

PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

FIRST SESSION

FIFTH ASSEMBLY

No. 66

Tuesday 16 May 1989

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to resolution of the Assembly of 23 February 1989. The Speaker, the Honourable R.W.S. Vale, took the Chair.

2. PRAYERS.

3. MESSAGE FROM THE ADMINISTRATOR:

The Speaker read the following message from His Honour the Administrator:

Message No. 9

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Fund for the service of the year ending 30 June 1990.

Dated 11 May 1989.

(Sgd) E.E. JOHNSTON
Administrator

4. PETITIONS:

Mr Manzie presented a petition from 6 citizens relating to strip shows in hotels.

Petition read.

Mr Manzie presented a further petition from 109 citizens of the Northern Territory relating to the provision of religious education in government schools.

Petition read.

Mr Smith presented a petition from 293 citizens of the Northern Territory opposing any plans to expand Australia's involvement with the nuclear fuel cycle via the introduction of enrichment, reprocessing or waste disposal operations.

Petition read.

Mr Smith presented a further petition from 121 citizens of the Northern Territory opposing any plans to accept nuclear capable and nuclear powered ships in Northern Territory waters.

Petition read.

5. NOTICES:

The following notices were given:

Mr Perron: To present the Commission of Inquiry (Deaths in Custody) Amendment Bill 1989 (Serial 188).

Mr Manzie: To present the Justices Amendment Bill (No.2) 1989 (Serial 164); the Criminal Code Amendment Bill 1989 (Serial 182); the Police Administration Amendment Bill (No.3) 1989 (Serial 183); the Legal Practitioners (Incorporation) Bill 1989 (Serial 184); and the Bushfires Amendment Bill 1989 (Serial 187).

6. QUESTIONS:

Questions were asked of Ministers.

Paper tabled: The Attorney-General (Mr Manzie) laid on the Table the following Paper -

- Letter, Chief Minister to Hon John Kerin, MP, Federal Minister for Primary Industries and Energy, undated.

Further questions were asked of Ministers.

7. ABORIGINAL COMMUNITY LIVING AREAS - MOTION AGREED TO:

The Chief Minister (Mr Perron), by leave, moved - That this Assembly -

- (1) condemns the Federal Minister for Aboriginal Affairs for the failure to honour an undertaking given to the Northern Territory Government and other parties to amend the *Aboriginal Land Rights (Northern Territory) Act* to preclude traditional land claims to stock routes and stock reserves;
- (2) condemns the apparent intention of the Federal Minister for Aboriginal Affairs to proceed, without proper consultation with the Northern Territory Government and other affected parties, to make legislative and administrative arrangements affecting the status of certain lands in the Northern Territory;
- (3) notes the substantial progress achieved by the Northern Territory Government in providing secure title to Aboriginal community living areas in face of frustration; and
- (4) unanimously call on the Federal Government to abandon its divisive proposal and seek to re-establish cooperative and meaningful arrangements for the provision of Aboriginal community living areas on pastoral leases in the Northern Territory.

Debate ensued.

Papers tabled: Mr Perron laid on the Table the following Papers -

- ° Letter, Chief Minister to the Hon R.J.L. Hawke, AC, MP, Prime Minister, dated 16 May 1989; and
- ° Letter, Chief Minister to the Hon G. Hand, dated 13 September 1988.

Debate continued.

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

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

"this Assembly -

- (1) recognises that the Northern Territory Government's failure to act to provide homes for Aboriginal people living on pastoral properties, who are citizens of the Northern Territory, has brought the Territory into national and international disrepute;
- (2) condemns the Northern Territory Government for its failure to provide homes for Aboriginal people living on pastoral properties during this government's uninterrupted 11 years of office since self-government; and
- (3) calls on the Northern Territory Government to introduce legislation which would enable the land needs of Aboriginal people living on pastoral properties in the Northern Territory being achieved under secure Northern Territory title."

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.38 a.m. and 2.00 p.m.

Debate resumed.

Proposed suspension of Standing Orders: The Member for Nhulunbuy (Mr Leo) moved - That so much of Standing Orders be suspended as would prevent the Member for Macdonnell (Mr Bell) completing his speech.

Question - put.

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

AYES, 5

NOES, 17

Mr Bell
Mr Ede
Mr Leo
Mr Smith
Mr Tipiloura

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie

Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

And so it was resolved in the negative.
Debate continued.

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

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

8. BRUCELLOSIS AND TUBERCULOSIS ERADICATION CAMPAIGN, PROPOSED JUDICIAL INQUIRY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Chief Minister (Mr Perron) made a statement relating to a proposed judicial inquiry into the Brucellosis and Tuberculosis Eradication Campaign by the Member for Stuart (Mr Ede).

Papers tabled: Mr Perron laid on the Table the following Papers -

- ° Operational and Management Review, Brucellosis and Tuberculosis Eradication Campaign, Volume 1, November 1986;
- ° Letter, Hon John Kerin, Minister for Primary Industries and Energy to the Chief Minister, dated 5 May 1989;
- ° Letter, Chief Minister to Hon John Kerin, Minister for Primary Industries and Energy, dated 16 May 1989; and
- ° Letter, Chief Minister to Hon John Kerin, Minister for Primary Industries and Energy, dated 16 May 1989.

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

Debate ensued.

Question - put and passed.

9. COMMITTEE OF PRIVILEGES - EXTENSION OF TIME FOR REPORTING - MOTION AGREED TO:

The Attorney-General (Mr Manzie), by leave, moved - That - notwithstanding anything contained in any Order or the Standing Orders of the Assembly, the time for reporting by the Committee of Privileges upon the adequacy or otherwise of the *Legislative Assembly (Powers and Privileges) Act* be extended to 30 May 1990.

Question - put and passed.

10. NEW PARLIAMENT HOUSE - DECLARATION OF DESIGN DEVELOPMENT AND DETAILED ARCHITECTURAL DOCUMENTATION STAGES - STATEMENT:

The Speaker (Mr Vale) in accordance with the resolution of the Assembly, passed on 20 February 1989, advised that the New Parliament House Committee had authorised the commencement of the Design Development and Detailed Architectural Documentation stages in the construction of the New Parliament House.

11. PHOTOGRAPHS IN THE CHAMBER - STATEMENT:

The Speaker (Mr Vale) advised that a photographer from the Department of Education would be taking photographs in the Chamber tomorrow for inclusion in a Schools' Education package.

12. PUBLICATIONS COMMITTEE, NINTH REPORT - PAPER TABLED - REPORT ADOPTED:
The Chairman of the Publications Committee (Mr Setter) laid on the Table the Ninth Report of the Publications Committee recommending that the following papers be printed -

Parliamentary Papers 1989		
No.	TITLE	DATE TABLED
27	Darwin Port Authority - Annual Report 1987-88	14. 2.89
28	Katherine Hospital Management Board - Annual Report 1987-88	14. 2.89
29	Legislative Assembly Members' Superannuation Trust - Annual Report 1987-88	1.12.88
30	National Trust of Australia (Northern Territory) - Annual Report 1987-88	14. 2.89
31	Northern Territory Government and Public Authorities Employers Superannuation Trust Fund - Annual Report 1987-88	1.12.88
32	Northern Territory Government and Public Authorities Superannuation Scheme - Annual Report 1987-88	1.12.88
33	Northern Territory Housing Commission - Annual Report 1987-88	14. 2.89
34	Northern Territory Plumbers and Drainers Licensing Board - Annual Report for the year ended 30 September 1988	14. 2.89
35	Public Service Commissioner for the Northern Territory - Department of Labour and Administrative Services - Annual Report 1987-88	1.12.88
36	Public Trustee for the Northern Territory - Annual Report 1987-88	14. 2.89
37	Road Safety Council of the Northern Territory - Annual Report 1987-88	14. 2.89
38	The Surveyors Board of the Northern Territory - Annual Report 1987-88	14. 2.89
39	Territory Loans Management Corporation - Annual Report 1987-88	1.12.88
40	Valuer-General's Office, Northern Territory - Annual Report 1987-88	14. 2.89

Mr Setter moved - That the report be adopted.
Question - put and passed.

13. SUPPLY BILL 1989-90 (Serial 194):

The Treasurer (Mr Perron), presented a Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Fund for the service of the year ending 30 June 1990, the subject of Message No. 9 from His Honour the Administrator, dated 11 May 1989.

Bill read a first time.

Suspension of Standing Orders: Mr Perron moved - That so much of Standing Orders be suspended as would prevent the Supply Bill 1989-90 (Serial 194) passing through all stages at this sittings.

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

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

On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.

14. FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL 1989 (Serial 174):

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 Treasurer (Mr Perron) the Bill was read a third time and passed to be a proposed law.

15. POLICE ADMINISTRATION AMENDMENT BILL (No. 2) 1989 (Serial 167):

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 Chief Minister (Mr Perron) the Bill was read a third time and passed to be a proposed law.

16. NITMILUK (KATHERINE GORGE) NATIONAL PARK BILL 1989 (Serial 176):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Minister for Conservation (Mr Manzie) moved - That the Committee stages be later taken.

Question - put and passed.

17. ADJOURNMENT:

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

Debate ensued.

Paper tabled: The Minister for Industries and Development (Mr Coulter) laid on the Table the following Paper -

- ° Minute, Secretary, Department of Industries and Development to Minister for Industries and Development, dated 12 May 1989.

Question - put and passed.

The Assembly adjourned at 10.07 pm until tomorrow at 10.00 a.m.

=====

PAPERS:

The following Papers were deemed to have been presented on 16 May 1989:

Agreements and Determinations:

- Police Arbitral Tribunal Determination No. 1 of 1982 -
 - Consent Agreement, dated 24 October 1988
 - Determination T11 of 1989, dated 28 April 1989
- Police Arbitral Tribunal Determination No. 2 of 1982 -
 - Consent Agreement, dated 5 October 1988
 - Consent Agreement T2 of 1989, dated 23 January 1989
 - Determination T10 of 1989, dated 28 April 1989
- Police Commissioned Officers' Association -
 - Consent Agreement T12 of 1989, dated 28 April 1989
- Senior Prison Officers Arbitral Determination No. 3 of 25 May 1976 -
 - Determination T3 of 1989, dated 20 March 1989
 - Determination T4 of 1989, dated 20 March 1989
 - Determination T5 of 1989, dated 20 March 1989
 - Determination T6 of 1989, dated 20 March 1989
 - Determination T7 of 1989, dated 20 March 1989
 - Determination T8 of 1989, dated 20 March 1989
 - Determination T9 of 1989, dated 20 March 1989

Annual Report:

Museums and Art Galleries Board, 1987-88

By-laws:

- Northern Territory University (Academic Board) By-laws
- Northern Territory University (Board of Institute of TAFE)
 - By-laws
- Amendments of the Northern Territory University (Site and Traffic) By-laws

Financial Administration and Audit Act:

- Direction by Administrator in pursuance of s.13(1)(a) -
 - Northern Territory University to Technical and Further Education, University College of the Northern Territory and Darwin Institute of Technology, dated 28 April 1989
- Direction by Administrator in pursuance of s.13(1)(a) -
 - Northern Territory Housing Commission, Northern Territory University and Department of Primary Industry and Fisheries to Department of Lands and Housing, Technical and Further Education, Department of Industries and Development, Office of the Ombudsman, Electrical Workers and Contractors Licensing Board, Museums and Art Galleries Board, Northern Territory Tourist Commission and Department of Education, dated 28 April 1989
- Increase of Treasurer's Advance pursuant to s.15,
 - dated 28 April 1989

Lands Acquisition Act:

Statement of reasons for compulsory acquisition of Powerline Corridor, Section 2899 Hundred of Goyder, as a matter of urgency under s.44(2)(b) and 54(2)(a)(i), dated 21 April 1989

Statement of reasons for compulsory acquisition of Powerline corridor, Portion 2840, as a matter of urgency under s.44(2)(b) and 54(2)(a)(i), dated 27 April 1989

Regulations 1989:

No. 4 - Amendments of the Port By-laws

No. 5 - Amendments of Work Health Regulations

No. 6 - National Companies and Securities Commission (Northern Territory Provisions) Regulations

No. 7 - Amendments of Traffic Regulations

=====

ATTENDANCE:

All Members attended the sitting except Mr Dale.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 67

Wednesday 17 May 1989

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 Poole: To present the Liquor Amendment Bill 1989 (Serial 196).

Mr Manzie: To present the Defamation Amendment Bill 1989 (Serial 180).

4. LEAVE OF ABSENCE:

The Leader of Government Business (Mr Coulter) moved - That leave of absence be granted to the Chief Minister (Mr Perron) for today and Thursday 18 May 1989 on account of Government Business interstate, and the Minister for Health and Community Services (Mr Dale) for the remainder of the May sittings due to ill health.

Question - put and passed.

5. QUESTIONS:

Questions were asked of Ministers.

6. REQUEST FOR PAPER TO BE TABLED:

The Leader of the Opposition (Mr Smith) requested that the Minister for Education (Mr Harris) table a document from which he had quoted during Question Time.

Mr Harris agreed to table the document when it became available.

7. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - TENTH REPORT - PAPER TABLED:

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

8. SUPPLEMENTARY ANSWER TO QUESTION:

The Minister for Transport and Works (Mr Finch) provided further information in answer to a question raised by the Member for Barkly (Mr Tuxworth) during Question Time yesterday.

9. REGIONAL LAND USE STRUCTURE PLAN, ALICE SPRINGS - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Lands and Housing (Mr Manzie) made a statement relating to the Regional Land Use Structure Plan and the introduction of Rural C Zone areas for Alice Springs.

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

Debate ensued.

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

- ° Submission, Alice Springs Town Council to the Minister for Lands and Housing, dated 25 April 1985.

Debate continued.

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

Debate resumed.

Personal explanation: The Member for Nightcliff (Mr Hatton), by leave, made a personal explanation in relation to comments made earlier in this debate.

Debate continued.

Question - put and passed.

10. COMMISSION OF INQUIRY (DEATHS IN CUSTODY) AMENDMENT BILL 1989 (Serial 188):

The Minister for Mines and Energy (Mr Coulter) for and on behalf of the Chief Minister (Mr Perron), pursuant to notice, presented a Bill for an Act to amend the *Commission of Inquiry (Deaths in Custody) Act*.

Bill read a first time.

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

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

11. JUSTICES AMENDMENT BILL (No. 2) 1989 (Serial 164):

The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Justices Act*.

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.

12. 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 Criminal Code Amendment Bill 1989 (Serial 182) and the Police Administration Amendment Bill (No. 3) 1989 (Serial 183) -

(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.

13. CRIMINAL CODE AMENDMENT BILL 1989 (Serial 182) and POLICE ADMINISTRATION AMENDMENT BILL (No. 3) 1989 (Serial 183):

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

14. LEGAL PRACTITIONERS (INCORPORATION) BILL 1989 (Serial 184):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to consolidate and amend the law relating to the incorporation of legal practices.
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.
15. BUSHFIRES AMENDMENT BILL 1989 (Serial 187):
The Minister for Conservation (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Bushfires Act*.
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.
16. DISCHARGE OF GOVERNMENT BUSINESS:
The Leader of Government Business (Mr Coulter) moved - That the following Orders of the Day, Government Business, be discharged from the Notice Paper: No. 16 - relating to the Ministerial Statement on Batchelor College; No. 17 - relating to the Menzies School of Health, Annual Report 1987-88; and No. 21 - relating to Services Provided for Aboriginals.
Question - put and passed.
17. NITMILUK (KATHERINE GORGE) NATIONAL PARK BILL 1989 (Serial 176):
The order of the day having been read for the consideration of the Bill in the Committee of the Whole -
The Assembly, according to Order, resolved itself into Committee of the Whole.

In the Committee
(Chairman - Mr Dondas)

Bill, by leave, taken as a whole.

On the motion of the Attorney-General (Mr Manzie) the following amendments were taken together, by leave, and agreed to:

Clause 3 -

Omit from the definition of "the lease" in subclause (1) ", a copy of which is set out in Schedule 1" and insert in its stead "referred to in section 5".

Clause 5 -

Omit clause 5 and insert in its stead the following new clause:

"5. LEASE

"(1) As soon as practicable after the area of land specified in Schedule 1 is granted under the *Land Rights Act* to the Land Trust, the Corporation shall accept a lease of the land from the Land Trust in the terms specified in the Memorandum of Lease in Schedule 1.

"(2) The lease, on its execution, is approved.

"(3) The implementation of the lease is authorised and ministers, departments, statutory corporations and authorities (including the Commission and the Corporation) shall do all things necessary or expedient to carry out their respective obligations under or in relation to, and give full effect to, the lease.

"(4) Where a provision of another law of the Territory is inconsistent with this Act, this Act shall prevail and the provision of the other law, to the extent of the inconsistency has no effect.

"(5) Notwithstanding subsection (4), for the purposes of Part V of the *Planning Act*, the lease, and any addition to the Park under section 7, is an excluded subdivision as if it had been prescribed for the purposes of section 82 of that Act."

Clause 6 -

Omit subclause (1) and substitute the following:

"(1) On the commencement of the lease the Park is, by force of this section, established as a national park for the benefit and enjoyment of all people."

Clause 7 -

Omit from subclause (1) "this Act" and insert in its stead "the lease".

Omit from subclause (2) "this Act" and insert in its stead "the lease".

Omit from subclause (3) all words after "forms part of the Park" and insert in their stead "and this Act, the By-laws and the plan of management shall apply to and in relation to the additional area as part of the Park".

Clause 18 -

Omit from subclause (1) "this Act" and insert in its stead "this Act, the lease".

Clause 25 -

Omit from subclause (1) "law of the Territory" and insert in its stead "law of the Territory, the lease".

Clause 30 -

Omit from subclause (1) "hereby" and insert in its stead ", on the commencement of the lease,".

Schedule 1 -

Omit "THE LEASE"

Omit from clause 4 of the Memorandum of Lease "of commencement of the Act" and insert in its stead "on which it is executed".

Omit from clause 7(2) of the Memorandum of Lease "revenue date" and insert in its stead "review date".

Omit clause 8 of the Memorandum of Lease and insert in its stead the following -

"8. This Lease is conditional upon the commencement of the Act."

Omit from clause 11(c) of the Memorandum of Lease "\$10,000.00" and insert in its stead "\$30,000.00".

Insert in clause 23(1) of the Memorandum of Lease, before "or to such other address", the following:

"If to the Jawoyn Association -

As notified in writing by the Jawoyn Association,".

Add at the end of clause 24 of the Memorandum of Lease the following:

"(2) The parties agree that, except as provided in clause 7, the *Commercial Arbitration Act* does not apply to this lease and that this lease (except for clause 7) is not an arbitration agreement for the purposes of that Act."

Omit from the end of the Memorandum of Lease, before the Annex, "Minister for Lands and Housing" and insert in its stead the following:

"Minister for Conservation

The Common Seal of)
the JAWOYN ASSOCIATION)
ABORIGINAL CORPORATION was)
affixed to this lease by)
authority of a resolution)
of the Association in the)
presence of:)

.....
....."

Omit that part of the annexure to the Memorandum of Lease commencing with the words "AND SECONDLY" and ending with the words "thence south to the point of commencement."

Schedule 2 -

Omit all words after "Section 31" and insert in their stead the following:

"Arrangements with the Commission in force immediately before the commencement of the lease

1. Nature of Concession: Helicopter joy flights
Date entered into: 23 March 1989
Date of expiry: 31 December 1989
Concessionaire: Lynakirst Pty. Ltd.
2. Nature of Concession: Canoe hire
Date entered into: 30 March 1989
Date of expiry: 31 December 1989
Concessionaire: Kookaburra Canoe Hire Pty. Ltd.
3. Nature of Concession: Launch tour
Date entered into: 14 March 1989
Date of expiry: 31 December 1989
Concessionaire: March Motors Tours Pty. Ltd.
4. Nature of Concession: Launch tour
Date entered into: 14 March 1989
Date of expiry: 31 December 1989
Concessionaire: Gorge Caravan Park Pty. Ltd.
5. Nature of Concession: Takeaway food operation
Date entered into: 1 April 1989
Date of expiry: 31 December 1989
Concessionaire: R and H Gillespie

.."

Preamble -

Omit from clause 1 "vested in" and insert in its stead "to be vested in a trust to be known as".

Omit from clause 4 all words after "that purpose" and insert in its stead "it is agreed that the proposed Land Trust, when established, should grant to the Conservation Land Corporation a lease of the land".

Bill as amended, agreed to.
Bill to be reported with amendments.

The Speaker (Mr Vale) resumed the Chair; 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.

18. LOCAL COURT BILL 1989 (Serial 144):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

In the Committee
(Chairman - Mr Dondas)

Clauses 1 and 2, by leave, taken together and agreed to.

Clause 3 read -

The Attorney-General (Mr Manzie) moved the following amendment -

Insert in clause 3, after the definition of "Local Court", the following:

"'proceeding' means a proceeding in the Court;"

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5, by leave, taken together and agreed to.

Clause 6 read -

Mr Manzie moved the following amendment -

Omit "causes of action" and insert in its stead "proceedings".

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clauses 9 to 18, by leave, taken together.

On the motion of Mr Manzie the following amendments were taken together, by leave, and agreed to -

Clause 9 -

Omit from subclause (3) ", in the absence of the Registrar,".

Clause 13 -

Omit subclause (3) and insert in its stead the following:

"(3) Process issued by a Registrar may be recalled and cancelled by that or another Registrar or a magistrate."

Clause 14 -

Omit from subclause (1)(e) "any other cause of action" and insert in its stead "any other matter or cause of action".

Omit subclause (3) and insert in its stead the following:

"(3) The Court does not in relation to a cause of action have jurisdiction to grant relief or a remedy in the nature of *certiorari*, *mandamus*, *prohibition* or *quo warranto*."

Clause 16 -

Omit from subclause (1) "a claim" and insert in its stead "a proceeding".

Clause 18 -

Omit from subclause (1) "in the Court" and insert in its stead "(other than a proceeding by way of an appeal to the Court)".

Clauses, as amended, agreed to.

Clause 19 read -

Mr Manzie moved the following amendment -

Omit subclause (1) and insert in its stead the following:

"(1) A party to a proceeding (other than a small claim proceeding) may -

(a) within 28 days; or

(b) with the leave of the Supreme Court, after the expiration of 28 days,

after the day on which the order complained of was made, appeal to the Supreme Court, on a question of law, from a final order of the Court in that proceeding.

"(1A) The Supreme Court may grant leave under subsection (1)(b) and the appellant may proceed with the appeal if the Supreme Court -

(a) is of the opinion that the failure to institute the appeal within the period referred to in subsection (1)(a) was due to exceptional circumstances; and

(b) is satisfied that the case of any other party to the appeal would not be materially prejudiced because of the delay."

Debate ensued.

Amendment agreed to.

On the motion of Mr Manzie the following further amendments were taken together, by leave, and agreed to -

Insert in subclause (2), after "proceeding", the words "(other than a small claim proceeding)".

Omit subclause (3) and insert in its stead the following:

"(3) A party to a small claim proceeding may, within 28 days after the day on which the order complained of was made, appeal to the Supreme Court from a final order of the Court in that proceeding on the grounds that -

(a) the decision was wrong in law; or

(b) the conduct of the proceeding was unfair."

Add at the end the following:

"(7) In this section 'small claim proceeding' means a proceeding under the *Small Claims Act*."

Clause 19, as amended, agreed to.

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

On the motion of Mr Manzie the following amendments were taken together, by leave, and agreed to -

Clause 20 -

Insert in subclause (1), after "proceeding" (first occurring), the words "(other than a proceeding by way of an appeal to the Court)".

Clause 21 -

Insert in subclause (2)(b), after "conducted by", the words "telephone or".

Omit from subclause (4) "matter" and insert in its stead "proceeding".

Clause 22 -

Insert after subclause (3) the following:

"(3A) A warrant of delivery may direct and authorize the person to whom it is directed to cause the goods described in the warrant to be delivered to the person specified in the warrant or to levy payment of the assessed value of the goods from other property of the person against whom the order is made."

Insert in subclause (6), after "may", the words "direct and authorize the person to whom it is directed to turn out any person from the land described in the warrant and may".

Clause 26 -

Omit from subclause (4) all words after "and is executed" and insert in their stead "when the Court has completed its examination of the debtor".

Clause 28 -

Omit paragraph (c) and all words before paragraph (c) and insert in their stead "The Court may order all witnesses, other than a party to the proceeding,".

Clause 30 -

Omit from subclause (1) "shall be examined" and insert in its stead "may be examined".

Clause 34 -

Omit from subclause (7) "it may" and insert in its stead "the Court may".

Clause 38 -

Omit from subclause (4) "refer" and insert in its stead "reference".

Remainder of the Bill, as amended, agreed to.
Bill to be reported with amendments.

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

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

19. NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) AMENDMENT BILL 1989 (Serial 102):

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.

20. MARINE AMENDMENT BILL 1989 (Serial 171):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

In the Committee

(Deputy Chairman - Mr Setter)

Bill, by leave, taken as a whole.

The Minister for Transport and Works (Mr Finch) moved the following amendment -

Insert after clause 26 the following:

"26A. NEW SECTION

"The Principal Act is amended by inserting after section 191 the following:

'191A. GENERAL PENALTY FOR OFFENCES

A person who commits an offence against this Act or the Regulations for which no other penalty is prescribed shall, on being found guilty of the offence, be liable to a penalty not exceeding \$2,000."

Amendment agreed to.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

21. PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 1989 (Serial 172):

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 Mines and Energy (Mr Coulter) the Bill was read a third time and passed to be a proposed law.

22. POSTPONEMENT:

The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day No. 6, relating to the Racing and Betting Amendment Bill 1989 (Serial 173) be postponed until the next sitting day.

Question - put and passed.

23. LOCAL COURT (CONSEQUENTIAL AMENDMENTS) BILL 1989 (Serial 175):

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 Committee of the Whole for the consideration of the Bill.

In the Committee
(Deputy Chairman - Mr Setter)

Clause 1 agreed to.

Clause 2 read -

The Attorney-General (Mr Manzie) moved the following amendment -

Omit from subclause (1) "a date to be fixed by the Administrator by notice in the *Gazette*" and insert in its stead "the commencement of the *Small Claims Amendment Act 1988*".

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Schedule read -
Mr Manzie moved the following amendment -

Omit from the item relating to the *Small Claims Act* the following:

"Section 10	'Clerk' (wherever occurring)	'Registrar' ".
-------------	------------------------------------	-------------------

Amendment agreed to.
Mr Manzie, by leave, moved the following further amendments together -

Omit from the first column in the item relating to the *Small Claims Act* "and 24(1)".

Omit from the item relating to the *Small Claims Act* the following:

"Section 30	the whole section	",
-------------	-------------------	----

and insert in its stead the following:

"Section 24(1)	all words after 'claim' (first occurring)	'be dealt with as if it had been commenced under this Act, and give such directions as it thinks appropriate'
----------------	---	---

Sections 30, 39 and 40	the whole sections	".
---------------------------	--------------------	----

Amendments agreed to.
Schedule, as amended, agreed to.
Title agreed to.
Bill to be reported with amendments.

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

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

24. ADJOURNMENT:

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

Debate ensued.

Paper tabled: The Leader of the Opposition (Mr Smith), by leave, laid on the Table the following Papers -

- Grounds Maintenance Contract, Nightcliff High School Council, Report by I.B. Maughan, Director, Policy Secretariat, Department of Education, dated 11 May 1989; and
- Comments of Alan Perrin on Department of Education Report of 11 May 1989.

Debate continued.

Suspension of Standing Orders: The Member for Nightcliff (Mr Hatton) moved - That so much of Standing Orders be suspended as would allow the Minister for Education (Mr Harris) to complete 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.

The Assembly adjourned at 7.13 p.m. until tomorrow at 10.00 a.m.

=====

PAPER:

The following Paper was deemed to have been presented on 17 May 1989:

Annual Report:

Uranium Mining (Environment Control) Act, 1988 (Tenth)

=====

ATTENDANCE:

All Members attended the sitting except Messrs Dale and Perron, on leave.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 68

Thursday 18 May 1989

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. PETITION:

Mrs Padgham-Purich presented a petition from 123 citizens of the Northern Territory relating to strip shows in hotels.

Petition read.

4. MATTER OF PRIVILEGE - NEWS TELECAST BY CHANNEL 8, 17 MAY 1989 - REQUEST FOR REFERRAL TO COMMITTEE OF PRIVILEGES:

The Leader of the Opposition (Mr Smith), pursuant to Standing Order 83, raised as a matter of privilege a news item telecast by Channel 8 on 17 May 1989, depicting the Member for Karama (Mr Palmer) in an argument with a reporter and requested that the Speaker refer the matter to the Committee of Privileges.

Paper tabled: Mr Smith laid on the Table the following Paper -

- ° Transcript, Channel 8 News item of 17 May 1989.

The Speaker agreed to consider the matter and to advise the Assembly of his decision later this day.

5. QUESTIONS:

Questions were asked of Ministers.

Supplementary answer: The Minister for Tourism (Mr Poole) for and on behalf of the Minister for Health and Community Services (Mr Dale) provided a supplementary answer to a question.

Answer to question: The Leader of Government Business (Mr Coulter) answered a question asked earlier this day.

6. LEAVE OF ABSENCE:

The Leader of the Opposition (Mr Smith) moved - That leave of absence be granted to the Member for Nhulunbuy (Mr Leo) for today and Tuesday 23 May 1989 on account of business interstate.

Question - put and passed.

7. WEST MACDONNELLS PARK - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Conservation (Mr Manzie) made a statement relating to the proposal to establish a West Macdonnells Park.

Paper tabled: Mr Manzie laid on the Table the following Paper -

- ° West Macdonnells Park Strategy, Conservation Commission of the Northern Territory.

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

Debate ensued.

Matter of Privilege - News telecast by Channel 8, 17 May 1989 - Request for referral to Committee of Privileges denied: The Speaker advised the Assembly that he had considered the request of the Leader of the Opposition (Mr Smith) to refer a matter to the Committee of Privileges.

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

"Honourable Members, I have given consideration to the matter of privilege raised by the Leader of the Opposition this morning, and have viewed a tape of the Channel 8 news item of Wednesday, 17 May 1989, referred to by the Leader of the Opposition. In addition, I have taken note of the contents and intent of relevant Territory and Commonwealth legislation.

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

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

Debate resumed.

Question - put and passed.

8. LIQUOR AMENDMENT BILL 1989 (Serial 196):
The Minister for Tourism (Mr Poole), pursuant to notice, presented a Bill for an Act to amend the *Liquor Act*.
Bill read a first time.
Mr Poole moved - That the Bill be now read a second time.
On the motion of the Member for Arnhem (Mr Lanhupuy) debate was adjourned.
9. DEFAMATION AMENDMENT BILL 1989 (Serial 180):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Defamation Act*.
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.
10. MOTOR VEHICLES AMENDMENT BILL 1989 (Serial 178):
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 Committee of the Whole for the consideration of the Bill.

In the Committee
(Chairman - Mr Dondas)

Bill, by leave, taken as a whole.

On the motion of the Minister for Transport and Works (Mr Finch) the following amendments were taken together, by leave, and agreed to -

Clause 4 -

Omit "5(1)" and insert in its stead "5".

Insert after clause 4 the following new clause:

"4A. REGISTRAR MAY GRANT EXEMPTION

"Section 8A of the Principal Act is amended by omitting subsection (2) and substituting the following:

'(2) The Registrar shall not grant an exemption under subsection (1) -

- (a) for a period that exceeds the remainder of the period for which the vehicle is then currently registered in the place in which it is registered; or
- (b) unless satisfied that -
 - (i) there has been paid the relevant amount of compensation contribution in respect of the vehicle as specified in a notice made in pursuance of section 47; or
 - (ii) there is in force in respect of the vehicle a policy of insurance complying with the provisions of a law in force in a State or another Territory of the Commonwealth requiring the owner or driver of the vehicle to be insured against liability in respect of the death of or bodily injury to a person caused by or arising out of the use of the vehicle.'."

Insert after clause 5 the following new clause:

"5A. GRANTING OF LICENCES

"Section 10 of the Principal Act is amended by omitting from subsection (2) 'to the public and' and substituting 'to the public and, except where the Registrar otherwise approves,'."

Clause 6 -

Omit proposed section 25E and insert in its stead the following new clause:

"25E. EXAMINATION TO DETERMINE FITNESS

"(1) The Registrar may require -

- (a) an applicant under section 25B(1); or
- (b) at such times as may be prescribed, a person approved under section 25B(2),

to undergo -

- (c) an approved test or examination, or both, to determine the proficiency of the applicant or person as a driving instructor; or

- (d) a medical examination by a medical practitioner to determine that the applicant or person is in a fit state of health to be a driving instructor.

"(2) A person required to undergo a test or examination under subsection (1)(c) shall, before undergoing the test or examination, pay to the Registrar the prescribed fee."

Clause 10 -

Omit from paragraph (a) proposed paragraphs (aa) and (ab) and insert in their stead the following new paragraphs:

- "(aa) refuse to grant a licence to or renew the licence of a person, or may cancel a licence of a person, where the person is not, or does not have a bona fide intention of, residing in the Territory;
- (ab) refuse to grant a licence to or renew the licence of a company, or may cancel a licence of a company, where the company is not or is not deemed to be incorporated, is not a recognized company, or is not registered as a foreign company or a recognized foreign company, under the *Companies (Northern Territory) Code*;
- (ac) refuse to register or renew the registration of a motor vehicle, or may cancel the registration of a motor vehicle, where the owner of the vehicle is not able to satisfy the Registrar that the owner is, or has a bona fide intention of, residing in the Territory, or, where the owner of the vehicle is a company, the company is or is deemed to be incorporated, is a recognized company, or is registered as a foreign company or a recognized foreign company, under the *Companies (Northern Territory) Code*, and the vehicle is to be used primarily, or there is a bona fide operational base for the vehicle, in the Territory;"

Omit from proposed paragraph (ba) in paragraph (a) "a licence" and insert in its stead "a licence or the registration of a motor vehicle".

Schedule -

Omit from the Schedule "number on the vehicle" and substitute "number or the vehicle".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

11. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1989 (Serial 177):

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 Conservation (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

12. CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) AMENDMENT BILL 1989 (Serial 170):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

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

13. ADJOURNMENT:

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 6.52 p.m. until Tuesday 23 May 1989 at 10.00 a.m.

=====

PAPERS:

The following Papers were deemed to have been presented on 18 May 1989:

Hospital Management Board:

Royal Darwin Hospital, 1987-88

Recommendation under s.103 of the Crown Lands Act:

Revocation of Reserves Nos 1680 and 1719

=====

ATTENDANCE:

All Members attended the sitting except Mr Dale (on leave), Mr Leo (on leave) and Mr Perron (on leave).

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 69

Tuesday 23 May 1989

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. PETITION:

Mr Fioreani presented a petition from 328 citizens of Australia requesting curriculum accreditation for courses taught at Yirara College.

Petition read.

4. NOTICES:

The following notices were given:

Mr Poole: To present the Parole Orders (Transfer) Amendment Bill 1989 (Serial 166); the Parole of Prisoners Amendment Bill 1989 (Serial 181); the Casino Licensing and Control Amendment Bill 1989 (Serial 205); and the Racing and Betting Amendment Bill (No. 2) 1989 (Serial 204).

Mr Perron: To present the Territory Insurance Office Amendment Bill 1989 (Serial 197) and the Motor Accidents (Compensation) Amendment Bill 1989 (Serial 198).

Mr Manzie: To present the Associations Incorporation Amendment Bill 1989 (Serial 191); the Administration and Probate Amendment Bill 1989 (Serial 189); and the Juries Amendment Bill 1989 (Serial 195).

Mr Ede: To move - That this Assembly resolves, pursuant to section 4A of the *Inquiries Act*, that a Commissioner be appointed to inquire into and report to the Administrator within six months on all aspects of the Brucellosis and Tuberculosis Eradication Campaign ("the campaign") insofar as it has been conducted in the Northern Territory since 1 April 1982 and, in particular, to -

- (1) examine the programs, agreements and understandings (and negotiations leading thereto) entered into between the government and the owners and managers from time to time of Newcastle Waters pastoral lease and their related companies relating to the campaign, the compensation paid pursuant to the campaign, the compensation paid pursuant to such programs, agreements and understandings, the management of those programs by the said owners and their managers and related companies and the administration of those programs by the Northern Territory Government;
- (2) examine the moneys paid by the Government in respect of cattle slaughtered at Victoria Valley Beef Abattoir pursuant to or as a result of the campaign;
- (3) without prejudice to any action before the courts of the Northern Territory, examine and report upon the probable extent of exposure or liability of the Northern Territory Government to compensation claims from pastoralists should destocking orders or other administrative action taken by the Northern Territory Government pursuant to the campaign be found to contravene 'just terms' provisions in relation to the acquisition of property under the *Northern Territory (Self-Government) Act*;

- (4) examine the adequacy of the administrative procedures adopted by the Northern Territory Government in respect of the administration of the campaign, the extent to which such procedures were properly supervised, followed and observed and to make recommendations in respect of the proper administration of the campaign in the future;
- (5) examine whether any overpayments were made by Government to any person in the course of the campaign and what steps, if any, have been or may be taken to recover such overpayments; and
- (6) examine such unlawful activities associated with, related to or arising out of the campaign as the Commissioner may find in the course of this inquiry.

Mr Bell: To move - That this Assembly supports the creation in the Northern Territory of an office of Director of Public Prosecutions.

5. QUESTIONS:

Questions were asked of Ministers.

Paper tabled: The Minister for Industries and Development (Mr Coulter) laid on the Table the following Paper -

- ° Trade Development Zone Authority - Follow-up Questionnaire and Results.

6. PREMIERS' CONFERENCE - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Chief Minister (Mr Perron) made a statement relating to the outcome of the Premiers' Conference.

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

Suspension of sitting: The sitting was suspended between 12.03 p.m. and 2.00 p.m.

Question - put and passed.

7. HOUSING PACKAGE - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Lands and Housing (Mr Manzie) made a statement relating to the progress of the new home ownership incentive scheme introduced in December 1988.

Mr Manzie moved - That the Assembly take note of the statement.
Debate ensued.

On the motion of the Member for Ludmilla (Mr Firmin) debate was adjourned.

8. TRAFFIC AMENDMENT BILL 1989 (Serial 186):

The Minister for Transport and Works (Mr Finch), by leave, presented a Bill for an Act to amend the *Traffic Act* and the *Criminal Law (Conditional Release of Offenders) Act*.

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.

9. OMBUDSMAN, APPOINTMENT OF MR ROBERT EADIE - MOTION AGREED TO:
The Chief Minister (Mr Perron) moved - That this Assembly recommend to His Honour the Administrator that he appoint Mr Robert Eadie to hold the Office of Ombudsman for the Northern Territory with effect from 13 June 1989 for a period of five years.
Debate ensued.
Question - put and passed.
10. COMMITTEE OF PRIVILEGES - REPORT ON 6.30 P.M. NEWS ITEM BROADCAST BY CHANNEL 8, 22 FEBRUARY 1989 - PAPER TABLED - PAPER PRINTED - REPORT ADOPTED:
The Chairman of the Committee of Privileges (Mr Manzie) laid on the Table the Committee of Privileges' Report on an item in the 6.30 p.m. News on Channel 8, Wednesday 22 February 1989. (Parliamentary Paper No. 43/89).
Mr Manzie moved - That the report be printed.
Question - put and passed.
Mr Manzie moved - That the report be adopted.
Question - put and passed.
11. ORDER OF BUSINESS:
The Leader of Government Business (Mr Coulter) moved - That the following Government Business, Orders of the Day be called on, in that order, forthwith -
No. 7 - Commission of Inquiry (Deaths in Custody) Amendment Bill 1989 (Serial 188); No. 6 - Poisons and Dangerous Drugs Amendment Bill 1989 (Serial 86); No. 3 - Supply Bill 1989-90 (Serial 194); and No. 1 - Aboriginal Areas Protection Bill 1988 (Serial 146).
Question - put and passed.
12. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES:
The Chief Minister (Mr Perron) moved - That so much of Standing Orders be suspended as would prevent the Commission of Inquiry (Deaths in Custody) Amendment Bill 1989 (Serial 188) passing through all stages at these sittings.
Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.
13. COMMISSION OF INQUIRY (DEATHS IN CUSTODY) AMENDMENT BILL 1989 (Serial 188):
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.
14. POISONS AND DANGEROUS DRUGS AMENDMENT BILL 1988 (Serial 86):
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.

Personal explanation: The Member for Sadadeen (Mr Collins), by leave, made a personal explanation relating to comments made by the Member for Nhulunbuy (Mr Leo) and the Leader of Government Business (Mr Coulter) during debate.

Debate continued.

Question - put and passed.

Bill read a second time.

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

In the Committee
(Chairman - Mr Dondas)

Clause 1 agreed to.

Clause 2 negatived.

Clause 3 negatived.

Clause 4 read -

The Minister for Tourism (Mr Poole) moved the following amendment -

Add after proposed section 64A the following new section:

"64B. DISPOSAL OF INSTRUMENTS

"(1) A person in possession of a hypodermic syringe or needle who fails to use reasonable care or take reasonable precautions with it so as to avoid danger to the life, safety or health of another person is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

"(2) A person in possession of a hypodermic syringe or needle that has been used in the unlawful administration of a prohibited drug or Schedule 8 substance who fails to dispose of the syringe or needle, or store the syringe or needle for disposal, in the manner specified under subsection (3) by the Chief Medical Officer is guilty of an offence.

Penalty: \$2,000 or imprisonment for 2 years.

"(3) The Chief Medical Officer may, by notice in the *Gazette*, specify the manner in which hypodermic syringes and needles that have been used in the unlawful administration of a prohibited drug or Schedule 8 substance shall be disposed of or stored for disposal."

Debate ensued.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 13, by leave, taken together.

Debate ensued.

Clauses 5 to 13 negatived.

Title agreed to.

Bill to be reported with amendments.

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

The Minister for Tourism (Mr Poole) moved - That the Bill be now read a third time.

Debate ensued.

Personal explanation: Mr Collins, by leave, made a personal explanation relating to comments made during debate.

Question - put.

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

AYES, 19

NOES, 4

Mr Bell
Mr Coulter
Mr Dondas
Mr Ede
Mr Finch
Mr Firmin
Mr Harris
Mr Hatton
Mr Lanhupuy
Mr Leo
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Smith
Mr Tipiloura

Mr Collins
Mr Floreani
Mrs Padgham-Purich
Mr Tuxworth

And so it was resolved in the affirmative.

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

15. SUPPLY BILL 1989-90 (Serial 194):

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 Treasurer (Mr Perron) the Bill was read a third time and passed to be a proposed law.

16. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES:

The Minister for Transport and Works (Mr Finch) moved - That so much of Standing Orders be suspended as would prevent the Traffic Amendment Bill 1989 (Serial 186) passing through all stages at these sittings.

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

17. ORDER OF BUSINESS:

The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day, relating to the Traffic Amendment Bill 1989 (Serial 186) be called on forthwith.

Question - put and passed.

18. TRAFFIC AMENDMENT BILL 1989 (Serial 186):

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 Transport and Works (Mr Finch) the Bill was read a third time and passed to be a proposed law.

19. ABORIGINAL AREAS PROTECTION BILL 1988 (Serial 146):

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 Member for Macdonnell (Mr Bell) moved the following amendment -

Omit all words after "That" and insert in their stead "this Assembly is of the opinion that this Bill should not be further proceeded with until the next sittings of the Legislative Assembly, pending adequate consultation with the Northern Territory Government, the Aboriginal Sacred Sites Protection Authority, the Land Councils and Aboriginal communities."

Debate ensued.

Paper tabled: Mr Bell, by leave, laid on the Table the following Paper -

- ° Letter, Member for Macdonnell to Minister for Lands and Housing, dated 22 May 1989.

Debate continued.

Paper tabled: Mr Bell, by leave, laid on the Table the following Paper -

- ° Curriculum Vitae of Mr R.W. Ellis, Director of the Aboriginal Sacred Sites Protection Authority.

Debate continued.

Paper tabled: Mr Bell, by leave, laid on the Table the following Paper -

- ° Statement of Principles, Central and Northern Land Councils.

Debate continued.

Suspension of Standing Orders: The Member for Ludmilla (Mr Firmin) moved - That so much of Standing Orders be suspended as would prevent the Minister for Mines and Energy (Mr Coulter) 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 Minister for Lands and Housing (Mr Manzie) laid on the Table the following Papers -

- ° Principles, Aboriginal Sacred Sites Protection Authority; and
- ° Principles, Northern and Central Land Councils.

Debate continued.

Suspension of Standing Orders: The Chief Minister (Mr Perron) moved - That so much of Standing Orders be suspended as would prevent Mr Manzie from completing his speech.

Question - put and passed.

Debate continued.

Papers tabled: Mr Manzie laid on the Table the following Papers -

- ° Sites Protection Procedure, General Structure, Attachment 1;
- ° Sites Protection Procedure, Avoidance of Sacred Sites, Attachment 2;
- ° Sites Protection Procedure, Registering Sacred Sites, &c, Attachment 3; and
- ° Sites Protection Procedure, Review Procedure, Attachment 4.

Debate continued.

And the Assembly having continued to sit until 12 midnight -

WEDNESDAY 24 May 1989, A.M.

Closure: Mr Bell moved - That Mr Manzie be not further heard.

Question - put and negatived.

Debate continued.

Question - That the amendment moved by Mr Bell be agreed to - put.

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

AYES, 8

NOES, 14

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

Mr Collins
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

And so it was resolved in the negative.

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

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

AYES, 14

Mr Collins
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

NOES, 8

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

And so it was resolved in the affirmative.

Bill read a second time.

The Member for Stuart (Mr Ede) moved - That, pursuant to Standing Order 183, the Bill be referred to a Select Committee.

Mr Perron moved - That the question be now put.

Question - That the question be now put - put.

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

AYES, 16

Mr Collins
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter
Mr Tuxworth
Mr Vale

NOES, 6

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

And so it was resolved in the affirmative.

Question - That the motion moved by Mr Ede be agreed to - put.

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

AYES, 6

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

NOES, 16

Mr Collins
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy

Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

Mr Perron moved - That the Committee stages be later taken.

Question - put and passed.

20. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

The Assembly adjourned at 1.10 a.m. until 10.00 a.m. this day.

=====

PAPER:

The following Paper was deemed to have been presented on 23 May 1989:

Financial Statement:

Government Printing Office, 1987-88

=====

ATTENDANCE:

All Members attended the sitting except Mr Dale, on leave.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 70

Wednesday 24 May 1989

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. PETITIONS:

Mr Coulter, by leave, presented a petition, not conforming with Standing Orders, from 159 citizens of the Northern Territory requesting an amenities block and shade cover for netball courts at Driver High School.

Petition read.

Mr Bell presented a petition from 478 citizens of the Northern Territory requesting the Assembly to support existing laws of the *Bushfires Act* and Northern Territory Fire Services.

Petition read.

4. NOTICES:

The following notices were given:

Mr McCarthy: To present the Public Employment (Mobility) Bill 1989 (Serial 209).

Mr Manzie: To present the Registration Amendment Bill 1989 (Serial 193); the Real Property Amendment Bill 1989 (Serial 190); the Crimes Compensation Amendment Bill 1989 (Serial 206); the Real Property Amendment Bill (No. 2) 1989 (Serial 192); the Criminal Law (Conditional Release of Offenders) Amendment Bill (No. 2) 1989 (Serial 207); the Statute Law Revision Bill 1989 (Serial 185); the Misuse of Drugs Bill 1989 (Serial 199); the Poisons and Dangerous Drugs Amendment Bill (No. 2) 1989 (Serial 200); the Criminal Code Amendment Bill (No. 2) 1989 (Serial 201); and the Crimes (Forfeiture of Proceeds) Amendment Bill 1989 (Serial 202).

5. QUESTIONS:

Questions were asked of Ministers.

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) provided further information to a question raised by the Member for Nhulunbuy (Mr Leo) during Question Time yesterday.

6. INDUSTRIAL RELATIONS SYSTEM UPON STATEHOOD, REPORT - PAPER TABLED - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT AND PAPER:

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) laid on the Table the Report by Sir John Moore on the Question of an Appropriate Industrial Relations System upon Statehood.

Mr McCarthy made a statement relating thereto.

Mr McCarthy moved - That the Assembly take note of the statement and Paper.

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

7. NEW PARLIAMENT HOUSE COMMITTEE - REPORT, INTERIM PARLIAMENTARY ACCOMMODATION - PAPER TABLED - REPORT PRINTED - REPORT ADOPTED:

The Speaker laid on the Table the Report on Proposed Interim Accommodation for the Northern Territory Parliament in the Chan Building during construction of the new Parliament House. (Parliamentary Paper No. 44/89).

The Minister for Transport and Works (Mr Finch) moved - That the report be printed.

Question - put and passed.

Mr Finch moved - That the Report be adopted.

Debate ensued.

Question - put and passed.

8. FIBRE CROPS PROGRAM - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
The Minister for Primary Industry and Fisheries (Mr Reed) made a statement relating to a program of studies into the possibility of establishing a pulp or pulp and paper industry.
Mr Reed moved - That the Assembly take note of the statement.
Debate ensued.
On the motion of the Member for Nightcliff (Mr Hatton) debate was adjourned.

9. TERRITORY NATIONAL PARKS AND LAND RIGHTS - MOTION NEGATIVED:
The Member for Macdonnell (Mr Bell) moved - That this Assembly -

- (a) applauds the positive attitude the Perron government has taken to the recognition of Aboriginal land rights at the Nitmiluk (Katherine Gorge) National Park;
- (b) condemns the action of the Chief Minister's predecessors in banishing the Conservation Commission of the Northern Territory from a management role at the Uluru and Katatjuta National Park by refusing to accept the recognition of Aboriginal traditional ownership at Uluru and Katatjuta; and
- (c) encourages the Northern Territory government to continue to pursue a positive attitude to the *Aboriginal Land Rights (NT) Act* and the Land Councils constituted under that legislation.

Debate ensued.

Suspension of sitting: The sitting was suspended between 12.09 p.m. and 2.00 p.m.

Debate resumed.

Question - put and negatived.

10. INQUIRY INTO BRUCELLOSIS AND TUBERCULOSIS ERADICATION CAMPAIGN - MOTION NEGATIVED:
The Member for Stuart (Mr Ede) moved - That this Assembly resolves, pursuant to section 4A of the *Inquiries Act*, that a Commissioner be appointed to inquire into and report to the Administrator within six months on all aspects of the Brucellosis and Tuberculosis eradication campaign ("the campaign") insofar as it has been conducted in the Northern Territory since 1 April 1982 and, in particular, to -

- (1) examine the programs, agreements and understandings (and negotiations leading thereto) entered into between the Government and the owners and managers from time to time of Newcastle Waters pastoral lease and their related companies relating to the campaign, the compensation paid pursuant to the campaign, the compensation paid pursuant to such programs,

agreements and understandings, the management of those programs by the said owners and their managers and related companies and the administration of those programs by the Northern Territory Government;

- (2) examine the moneys paid by the Government in respect of cattle slaughtered at Victoria Valley Beef Abattoir pursuant to or as a result of the campaign;
- (3) without prejudice to any action before the courts of the Northern Territory, examine and report upon the probable extent of exposure or liability of the Northern Territory Government to compensation claims from pastoralists should destocking orders or other administrative action taken by the Northern Territory Government pursuant to the campaign be found to contravene 'just terms' provisions in relation to the acquisition of property under the *Northern Territory (Self-Government) Act*;
- (4) examine the adequacy of the administrative procedures adopted by the Northern Territory Government in respect of the administration of the campaign, the extent to which such procedures were properly supervised, followed and observed and to make recommendations in respect of the proper administration of the campaign in the future;
- (5) examine whether any overpayments were made by Government to any person in the course of the campaign and what steps, if any, have been or may be taken to recover such overpayments; and
- (6) examine such unlawful activities associated with, related to or arising out of the campaign as the Commissioner may find in the course of this inquiry.

Debate ensued.

Paper - leave not granted to table: Mr Ede asked leave to table a paper.

Objection being raised, leave not granted.

Debate continued.

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

- ° Strategic Plan 1989-92, BTEC; and
- ° Report, The Future Management of BTEC in the Northern Territory.

Debate continued.

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

- ° Nutwood Downs Station, Request for Purposes of Section 75C of the Income Tax Assessment Act 1936, dated 21 May 1985; and
- ° Nutwood Downs Station, Request for Purposes of Section 75C of the Income Tax Assessment Act 1936, undated.

Debate continued.

Paper tabled: Mr Ede, by leave, laid on the Table the following Paper -

- Statutory Declaration, signed by Roderick Dunbar, undated.

Debate continued.

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

- Telex, Joe and Mary Groves, Woolner Station, to Hon Steve Hatton, Chief Minister, undated;
- Memorandum, G.S. Wilson, Divisional Veterinary Officer (Darwin) to Assistant Secretary, Animal Industry, Department of Primary Production, dated 28 April 1986;
- Statement, Mary Cecilia Groves, Woolner Station made at Berrimah Police Station, dated 29 May 1986;
- Letter, J. and M. Groves, Woolner Station to Hon N. Dondas, Minister for Lands, dated 15 September 1986;
- Letter, G.R. Fallon, Chief Veterinary Officer, Department of Primary Production to J. and M. Groves, Woolner Station, dated 14 November 1986;
- Letter, Ombudsman to Mrs M. Groves, Woolner Station, dated 21 May 1987;
- Transcript of conversation between Mr Iredale from the Ombudsman's Office and Mr Simon Taylor, on 12 December 1986; and
- Letter, Ombudsman to Mrs M. Groves, Woolner Station, dated 17 June 1988.

Debate continued.

Suspension of Standing Orders: The Member for Nhulunbuy (Mr Leo) moved - That so much of Standing Orders be suspended as would allow Mr Ede to complete his speech.

Question - put and negatived.

Debate continued.

Paper tabled: The Minister for Primary Industry and Fisheries (Mr Reed) laid on the Table the following Paper -

- Letter, Ombudsman to Mrs M. Groves, dated 28 February 1989.

Debate continued

Paper tabled: Mr Reed laid on the Table the following Paper -

- Handwritten note from the Member for Stuart (Mr Ede) to Minister for Primary Industry and Fisheries, dated 24 May 1989.

Debate continued.

Papers tabled: Mr Reed laid on the Table the following Papers -

- Letter, Hon John Kerin, MP, Minister for Primary Industry to Hon S.P. Hatton, Minister for Primary Production, dated 1 August 1985;
- Letter, Minister for Primary Production (Mr Hatton) to Hon J. Kerin, MP, Minister for Primary Industry, dated 19 April 1985; and
- Letter, Mr P. McAulay, Commissioner of Police, to Secretary, Department of Primary Production, dated 17 September 1984.

Debate continued.

Paper - leave not granted to table: Mr Leo asked leave to table two papers.

Objection being raised, leave not granted.

Debate continued.

Question - put and negatived.

11. DIRECTOR OF PUBLIC PROSECUTIONS - MOTION NEGATIVED:

The Member for Macdonnell (Mr Bell) moved - That this Assembly supports the creation in the Northern Territory of an office of Director of Public Prosecutions.

Debate ensued.

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

- Director of Public Prosecutions Act 1982, Victoria; and
- Extract of Debates, Legislative Assembly of Victoria, dated 18 November 1982.

Debate continued.

Question - put and negatived.

12. HERITAGE PRESERVATION (INTERIM ARRANGEMENTS) BILL 1988 (Serial 133):

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 negatived.

13. JUVENILE JUSTICE AMENDMENT BILL 1988 (Serial 131):

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.

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

AYES, 4

NOES, 14

Mr Collins
Mr Floreani
Mrs Padgham-Purich
Mr Tuxworth

Mr Bell
Mr Coulter
Mr Dondas
Mr Firmin
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron

Mr Poole
Mr Reed
Mr Setter
Mr Smith

And so it was resolved in the negative.

14. ADDRESS TO HIS HONOUR THE ADMINISTRATOR - APPRECIATION OF SERVICE - MOTION AGREED TO:

The Chief Minister (Mr Perron), by leave, moved - That the following Address be agreed to -

To His Honour the Administrator of the Northern Territory

May it please Your Honour,

We, the Legislative Assembly of the Northern Territory, in Parliament assembled, in the last sittings of the Parliament before your retirement from the office of Administrator, desire to express our grateful thanks for your distinguished and meritorious service to the Northern Territory during your eight and one half years as Administrator of the Northern Territory and to extend to you and your wife, Joan, our sincerest good wishes for the future.

The Leader of the Opposition (Mr Smith) seconded the motion.

Debate ensued.

Question - put and passed.

15. PRESENTATION OF ADDRESS TO ADMINISTRATOR:

The Speaker informed the Assembly that the Address would be presented to His Honour the Administrator at 1.15 p.m. on Thursday 25 May 1989, and invited Honourable Members to accompany him to Government House at that time.

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

The Minister for Tourism (Mr Poole) moved - That so much of Standing Orders be suspended as would prevent the Parole Orders (Transfer) Amendment Bill 1989 (Serial 166) and the Parole of Prisoners Amendment Bill 1989 (Serial 181) -

(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. PAROLE ORDERS (TRANSFER) AMENDMENT BILL 1989 (Serial 166); and PAROLE OF PRISONERS AMENDMENT BILL 1989 (Serial 181):

The Minister for Tourism (Mr Poole) for and on behalf of the Minister for Health and Community Services (Mr Dale), pursuant to notice and resolution, presented a Bill for an Act to amend the *Parole Orders (Transfer) Act* and a Bill for an Act to amend the *Parole of Prisoners Act*. Bills read a first time.

Mr Poole moved - That the Bills be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.

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

The Minister for Tourism (Mr Poole) moved - That so much of Standing Orders be suspended as would prevent the Casino Licensing and Control Amendment Bill 1989 (Serial 205) and the Racing and Betting Amendment Bill (No. 2) 1989 (Serial 204) -

(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.

19. CASINO LICENSING AND CONTROL AMENDMENT BILL 1989 (Serial 205); and RACING AND BETTING AMENDMENT BILL (No. 2) 1989 (Serial 204):

The Minister for Tourism (Mr Poole), pursuant to notice and resolution, presented a Bill for an Act to amend the *Casino Licensing and Control Act* and a Bill for an Act to amend the *Racing and Betting Act*.

Bills read a first time.

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

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

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

The Leader of Government Business (Mr Coulter) moved - That so much of standing Orders be suspended as would prevent the Territory Insurance Office Amendment Bill 1989 (Serial 197) and the Motor Accidents (Compensation) Amendment Bill 1989 (Serial 198) -

(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.

21. TERRITORY INSURANCE OFFICE AMENDMENT BILL 1989 (Serial 197); and MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL 1989 (Serial 198):

The Minister for Industries and Development (Mr Coulter), for and on behalf of the Treasurer (Mr Perron), pursuant to notice and resolution, presented a Bill for an Act to amend the *Territory Insurance Office Act* and a Bill for an Act to amend the *Motor Accidents (Compensation) Act*.

Bills read a first time.

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

On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.

22. ASSOCIATIONS INCORPORATION AMENDMENT BILL 1989 (Serial 191):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Associations Incorporation Act*.
Bill read a first time.
Mr Manzie moved - That the Bill be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.
23. ADMINISTRATION AND PROBATE AMENDMENT BILL 1989 (Serial 189):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Administration and Probate Act*.
Bill read a first time.
Mr Manzie moved - That the Bill be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.
24. JURIES AMENDMENT BILL 1989 (Serial 195):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Juries Act*.
Bill read a first time.
Mr Manzie moved - That the Bill be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.
25. 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 11.44 p.m. until tomorrow at 10.00 a.m.

=====

PAPERS:

The following Papers were deemed to have been presented on 24 May 1989:

Annual Reports:

Agricultural Development and Marketing Authority, 1987-88
University College of the Northern Territory, 1988

Remuneration Tribunal Act:

Report and Recommendation No. 1 of 1989, Magistrates of the
Northern Territory

=====

ATTENDANCE:

All Members attended the sitting except Mr Dale, on leave.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 71

Thursday 25 May 1989

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.

4. REMUNERATION TRIBUNAL - SUBMISSION BY NORTHERN TERRITORY LABOR PARTY - PAPER TABLED:

The Leader of the Opposition (Mr Smith), by leave, laid on the Table a Submission by the Parliamentary Labor Party to Secretary, Remuneration Tribunal, dated 20 April 1989.

5. NORTHERN TERRITORY UNIVERSITY - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Education (Mr Harris) made a statement relating to the establishment and progress of the Northern Territory University.

Papers tabled: Mr Harris laid on the Table the following Papers -

- Northern Territory University Development Plan; and
- Palmerston College, An Integrated College for Senior Secondary and TAFE Students, Department of Education.

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

Debate ensued.

On the motion of the Member for Nightcliff (Mr Hatton) debate was adjourned.

Suspension of sitting: The sitting was suspended between 11.46 a.m. and 2.00 p.m.

6. HUMAN RESOURCES MANAGEMENT - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) made a statement relating to the ordered management of the Northern Territory's Human Resources.

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

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

7. LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION AMENDMENT BILL 1989 (Serial 208):

The Treasurer (Mr Perron), by leave, presented a Bill for an Act to amend the *Legislative Assembly Members' Superannuation Act*.

Bill read a first time.

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

On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.

8. PUBLIC EMPLOYMENT (MOBILITY) BILL 1989 (Serial 209):
The Minister for Labour, Administrative Services and Local Government (Mr McCarthy), pursuant to notice, presented a Bill for an Act to enable mobility in employment between certain areas of public employment in the Territory without loss of accrued conditions of employment.
Bill read a first time.
Mr McCarthy moved - That the Bill be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.
9. REGISTRATION AMENDMENT BILL 1989 (Serial 193):
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Registration Act*.
Bill read a first time.
Mr Manzie moved - That the Bill be now read a second time.
On the motion of the Member for Stuart (Mr Ede) debate was adjourned.
10. REAL PROPERTY AMENDMENT BILL 1989 (Serial 190):
The Minister for Lands and Housing (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Real Property Act*.
Bill read a first time.
Mr Manzie moved - That the Bill be now read a second time.
On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.
11. REAL PROPERTY AMENDMENT BILL (No. 2) 1989 (Serial 192):
The Minister for Lands and Housing (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Real Property Act*.
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.
12. 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 the Crimes Compensation Amendment Bill 1989 (Serial 206) and the Criminal Law (Conditional Release of Offenders) Amendment Bill (No. 2) 1989 (Serial 207) -
- (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.
13. CRIMES COMPENSATION AMENDMENT BILL 1989 (Serial 206) and CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) AMENDMENT BILL (No. 2) 1989 (Serial 207):
The Attorney-General (Mr Manzie), pursuant to notice and resolution, presented a Bill for an Act to amend the *Crimes Compensation Act* and a Bill for an Act to amend the *Criminal Law (Conditional Release of Offenders) 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.

14. STATUTE LAW REVISION BILL 1989 (Serial 185):

The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to revise and correct the law of the Territory in minor respects.

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.

15. SUSPENSION OF STANDING ORDERS - TAKE FOUR BILLS TOGETHER:

The Attorney-General (Mr Manzie) moved - That so much of Standing Orders be suspended as would prevent the Misuse of Drugs Bill 1989 (Serial 199); the Poisons and Dangerous Drugs Amendment Bill (No. 2) 1989 (Serial 200); the Criminal Code Amendment Bill (No. 2) 1989 (Serial 201); and the Crimes (Forfeiture of Proceeds) Amendment Bill 1989 (Serial 202) -

(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.

16. MISUSE OF DRUGS BILL 1989 (Serial 199); POISONS AND DANGEROUS DRUGS AMENDMENT BILL (No. 2) 1989 (Serial 200); CRIMINAL CODE AMENDMENT BILL (No. 2) 1989 (Serial 201); and CRIMES (FORFEITURE OF PROCEEDS) AMENDMENT BILL 1989 (Serial 202):

The Attorney-General (Mr Manzie), pursuant to notice and resolution, presented a Bill for an Act to consolidate and amend the law relating to the misuse of drugs, to make further provision for the prevention of the misuse of drugs, and for other purposes; a Bill for an Act to amend the *Poisons and Dangerous Drugs Act*; a Bill for an Act to amend the *Criminal Code*; and a Bill for an Act to amend the *Crimes (Forfeiture of Proceeds) 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.

17. ABORIGINAL AREAS PROTECTION BILL 1988 (Serial 146):

The order of the day having been read for the consideration of the Bill in the Committee of the Whole -

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

In the Committee
(Chairman - Mr Dondas)

Clause 1 read -

The Member for Macdonnell (Mr Bell) moved the following amendment -

Omit "*Aboriginal Areas Protection Act 1988*" and insert in its stead "*Northern Territory Aboriginal Sacred Sites Act 1989*".

Amendment agreed to, after debate.

Clause, as amended, agreed to.

Clause 2 agreed to, after debate.

Clause 3 read -

The Minister for Conservation (Mr Manzie) moved the following amendment -

Insert before the definition of "Aboriginal member" the following:

"'Aboriginal' means a person who is a member of the Aboriginal race of Australia;".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit from the definition of "Aboriginal member" the words "section 6(5)" and insert in their stead "section 6(6)".

Debate ensued.

Mr Bell moved - That the Chairman do report progress and ask leave to sit again.

Question - put.

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

AYES, 6

NOES, 15

Mr Bell

Mr Ede

Mr Lanhupuy

Mr Leo

Mr Smith

Mr Tipiloura

Mr Collins

Mr Coulter

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

And so it was resolved in the negative.

Debate continued.

Question - That the amendment be agreed to - put.

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

AYES, 14

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

NOES, 7

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

And so it was resolved in the affirmative.

Mr Manzie moved the following further amendment -

Omit the definitions of "areas avoidance certificate" and "Authority" and insert in their stead the following:

"'Authority' means the Aboriginal Areas Protection Authority established by section 5(1);

'Authority Certificate' means a certificate issued under section 22(1);".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Insert after the definition of "Chairman" the following:

"'Chief Executive Officer' means the Chief Executive Officer appointed under section 14(1) and includes a person appointed under section 14A to act as the Chief Executive Officer while so acting;".

Debate ensued.

Question - That the amendment be agreed to - put.

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

AYES, 14

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

NOES, 6

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

And so it was resolved in the affirmative.
Mr Manzie moved the following further amendment -

Omit the definition of "custodian" and insert in its stead the following:

"'custodian', in relation to a sacred site, means an Aboriginal who, by Aboriginal tradition, has responsibility for that site and, in Part II, includes a custodian of any sacred site;"

Amendment agreed to, after debate.

On the motion of Mr Manzie the following further amendment was agreed to -

Omit the definition of "declared area" and insert in its stead the following:

"'land' includes land covered by water (including such land in the Territorial sea) and water covering land;"

Mr Bell moved the following amendment -

Insert after the definition of "custodian" the following:

"'desecrate' in relation to a sacred site, means to engage in or take any activity, action or behaviour which is inconsistent with Aboriginal tradition and is offensive to or likely to cause offence to the custodians of the site;"

Debate ensued.

Question - That the amendment be agreed to - put.

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

AYES, 6

NOES, 16

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

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

And so it was resolved in the negative.

Mr Bell moved - That the Chairman do report progress and ask leave to sit again.

Question - put.

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

AYES, 6

NOES, 16

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

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

And so it was resolved in the negative.

Mr Manzie moved the following further amendment -

Insert after the definition of "member" the following:

"'Minister's Certificate' means a certificate issued under section 28(1)(b);".

Amendment agreed to, after debate.

Mr Bell moved the following further amendment -

Insert in the definition of "owner", after "including" the words "for the purposes of Part III".

Amendment negated, after debate.

Mr Manzie moved the following further amendment -

Omit from the definition of "owner" the words "and an exploration licence".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit the definition of "preliminary conference" and insert in its stead the following:

"'Register' means the Register of Sacred Sites kept in pursuance of section 10(e);

'repealed Acts' means the Acts and provisions repealed by section 40;".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit the definition of "significant Aboriginal area".

Debate ensued.

Question - That the amendment be agreed to - put.

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

AYES, 17

NOES, 6

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
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 Ede
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura

And so it was resolved in the affirmative.

Mr Bell, by leave, moved the following uncirculated amendment -

Omit from the definition of "Authority" the word "Areas" and insert in its stead "Sacred Sites".

Amendment negatived, after debate.

Question - That Clause 3 stand as amended - put.

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

AYES, 17

NOES, 6

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
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 Ede
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura

And so it was resolved in the affirmative.

Clause 4 agreed to, after debate.

Clause 5 negatived.

New clause -

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

"5. ESTABLISHMENT OF AUTHORITY

"(1) There is hereby established an Authority by the name of the Aboriginal Areas Protection Authority.

"(2) The Authority -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

"(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall assume that it was duly affixed.

"(4) The Authority is a prescribed statutory corporation within the meaning of and for the purposes of the *Financial Administration and Audit Act*.

"(5) The Authority, in the performance of its functions and the exercise of its powers, other than a function or power under section 14B, 34D or 41 or Part III or IV, is subject to the direction of the Minister."

Debate ensued.

Mr Bell moved - That the Chairman do report progress and ask leave to sit again.

Question - put.

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

AYES, 5

NOES, 17

Mr Bell
Mr Ede
Mr Leo
Mr Smith
Mr Tipiloura

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

And so it was resolved in the negative.
Debate continued.

Proposed new clause 5 agreed to.

Clause 6 read -

Mr Manzie moved the following amendment -

Omit from subclause (1) all words after "consist of" and insert in their stead "12 members appointed by the Administrator by notice in the *Gazette*".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit subclause (2) and insert in its stead the following:

"(2) Ten members of the Authority shall be custodians of sacred sites appointed in equal number from a panel of 10 male custodians and 10 female custodians nominated by the Land Councils, or otherwise as provided in subsection (4) or (5).

"(2A) The Administrator shall appoint an Aboriginal member to be the Chairman of the Authority and another, of the opposite sex to the person appointed as the Chairman, to be its Deputy Chairman."

Mr Bell moved the following amendment to the amendment -

Insert in proposed subclause (2A) after "appoint" the words "from members nominated for the purpose by the Authority".

Amendment to the amendment agreed to, after debate.

Amendment, as amended, agreed to.

Mr Manzie moved the following further amendment -

Omit subclause (4) and insert in its stead the following:

"(4) The Minister shall, when the occasion for the appointment of members arises, by notice in writing to the Land Councils, request them to nominate a panel of 10 male custodians, and another panel of 10 female custodians, from which the Administrator may appoint 5 Aboriginal members of each sex or, where there is a vacancy in the office of an Aboriginal member (including a vacancy caused by a member's term of office expiring), to nominate a panel of twice the number of custodians of the relevant sex as the number of vacancies from which the Administrator may appoint the required number of members to fill the vacancy or vacancies."

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit subclause (5) and insert in its stead the following:

"(5) If the Land Councils do not, within 60 days after being requested to do so, nominate a panel of the required number of qualified persons under subsection (4), the Administrator may appoint such custodians of the appropriate sex as the Administrator thinks fit to be the Aboriginal members or to fill the vacancy or vacancies, whether or not those Aboriginals may have been included in a panel of persons nominated by the Land Councils or a Land Council."

Debate ensued.

Question - That the amendment be agreed to - put.

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

AYES, 17

NOES, 6

Mr Collins

Mr Bell

Mr Coulter

Mr Ede

Mr Dondas

Mr Lanhupuy

Mr Finch

Mr Leo

Mr Firmin

Mr Smith

Mr Floreani

Mr Tipiloura

Mr Harris

Mr Hatton

Mr McCarthy

Mr Manzie

Mrs Padgham-Purich

Mr Palmer

Mr Perron

Mr Poole

Mr Reed

Mr Setter

Mr Tuxworth

And so it was resolved in the affirmative.

Clause 6, as amended, agreed to.

Clause 7 read -

Mr Manzie moved the following amendment -

Omit from subclause (1) "Minister" and insert in its stead "Administrator".

Amendment agreed to, after debate.

On the motion of Mr Manzie the following further amendment was agreed to -

Omit from subclause (2) "Minister" and insert in its stead "Administrator".

On the motion of Mr Manzie the following further amendment was agreed to -

Omit from subclause (3) "Minister" and insert in its stead "Administrator".

Mr Manzie moved the following further amendment -

Omit from subclause (4) "Minister" and insert in its stead "Administrator".

Amendment agreed to, after debate.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit from subclause (1) "a member" and insert in its stead "an Aboriginal member".

Clause 9, as amended, agreed to.

Clause 10 read -

Mr Manzie moved the following amendment -

Omit paragraphs (a) and (b) and insert in their stead the following:

- "(a) to facilitate discussions between custodians of sacred sites and persons performing or proposing to perform work on or use land comprised in or in the vicinity of a sacred site, with a view to their agreeing on an appropriate means of sites avoidance and protection of sacred sites;"

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit paragraphs (d), (e), (f), (g) and (h) and insert in their stead the following:

- "(d) to establish such committees (including executive and regional committees), consisting of such members and other persons, as are necessary to enable it to carry out its functions;
- (e) to establish and maintain a register to be known as the Register of Sacred Sites and such other registers and records as required by or under this Act;
- (f) to examine and evaluate applications made under sections 16 and 23;
- (g) after considering an application under section 16, and in accordance with Division 1 of Part III, to issue or refuse to issue an Authority Certificate;
- (h) to make available for public inspection the Register and records of all agreements, certificates and refusals except to the extent that such availability would disclose sensitive commercial information or matters required by Aboriginal tradition to be kept secret;

(ha) to make such recommendations to the Minister on the administration of this Act as it thinks fit;".

Amendment agreed to, after debate.

On the motion of Mr Manzie the following further amendment was agreed to -

Add at the end the following:

"; and (k) to enforce this Act.".

Clause 10, as amended, agreed to.

Clause 11 agreed to, after debate.

Clause 12 read -

Mr Manzie moved the following amendment -

Omit subclause (1) and insert in its stead the following:

"(1) Subject to subsections (1A) and (2), the Chairman shall call such meetings of the Authority and committees of the Authority as are necessary for the performance of the functions of the Authority.

"(1A) The Chairman shall call not less than 4 meetings of the Authority in each full calendar year of its operation.".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Insert in subclause (2), after "Authority", the words "or a committee of the Authority".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit subclause (3) and insert in its stead the following:

"(3) The Chairman shall determine the times and places of the meetings of the Authority and its committees.".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit from subclause (4) "The Chairman" and insert in its stead "Subject to subsection (5), the Chairman".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Insert in subclause (4), after "the Chairman", the words "the Deputy Chairman shall preside. In the absence of the Chairman and the Deputy Chairman".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit subclause (5) and insert in its stead the following:

"(5) Neither the Chairman nor the Deputy Chairman shall preside or continue to preside at a meeting of the Authority if the Authority is of the opinion that, in accordance with Aboriginal tradition, it would not be appropriate for him or her to do so.

"(5A) At a meeting of the Authority -

- (a) seven members, not less than 2 of whom are male Aboriginal members and not less than 2 of whom are female Aboriginal members, constitute a quorum;
- (b) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote; and
- (c) subject to this Act, the Authority shall determine the procedure to be followed at or in connection with the meeting.

"(5B) The quorum and proceedings at a meeting of a committee of the Authority shall be as determined by the Authority."

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Add at the end the following:

"(7) An Aboriginal member may require the Authority or a committee of the Authority of which the Aboriginal member is a member to admit to a meeting of the Authority or committee, as the case may be, a person who in accordance with Aboriginal tradition is able to assist the member to participate more fully in the deliberations at the meeting and may require the Authority or committee to allow the person to address the meeting on the member's behalf, and the Authority or committee shall comply with the requirement.

"(8) A person admitted to a meeting pursuant to subsection (7) shall not vote on any matter at the meeting."

Amendment agreed to, after debate.

Clause 12, as amended, agreed to.

Clause 13 agreed to, after debate.

New clause -

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

"13A. ANNUAL REPORT

"(1) The Chairman shall, as soon as practicable after 30 June in each year, submit to the Minister a report on the administration and operation of the Authority during the previous 12 months to and including 30 June of that year or, in the case of the first report, during the period since the establishment of the Authority.

"(2) The Minister shall lay a copy of the report referred to in subsection (1) before the Legislative Assembly within 6 sitting days of the Assembly after the Minister receives the report."

Debate ensued.

Proposed new clause 13A agreed to.

Clause 14 negatived.

New clauses -

Mr Manzie, by leave, moved - That the following new clauses be inserted in the Bill -

"14. CHIEF EXECUTIVE OFFICER

"(1) The Administrator shall appoint a Chief Executive Officer of the Authority who shall be charged with carrying out the decisions of the Authority.

"(2) The Chief Executive Officer shall -

(a) be paid such salary, allowances and expenses;
and

(b) hold office on such terms and conditions,

as the Minister, with the advice of the Public Service Commissioner, determines.

"(3) In relation to the Chief Executive Officer, the Authority is a prescribed authority within the meaning and for the purposes of the *Public Service Act*.

"14A. ACTING CHIEF EXECUTIVE OFFICER

"Where the Chief Executive Officer is or is expected to be absent from duty or from the Territory, or there is a vacancy in the office of the Chief Executive Officer, the Authority may appoint a person employed by the Authority, to act as the Chief Executive Officer during the absence or until the vacancy is filled.

"14B. OTHER STAFF OF AUTHORITY

"(1) The Authority may, on such terms and conditions as are approved by the Public Service Commissioner, employ such staff as are necessary to enable it to perform its functions and exercise its powers.

"(2) Where immediately before the commencement of this Act a person was employed under section 14 of the repealed Acts as then in force, that person shall, on the commencement of this Act, be an employee of the Authority employed on the same terms and conditions as applied to the person immediately before that commencement.

"14C. SALARIES, ALLOWANCES AND EXPENSES

"All allowances and other expenses payable to members of the Authority and the salary, allowances and expenses payable to the Chief Executive Officer and other persons employed by the Authority shall be paid out of the moneys of the Authority."

Debate ensued.

Question - That proposed new clauses 14, 14A, 14B and 14C be inserted in the Bill - put.

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

AYES, 13

NOES, 5

Mr Collins
Mr Coulter
Mr Dondas
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Setter

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura

And so it was resolved in the affirmative.

Clause 15 read -

Mr Manzie moved the following amendment -

Omit from subclause (1) all words before "any of its powers" and insert in their stead "The Authority may, by resolution, delegate to the Chairman, a member or members of a committee of the Authority, the Chief Executive Officer or a person employed by the Authority".

Amendment agreed to, after debate,

Clause 15, as amended, agreed to.

Heading to Part III -

On the motion of Mr Manzie the following amendment was agreed to -

Omit the heading and insert in its stead the following:

"Part III - SITES PROTECTION PROCEDURE

Division 1 - Avoidance of Sacred Sites".

Clause 16 negatived.

New Clause -

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

"16. APPLICATION FOR AUTHORITY CERTIFICATE

"(1) A person who proposes to use or carry out work on land may apply to the Authority for an Authority Certificate.

"(2) As soon as practicable (but not later than 60 days or such longer period as the Minister approves) after an application under subsection (1) is received by the Authority it shall consult with the custodians of sacred sites on or in the vicinity of the land to which the application relates which are likely to be affected by the proposed use or work.

"(3) An applicant under subsection (1) may request the Authority, before or after the issue of an Authority Certificate in relation to the land, to arrange a conference on the application or terms and conditions of an Authority Certificate, or as the case may be, between the applicant and the custodians of the relevant sites.

"(4) An applicant under subsection (1) or a custodian of a site with whom the applicant has requested a conference may apply to the Authority for the conference to be held in the presence of the Authority or a member or committee of the Authority authorized by the Authority for that purpose.

"(5) An application under subsection (1) or a request under subsection (3) shall be in a form approved by the Authority and, subject to subsection (6), shall be accompanied by the prescribed fee.

"(6) The Authority may waive the requirement for the payment of a fee under subsection (5) or any part of such a fee."

Debate ensued.

Proposed new clause 16 agreed to.

Clause 17 negatived.

New clause -

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

"17. CONFERENCE WITH CUSTODIANS OR AUTHORITY

"(1) On receiving a request under section 16(3), the Authority shall arrange the requested conference not later than 60 days after the time allowed under section 16(2) for the Authority to consult with the custodians or, where the request is made after that time, not later than 60 days (or such longer period as the Minister approves) after the date of the request.

"(2) Where the Authority has neither issued nor refused to issue an Authority Certificate before it receives a request under section 16(3), it shall not make a decision to issue or refuse to issue such a certificate until the consultations requested have been completed, unless the request is, in writing, sooner withdrawn."

Debate ensued.

Proposed new clause 17 agreed to.

Clause 18 negatived.

New clause -

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

"18. AUTHORITY CERTIFICATE

"(1) The Authority shall, where it is satisfied that, in relation to an application under section 16(1) -

- (a) the work or use of the land could proceed or be made without there being a substantive risk of damage to or interference with a sacred site on or in the vicinity of the land; or
- (b) an agreement has been reached between the custodians and the applicant,

issue an Authority Certificate to the applicant (which, in the case where an agreement referred to in paragraph (b) has been reached, is in accordance with the agreement) -

- (c) describing the part or parts of the land on which the work proposed in the application may be carried out or use made (or on which the work may not be carried out or use made, as the case may be) with sufficient particularity to enable the land and part or parts to be identified; and
- (d) setting out the conditions, if any, on which under this Act the work may be carried out or use made as the Authority thinks accords with the custodians' wishes or, if an agreement has been reached between the custodians and the applicant, accords with that agreement."

Clause 19 negatived.

New clause -

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

"19. VARIATION OF CERTIFICATE

"A person to whom an Authority Certificate is issued or who would, under section 16(1), be entitled to apply for an Authority Certificate, may apply to the Authority for a variation of an Authority Certificate and this Division, with the necessary changes, applies as if the application for the variation were an application for a Certificate."

Debate ensued.

Proposed new clause 19 agreed to.

Clause 20 negatived.

New clause -

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

"20. NEW APPLICATIONS ON REFUSAL OF AUTHORITY

"Where the Authority refuses to issue an Authority Certificate on an application under section 16(1) or vary a Certificate on an application under section 19, the applicant may not again apply under that section for the issue or variation, as the case may be, of an Authority Certificate in respect of the land or part of land to which the original application related, except with the permission in writing of the Minister."

Mr Bell moved the following amendment to the proposed new clause -

That the clause be amended by inserting after "applicant may not" the words "within a period of 12 months beginning with the date of the refusal".

Mr Bell moved the following further amendment to the proposed new clause, by leave -

Omit all words after "related" in the proposed new clause 20."

Debate ensued.

Question - That the amendments moved by Mr Bell to the proposed new clause be agreed to - put.

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

AYES, 5

NOES, 12

Mr Bell
Mr Lanhupuy
Mr Leo
Mr Smith
Mr Tipiloura

Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Poole
Mr Setter

And so it was resolved in the negative.

Mr Bell, by leave, moved the following further amendment -

Add to new clause 20 the following -

"(b) There will be now new application over the same area of land within a period of 12 months."

Debate ensued.

Question - That the amendment to the proposed new clause be agreed to - put.

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

AYES, 6

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

NOES, 16

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

And so it was resolved in the negative.

Proposed new clause 20 agreed to.

Clause 21 negatived.

New clause -

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

"21. EFFECT OF CERTIFICATE

"Subject to the conditions, if any, of the Certificate, a person may -

- (a) enter and remain on that part or those parts of land the subject of an Authority Certificate on which, under the Certificate, work or a use proposed in the application for the Certificate may be carried out or made; and
- (b) do such things on the land as are reasonably necessary for carrying out that work or making that use of the land."

Debate ensued.

Question - That the proposed new clause be agreed to - put.

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

AYES, 15

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Hatton
Mr McCarthy
Mr Manzie
Mrs Padgham-Purich
Mr Palmer

NOES, 6

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

Mr Perron
Mr Poole
Mr Reed
Mr Setter

And so it was resolved in the affirmative.

Clause 22 read -

Mr Manzie invited defeat of the clause.

Debate ensued.

The Chief Minister (Mr Perron) moved - That the question be now put.

Question - That the question be now put - put.

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

AYES, 15

NOES, 6

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

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

And so it was resolved in the affirmative.

Question - That clause 22 stand as printed - put and negatived.

Suspension of sitting: The sitting was suspended between 8.29 p.m. and 8.45 p.m.

New clause -

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

"22. REGISTER OF CERTIFICATES, &c.

"The Authority shall keep, in a form approved by the Minister, a separate register in which it shall keep a copy of all applications made and certificates issued under Divisions 1 and 3 of this Part, details of all refusals to issue a certificate and such other information as is prescribed."

Debate ensued.

Proposed new clause 22 agreed to.

Clause 23 negatived, after debate.

New clause -

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

*"Division 2 - Documenting, Evaluating and
Registering Sacred Sites*

"23. APPLICATION TO HAVE SITE REGISTERED

"(1) A custodian of a sacred site may apply to the Authority for the site to be registered in the Register.

"(2) As soon as practicable after an application under subsection (1) is received by the Authority it shall consult with the applicant and other custodians, if any, of the sacred site to determine -

- (a) the basis on and extent to which the applicant and other custodians, if any, are entrusted with responsibility for the site according to Aboriginal tradition;
- (b) the name or names and addresses of the custodian or custodians;
- (c) the story of the site according to Aboriginal tradition;
- (d) the location and extent of the site;
- (e) the restrictions, if any, according to Aboriginal tradition, on activities that may be carried out on or in the vicinity of the site;
- (f) the physical features that constitute the site;
- (g) whether, and if so to what extent, the period of the registration should be limited; and
- (h) the restrictions, if any, that should be applied to information about matters referred to in paragraph (c) or (f) divulged by the custodian or custodians.

"(3) Except to the extent that the Authority determines under subsection (2)(h) that the information should not be recorded, the Authority shall reduce to writing the information obtained as a result of consultations under subsection (2)."

Debate ensued.

Proposed new clause 23 agreed to.

Heading to Part IV -

On the motion of Mr Manzie the following amendment was agreed to -

Omit the heading.

Clause 24 negatived, after debate.

New clause -

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

"24. REPRESENTATIONS BY OWNERS OF LAND ON WHICH SITE SITUATED

"(1) Before registering a sacred site as the result of an application under section 23(1) the Authority shall give to each owner of land comprised in the site or on which the site is situated a notice -

- (a) giving details of the area concerned;
- (b) inviting the owner to make written representations in connection with the application by a specified date, being not earlier than 28 days after the receipt of the notice; and
- (c) specifying an address to which such representations may be sent.

"(2) The Authority shall give due consideration to all representations made by an owner as the result of an invitation under subsection (1)(b) and in particular shall make and record its findings in relation to the immediate or possible detrimental effect, if any, the fact that the site is a sacred site may have on the owner's proprietary interest in the land.

"(3) Where the owner of land to whom a notice under subsection (1) has been given advises the Authority that the owner's intended work on or use of the land may be constrained by the existence of the sacred site, the Authority shall advise the owner, in writing, of the owner's right to apply for an Authority Certificate in relation to the land."

Debate ensued.

Mr Bell, by leave, moved the following amendment to the proposed new clause -

Omit from proposed new clause 24(2) all words after "subsection (1)(b)".

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

AYES, 17

NOES, 5

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy

Mr Bell
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith

Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

And so it was resolved in the affirmative.

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

Proposed new clause 24 agreed to, after debate.

Clause 25 negatived, after debate.

New clause -

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

"25. REGISTERING OF SACRED SITES

"Where after examining and evaluating -

- (a) the information obtained as a result of consultations under section 23(2);
- (b) any representations made under section 24(1); and
- (c) such other information concerning the site as is available to it,

the Authority is satisfied that the site the subject of the application is a sacred site, it shall place the information recorded in pursuance of section 23(3) and a record of its findings referred to in section 24(2), if any, in the Register and on its so doing the site is registered as a sacred site for the purposes of this Act."

Clause 26 negatived.

New clause -

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

"Division 3 - Review Procedure

"26. APPLICATION FOR REVIEW

"(1) A person who applied under section 16(1) for an Authority Certificate and who is aggrieved by -

- (a) a decision or action of the Authority under Division 1 or the Regulations; or
- (b) the failure by the Authority within a reasonable time to come to a decision on an application or request under Division 1,

may apply to the Minister for a review of the decision, action or failure.

"(2) As soon as practicable after receiving an application under subsection (1) the Minister shall, after consulting with the Authority, request the Authority to conduct a review of the matter the subject of the application or refuse to ask the Authority to review the matter, and the Minister shall, in writing, advise the applicant accordingly.

"(3) Where the Minister refers a matter to the Authority for review, the Authority shall provide -

- (a) the applicant under subsection (1);
- (b) where appropriate, the custodians of sacred sites affected; and
- (c) any other person appearing to the Authority to be affected,

with a notice -

- (d) stating the matter to be reviewed;
- (e) inviting them to make written representations in connection with the review by a specified date, being not earlier than 28 days nor later than 60 days after the date of the notice; and
- (f) specifying an address to which such representations may be sent.

"(4) Where, after due consideration of all representations made as a result of an invitation under subsection (3)(e) (but not later than 28 days after the latest time limited by the notices under that subsection for the making of those representations), the Authority does not, by exercising its powers under any other provision of this Act, satisfy the concerns of the applicant for the review, it shall provide the Minister with a report and its recommendations on the matter and copies of all documents or records likely to be relevant to the Minister's consideration of it."

Debate ensued.

Proposed new clause 26 agreed to.

Clause 27 negatived.

New clause -

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

"27. CONSIDERATION OF REPORT AND RECOMMENDATIONS

"As soon as practicable after the Minister receives the report and recommendations provided under section 26(4), the Minister shall consider the report, its attached documents, if any, the Authority's recommendations and such other information as is available to him or her and, where the Minister considers it appropriate to enable him or her to better make his or her decision in relation to the application, discuss with the applicant, the custodians and any other person or body who or

which, in the Minister's opinion, has a legitimate interest in the outcome of the Minister's decision, any aspect of the report and recommendations."

Debate ensued.

Proposed new clause 27 agreed to.

Clause 28 negatived.

New clause -

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

"28. DECISION OF MINISTER

"(1) After considering the matter and carrying out the discussions, if any, referred to in section 27 the Minister may, in his or her absolute discretion -

(a) uphold the decision or action of the Authority; or

(b) issue to the applicant for the review a certificate in relation to the land or any part of the land comprised in a sacred site or on which a sacred site is situated, setting out conditions, if any, on which work may be carried out on or use made of the land as the Minister thinks fit.

"(2) A certificate under subsection (1)(b) has the same effect as an Authority Certificate and where it is in conflict with an Authority Certificate the Authority Certificate, to the extent of that inconsistency, has no force or effect.

"(3) As soon as practicable after making it, the Minister shall, in writing, give to the Authority and each person to whom a notice of the relevant review was given under section 26(3), a notice of the Minister's decision, the reasons for the decision and, where the Minister issues a certificate as a result of the decision, a copy of that certificate."

Debate ensued.

Mr Bell moved the following amendment to the proposed new clause -

Omit from subclause (1) "in his or her absolute discretion".

Debate ensued.

Amendment, by leave, withdrawn.

Mr Bell, by leave, moved the following amendment -

Omit "absolute".

Amendment agreed to.

Mr Bell moved the following further amendment to proposed new clause 28 -

Add at the end the following:

"(4) Where the Minister issues or refuses to issue a certificate under subsection (1)(b), the applicant, under clause 26, may not seek a further review under that section unless the basis for the application is substantially different from the previous application and information, documents or records that are likely to be relevant for the consideration of the Minister, being information, records or documents that were not available to the Minister at the time of considering the previous application, will be available to the Minister in connection with the consideration of the further application.

"(5) The Minister shall cause to be laid before the Legislative Assembly a copy of any notice given by him or her under subsection (3), together with a copy of the reasons given therewith."

Amendment agreed to.

Proposed new clause 28, as amended, agreed to.

Clause 29 negatived.

New clause -

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

"PART IV - OFFENCES, PENALTIES AND PROCEDURES

"29. ENTRY ONTO SACRED SITES

"Except in the performance of a function under this Act or otherwise in accordance with this Act (including a certificate or permission or approval under this Act) or the *Land Rights Act*, a person shall not enter or remain on a sacred site.

Penalty: In the case of a natural person - \$10,000 or imprisonment for 12 months.

In the case of a body corporate - \$20,000."

Debate ensued.

Proposed new clause 29 agreed to.

Clause 30 negatived.

New clause -

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

"30. WORK ON SACRED SITE

"(1) A person shall not carry out work on or use a sacred site.

Penalty: In the case of a natural person - \$20,000 or imprisonment for 2 years.

In the case of a body corporate - \$40,000.

"(2) It is a defence to a prosecution for an offence against subsection (1) if it is proved that the defendant carried out the work on or used the sacred site with, and in accordance with the conditions of, an Authority Certificate or a Minister's Certificate permitting the defendant to do so."

Debate ensued.

Proposed new clause 30 agreed to.

Clause 31 negated, after debate.

New clause -

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

"31. DESECRATION

"A person shall not desecrate a sacred site.

Penalty: In the case of a natural person - \$20,000 or imprisonment for 2 years.

In the case of a body corporate - \$40,000."

Debate ensued.

Proposed new clause 31 agreed to.

Clause 32 negated.

New clauses -

Mr Manzie, by leave, moved - That the following new clauses be inserted in the Bill -

"32. DEFENCES

"(1) Subject to subsection (2), it is a defence to a prosecution for an offence against section 29, 30(1) or 31 if it is proved that the defendant had no reasonable grounds for suspecting that the sacred site was a sacred site.

"(2) Where a sacred site in respect of which a charge for an offence against section 29, 30(1) or 31 is laid is on Aboriginal land within the meaning of the *Land Rights Act*, the defence provided by subsection (1) shall not be available unless it is also proved that -

- (a) the defendant's presence on the land comprised in the sacred site would not have been unlawful if the land had not been a sacred site; and
- (b) the defendant had taken reasonable steps to ascertain the location and extent of sacred sites on any part of that Aboriginal land likely to be visited by the defendant.

"32A. CONTRAVENTION OF SITES AVOIDANCE CONDITIONS

"A person who contravenes or fails to comply with a condition of an Authority Certificate or a Minister's Certificate relating to work which may be done on or use that may be made of land and by so doing causes damage to a sacred site or distress to a custodian of a sacred site, is guilty of an offence.

Penalty: In the case of a natural person - \$10,000 or imprisonment for 12 months.

In the case of a body corporate - \$20,000."

Mr Bell moved the following amendment to proposed new clause 32 -

Omit the words "30(1)" (twice occurring).

Debate ensued.

Amendment negatived.

Proposed new clauses 32 and 32A agreed to.

Heading to Part V -

On the motion of Mr Manzie the following amendment was agreed to -

Omit the heading.

Clause 33 read -

Mr Manzie moved the following amendment -

Omit "the register and other records referred to in section 41(1)" and insert in its stead "the Register and the register and other records referred to in section 22".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit "Imprisonment for 2 years" and insert in its stead "\$10,000 or imprisonment for 12 months".

Amendment agreed to, after debate.

Clause 33, as amended, agreed to.

Clause 34 negatived.

New clauses -

Mr Manzie, by leave, moved - That the following new clauses and heading be inserted in the Bill -

"34. AUTHORITY TO BRING PROSECUTIONS

"A prosecution for an offence against this Act or the Regulations shall not be brought except by the Authority.

"PART V - MISCELLANEOUS

"34A. NON-DEROGATION FROM OTHER LAWS OR RIGHTS

"(1) Nothing in Part III purports or shall be taken to derogate from a provision of any Act requiring consent, approval or permission of the work or use of the land the subject of an Authority Certificate or Minister's Certificate or from the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* of the Commonwealth or (subject to section 21 of this Act) the *Land Rights Act*.

"(2) Nothing in this Act shall be taken to prevent a person from directly communicating with a custodian about a sacred site or land on which a sacred site is situated.

"34B. POWERS TO PROTECT SACRED SITES

"(1) Without limiting the power of the Administrator to otherwise take steps to protect a sacred site, the Administrator may take, or promote, or cause to be taken, steps to protect sacred sites, under such laws in force in the Territory as the Administrator considers appropriate -

- (a) by the acquisition of an area of land;
- (b) by the reservation of an area of Crown land;
- (c) by the vesting of title to an area of Crown land in the Authority;
- (d) where land is vested in, or is under the care, control or management of, a statutory corporation, by recommending the taking of special measures, including the making of by-laws, for the protection of the site; and
- (e) where a person has an estate or interest in land, by recommending, and assisting with the funding of, special measures for the protection of the site.

"(2) The Regulations may provide for or relate to the protection of a sacred site.

"34C. WISHES OF ABORIGINALS TO BE TAKEN INTO ACCOUNT

"Before exercising a power under this Act in respect of a sacred site, the Authority or the Minister, as the case may be, shall take into account the wishes of Aboriginals relating to the extent to which the sacred site should be protected.

"34D. PERMISSION TO ENTER AND REMAIN ON SACRED SITE

"(1) Subject to the conditions, if any, of an Authority Certificate or a Minister's Certificate, a person may enter and remain on a sacred site with the approval of the custodians of the site or the Authority provided that the person does so in accordance with the conditions, if any, to which the approval is subject.

"(2) In this section -

- (a) 'approval' includes a permit issued under section 29, and a written permission referred to in section 31(4), of the repealed Acts in effect immediately before the commencement of this Act;
- (b) 'Authority' includes the Authority under the repealed Acts."

Mr Bell moved the following amendment -

Add at the end of proposed new clause 34 "or by the custodians of a sacred site".

Debate ensued.

Question - That the amendment to proposed clause 34 be agreed to - put.
The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 6

NOES, 16

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

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

And so it was resolved in the negative.

Mr Bell moved the following further amendment -

Insert after proposed clause 34 the following:

"34AA CIVIL REMEDIES

"(1) For the purposes of this section, "action" means a proceeding of a civil nature between parties.

"(2) Subject to this Act, the Authority or a custodian may bring an action for an infringement or likely infringement of a provision of this Act or of any traditional law associated with this Act or with a sacred site protected under this Act.

"(3) The relief that a Court may grant in an action under subsection (2) includes an injunction (subject to such terms, if any, as the Court thinks fit) and damages.

"(4) Where in an action it is established that an infringement was, or would have been committed, but it is also established that at the same time, the defendant was not aware, and had no reasonable grounds for suspecting, that the act constituting the infringement was an infringement, the plaintiff is not entitled under this section to any damages against the defendant in respect of the infringement but is entitled to an account of profits in respect of the infringement whether any other relief is granted under this section, or not.

"(5) Where, in an action under this section -

- (a) an infringement is established; and
- (b) the Court is satisfied it is proper to do so, having regard to -
 - (i) the flagrancy of the infringement;
 - (ii) any benefit shown to have accrued to the defendant by reason of the infringement; and
 - (iii) all other relevant matters,

the Court may, in assessing damages for the infringement, award such additional damages as it considers appropriate in the circumstances.

"(6) Subject to this section, a custodian of a sacred site, is entitled in respect of any infringing photograph, facsimile or depiction of a site, to the rights and remedies, by way of an action for conversion or detention, to which he would be entitled if he were the owner of a copy or photograph used or intended to be used for making infringing copies since the time it was made."

Amendment negatived, after debate.

Mr Bell moved the following further amendment -

Omit from proposed clause 34A, subclause (2).

Debate ensued.

Question - That the amendment be agreed to - put.

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

AYES, 6

NOES, 17

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

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy

Mr Manzie
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

Amendment negatived accordingly.
Debate continued.

Mr Manzie, by leave, moved the following amendment -

Omit the words from proposed new clause 34A "(subject to section 21 of this Act)".

Amendment agreed to.

New clauses 34, 34A as amended, 34B, 34C and 34D agreed to.

Clause 35 read -

Mr Manzie moved the following amendment -

Omit from subclause (1) "the declaration under Part III or the areas avoidance certificate, the owner of land comprising a declared area or of land that is the subject of an areas avoidance certificate which is" and insert in its stead "an Authority Certificate or a Minister's Certificate, the owner of land comprised in".

Amendment agreed to, after debate.

Clause 35, as amended, agreed to.

Clause 36 negatived, after debate.

New clause -

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

"36. EVIDENCE THAT SITE IS SACRED SITE

"For the purposes of this Act, production of -

(a) the Register; or

(b) a certificate issued under the common seal of the Authority or the hand of the Chief Executive Officer certifying that an area of land is or was on a specified date registered in the Register,

shall be accepted as prima facie evidence by all courts, judges and persons acting judicially, without further proof being required, that an area of land on the Register or the area of land to which the certificate relates is a sacred site."

Mr Bell moved the following amendment to the proposed new clause -

Omit "prima facie evidence" and insert in its stead "proof".

Debate ensued.

Question - That the amendment to the proposed new clause be agreed to - put.

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

AYES, 6

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

NOES, 17

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

Amendment negated accordingly.

Proposed new clause 36 agreed to, after debate.

Clause 37 negated.

New clause -

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

"37. ABORIGINALS' RIGHT OF ACCESS TO SACRED SITES

"Notwithstanding this or any other act, Aboriginals shall have access to sacred sites in accordance with Aboriginal tradition and entry pursuant to such access is not an offence under this Act."

Clause 38 negated.

New clauses -

Mr Manzie, by leave, moved - That the following new clauses be inserted in the Bill -

"38. ACCESS TO SACRED SITES ACROSS OTHER LAND

"(1) Notwithstanding any Act or rule of law to the contrary, a person with the express approval of the custodian of a sacred site, the Authority or the Minister may, for a purpose -

- (a) permitted by Aboriginal tradition;
- (b) reasonably necessary for or in connection with the performance of a function or the exercising of a power under this Act; or
- (c) reasonably necessary for or in connection with the preparation of an application under this Act or the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* of the Commonwealth or the preparation or hearing of a claim under the *Land Rights Act*,

by reasonable means and by the most direct practical route between a place of public access and the sacred site (or between sacred sites), after giving reasonable notice to the owner of the land he or she proposes to cross, but subject to subsection (2), cross any land to that sacred site or between sacred sites.

"(2) Where the owner of land given notice under subsection (1) requests that an alternative route across the land be taken so as not to obstruct the owner's normal activities on the land, a person to whom subsection (1) applies shall not cross the land except by that alternative route.

"(3) Nothing in subsection (1) shall be taken to authorize a person to whom it applies to camp or otherwise reside on the land which under that subsection he or she may cross.

"(4) A person who prevents a person from or obstructs a person exercising a right under subsection (1) is guilty of an offence.

Penalty: Where the guilty person is a natural person - \$5,000 or imprisonment for 12 months.

Where the guilty person is a body corporate - \$10,000.

"38A. INSPECTION OF REGISTER AND OTHER RECORDS

"A person may at any reasonable time, on payment of such fee, not exceeding the prescribed amount, as the Authority thinks fit, inspect so much of the Register or other records of the Authority as the Authority, in pursuance of section 10(h), is required to make available for public inspection."

Debate ensued.

Proposed new clauses 38 and 38A agreed to.

Clause 39 read -

Mr Manzie moved the following amendment -

Add at the end the following:

"(2) The Regulations may provide for a penalty, not exceeding \$2,000, for an offence against the Regulations."

Amendment agreed to, after debate.

Clause 39, as amended, agreed to.

Clause 40 agreed to.

Clause 41 negatived.

New clauses -

Mr Manzie, by leave, moved - That the following new clauses be inserted in the Bill -

"41. SAVING OF REGISTER, &c.

"(1) The register set up under section 24 of the repealed Acts as in force immediately before the commencement of this Act, and all other records of the Authority as then constituted under those Acts, shall, on the commencement of this Act, become the property of the Authority and shall be kept and retained by the Authority, as records of the Authority.

"(2) A site registered on the register referred to in subsection (1) at the commencement of this Act shall be deemed to be a site in respect of which an application under section 23(1) by the custodian or custodians has been made on the date of commencement of this Act and, subject to subsections (3) and (4), Division 2 of Part III, with the necessary changes, applies accordingly.

"(3) Where the Authority is of the opinion that there is available to it from the register and other records of the Authority under the repealed Acts sufficient information to enable it to determine the matters referred to in section 23(2) and to record the information required by section 23(3) to be recorded, it may dispense with the need to consult with the custodians of a site and rely on that available information.

"(4) Until a site referred to in subsection (2) is registered in accordance with section 25 or the Authority decides not to so register it, for all purposes of this Act, other than Division 2 of Part III -

- (a) the site shall be deemed to be registered in the Register;
- (b) the part of the register referred to in subsection (1) relating to the site shall be deemed to be part of the Register; and
- (c) subject to an Authority Certificate or a Minister's Certificate, entry onto, the carrying out of work on, or the use of, the land comprised in the site shall be deemed to be subject to the same conditions as applied immediately before the commencement of this Act.

"(5) Notwithstanding anything in this section, where a custodian of a sacred site requests the Authority to remove from the register referred to in subsection (1) all record of the sacred site, the Authority shall remove the record accordingly and subsections (2) and (4) cease to apply to or in relation to that sacred site.

"(6) This section expires at the expiration of 3 years after the commencement of this Act.

"41A. INTERIM AUTHORITY

"Until the Authority is first properly constituted under this Act, the members of the Authority appointed by the Administrator under section 5 of the repealed Acts and holding office immediately before the commencement of this Act shall constitute the Authority under this Act, and the provisions of Division 1 of Part II of the repealed Acts relating to termination of membership, leave of absence, acting appointments and meetings shall apply, with such changes as the Minister thinks necessary to enable the Authority to perform its functions and exercise its powers, as if those provisions were contained in this Act."

Mr Bell moved the following amendments together, by leave -

Omit from subclause (2) of proposed clause 41 all words after "deemed to be a site" and insert in their stead "registered by the Authority in accordance with Part III."

Omit from proposed clause 41 subclauses (3) and (4).

Debate ensued.

And the Assembly having continued to sit until 12 midnight -

FRIDAY 26 MAY 1989, A.M.

Question - That the amendments moved by Mr Bell be agreed to - put.
The Committee divided (the Chairman, Mr Dondas, in the Chair) -

AYES, 6

NOES, 15

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

Mr Collins
Mr Coulter
Mr Dondas
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

Amendments negatived accordingly.

Mr Bell moved the following further amendment to proposed new clause 41 -

Omit from subclause (5) "a custodian of a sacred site requests the Authority" and insert in its stead "the Authority is requested by the custodian or custodians of a sacred site".

Amendment agreed to, after debate.

Mr Bell moved the following further amendment to proposed new clause 41 -

Omit from subclause (5) "subsections (2) and (4) cease" and insert in its stead "subsection (2) ceases".

Amendment negatived.

Mr Bell moved the following further amendment to proposed new clause 41 -

Insert after subclause (5) the following:

"(5A) An investigation by the Land Commissioner under section 26 of the repealed Acts which is in progress at the commencement of this Act shall, subject to the wishes of the custodian or custodians of the sacred site in question, be proceeded with as if the repealed Acts were still in force."

Question - That the amendment be agreed to - put.

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

AYES, 6

NOES, 16

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

Mr Collins
Mr Coulter
Mr Dondas
Mr Finch
Mr Firmin
Mr Floreani
Mr Harris
Mr Hatton
Mr McCarthy
Mr Manzie
Mr Palmer
Mr Perron
Mr Poole
Mr Reed
Mr Setter
Mr Tuxworth

Amendment negatived accordingly.

Proposed new clauses 41, as amended, and 41A agreed to.

New clause -

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

"41AA APPOINTMENT OF FIRST CHAIRMAN, &c.

"(1) As soon as practicable after the Authority is first properly constituted under this Act, the Minister shall call a meeting of the Authority at which it shall nominate an Aboriginal member to be its Chairman and another to be its Deputy Chairman.

"(2) At a meeting called pursuant to subsection (1) the members present shall elect one of their number to preside until the resolution as to the member to be nominated as Chairman is passed and on that resolution being passed that member shall be taken to be the Chairman for the purposes of section 12, notwithstanding that he or she has not yet been appointed under section 6(3).".

Clause 42 read -

Mr Manzie moved the following amendment -

Omit "Acts repealed by section 40" and insert in its stead "repealed Acts for the purposes of those Acts".

Amendment agreed to, after debate.

Mr Manzie moved the following further amendment -

Omit "Territory" (twice occurring) and insert in its stead "Authority".

Amendment agreed to.

Clause 42, as amended, agreed to.

Long title read -

Mr Manzie moved the following amendment -

Omit all words after "social advancement," and insert in their stead "by establishing a procedure for the protection and registration of sacred sites, providing for entry onto sacred sites and the conditions to which such entry is subject, establishing a procedure for the avoidance of sacred sites in the development and use of land and establishing an Authority for the purposes of the Act and a procedure for the review of decisions of the Authority by the Minister, and for related purposes".

Amendment agreed to, after debate.

Title, as amended, agreed to.

Bill to be reported with amendments and Title to be reported with an amendment.

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

The Minister for Conservation (Mr Manzie) moved - That the Bill be now read a third time.

The Member for Macdonnell (Mr Bell) moved the following amendment -

Omit "now" and add at the end "this day 6 months".

Debate ensued.

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

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

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

AYES, 15

NOES, 8

Mr Collins
Mr Coulter
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

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

And so it was resolved in the affirmative.

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

18. ADDRESS - DISTINGUISHED SERVICE - PRESENTATION TO ADMINISTRATOR:

The Speaker informed the Assembly that, accompanied by Honourable Members, he had this day waited upon His Honour the Administrator and presented to him the Address in appreciation of his long and distinguished career as Administrator of the Northern Territory, which was agreed to on 24 May 1989; and that His Honour had been pleased to make the following reply -

Mr Speaker, thank you for the Addresses which you have presented to me. It has been a privilege and a pleasure to work with the Members of the Legislative Assembly over the past eight and one half years.

19. STAMP DUTY AMENDMENT BILL 1989 (Serial 168); and TAXATION (ADMINISTRATION) AMENDMENT BILL 1989 (Serial 169):

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 readings of the Bills to be moved forthwith.

On the motion of the Treasurer (Mr Perron) the Bills were read a third time and passed to be proposed laws.

20. ENERGY PIPELINES AMENDMENT BILL 1989 (Serial 143):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

In the Committee
(Deputy Chairman - Mr Setter)

Bill, by leave, taken as a whole.

On the motion of the Minister for Mines and Energy (Mr Coulter), the following amendments were taken together, by leave, and agreed to -

Omit clause 4 and insert in its stead the following new clause:

"4. INTERPRETATION

"Section 3(1) of the Principal Act is amended -

(a) by omitting the definition of 'energy-producing hydro-carbon' and substituting the following:

"energy-producing hydro-carbon" means a naturally occurring or refined hydro-carbon or mixture of hydro-carbons, whether in a liquid, solid or gaseous state, or such a hydro-carbon or mixture of hydro-carbons mixed with such other substances as may be present; and

(b) by omitting the definition of 'Secretary'."

Clause 5 -

Omit paragraph (d).

New clause -

Insert after clause 9 the following new clause:

"9A. NEW SECTION

The Principal Act is amended by inserting after section 17 the following:

'17A. MINISTER MAY EXTEND TIME LIMITS DURING CONSTRUCTION

'Notwithstanding anything else contained in this Act, the Minister may, during the construction of a pipeline, of his own motion and in his absolute discretion, vary a licence by extending a time limit for an action to be taken or thing done.'."

Clause 12 -

Omit proposed section 20(3) and insert in its stead the following:

"(3) The Minister may, by notice in writing, require the applicant to -

- (a) give notice of the application to such persons, if any, as the Minister thinks fit; and
- (b) furnish to the Minister within the time specified in the notice, such further information in connection with the application as the Minister requires to enable the Minister to determine the application."

Clause 13 -

Omit proposed section 21A(2) and insert in its stead the following:

"(2) An application under subsection (1) may be made before the construction of the pipeline has commenced, during its construction or after construction has been completed and, where the construction has been completed, whether or not the Minister's consent under section 38 to the commencement or resumption of operations or the testing of the pipeline has been given."

Omit from proposed section 21B(1) "section 21A" and insert in its stead "section 21A before the completion of the pipeline or for a relocation of or alteration to an existing pipeline,".

Omit proposed section 21B(1)(b) and insert in its stead the following:

(b) the reasons for the proposed variation; and".

Insert in proposed section 21B(2), after paragraph (b), the following:

"(ba) each person, if any, who holds a right of way or other easement over a relevant part of such land; and".

Omit from proposed section 21B(5) all words after "satisfied that" and insert in their stead "the variation is justified in the circumstances and reflects good pipeline construction and operating practice".

Omit from proposed section 21B subsection (6).

Insert in proposed section 21C(1), after "section 21A", the words "for the Minister to vary the licence area".

Insert in proposed section 21C(2), after "in accordance with", the words "section 39(a) or".

Omit from proposed section 21D "sections 21B(4) and 21C(2) and insert in its stead "sections 21B and 21C".

Clause 16 -

Omit paragraph (a) and insert in its stead the following:

"(a) by omitting subsection (1) and substituting the following:

'(1) The Minister may, on application in writing served on the Minister by a licensee whose pipeline has not previously been in operation, if of the opinion that the pipeline is constructed to the required standards and may with safety have an energy-producing hydro-carbon introduced into it for the purpose of testing the pipeline, by instrument in writing served on the licensee, consent to the testing of the pipeline.

'(1A) The Minister may, on application in writing, served on the Minister by a licensee who has ceased, otherwise than for a reason referred to in section 37(2) to operate a pipeline specified in the licence or whose pipeline has not previously been in operation but has been tested in pursuance of section (1), if of the opinion that the pipeline has been maintained or repaired or tested, as the case may be, to the required standard and may safely be operated, by instrument in writing served on the licensee, consent to the commencement or resumption of operations, as the case may be.';

"(aa) by omitting from subsection (2) 'sub-section (1)' and substituting 'subsection (1) or (1A)';".

Insert in proposed subsection (2A) in paragraph (b), after "injury to", the words "a person or to".

Omit paragraph (c) and insert in its stead the following:

"(c) by omitting from subsection (3) all words before 'without a consent granted' and substituting '(3) A person shall not allow the introduction of an energy-producing hydro-carbon into a pipeline referred to in paragraph (1) or (1A) or operate a pipeline referred to in subsection (1A)'; and".

Clause 19 -

Omit from paragraph (b) "'permit'" and insert in its stead "'permit or'".

Clause 24 -

Omit from paragraph (c) "Form 1,".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

21. NEXT MEETING:

The Leader of Government Business (Mr Coulter) moved - That the Assembly at its rising adjourn until Tuesday 15 August 1989 at 10.00 a.m. or such other time and/or date as may be set by the Speaker pursuant to Sessional Order.

Question - put and passed.

22. RACING AND BETTING AMENDMENT BILL 1989 (Serial 173):

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

Debate resumed.

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 Tourism (Mr Poole) the Bill was read a third time and passed to be a proposed law.

23. PUBLIC ACCOUNTS COMMITTEE - SEVENTH REPORT, AUDITOR-GENERAL'S ANNUAL REPORTS 1986-87 and EIGHTH REPORT, AERO-MEDICAL CONTRACT - PAPERS PRINTED - MOTION TO NOTE PAPERS:

The Member for Karama (Mr Palmer) laid on the Table the following Reports of the Public Accounts Committee -

◦ Auditor-General's Annual Reports 1986-87, Seventh Report; and

◦ Aero-Medical Contract, Eighth Report.

Mr Palmer moved - That the Reports be printed.

Question - put and passed.

Mr Palmer moved - That the Assembly take note of the Reports.

Debate ensued.

Paper tabled: Mr Palmer, by leave, laid on the Table the following Paper -

◦ Public Sector Financial Reporting.

Debate continued.

On the motion of the Member for Sadadeen (Mr Collins) debate was adjourned.

24. 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 2.43 a.m. until Tuesday 15 August 1989 at 10.00 a.m. or such other time and/or date as may be set by the Speaker, pursuant to Sessional Order.

=====

PAPER:

The following Paper was deemed to have been presented on 25 May 1989:

Annual Report:

National Companies and Securities Commission, 1987-88

=====

ATTENDANCE:

All Members attended the sitting except Mr Dale, on leave.

H.G. SMITH

Clerk of the Legislative Assembly

FIFTH LEGISLATIVE ASSEMBLY

FIRST SESSION

INDEX TO MINUTES

SITTING DAY Nos 66 - 71

From	To	Pages
16 May 1989	25 May 1989	421-511
ADDRESS TO ADMINISTRATOR		
Appreciation of Service		464
Presentation		464,506
BILLS		D=Discharged N=Negatived P=Passed *=Opposition Bill §=Members Bill
Serial 146	Aboriginal Areas Protection 1988	454-457, 469-506P ##
189	Administration and Probate Amendment 1989	449,466
191	Associations Incorporation Amendment 1989	449,466
187	Bushfires Amendment 1989	422,431
205	Casino Licensing and Control Amendment 1989	449,465
188	Commission of Inquiry (Deaths in Custody) Amendment 1989	422,430,451P
206	Crimes Compensation Amendment 1989	459,468
202	Crimes (Forfeiture of Proceeds) Amendment 1989	459,469
182	Criminal Code Amendment 1989	422,430
201	Criminal Code Amendment (No. 2) 1989	459,469
170	Criminal Law (Conditional Release of Offenders) Amendment 1989	447P
207	Criminal Law (Conditional Release of Offenders) Amendment (No. 2) 1989	459,468
180	Defamation Amendment 1989	429,444
143	Energy Pipelines Amendment 1989	506,510P
174	Financial Administration and Audit Amendment 1989	426P
133	Heritage Preservation (Interim Arrangements) 1988	463N*
195	Juries Amendment 1989	449,466
164	Justices Amendment (No. 2) 1989	422,430
131	Juvenile Justice Amendment 1988	463§
184	Legal Practitioners (Incorporation) 1989	422,431
208	Legislative Assembly Members' Superannuation Amendment 1989	467
196	Liquor Amendment 1989	429,444
144	Local Court 1989	435-438P
175	Local Court (Consequential Amendments) 1989	439-440P
171	Marine Amendment 1989	438-439P
199	Misuse of Drugs 1989	459,469
198	Motor Accidents (Compensation) Amendment 1989	449,465
178	Motor Vehicles Amendment 1989	444-446P

Serial 102 National Crime Authority (Territory Provisions) Amendment 1989	438P
176 Nitmiluk (Katherine Gorge) National Park 1989	426,431-434P
146 Northern Territory Aboriginal Areas Protection 1988	454-457, 469-506P
166 Parole Orders (Transfer) Amendment 1989	449,464
181 Parole of Prisoners Amendment 1989	449,464
172 Petroleum (Submerged Lands) Amendment 1989	439P
167 Police Administration Amendment (No.2) 1989	426P
183 Police Administration Amendment (No.3) 1989	422,430
86 Poisons and Dangerous Drugs Amendment 1988	451-453P
200 Poisons and Dangerous Drugs Amendment (No.2) 1989	459,469
209 Public Employment (Mobility) 1989	459,468
173 Racing and Betting Amendment 1989	510P
204 Racing and Betting Amendment (No.2) 1989	449,465
190 Real Property Amendment 1989	459,468
192 Real Property Amendment (No.2) 1989	459,468
193 Registration Amendment 1989	459,468
168 Stamp Duty Amendment 1989	506P
194 Supply 1989-90	426,453P
169 Taxation (Administration) Amendment 1989	506P
197 Territory Insurance Office Amendment 1989	449,465
177 Territory Parks and Wildlife Conservation Amendment 1989	447P
186 Traffic Amendment 1989	450,454P
185 Statute Law Revision 1989	459,469

Title of Bill changed after introduction to Northern Territory Aboriginal Areas Protection 1988.

BUSINESS DISCHARGED

Aboriginals, service provided for - Note statement	431
Batchelor College - Note statement	431
Menzies School of Health Research, Annual Report 1987-88 - Note paper	431

LEAVE OF ABSENCE

Mr Dale	429
Mr Leo	443
Mr Perron	429

LEAVE NOT GRANTED

Mr Ede to table paper	461
Mr Leo to table paper	463

MESSAGE FROM THE ADMINISTRATOR

No.9 - Supply Bill 1989-90	421
----------------------------	-----

MOTIONS (Procedural)

Leave denied -	
Mr Ede to table paper	461
Mr Leo to table paper	463

Suspend Standing Orders -	
Complete speech -	
Mr Coulter	454
Mr Ede - negatived	462
Mr Harris	441
Mr Leo - negatived	423
Mr Manzie	455
Pass all stages -	
Commission of Inquiry (Deaths in Custody) Amendment Bill 1989 (Serial 188)	451
Supply Bill 1989-90 (Serial 194)	426
Traffic Amendment Bill 1989 (Serial 186)	453
Take two Bills together -	
Casino Licensing and Control Amendment Bill 1989 (Serial 205); and Racing and Betting Amendment Bill (No.2) 1989 (Serial 204)	465
Crimes Compensation Amendment Bill 1989 (Serial 206); and Criminal Law (Conditional Release of Offenders) Amendment Bill (No.2) 1989 (Serial 207)	468
Criminal Code Amendment Bill 1989 (Serial 182); and Police Administration Amendment Bill (No.3) 1989 (Serial 183)	430
Parole Orders (Transfer) Amendment Bill 1989 (Serial 166); and Parole of Prisoners Amendment Bill 1989 (Serial 181)	464
Territory Insurance Office Amendment Bill 1989 (Serial 197); and Motor Accidents (Compensation) Amendment Bill 1989 (Serial 198)	465
Take four Bills together -	
Misuse of Drugs Bill 1989 (Serial 199); Poisons and Dangerous Drugs Amendment Bill (No.2) 1989 (Serial 200); Criminal Code Amendment Bill (No.2) 1989 (Serial 201); and Crimes (Forfeiture of Proceeds) Amendment Bill 1989 (Serial 202)	469
MOTIONS (Substantive)	
Adjournment of Assembly	510
Aboriginal community living areas	422-424
Address to Administrator, Commodore E.E. Johnston, appreciation of service presentation	464 506
Adopt -	
New Parliament House Committee - Report on Interim Accommodation for the NT Parliament in the Chan Building during Construction of the new Parliament House	459
Ninth Report of Publications Committee	425
Report on 6.30 p.m. news item broadcast by Channel 8, 22 February 1989	451
Aero-Medical Contract, Eighth Report by Public Accounts Committee - Note paper	510
Appointing Ombudsman Mr Robert Eadie	451
Auditor-General's Annual Reports 1986-87, Seventh Report by Public Accounts Committee - Note paper	510
Brucellosis and Tuberculosis Eradication Campaign - Note statement	424
Proposed inquiry	449,460

Committee of Privileges -	
Extend time for reporting upon adequacy of Legislative Assembly (Powers and Privileges) Act	424
Report on 6.30 p.m. news item broadcast by Channel 8, 22 February 1989 - Adopt	451
Director of Public Prosecutions	450,463
Fibre crop program - Note statement	460
Housing scheme introduced December 1988 - Note statement	450
Human resources management - Note statement	467
Industrial Relations System upon Statehood Report by Sir John Moore - Note statement and paper	459
Northern Territory University - Note statement	467
Note paper -	
Aero-Medical Contract, Eighth Report by Public Accounts Committee	510
Auditor-General's Annual Reports 1986-87, Seventh Report by Public Accounts Committee	510
Industrial Relations System upon Statehood, Report by Sir John Moore	459
Note statement -	
Brucellosis and Tuberculosis Eradication Campaign	424
Fibre crop program	460
Housing scheme introduced December 1988	450
Human resources management	467
Industrial Relations System upon Statehood, Report by Sir John Moore	459
Northern Territory University	467
Premiers Conference	450
Regional Land Use Structure Plan, Alice Springs	429
West Macdonnells National Park, proposal for	443
Ombudsman, appointment of Mr Robert Eadie	451
Premiers Conference - Note statement	450
Print -	
Aero-Medical Contract, Eighth Report of Public Accounts Committee	510
Auditor-General's Annual Reports 1986-87, Seventh Report of Public Accounts Committee	510
Report on 6.30 p.m. news item broadcast by Channel 8, 22 February 1989	451
Report on proposed interim accommodation for the Northern Territory Parliament in the Chan Building during construction of the new Parliament House	459
Publications Committee, Ninth Report - Adopt	425
Regional Land Use Structure Plan, Alice Springs - Note statement	429
West Macdonnells National Park, proposal - Note statement	443
MOTIONS NEGATIVED	
Aboriginal Areas Protection Bill 1989 (Serial 146), refer to Select Committee	456
Brucellosis and Tuberculosis Eradication Campaign, proposed inquiry	449,460
Director of Public Prosecutions	450,463
Territory National Parks and Land Rights	460

PAPERS AND REPORTS TABLED

Agreements and Determinations -

Police Arbitral Tribunal Determination No.1 of 1982 -	
Consent Agreement, dated 24 October 1988	427
Determination T11 of 1989, dated 28 April 1989	427
Police Arbitral Tribunal Determination No.2 of 1982 -	
Consent Agreement, dated 5 October 1988	427
Consent Agreement, T2 of 1989, dated 23 January 1989	427
Determination T10 of 1989, dated 28 April 1989	427
Police Commissioned Officers' Association -	
Consent Agreement T12 of 1989, dated 28 April 1989	427
Senior Prison Officers Arbitral Determination No.3 of	
25 May 1976 -	
Determination T3 of 1989, dated 20 March 1989	427
Determination T4 of 1989, dated 20 March 1989	427
Determination T5 of 1989, dated 20 March 1989	427
Determination T6 of 1989, dated 20 March 1989	427
Determination T7 of 1989, dated 20 March 1989	427
Determination T8 of 1989, dated 20 March 1989	427
Determination T9 of 1989, dated 20 March 1989	427

Annual Reports -

Agricultural Development and Marketing Authority,	
1987-88	466
Museums and Art Galleries Board, 1987-88	427
National Companies and Securities Commission, 1987-88	511
University College of the Northern Territory, 1988	466
Uranium Mining (Environment Control) Act, (Tenth) 1988	441
Brucellosis and Tuberculosis Eradication Campaign,	
Operational and Management Review, Volume 1,	
November 1986	424

By-laws -

Northern Territory University (Academic Board) By-laws	427
Northern Territory University (Board of Institute of	
TAFE) By-laws	427
Amendments of the Northern Territory University	
(Site and Traffic) By-laws	427

Comments - Alan Perrin on Department of Education Report,	
dated 11 May 1989	440

Committee of Privileges, Report on 6.30 p.m. news item	
broadcast by Channel 8, 22 February 1989	451

Curriculum vitae of Mr R.W. Ellis, Director of the	
Aboriginal Sacred Sites Authority	454

Director of Public Prosecutions Act 1982 Victoria	463
---	-----

Extract of Debates, Legislative Assembly of Victoria,	
dated 18 November 1982	463

Financial Administration and Audit Act -

Direction by the Administrator, section 13(1)(a) -	
Northern Territory University to Technical and	
Further Education, University College of the	
Northern Territory and Darwin Institute of	
Technology, dated 28 April 1989	427

Direction by the Administrator, section 13(1)(a) - Northern Territory Housing Commission, Northern Territory University and Department of Primary Industry and Fisheries to Department of Lands and Housing, Technical and Further Education, Department of Industries and Development, Office of the Ombudsman, Electrical Workers and Contractors Licensing Board, Museums and Art Galleries Board, Northern Territory Tourist Commission and Department of Education, dated 28 April 1989	427
Increase of Treasurer's Advance pursuant to s.15, dated 28 April 1989	427
Financial Statement - Government Printing Office, 1987-88	457
Grounds maintenance contract, Nightcliff High School Council, Report by I.B. Maughan, dated 11 May 1989	440
Hospital Management Board Report - Royal Darwin Hospital, 1987-88	447
Industrial Relations System upon Statehood, Report by Sir John Moore	459
Interim Accommodation for the NT Parliament in the Chan Building during construction of a new Parliament House	459
Land Acquisition Act - Reasons for compulsory acquisition as a matter of urgency - Powerline corridor, section 2899 Hundred of Goyder, dated 21 April 1989	428
Powerline corridor, Portion 2840, dated 27 April 1989	428
Letters - Mr Bell, MLA, to Minister for Lands and Housing, dated 22 May 1989	454
Brucellosis and Tuberculosis Eradication Campaign - Chief Minister to Hon. John Kerin, Minister for Primary Industries and Energy, dated 16 May 1989	424
Chief Minister to Hon. John Kerin, Minister for Primary Industries and Energy, dated 16 May 1989	424
Chief Minister to Hon. John Kerin, Minister for Primary Industries and Energy, undated	422
Mr Hatton, Minister for Primary Production to Hon. John Kerin, MP, Minister for Primary Industry, dated 19 April 1985	463
Hon. John Kerin, MP, Minister for Primary Industry to Mr S. Hatton, Minister for Primary Production, dated 1 August 1985	463
Hon. John Kerin, Minister for Primary Industries and Energy to the Chief Minister, dated 5 May 1989	424
P. McAulay, Commissioner of Police to Secretary, Department of Primary Production, dated 17 September 1984	463
Strategic Plan 1989-92, BTEC	461
The Future Management of BTEC in the NT	461
Chief Minister to Hon. R.J. Hawke, AC, MP, dated 16 May 1989	423
Chief Minister to Hon. G. Hand, dated 13 September 1988	423
G.R. Fallon, Chief Veterinary Officer, Department of Primary Production to J. and M. Groves, Woolner Station, dated 14 November 1986	462

J. and M. Groves, Woolner Station to Hon. N. Dondas, Minister for Lands, dated 15 September 1986	462
Ombudsman to Mrs M. Groves, Woolner Station, dated 21 May 1987	462
Ombudsman to Mrs M. Groves, Woolner Station, dated 17 June 1988	462
Ombudsman to Mrs M. Groves, Woolner Station, dated 28 February 1989	462
Memorandum, G.S. Wilson, Divisional Veterinary Officer (Darwin) to Assistant Secretary, Animal Industry, Department of Primary Production, dated 28 April 1986	462
Minute, Secretary, Department of Industries and Development to Minister for Industries and Development, dated 12 May 1989	426
New Parliament House Committee - Report, Proposed Interim Accommodation for the Northern Territory Parliament in the Chan Building	459
Northern Territory University Development Plan, booklet Note, Mr Ede to Minister for Primary Industry and Fisheries, dated 24 May 1989	467
Nutwood Downs Station, Request for Purposes of Section 75C of the Income Tax Assessment Act 1936, dated 21 May 1985	461
Nutwood Downs Station, Request for Purposes of Section 75C of the Income Tax Assessment Act 1936, undated	461
Palmerston College, An Integrated College for Senior Secondary and TAFE students, Department of Education Principles -	467
Aboriginal Sacred Sites Protection Authority	454
Northern and Central Land Councils	454
Public Accounts Committee -	
Aero-Medical Contract, Eighth Report	510
Auditor-General's Annual Reports 1986-87, Seventh Report	510
Public Sector Financial Reporting	510
Publications Committee, Ninth Report	425
Recommendations under Section 103 of the Crown Lands Act - Revocation of Reserves Nos 1680 and 1719	447
Regulations 1989 -	
No. 4 - Amendments of the Port By-laws	428
No. 5 - Amendments of Work Health Regulations	428
No. 6 - National Companies and Securities Commission (Northern Territory Provisions) Regulations	428
No. 7 - Amendments of Traffic Regulations	428
Remuneration Tribunal Act -	
Report and Recommendation No.1 of 1989, Magistrates of the Northern Territory	466
Remuneration Tribunal -	
Submission by Northern Territory Parliamentary Labor Party, dated 20 April 1989	467
Sites Protection Procedure -	
Avoidance of Sacred Sites, Attachment 2	455
General Structure, Attachment 1	455
Registering Sacred Sites, Attachment 3	455
Review Procedure, Attachment 4	455
Statement, Mary Cecilia Groves, Woolner Station made at Berrimah Police Station, dated 29 May 1986	462

Statement of Principles -	
Aboriginal Sacred Sites Protection Authority	454
Northern and Central Land Councils	454
Statutory Declaration, signed by Roderick Dunbar, undated	462
Strategic Plan 1989-92, BTEC	461
Submission, Alice Springs Town Council to Minister for Lands and Housing, dated 25 April 1985	429
Subordinate Legislation and Tabled Papers Committee, Tenth Report	429
Telex, Joe and Mary Groves, Woolner Station to Hon. Steve Hatton, Chief Minister, undated	462
The Future Management of BTEC in the Northern Territory	461
Trade Development Zone, Follow-up Questionnaire and Results	450
Transcript of Channel 8 news item, Member for Karama, 17 May 1989	443
Transcript of conversation between Mr Iredale from the Ombudsman's Office and Mr Simon Taylor, on 12 December 1986	462
West Macdonnell's Park Strategy, Conservation Commission of the Northern Territory	443
 PERSONAL EXPLANATIONS	
Mr Collins	452,453
Mr Hatton	430
 PETITIONS	
Driver High School, amenities block and shade cover	459
Fire Services and Bushfires Act, laws	459
Nuclear fuel cycle reprocessing operations	422
Nuclear powered ships in Territory waters	422
Religious education for government schools	421
Strip shows in hotels, removal of	421,443
Yirara College, curriculum accreditation	449
 PRIVILEGE	
Item depicting Member for Karama on Channel 8 news item, 17 May 1989	443
 REQUEST	
Mr Harris to table paper quoted from during Questions	429
 STATEMENTS	
Address to His Honour the Administrator, appreciation of service	464
Address to His Honour the Administrator, presentation Brucellosis and Tuberculosis Eradication Campaign, proposed judicial inquiry	464,506
Fibre crop program	424
Housing scheme introduced December 1988	460
Human resources management	450
Industrial Relations System upon Statehood, Report by Sir John Moore	467
New Parliament House Committee - Declaration of Design Development and Architectural Documentation Stages	459
	424

Northern Territory University	467
Premiers Conference	450
Photographs in Chamber by Department of Education photographer	424
Regional Land Use Structure Plan, Alice Springs	429-430
West Macdonnell's National Park, proposal	443