

PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

Minutes of Proceedings

OF THE

LEGISLATIVE ASSEMBLY

No. 10

Tuesday, 22 April 1975

1. The Assembly met at 1000 hours pursuant to the Resolution of 19 March 1975—Mr Speaker Kilgariff took the Chair and prayers were read.
2. **MESSAGES:** The following message was received:—

Message No. 4: *Police and Police Offences Ordinance (No. 3) 1974.*

I inform the Assembly of the following action taken pursuant to the terms of the *Northern Territory (Administration) Act 1910-1974*:—

The Governor-General has withheld his assent to the *Police and Police Offences Ordinance (No. 3) 1974.*

I have attached copies of the order for the withholding of assent to this Ordinance, and the statement of reasons for withholding of assent.

(Sgd) J. NELSON
Administrator

The Clerk laid on the Table the Statement of Reasons for withholding assent to the Ordinance.

Northern Territory (Administration) Act 1910-1974

Section 4Z

Statement of Reasons for Withholding Assent to the *Police and Police Offences Ordinance (No. 3) 1974*

This ordinance was passed by the Legislative Council for the Northern Territory and reserved by the Administrator for the Governor-General's pleasure. The Governor-General on 20 March 1975 withheld assent to it.

The Ordinance would provide that the administration of the principal Police and Police Offences Ordinance, and hence the control of the Northern Territory Police Force, shall be carried out by the Minister for the Northern Territory; it would further provide that no other Minister or member of the Executive Council could act on behalf of the Minister for the Northern Territory for a purpose of the Ordinance, without the consent of the Administrator in Council in respect of that purpose and on that occasion.

Present control of the Police Force of the Northern Territory is vested, by virtue of the Administrative Arrangements Order, in the Attorney-General's Department. The Ordinance would therefore conflict with and apparently nullify part of the current Administrative Arrangements Order. In the view of the Attorney-General's Department it involves constitutional consideration which may seriously affect the legal validity of the Ordinance.

Another effect of the Ordinance would be the placing of a limitation on the powers of the Australian Government to allocate Ministerial responsibilities; it would forestall future decisions by the Australian

Government on the distribution of executive powers under the new constitutional provisions operating in the Northern Territory. It is undesirable that the Australian Government should be so restricted by an Ordinance of the Northern Territory.

(Sgd.) REX PATTERSON
Minister for the Northern Territory

3. NOTICES: The following notices were given:—

Dr Letts: To present the Cyclone Disaster Emergency Bill (No. 3) 1975 (Serial 37) and the Crown Lands Bill 1975 (Serial 35).

Mr Ryan: To present the Control of Roads Bill 1975 (Serial 36).

Mr Withnall: To present the Firearms Bill 1975 (Serial 34).

Mrs Lawrie: To present the Nudity Bill 1975 (Serial 38).

Mr Everingham: To present the Police and Police Offences Bill 1975 (Serial 16) and the Justices Bill 1975 (Serial 24).

4. QUESTIONS: Questions without notice were asked.

5. CYCLONE DISASTER RELIEF FUND ORDINANCE 1975: Pursuant to command of the Administrator, the Clerk laid on the Table the Statement of Reasons for withholding assent to the Ordinance.

Statement of Reasons for Withholding Assent to the *Cyclone Disaster Relief Fund Ordinance 1975*.

This Ordinance was passed by the Legislative Assembly for the Northern Territory on 3 January 1975.

On 17 March 1975 the Administrator of the Northern Territory declared that he withheld assent to the Ordinance.

2. The Ordinance was passed prior to the establishment of the Darwin Cyclone Tracy Relief Trust, which is currently in operation. The Ordinance sets up a Board of Trustees who in turn create a Trust Fund, for the purpose of receiving moneys donated for disaster relief. Fund moneys are to be applied by way of loans or outright grants to distressed persons, including municipalities and charitable organisations.

3. Following Cyclone Tracy, two trust funds were established for the collection and distribution of relief funds—one under the auspices of the Minister for the Northern Territory and one under the auspices of the Mayor of the Corporation of the City of Darwin. By agreement it was decided to amalgamate these trust funds, the amalgamated fund to operate pursuant to a trust deed.

4. The Trust Fund established by this trust deed, known as the Darwin Cyclone Tracy Relief Trust, became functional about mid-January 1975: it controls, administers and distributes donations already received for relief purposes. In view of the Trust's already established operations, the Ordinance would merely set up a non-functional legislative framework and statutory body. Alternatively, if appointments were made to the Board and powers and functions exercised under its provisions, this would duplicate and confuse the workings of the existing Trust.

(Sgd) REX PATTERSON
Minister for the Northern Territory

6. LOCAL GOVERNMENT BILL 1975 (Serial 10): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time:—

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

7. RESCISSION OF RESOLUTIONS—SUSPENSION OF STANDING ORDERS: Dr Letts, by leave, moved That the resolutions of the Assembly, relating to the Suspension of Standing Orders, made on 2 January, 7 January and 11 February and referring

respectively to the Presentation and Passage of Bills, the Ringing of Bells and the Presentation and Passage of Bills without notice being given, be rescinded.

Question put and passed.

8. JUSTICES BILL 1975 (Serial 13): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question put and passed—Bill read a second time.

Mr Everingham moved That the committee stages be later taken.

Question put and passed.

9. HOSPITALS AND MEDICAL SERVICES BILL 1975 (Serial 15): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question put and passed—Bill read a second time.

Mr Pollock moved That the committee stages be later taken.

Question put and passed.

10. CATTLE PRICE STABILIZATION BILL 1975 (Serial 17): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question put and passed—Bill read a second time.

Dr Letts moved That the committee stages be later taken.

Question put and passed.

11. EXECUTIVE REPONSIBILITY BILLS: LEGISLATIVE ASSEMBLY (EXECUTIVE RESPONSIBILITY) BILL 1975 (Serial 18), INTERPRETATION BILL 1975 (Serial 19), PUBLIC SERVICE BILL 1975 (Serial 20): The order of the day having been read for the resumption of the debate on the question—That the Bills be now read a second time—

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1150 and 1400 hours.

Debate resumed.

Mrs Lawrie moved That the debate be adjourned.

Question put and negatived.

Debate resumed.

Question put and passed—Bills read a second time.

Dr Letts moved That the committee stages of the Bills be later taken.

Question put and passed.

12. ENCOURAGEMENT OF PRIMARY PRODUCTION BILL 1975 (Serial 25): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

New clause—

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

“2A. Section 3 of the Principal Ordinance is amended by omitting the definition of ‘producer’ and substituting the following definition: “‘producer’ means a person, including a body corporate, engaged in or, in the opinion of the Board, intending to be engaged in—

(a) primary production in the Territory; or

(b) the processing, storage, handling or packaging of primary produce.”.

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

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

13. **DRUNKENNESS BILLS: DRUNKENNESS BILL 1975 (Serial 31), POLICE AND POLICE OFFENCES BILL 1975 (Serial 32):** The order of the day having been read for the resumption on the debate on the question—That the Bills be now read a second time—

Debate resumed.

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

14. **ADJOURNMENT:** Mr Everingham moved—That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

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

PAPERS: the following papers were deemed to have been presented on 22 April 1975, pursuant to statute—

DETERMINATIONS AND AGREEMENTS:

Prisons Arbitral Tribunal Determination No. 1 of 1975.

Prisons Arbitral Tribunal Determination No. 2 of 1975.

MINUTES OF MEETINGS OF TOWN MANAGEMENT BOARDS:

Katherine—11/3/75.

REPORTS:

Katherine Hospital Advisory Board—February 1975 Report.

Darwin Hospital Advisory Board—March 1975 Report.

Tennant Creek Hospital Advisory Board—February 1975 Report.

REGULATIONS 1975:

No. 1—Amendments of the Explosives Regulations.

No. 2—Amendment of the Public Service Regulations.

ATTENDANCE: All members attended the sitting.

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 11

Wednesday, 23 April 1975

1. The Assembly met at 10 00 hours pursuant to adjournment—Mr Speaker Kilgariff took the Chair and Prayers were read.
2. Petition: Mr Pollock presented a Petition from certain residents of Central Australia praying that the Assembly take action to bring about a reduction in rail freight charges. Petition received and read.
3. QUESTIONS: Questions without notice were asked.
4. BUILDING MANUAL ADOPTED BY THE DARWIN RECONSTRUCTION COMMISSION: Dr Letts, by leave, tabled a letter from the Darwin Reconstruction Commission and a copy of the Building Manual adopted by the Commission at its meeting on April 17.
5. FIREARMS BILL 1975 (Serial 34): Mr Withnall, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Withnall moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
6. NUDITY BILL 1975 (Serial 38): Mrs Lawrie, pursuant to notice, presented the Bill which was thereupon read a first time.
Mrs Lawrie moved—That the Bill be now read a second time.
Debate ensued.

SUSPENSION OF STANDING ORDERS: Mrs Lawrie moved, that so much of standing orders be suspended as would prevent the question, That the Bill be now read a second time, being determined before the lapse of one month.

Question put.

The Assembly divided (The Speaker, Mr Kilgariff, in the Chair)

Ayes 9	Noes 10
Mr Ballantyne	Miss Andrew
Mr Dondas	Mr Everingham
Mrs Lawrie	Mr Kentish
Dr Letts	Mr Kilgariff
Mr Perron	Mr MacFarlane
Mr Steele	Mr Pollock
Mr Tambling	Mr Robertson
Mr Tuxworth	Mr Ryan
Mr Withnall	Mr Tungtulum
	Mr Vale

And so it was resolved in the negative.

Debate resumed.

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

7. **CYCLONE DISASTER EMERGENCY BILL (No. 3) 1975 (Serial 37):** Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

8. **CONTROL OF ROADS BILL 1975 (Serial 36):** Mr Ryan, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Ryan moved—That the Bill be now read a second time.

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

SUSPENSION OF SITTING: The sitting was suspended between 1150 and 1400 hours.

9. **CROWN LANDS BILL 1975 (Serial 35):** Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

10. **SUSPENSION OF STANDING ORDERS:** Mr Everingham moved, by leave, That so much of standing orders be suspended as would prevent him presenting 2 bills together and—

(a) the 2 bills being read a first time together and one motion being put in regard to respectively, the second readings, the committee's report stages and the third reading of the bills together; and

(b) the consideration of the bills separately in the one committee of the whole.

Question put and passed.

11. **BILLS RELATING TO DISPOSAL OF PROPERTY: POLICE AND POLICE OFFENCES BILL 1975 (Serial 16) and JUSTICES BILL 1975 (Serial 24):** Mr Everingham, pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved—That the Bills be now read a second time.

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

12. **BILLS RELATING TO PROPOSED FREE BEACHES: POLICE AND POLICE OFFENCES BILL 1975 (Serial 27), CRIMINAL LAW CONSOLIDATION BILL 1975 (Serial 28):** The order of the day having been read for the resumption of the debate on the motion of Mrs Lawrie, That the Bills be now read a second time.

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

13. **JUSTICES BILL 1975 (Serial 13):** The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

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

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

14. **HOSPITALS AND MEDICAL SERVICES BILL 1975 (Serial 15):** The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

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

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

15. **ALTERATION OF ORDER OF BUSINESS:** On the motion of Mrs Lawrie, the order of the day concerning Bills relating to proposed free beaches was called on.
16. **BILLS RELATING TO PROPOSED FREE BEACHES: POLICE AND POLICE OFFENCES BILL 1975 (Serial 27), CRIMINAL LAW CONSOLIDATION BILL 1975 (Serial 28):** The order of the day having been read for the resumption of the debate on the motion of Mrs Lawrie, That the Bills be now read a second time.
Bills, be leave, withdrawn.
17. **ADJOURNMENT:** Dr Letts moved—That the Assembly do now adjourn.
Question put and passed.
And then the Assembly at 1427 hours adjourned until tomorrow at 1000 hours.
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ATTENDANCE: All members attended the sitting.

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

of the

LEGISLATIVE ASSEMBLY

No. 12

Thursday, 24 April 1975

1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker Kilgariff took the Chair and Prayers were read.
2. MESSAGES: The following message was received:—

MESSAGE No. 5: *Cyclone Disaster Emergency Ordinance (No. 2) 1975.*

I inform the Assembly of the following action taken pursuant to the terms of the *Northern Territory (Administration) Act 1910-1974*:—

The Governor-General has declared that he withholds assent to part of the *Cyclone Disaster Emergency Ordinance (No. 2) 1975*, namely, sub-section (3) of section 5 of that Ordinance, and that he assents to the remainder of that Ordinance.

I have attached a copy of a statement of reasons.

(Sgd) J. NELSON
Administrator
24th April 1975

The Clerk laid on the Table the Statement of Reasons for withholding assent to part of the Ordinance.

NORTHERN TERRITORY (ADMINISTRATION) ACT 1910-1974

Section 4Z

STATEMENT OF REASONS FOR WITHHOLDING ASSENT TO PART OF THE CYCLONE
DISASTER EMERGENCY ORDINANCE (No. 2) 1975

The Cyclone Disaster Emergency Ordinance (No. 2) 1975 was passed by the Legislative Assembly for the Northern Territory and reserved by the Administrator for the Governor-General's pleasure. The Governor-General on 27 March 1975 withheld assent to sub-section (3) of section 5, and assented to the remainder of the Ordinance.

2. The Ordinance extends to 30 June 1975 certain of the provisions of the Principal Ordinance which would otherwise have expired on 31 March 1975.

3. The Bill was amended during its passage through the Legislative Assembly to provide that a person ordinarily resident in the cyclone disaster area on 24 December 1974 should not be prohibited from returning to, or be compelled to leave the cyclone disaster area. Under the Principal Ordinance this only applied to persons residing in Darwin when the Ordinance came into operation (i.e. 9 January 1975).

4. The Government considered this amendment unacceptable. The population of Darwin is already approaching 30,000 and an increase beyond that figure would place an unacceptable strain on community services, particularly those connected with education, health and accommodation and the provision of cyclone safety centres. The amendment would have given a large number of people resident in Darwin at the time of Cyclone Tracy, but now not so resident, the automatic right to return to Darwin without regard to the state of these services and irrespective of whether their presence is necessary in Darwin.

5. The amendment would also have caused serious administrative difficulties if it was to be administered properly without admitting to Darwin persons who do not come within its provisions.

6. A Permit Committee under Mr Justice Ward is available to review applications for entry into Darwin on hardship and compassionate grounds, and is also keeping the overall situation in Darwin under review in order to give bona fide Darwin residents the opportunity of returning to Darwin as soon as circumstances permit. It is considered that this system is preferable to that proposed in the amendment.

(Sgd) Rex PATTERSON
Minister for the Northern Territory

3. NOTICES: The following notice was given:—

Dr Letts: To move that the report of the Freehold Land Inquiry conducted by Sir John Nimmo and tabled in the Assembly on 19 March 1975 be noted.

4. QUESTIONS: Questions without notice were asked.
5. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE—FIRST REPORT: Mr Withnall presented the First Report of the Committee.
6. BUILDING MANUAL ADOPTED BY THE DARWIN RECONSTRUCTION COMMISSION: Mr Withnall, by leave, moved That the documents tabled yesterday by the Majority Leader relating to a proposed building code be noted.
Debate ensued.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
7. CATTLE PRICE STABILIZATION BILL 1975 (Serial 17): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly. The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4 agreed to.

Clause 5—On the motion of Dr Letts the following amendment was made:—

Add at the end the following sub-clause:

“(3) The intention of the scheme is to stabilize the returns that a producer receives from the sale for slaughter of cattle produced in the Northern Territory.”

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7—On the motion of Dr Letts the following amendment was made:—

Insert in sub-clause (1) after “A producer” the words “, not being a producer whose participation in the scheme has been terminated under section 16,”.

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9—On the motion of Mr Withnall the following amendment was made after debate—

Omit sub-clause (1) and substitute:

“(1) Where a producer’s application to participate in the scheme is accepted, the Board may require him, as a condition precedent to his participating in the scheme—

- (a) to deliver to the Chairman the documents of title to the pastoral leases or other land upon which the producer produces cattle in the Northern Territory; and
- (b) to give such further security, if any, as the Board determines,

or to give such other security, if any, as the Board determines.”

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11—On the motion of Dr Letts the following amendments were made—

Omit from sub-clause (1) (a) “he is not required to” and substitute “he may, but is not required to,”.

Omit from sub-clause (1) (b) “he cannot demand” and substitute “the Board may pay to him, but he cannot demand,”.

Insert in sub-clause (2) (a) after “is” the words “, subject to sub-section (3)”.

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

“(3) When a producer ceases to be a participant in the scheme, the Board may allow him a period of time, not exceeding 5 years, to repay the amount, if any, that he owes to the scheme.

“(4) Where, under sub-section (3), the Board allows a producer time to pay a debt, interest is payable on the amount that, from time to time, remains unpaid as though the producer had continued to be a participant in the scheme.”

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13—On the motion of Dr Letts the following amendments were made:

Insert in sub-clause (1) after “dressed weight” the words “or boneless weight, as the case may be,”.

Omit from sub-clause (1) “branded” and substitute “produced”.

Omit from sub-clause (1) “in the Northern Territory” (last occurring.)

On the motion of Dr Letts the following further amendment was made after debate—

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

“(3) Where the Board determines a minimum price, the maximum price in relation to that minimum price is, for the purposes of this Ordinance, the amount that is 10 cents more than the minimum price determined.

“(4) In determining minimum prices, the Board shall have regard to anticipated market trends, and it shall so determine and keep adjusted the minimum prices that, insofar as it is possible to predict them, average market prices will fall mid-way between the maximum and minimum prices, so that future payments made to or by the Board under the scheme will be minimised.”

Clause, as amended, agreed to.

Clause 14—On the motion of Dr Letts the following amendments were made:

Omit from sub-clauses (1) and (2) “in the Northern Territory for slaughter in the Northern Territory cattle” and substitute “for slaughter cattle, not being prescribed cattle,”.

Omit from sub-clauses (1) and (2) “and branded”.

Insert in sub-clauses (1) and (2) after “dressed weight” the words “or boneless weight, as the case may be,”.

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

“(2A) Where a participant in the scheme markets for slaughter cattle that have been produced in the Northern Territory and the price per kilogram dressed weight or boneless weight, as the case may be, that he receives is not less than the minimum price determined by the Board in respect of those cattle and is not more than the maximum price in respect of those cattle, no amount of money is payable to or by the Board in respect of the sale of those cattle.”

Insert in sub-clause (3) after “dressed weight” (wherever occurring) the words “or boneless weight, as the case may be,”.

Insert in sub-clauses (3) (b) and (3) (c) after “is less than” the words “the amount that is”.

Insert in sub-clauses (3) (b) and (3) (c) after “is more than” the words “the amount that is”.

Add at the end of sub-clause (3), after, and not in, paragraph (c) “, so that the maximum payment that can be made to or by the Board under this section is 10 cents per kilogram dressed weight or boneless weight, as the case may be”.

After sub-clause (3) insert the following sub-clause:

“(3A) No amount is payable under sub-section (1) or (2)—

- (a) unless the animal is slaughtered without being again sold by a participant in the scheme; and
- (b) until the Board is satisfied, by veterinary evidence or otherwise, that the animal has been slaughtered.”

Insert in sub-clause (4) after “dressed weights” the words “, boneless weights”.

Omit sub-clause (5) and substitute:

“(5) for the purposes of this section—

- (a) cattle that react positively to a recognized test for tuberculosis or brucellosis;
- (b) cattle in respect of which compensation is payable under a scheme administered under an Act or Ordinance or by the Australian Government, being a scheme that provides for the payment of compensation for cattle afflicted with or affected by or suspected of being afflicted with or affected by a disease,

are prescribed cattle.”

Clause, as amended, agreed to.

Clause 15—On the motion of Dr Letts the following amendment was made—

Omit “at the rate of 5 per cent or at such less rate as is prescribed” and substitute “at such rate as is determined from time to time by the Board”.

Clause, as amended, agreed to.

Clauses 16 to 45, by leave, taken together and agreed to.

Title agreed to.

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

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

8. JUSTICES BILL 1975 (Serial 13): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Clause 2 agreed to.

Clause 3—On the motion of Mr Withnall the following amendment was made—

Omit from proposed new section 121A (1) (a) “an offence”, and substitute “an indictable offence”.

On the motion of Mr Withnall the following further amendment was made after debate—

Omit proposed new section 121A (2), and substitute the following:

“(2) Where a person is convicted of an offence by virtue of this section, the Court shall not impose a penalty that is greater than imprisonment for 2 years or a fine of 2,000 dollars.”

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

Omit the definition of “Court” from proposed new section 121A (3) and substitute the following definition:

“‘Court’ means the Court constituted by the Chief Magistrate or a Stipendiary Magistrate;”

Add at the end of the clause the following new sections:

“‘122. Subject to section 122A the jurisdiction conferred by section 120 may be exercised, irrespective of the consent of the defendant.

“‘122A. Justices or a Magistrate shall not have jurisdiction to hear and finally determine a charge under section 120, and the Chief Magistrate or a Stipendiary Magistrate shall not have jurisdiction to hear and finally determine a charge under section 121A, if it appears to them or him, as the case may be, that the offence, having regard to its seriousness or the intricacy of the facts or the difficulty of any question of law likely to arise at the trial or any other relevant circumstances, ought to be tried by the Supreme Court.’”

Clause as amended, agreed to.

Clause 4 negated, after debate.

Clause 5 agreed to.

Clause 6 negated.

New clause—On the motion of Mr Withnall the following new clause was inserted in the Bill:

“6.(1) Section 125(1) of the Principal Ordinance is amended—

(a) by omitting ‘Special’; and

(b) by inserting after ‘offence’ the words ‘, or a Magistrate proceeds to dispose of a case under section 121A,’.

“(2) Section 125 (2) of the Principal Ordinance is amended by omitting ‘Special’.”

Clauses 7 to 10 agreed to.

New clauses—

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

“10A. Section 163(1) of the Principal Ordinance is amended by omitting ‘There shall be an’ and substituting ‘The prosecutor or the defendant may’.

“10B. Section 176 of the Principal Ordinance is amended by omitting ‘No evidence’ and substituting ‘Subject to section 176A, no evidence’.

“10C. The Principal Ordinance is amended by inserting after section 176 the following section:

‘176A.(1) For the purposes of this Part, the Supreme Court may, if it thinks it necessary or expedient in the interest of justice—

- (a) order the production of any document, exhibit or other thing connected with the proceedings, the production of which appears to it necessary for the determination of the case;
- (b) order any witness who would have been a compellable witness in the proceedings from which the appeal lies to attend for examination and be examined before the Supreme Court, whether or not he was called in those proceedings; and
- (c) subject to sub-section (3), receive the evidence, if tendered, of any witness.

‘(2) Without prejudice to sub-section (1), where evidence is tendered to the Supreme Court that Court shall, unless it is satisfied that the evidence, if received, would not afford any ground for allowing the appeal, exercise its power of receiving it if—

- (a) it appears to it that the evidence is likely to be credible and would have been admissible in the proceedings from which the appeal lies on an issue which is the subject of the appeal; and
- (b) it is satisfied that the evidence was not adduced in those proceedings and there is a reasonable explanation for the failure to adduce it.

‘(3) Sub-section (1)(c) applies to any witness (including the appellant) who is competent but not compellable, and applies also to the appellant’s husband or wife where the appellant makes an application for that purpose and the evidence of the husband or wife could not have been given in the proceedings from which the appeal lies except on such an application.

‘(4) For the purposes of this Part, the Supreme Court may, if it thinks it necessary or expedient in the interests of justice, order the examination of any witness whose attendance might be required under sub-section (1)(b) to be conducted, in manner provided by rules of the Supreme Court, before any judge or officer of the Court or other person appointed by the Supreme Court for that purpose, and allow the admission of any depositions so taken as evidence before the Supreme Court.’

“10D. Section 177(2) of the Principal Ordinance is amended by inserting after ‘mitigate’ in paragraph (b) ‘or increase’.”

Clause 11 agreed to.

Title agreed to.

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

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

9. ENCOURAGEMENT OF PRIMARY PRODUCTION BILL 1975 (Serial 25): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Proposed new clause 2A (see page 49)—

Debate resumed.

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

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

10. HOSPITALS AND MEDICAL SERVICES BILL 1975 (Serial 15): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Clause 2 agreed to.

Clause 3 agreed to, after debate.

Clause 4—On the motion of Mr Steele further consideration of the clause was postponed.

Clauses 5 and 6 agreed to, after debate.

New clause—Mr Pollock moved that the following new clause be inserted in the Bill:

“7. After section 6 of the Principal Ordinance the following section is inserted:

‘6A.(1) Notwithstanding anything elsewhere contained in this Ordinance or the Regulations, where a person has received treatment as an in-patient in a hospital and that person has, or is a dependant of a person who has, an enforceable claim for recovery, by way of compensation or damages, of an amount in respect of the patient’s accommodation and maintenance in the hospital, the person who has the claim is liable to pay—

- (a) the actual cost of the accommodation and maintenance in the hospital; or
- (b) the amount that he is entitled to recover, whichever is the less, and the amount that he is liable to pay is recoverable from him as a debt due to the Commonwealth.

‘(2) For the purposes of sub-section (1), the regulations may prescribe the method of ascertaining the actual cost of a person’s accommodation and maintenance in a hospital.’”.

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

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

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts, order of the day No. 3 was called on.
12. ENCOURAGEMENT OF PRIMARY PRODUCTION BILL 1975 (Serial 25): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

New clause 2A agreed to, after further debate.

Clause 3 agreed to.

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

“3A. Section 9 (4) (b) of the Principal Ordinance is amended by inserting after ‘primary production’ the words ‘or the processing, storage, handling or packaging of primary produce’”.

Clause 4 agreed to.

Title agreed to.

The Assembly resumed—Mr Chairman reported the Bill and the report was adopted. The Bill was read a third time and passed to be an Ordinance.

13. **CYCLONE DISASTER EMERGENCY BILL (No. 3) 1975 (Serial 37):** 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.

On the application of the Majority Leader, Mr Speaker declared the Cyclone Disaster Emergency Bill (No. 3) 1975 to be an urgent Bill.

Question put and passed—Bill read a second time.

Mrs Lawrie moved—That the committee stages be later taken.

Question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1215 and 1400 hours.

14. **STATEMENT BY MR SPEAKER:** Mr Speaker made a statement relating to his discussions with the Minister for the Northern Territory this day.

15. **SPECIAL ADJOURNMENT:** Mr Steele moved—That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 10 June 1975 or a date and time to be fixed by Mr Speaker.

Question put and passed.

16. **ALTERATION OF ORDER OF BUSINESS:** On the motion of Dr Letts, the order of the day relating to the Cyclone Disaster Emergency Bill was called on.

17. **CYCLONE DISASTER EMERGENCY BILL (No. 3) 1975 (Serial 37):** The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

New clause—

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

“5A. Section 14(2) of the Principal Ordinance is amended by omitting all the words from and including ‘as a result of’ and substituting—

‘as a result of—

(a) a requisition of his property under this Ordinance; or

(b) the exercise after 31 March 1975, by a person who was carrying out a work or clearing premises in pursuance of an authority given under section 10(1)(m), of his authority under section 10(1)(m).”

Clause 6 agreed to.

Title agreed to.

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

Question—That the Bill be now read a third time.

Debate ensued.

Question put and passed.

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

18. ADJOURNMENT: Mr Everingham moved—That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1510 hours adjourned until 1000 hours on Tuesday, 17 June 1975, or a date and time to be fixed by Mr Speaker.

ATTENDANCE: All members attended the sitting.

F. WALKER
Clerk of the Assembly.

FIRST LEGISLATIVE ASSEMBLY

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