 58 -

Dr Letts moved as an amendment -

Omit sub-clause (1) and substitute:

"(1) The Commission may enter into negotiations, and finalize agreements, with Aborigines, relating to schemes for the protection and conservation of wildlife in, and the protection of the natural features of, land to which this section applies."

Debate ensued.

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

New clause -

On the motion of Dr Letts the following new clause was inserted in the Bill, after debate:-

"58A.(1) The Commission may negotiate, and enter into agreements, with a landowner relating to schemes for the protection and conservation of wildlife in, and the protection of the natural features of, his land.

"(2) In this section "landowner" includes a person who is a lessee of, or who holds any other interest in, land."

Clauses 59 and 60 agreed to.

Clause 61 -

On the motion of Dr Letts the following amendment was made:-

Omit paragraph (a).

Clause, as amended, agreed to.

Clauses 62 to 67 agreed to.

Clause 68 -

On the motion of Dr Letts the following amendment was made:-

Insert in sub-clause (2), after "of the Council,", the words "or fails to comply with his obligations under section 93A,".

Clause, as amended, agreed to after debate.

Clause 69 agreed to.

Clause 70 -

On the motion of Dr Letts the following amendments were made:-

Omit from sub-clause (1) "3" and substitute "6".

After sub-clause (1) insert the following sub-clauses:

"(1A) The Director shall, within 7 days after he receives a request to do so from not less than 4 members, call a meeting of the Council.

"(1B) A meeting of the Council shall be deemed not to have been duly called unless -

- (a) at least 7 days notice of the meeting has been given to each member; or
- (b) at least 4 members consent to a lesser period of notice."

At the end of the clause add the following sub-clause:

"(7) The Council shall keep a record of its proceedings."

Clause, as amended, agreed to.

Clauses 71 and 72 agreed to.

Clause 73 -

On the motion of Dr Letts the following amendment was made:-

Omit ", with the approval of the Administrator in Council, may employ such persons as it thinks necessary" and substitute "may employ persons to fill such positions as the Administrator in Council approves".

Clause, as amended, agreed to.

Clause 74 -

On the motion of Dr Letts the following amendments were made:-

Omit "with the consent of the Administrator in Council," and substitute ", subject to section 89(2),".

Omit "that section" and substitute "section 73".

Clause, as amended, agreed to.

Clauses 75 to 78 agreed to.

Clauses 79 to 83, by leave, taken together and negatived, after debate.

New clauses -

Dr Letts moved That the following clauses be inserted in the Bill:-

"79. In addition to any powers elsewhere conferred on a warden or ranger by this Ordinance, a warden or ranger in carrying out his functions and duties under this Ordinance, has all the powers and duties, and the same protection at law in relation to the exercise or performance of those powers and duties, as a member of the Police Force with the rank of constable under the Police and Police Offences Ordinance.

"80.(1) Subject to this section, where a warden or ranger is satisfied that there are reasonable grounds for suspecting that an offence against this Ordinance has been, is being or is about to be committed, he may without warrant, and with such assistance as he thinks necessary -

- (a) enter, with such force as is reasonably necessary, at any time, any premises (not being premises that are principally residential premises), vehicle, vessel, aircraft or place and, for that purpose stop and detain any vehicle, vessel, or aircraft, in or on which he believes on reasonable grounds, there is something that is evidence of or otherwise related to that offence;
- (b) search the premises, vehicle, vessel, aircraft or place and every person found therein or thereon and every person whom he reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;
- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
- (d) seize the vehicle, vessel or aircraft or anything that he finds on the premises, vehicle, vessel, aircraft or place or on any person searched, if he has reasonable grounds to believe that it is evidence of or otherwise relates to any offence which has been, is being or is about to be committed against this Ordinance;
- (e) stop, detain and search any person upon whom he believes, on reasonable grounds, there is something that is evidence of or otherwise relates to that offence; and
- (f) take such action as is reasonably necessary to prevent the commission of an offence against this Ordinance.

"(2) The Director may, by notice in writing served on a warden or ranger, direct that warden or ranger not to exercise a specified power under sub-section (1) or not to exercise that power except subject to specified conditions or in specified circumstances or in specified localities.

"(3) Before commencing any search under sub-section (1), if there is any person present who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, a warden or ranger shall produce his identity card to that person and to any person he is about to search.

"(4) Where a warden or ranger has exercised a power under sub-section (1), he shall, as soon as is reasonably possible, forward a report in writing to the Administrator of all the circumstances relating to the exercise of the power, including -

- (a) the date and time when and place where the power was exercised;
- (b) details of the grounds that he had for suspecting that an offence against this Ordinance had been, was being or was about to be committed;
- (c) a description of all actions taken;
- (d) in the case of the exercise of a power under paragraph (a), (d) or (e) of sub-section (1) - details of the grounds for the belief that he was required to have in the exercise of that power;
- (e) in the case of a search of premises or other place - the address of the premises or place;
- (f) in the case of a search of a vehicle, vessel or aircraft - a description of the vehicle, vessel or aircraft, including, if it was registered at the time under a law of the Territory, particulars of the registration and the name of the person in whose name it was so registered;
- (g) in the case of the stopping, detention or search of a person - the name and address, if known, of that person;
- (h) if anything was broken open - particulars of any damage that was occasioned by the breaking open; and
- (i) if a vehicle, vessel, aircraft or thing was seized - a description of what was seized.

"(5) A female shall not be searched under this section except by a female.

"(6) Evidence obtained by a warden or ranger in the exercise by him of a power under sub-section (1) is not admissible in a prosecution under this Ordinance if the warden or ranger is acting in contravention of a direction given to him under sub-section (2) and unless the report referred to in sub-section (4) has been duly forwarded.

"(7) Notwithstanding section 79, a warden or ranger does not have the protection referred to in that section in respect of the exercise by him of a power under sub-section (1) if the warden or ranger is acting in contravention of a direction given to him under sub-section (2) and unless the report referred to in sub-section (4) has been duly forwarded.

"81. A person who is called upon to do so by a warden or ranger acting in the course of his duty shall stop and cause any vehicle or

vessel in his control to stop.

Penalty : 500 dollars or imprisonment for 3 months."

"82.(1) Where a court convicts a person of an offence against this Ordinance, the court may order the forfeiture to Australia of any vehicle, aircraft, vessel or thing used or otherwise involved in the commission of the offence.

"(2) A vehicle, aircraft, vessel or thing seized under section 80 may be retained by the warden or ranger who seized it until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Ordinance in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

"(3) The Director may authorize a vehicle, aircraft, vessel or thing seized under section (80) to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as he thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.

"(4) A vehicle, aircraft, vessel or thing forfeited under this section may be sold or otherwise disposed of as the Commission thinks fit.

"(5) A warden or ranger may seize -

- (a) any animal or plant that he reasonably believes to have been killed or taken in contravention of this Ordinance;
- (b) any animal that he reasonably believes is being held unlawfully or is the property of Australia; or
- (c) any animal that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Ordinance.

"(6) Where an animal or plant has been seized under sub-section (5), the Director or a warden may cause it to be -

- (a) released;
- (b) retained; or
- (c) sold or otherwise disposed of.

"(7) Where an animal or plant seized under sub-section (5) was not killed or taken in contravention of this Ordinance or used or otherwise involved in the commission of an offence against this Ordinance, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation."

On the motion of Mr Steele further consideration of the proposed new clauses was postponed.

Clauses 84 and 85 agreed to.

Clause 86 -

On the motion of Dr Letts the following amendment was made:-

Omit from sub-clause (2) ", other than moneys referred to in section 85(2)".

Clause, as amended, agreed to.

Clause 87 agreed to.

Clause 88 -

On the motion of Dr Letts the following amendment was made, after debate:-

Insert in paragraph (b), before "invest", the words "except with and subject to the approval of the Administrator,".

Clause, as amended, agreed to.

Clauses 89 and 90 agreed to.

Clause 91 -

On the motion of Dr Letts the following amendment was made:-

Omit from sub-clause (1) "as soon as practicable" and substitute "within 6 months".

Clause, as amended, agreed to.

Clauses 92 and 93 agreed to.

New clause -

Dr Letts moved That the following clause be inserted in the Bill:-

"93A.(1) A member of the Commission or a member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission or the Council, as the case may be, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interests at a meeting of the Commission or Council, as the case may be.

"(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Commission or Council, as the case may be, and the member -

- (a) shall not take part after the disclosure in any deliberation or decision of the Commission or Council, as the case may be; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Commission or Council, as the case may be, for any such deliberation or decision."

Debate ensued.

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

Clause 94 agreed to.

Clause 95 --

On the motion of Dr Letts the following amendment was made:-

Add at the end of the clause the following sub-clause:

"(4) At the meeting of the Commission next following the date on which the Director issues a licence under this section, the Director shall table a copy of the licence."

Clause, as amended, agreed to.

New clause -

On the motion of Dr Letts the following clause was inserted in the Bill, after debate:-

"95A.(1) The Commission may authorize the Director, with such assistants, plant, machinery and equipment as he thinks fit, to enter upon any land to investigate its suitability for reservation under this Ordinance.

"(2) The Director shall not enter upon private land in pursuance of an authority given under sub-section (1) until after he has given reasonable notice to the occupier of that land that he has been authorized under this section to carry out the investigation.

"(3) Where the Director enters upon land in pursuance of an authority given under sub-section (1), he may do such things as he thinks necessary for the purpose of carrying out his investigation.

"(4) The Commission is liable to pay reasonable compensation for any damage or loss suffered in consequence of the carrying out of an investigation under this section."

Clause 96 -

On the motion of Dr Letts the following amendments were made:-

Omit from sub-clause (1) "a sanctuary" and substitute "a park, reserve, protected area".

Omit from sub-clause (1) "sanctuary or wilderness" (twice occurring).

Omit from sub-clause (2) "the sanctuary or wilderness area" (wherever occurring) and substitute "the area named in the authority".

Omit from sub-clause (3) "means" and substitute "includes".

Clause, as amended, agreed to.

Clause 97 -

On the motion of Dr Letts the following amendment was made:-

Add at the end of the clause the following sub-clauses:

"(2) The Director may issue to the owner or occupier of a garden or

of a field in which there is a standing crop a permit authorizing that person to sell an animal killed in pursuance of sub-section (1)

"(3) A permit issued under sub-section (2) shall be current for such period and be subject to such conditions as the Director specifies in the permit.

"(4) Where a person kills an animal in pursuance of sub-section (1), he may, subject to sub-section (2) and in accordance with the terms of a permit issued pursuant to that sub-section, dispose of that animal by sale.

"(5) A person who sells an animal that was killed in pursuance of sub-section (1) shall, unless another person has already done so, within one month of the date of the sale, give a report to the Director concerning the killing and disposing of the animal.

"(6) A person who kills an animal in pursuance of sub-section (1), and a person who lawfully or unlawfully obtains an animal that was killed in pursuance of sub-section (1), shall, at the request of the Director, give full particulars of the killing and disposing of that animal and of other animals that were killed on the same date.

Penalty : 400 dollars or imprisonment for 6 months."

Clause, as amended, agreed to.

Clauses 98 and 99 agreed to.

New clauses -

On the motion of Dr Letts the following clauses were inserted in the Bill:-

"99A. All fees and sums of money recovered under this Ordinance or a regulation or a by-law shall be paid to the Commission.

"99B.(1) Where a person is convicted of an offence against this Ordinance or a by-law, the court before which he is convicted may order him to pay the amount of any damage or the cost of restoring, removing or repairing any damage, done by him in committing the offence.

"(2) Where the offence is an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to parks or reserves or the control of animals on parks or reserves, any damage done by the animal shall be deemed to be damage done by the person responsible for the control of the animal and any costs to the Commission of bringing the animal under control and of feeding and otherwise maintaining the animal shall be deemed to be costs of restoring, removing or repairing damage done by that person.

"(3) The court may make the order specified in sub-section (1), in addition to imposing a penalty, and the amount so ordered to be paid shall be recoverable as a judgment debt due to the Commission in a court of competent jurisdiction.

"99C. Where a person is convicted of an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to parks or reserves or the control of animals on parks or reserves, the court before which he is convicted

may order that the animal in respect of which the offence was committed be destroyed.

"99D.(1) Where a person seizes an article under a by-law he shall, as soon as practicable, deliver the possession of it to the Director or to a person nominated by the Director to receive possession.

"(2) The Director or nominated person may retain possession of the article for 30 days from the date of its delivery to him or, if a prosecution with respect to the article is instituted within that time, until the prosecution is disposed of.

"(3) Where such a prosecution is instituted within the 30 days and the person prosecuted is convicted, the court before which the person is convicted may order that the article be forfeited to the Commission.

"(4) Where such a prosecution is not instituted within the 30 days or where the court does not order that the article be forfeited to the Commission, the Director or other person having the possession of it shall make it available to the person from whom it was seized and shall notify that person by post that it is so available.

"(5) If the person from whom it was seized does not claim it within 6 months of the date on which he is given notice that it is available, the article is forfeited to the Commission.

"99E. Where, this Ordinance requires or permits a notice to be served on any person, the notice may be served -

- (a) personally on that person;
- (b) by delivering it to a person apparently above the age of 14 years, and apparently living or employed at the premises at which the person to be served lives or carries on business; or
- (c) by forwarding it by certified post in an envelope addressed to the person to be served at his last known place of abode or business."

Clause 100 -

Dr Letts moved as an amendment -

Add at the end of the clause the following sub-clause:

"(3) For the purposes of this section, evidence that at or about the time of an alleged offence an Aboriginal -

- (a) was travelling in or on a motor vehicle; or
- (b) had in his possession or was using, or was in the company of a person who had in his possession or was using, a firearm,

is evidence that he was not continuing the traditional use of an area of land."

Debate ensued.

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

Clause 101 -

On the motion of Dr Letts the following amendment was made, after debate:-

Add at the end the following words and paragraph:

"and, in particular, for prescribing all matters for or in relation to -

(a) the licensing, control and regulation of zoological gardens, menageries and aviaries."

Clause, as amended, agreed to.

Schedule agreed to.

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

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

9. POLICE AND POLICE OFFENCES (APPOINTMENTS VALIDATION) BILL 1976 (Serial 125): Miss Andrew, by leave, presented the Bill which was thereupon read a first time.

Miss Andrew moved - That the Bill be now read a second time.

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

10. ORDINANCES REVISION BILL 1976 (Serial 124): Miss Andrew, by leave, presented the Bill which was thereupon read a first time.

Miss Andrew moved - That the Bill be now read a second time.

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

11. REQUEST FOR URGENCY - Unit Titles Bill 1976, Freehold Titles Bill 1976 and Real Property (Unit Titles) Bill 1976 -

Mr Speaker having considered a request from Dr Letts submitted pursuant to standing order 152 declared the Bills to be urgent Bills.

12. UNIT TITLES BILL 1976 (Serial 117): 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.

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.

13. FREEHOLD TITLES BILL 1976 (Serial 119): The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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.

14. REAL PROPERTY (UNIT TITLES) BILL 1976 (Serial 118): The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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.

15. TRESPASSERS (TEMPORARY PROVISION) BILL 1976 (Serial 122): 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.

16. SUSPENSION OF STANDING ORDERS: Dr Letts moved, That so much of standing orders be suspended as would prevent the Trespassers (Temporary Provision) Bill 1976 passing through all stages at this sittings.

Question put and passed.

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

Dr Letts moved That the committee stages be later taken.

Question put and passed.

17. ADJOURNMENT: Dr Letts moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

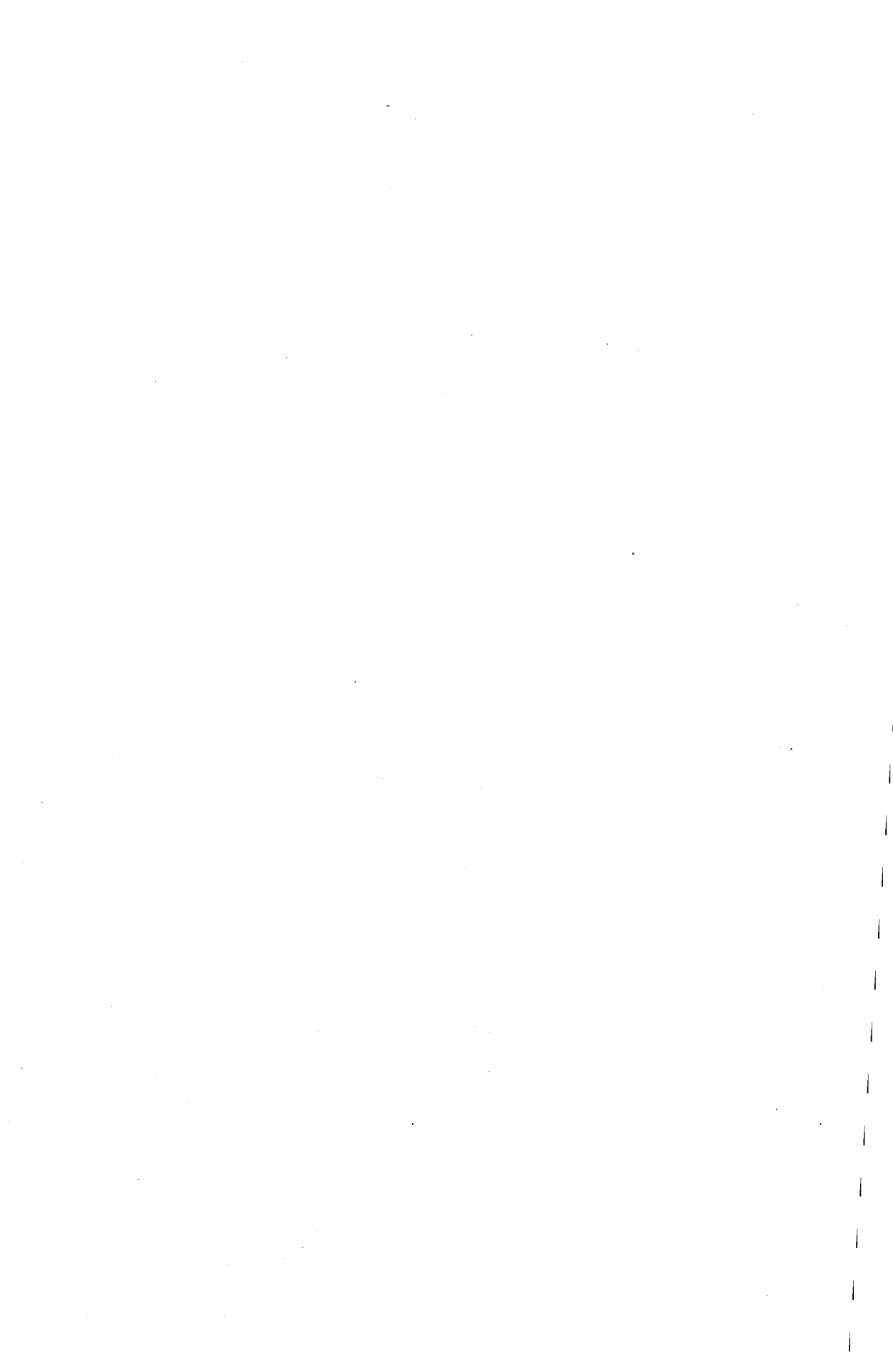
And then the Assembly at 1657 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 2 June 1976, pursuant to statute:

Determinations and Agreements:

Senior Prison Officers Arbitral Determination No. 3

ATTENDANCE: All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 42

Thursday 3 June 1976

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. DISPOSAL OF UNCOLLECTED GOODS BILL 1976 (Serial 121): Miss Andrew, pursuant to notice, presented the Bill which was thereupon read a first time.

Miss Andrew 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.

4. POLICE RECRUITMENT RESTRICTION: Miss Andrew, pursuant to notice, moved That the Assembly -

(a) express its concern at the restriction placed on recruitment of Northern Territory Police beyond a limit of 468 including Trackers; and

(b) draw the attention of the Minister for the Northern Territory to the need for urgent reconsideration of this limitation.

Debate ensued.

Question put and passed.

5. PROPOSED ROYAL COMMISSION INTO TRANSPORT: Mr Ryan, by leave, moved

That this Assembly requests the Government -

(a) to establish a Royal Commission to inquire into all aspects of transport affecting the Northern Territory; and

(b) to defer the final closure of the North Australia Railway until the Commission has completed its inquiry.

Debate ensued.

Question put and passed.

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

6. ORDINANCES REVISION BILL 1976 (Serial 124): 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 -

Mr Speaker having considered a request from the Majority Leader submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clause 4 negatived.

On the motion of Miss Andrew the following new clause was inserted in the Bill:-

"4. Section 10 of the Ordinances Revision Ordinance 1973 is amended by adding at the end thereof the following sub-section:

"(2) Section 7 does not, in relation to a provision of an Ordinance that repeals another Ordinance, apply to a reference in that provision to that other Ordinance."

Clauses 5 and 6 agreed to.

First Schedule -

On the motion of Miss Andrew the following amendments were made:-

Insert in the amendments of the Control of Roads Ordinance, before the reference to and amendment of section 5 (definition of "pneumatic tyre") -

"Section 5 (definition of 'Real Property Act') | Omit."

Insert in the amendments of the Control of Roads Ordinance, after the reference to and amendment of section 5 (definition of "pneumatic tyre") -

"Section 27(1) | Omit 'sub-section (5) of the last - mentioned section', substitute 'section 24(5)'."

Omit from the amendments of the Control of Roads Ordinance "Section 42(c)", substitute "Section 42(1)(c)".

Insert in the amendments of the Crown Lands Ordinance, before the reference to and amendment of section 38A (10C) -

"Section 38A(2) | Omit '1931-1966, as amended', substitute '1931, as amended to and including the amendments made'."

Insert in the amendments of the Crown Lands Ordinance, after the reference to and amendment of section 38A (10C) -

"Section 48F(1) | Omit '1931-1966, as amended', substitute '1931, as amended to and including the amendments made'."

Omit from the amendment of section 68C(3) of the Crown Lands Ordinance "or that", substitute "or under that".

Insert in the amendments of the Darwin Town Area Leases Ordinance, before the reference to and amendment of section 12B (4) -

"Section 2 (definition of
of 'the Real Property
Act') | Omit."

Insert in the amendments of the Darwin Town Area Leases Ordinance,
after the reference to and amendment of section 16AA(3)(b)(ii) -

"Section 29AE(7) | Omit all the words from but not in-
cluding 'Act' to but not including
' , and on'."

Insert after the reference to and amendments of the Darwin Town
Area Leases Ordinance -

"Encouragement of
Primary Production
Ordinance | Section 21(5) | Omit all the words to but
not including 'on the re-
ceipt', substitute 'Not-
withstanding anything
contained in The Real
Property Act,'."

Omit from the amendment of section 102(2) of the Local Courts
Ordinance "pounds", substitute "dollars".

Insert in the amendments of the Local Courts Ordinance, after the
reference to and amendment of section 114 -

"Section 121(2) and
135(b) | Omit 'dollars per centum', substi-
tute 'per cent'."

Omit the amendment of section 103(1D) of the Motor Vehicles Ordinance
and substitute the following amendment:

"Omit 'either of the last 2 preceding sub-sections', substitute
'sub-section (1B) or (1C)'."

Omit the first amendment of section 106 of the Police and Police
Offences Ordinance.

Insert in the amendments of the Public Service Ordinance, after the
reference to and amendment of section 22(c) -

"Section 28(3) | Omit 'Appeal' (first occurring),
substitute 'appeal'.

"Section 33(6) | Omit 'warrant:', substitute 'war-
rant.'."

Schedule, as amended, agreed to.

Second 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.

7. TRESPASSERS (TEMPORARY PROVISION) BILL 1976 (Serial 122): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

New clause -

On the motion of Miss Andrew the following new clause was inserted in the Bill:-

"3A. Section 6(3) of the Principal Ordinance is amended by omitting 'sub-section (2)' and substituting 'sub-section (2) and section 7(4)'."

Clause 4 -

On the motion of Miss Andrew the following amendments were made:-

Insert in proposed new section 7(3) after "application" the words "in respect of the particular land".

Add at the end of proposed new section 7 the following new sub-section:

"(4) In addition to the action specified in sub-section (3), the applicant shall, at least one clear working day before the time set for the hearing, cause to be displayed prominently on the land a notice substantially in accordance with Form 2A."

Clause, as amended, agreed to.

Clause 5 -

On the motion of Miss Andrew the following amendments were made:-

Omit from proposed new section 8(1A) "shall hear" and substitute "may hear".

Omit from proposed new section 8(1B) paragraphs (b), (c) and (d) and substitute the following paragraphs:

- "(b) that the person served with the notice under section 6 is a trespasser;
- (c) that the notice under section 6 was duly served and has not been complied with;
- (d) that the applicant caused an advertisement to be published in accordance with section 7(3); and
- (e) that the applicant caused a notice to be displayed on the land in accordance with section 7(4),"

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

Miss Andrew moved as an amendment -

After proposed Form 2 in the Schedule insert the following new form:

"FORM 2A

Section 7

THE NORTHERN TERRITORY OF AUSTRALIA

TRESPASSERS (TEMPORARY PROVISION) ORDINANCE

NOTICE OF HEARING OF APPLICATION FOR POSSESSION OF LAND

TO ALL TRESPASSERS

TAKE NOTE that an application for the possession of this land by the owner of the land will be heard by a magistrate in chambers of the Law Courts Building, Mitchell Street, Darwin at

o'clock in the noon on
the day of 1976.

.....
(Signature of owner or of employee or agent for the owner)

.....
(name and address of owner)

.....
(date of service)".

On the motion of Miss Andrew the following amendment to the amendment was made:-

Omit "TO ALL TRESPASSERS" substitute "TO ALL OCCUPIERS".

Amendment, as amended, agreed to.

Clause, as amended, 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.

8. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL 1976 (Serial 83): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Postponed new clauses 4, 4A, 4B, 4C and 4D (see page 209-10) -

New clauses agreed to after further debate.

Postponed clause 8 and amendment proposed by Dr Letts (see page 211) -

Amendment agreed to.

On the motion of Dr Letts the following further amendments were made:-

Omit from sub-clause (6)(a) ", extending to such depth below the surface as is specified in the notice".

Omit from sub-clause (6)(c) ", extending to such depth below the sea-bed as is specified in the notice".

Insert in sub-clause (6), before "shall be taken" the words "except insofar as they are, in the notice, expressly declared to be not within that park or reserve,".

Clause, as amended, agreed to.

Postponed clause 13 and amendment proposed by Dr Letts (see page 211).

Amendment agreed to.

On the motion of Dr Letts the following further amendments were made:-

Insert after sub-clause (4) the following sub-clause:

"(4A) At a time when no plan of management is in force in relation to a park or reserve, sub-section (3) does not prevent the Commission, with the approval of the Administrator in Council, from performing its functions in that park or reserve for the purpose of operating that park or reserve for the purpose for which it was reserved while a plan of management is being prepared.".

Omit from sub-clause (5) "sanctuary or a".

Omit from sub-clause (6) "a sanctuary or".

Clause, as amended, agreed to.

Postponed new clauses 17A, 17B and 17C (see pages 214) -

On the motion of Dr Letts the following amendment was made, after debate:-

Omit from new clause 17C(1) "A person, other than a person included in a prescribed class of persons" and substitute "Subject to section 17D, a person".

On the motion of Dr Letts the following further amendments were made:-

Insert in new clause 17C(1) after "public" the words "or private".

Omit from new clause 17C(2) "A person, other than a person included in a prescribed class of persons" and substitute "Subject to section 17D, a person".

Clauses, as amended, agreed to.

New clause -

On the motion of Dr Letts the following further new clause was inserted in the Bill, after debate:-

"17D. Section 17C shall not apply to the following persons while they are exercising their powers or performing their functions under this Ordinance:

- (i) a warden;
- (ii) a ranger;
- (iii) an officer or employee of the Commission;
- (iv) an officer or employee of Australia."

Postponed new clause 24A (see page 215) -

On the motion of Dr Letts the following amendment was made:-

Omit from new clause 24A(2) "forthwith" and substitute ", as soon as practicable after taking it into his possession,".

Clause, as amended, agreed to.

Postponed clause 26 and amendment proposed by Dr Letts (see page 215) -

Amendment agreed to.

Clause, as amended, agreed to.

Postponed clause 32 agreed to.

Postponed clause 58 and amendment proposed by Dr Letts (see page 220) -

Amendment agreed to.

Clause, as amended, agreed to.

Postponed new clauses 79, 80, 81, and 82 (see pages 222-4) -

New clauses agreed to.

Postponed new clause 93A (see page 225) -

Clause agreed to, after further debate.

Postponed clause 100 and amendment proposed by Dr Letts (see page 228) -

On the motion of Dr Letts the following amendment to the amendment was made, after debate:-

Omit from sub-clause (3) (b) "had in his possession or".

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - Mr Chairman reported the Bill.

Dr Letts moved - That the Bill be now recommitted to the committee of the whole Assembly for reconsideration of clauses 5 and 92.

Question put and passed.

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

(In the committee)

On recommittal -

Clause 5 -

On the motion of Dr Letts the following amendment was made:-

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

"'auditor' means the auditor appointed under section 92;".

Clause, as amended, agreed to.

Clause 92 -

On the motion of Dr Letts the following amendments were made:-

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

"92(1A) The Treasurer may appoint a person to inspect and audit the accounts and financial records of the Commission."

Omit "Auditor-General" (wherever occurring) and substitute "auditor".

Clause, 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.

Question put and passed.

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

9. POLICE AND POLICE OFFENCES (APPOINTMENTS VALIDATION) BILL 1976 (Serial 125): 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 -

Mr Speaker having considered a request from Dr Letts submitted pursuant to standing order 152 declared the Bill to be an urgent Bill.

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.

Clause 2 -

On the motion of Mr Withnall the following amendment was made:-

Omit from the clause all words before and including " , then" and substitute "If the Administrator in Council makes a regulation under the Police and Police Offences Ordinance in the terms specified in the Schedule".

Clause, as amended, 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.

10. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts Notice No. 2, General Business was called on.
11. NATIONAL TRUST OF AUSTRALIA (NORTHERN TERRITORY) BILL 1976 (Serial 116): Mrs Lawrie, pursuant to notice, presented the Bill which was thereupon read a first time.

Mrs Lawrie moved - That the Bill be now read a second time.

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

12. SPECIAL ADJOURNMENT: Dr Letts moved - That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 10 August 1976.

Question put and passed.

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts order of the day No. 4, General Business was called on.

14. TRAFFIC BILL 1976 (Serial 92): The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

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

15. ADJOURNMENT: Mr Tambling moved - That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1601 hours adjourned until 1000 hours on Tuesday, 10 August 1976.

ATTENDANCE: All members attended the sitting.

F. WALKER
Clerk of the Assembly

FIRST LEGISLATIVE ASSEMBLY

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