

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 18

Tuesday 15 May 1979

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
 2. DISTINGUISHED VISITOR - Mr D.R. STEELE CRAIK: Mr Speaker informed the Assembly that Mr D.R. Steele Craik, OBE, BEc, FASA, FAIM, Auditor-General of the Commonwealth of Australia, was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.
 3. FUNCTIONS AND STAFF REVIEW: Mr Speaker informed the Assembly that during the first week of this sittings and in the first week of June a functions and staff review will be conducted in the Legislative Assembly Unit by Mr D.M. Blake, Deputy Clerk of the House of Representatives, and Mr L. Munns, a Senior Consultant in the office of the Public Service Commissioner. Mr Speaker said that he was grateful to the Speaker of the House of Representatives and the Public Service Commissioner for making the services of these officers available.
 4. MESSAGES FROM ADMINISTRATOR: Mr Speaker advised the Assembly that he had received the following messages from his Honour the Administrator:

Message No. 10

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the *Appropriation Act (No. 2) 1978-79* to apply certain moneys in aid of services, for which provision was made by the Legislative Assembly in the appropriation of public moneys for the financial year ending 30 June, 1979, out of savings effected in expenditure on other services for that financial year.

Dated this fifteenth day of May, 1979.

(Sgd) J.A. ENGLAND
Administrator

Message No. 11

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the *Supply Act 1979-1980* to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending 30 June, 1980.

Dated this fifteenth day of May, 1979.

(Sgd) J.A. ENGLAND
Administrator

5. PETITIONS: Mr Isaacs presented a Petition from 59 residents of the Northern Territory relating to proposed increases in electricity charges.

Petition received and read.

Mr Dondas presented a Petition from 62 residents of northern suburbs of Darwin requesting provision of a netball centre.

Petition received and read.

6. CARRIAGE OF BUSINESS BY ACTING MINISTER FOR COMMUNITY DEVELOPMENT: Mr Everingham (Chief Minister) sought leave of the Assembly for the Acting Minister for Community Development, Mr Dondas, to have the carriage of the following Bills through the remaining stages of their passage through the Assembly, and to answer questions pertaining to the portfolio of Community Development -

Motor Vehicle Dealers Bill 1979 (Serial 243);
Mall Bills - Local Government Bill 1979 (Serial 280) and Control of Roads Bill 1979 (Serial 279);
Local Government Bill (No. 2) 1979 (Serial 287);
Cemeteries Bill 1979 (Serial 255); and
Araluen Arts and Cultural Trust Bill 1979 (Serial 256).

Leave granted.

7. QUESTIONS: Questions without notice were asked.
8. DISTINGUISHED VISITOR - SENATOR B.C. TEAGUE: Mr Speaker informed the Assembly that Senator B.C. Teague of South Australia was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.
9. DARWIN CYCLONE TRACY RELIEF TRUST FUND - REASONS FOR JUDGMENT: Mr Everingham (Chief Minister) laid on the Table the Reasons for Judgment delivered by Forster, CJ, in the Supreme Court of the Northern Territory on 5 April 1979 relating to the Trust Deed of the Fund.
10. DEPARTMENT OF HEALTH - ANNUAL REPORT 1977-8: Mr Tuxworth (Minister for Health) laid on the Table the Annual Report of the Northern Territory Division of the Commonwealth Department of Health for 1977-8.
11. AUSTRALIAN CONSTITUTIONAL CONVENTION - RESOLUTIONS: Mr Everingham (Chief Minister) laid on the Table the Resolutions of the Australian Constitutional Convention adopted at the meeting at Parliament House, Perth, on 26-28 July 1978.
12. CASINO LICENCE AND CONTROL BILL 1979 (Serial 271): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

Debate resumed.

- . PERSONAL EXPLANATION: Mr Vale, by leave, made a personal explanation refuting remarks made by the Leader of the Opposition in this debate.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

On the motion of Mr Perron the following amendment was made, after debate -

Insert in sub-clause (1)(d) after "The Federal Hotels (Darwin)" the word "Proprietary".

On the motion of Mr Perron the following further amendments were made, after debate -

Omit from sub-clause 2(a) "10" and substitute "3".

Omit from sub-clause 2(b) "15" and substitute "9".

Clause, as amended, agreed to.

Clause 6 -

On the motion of Mr Perron the following amendment was made, after debate -

Omit from the definition of "officer" in sub-clause (1) the word "includes" and substitute ", means".

Clause, as amended, agreed to.

Clauses 7 to 10, by leave, taken together and agreed to.

Clause 11 agreed to, after debate.

Clause 12 -

On the motion of Mr Perron the following amendments were made -

Omit from sub-clause (1) ", in accordance with an agreement entered into between the Minister and that person, pursuant to the *Casino Development Act*," and substitute "in accordance with the agreements specified in Schedule 1".

Insert after sub-clause (3) the following sub-clause:

"(4) A receiver or manager referred to in sub-section (2)(b) who is not a party to an agreement set out in Schedule 1 may enforce the agreement as if he were a party to that agreement and had given valuable consideration in respect of that agreement."

Clause, as amended, agreed to.

Clause 13 agreed to, after debate.

Clauses 14 to 16, by leave, taken together and agreed to.

Clause 17 -

On the motion of Mr Perron the following uncirculated amendment was made, after debate -

Insert the following sub-clause:

"(2) The majority of directors of a specified company shall be persons ordinarily resident in Australia."

Clause, as amended, agreed to.

Clauses 18 to 21, by leave, taken together and agreed to, after debate.

Clauses 22 to 29, by leave, taken together and agreed to.

Clause 30 agreed to, after debate.

Clause 31 agreed to.

Clause 32 agreed to, after debate.

Clauses 33 to 40, by leave, taken together and agreed to.

Clause 41 -

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

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

On the motion of Mr Perron the following further amendment was made, after debate -

Insert in sub-clause (1)(e) after "information" the words ", which the specified company is capable of supplying and which has been requested from it in accordance with this Act".

On the motion of Mr Perron the following further amendment was made -

Omit sub-clause (1)(g).

Clause, as amended, agreed to.

Clauses 42 to 45, by leave, taken together and agreed to.

Clause 46 agreed to, after debate.

Clauses 47 and 48, by leave, taken together and agreed to.

Clause 49 -

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

Omit from sub-clause (4) "to a casino" and substitute "to or in relation to a casino or an act performed in a casino".

Clause, as amended, agreed to.

Clauses 50 to 51, by leave, taken together and agreed to.

Clause 52 agreed to, after debate.

Clauses 53 to 58, by leave, taken together and agreed to.

Clause 59 agreed to, after debate.

Clause 60 agreed to, after debate.

Clause 61 agreed to.

Clause 62 -

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

Omit all words after "restraint of trade" and substitute "and for the purposes of the *Trade Practices Act* 1974 of the Commonwealth the making of those agreements are approved and a specified company and any other person may give effect to them".

Clause, as amended, agreed to.

Clause 63 agreed to.

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

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

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

13. GAMING TAX BILLS - LOTTERY AND GAMING BILL 1979 (Serial 259) and STAMP DUTY BILL 1979 (Serial 260): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Lottery and Gaming Bill 1979 (Serial 259)

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9 -

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

Insert in clause 9 after "section 94BB(1)" (wherever occurring) "or 94BB(1A)".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 agreed to, after debate.

Clauses 12 to 14, by leave, taken together and agreed to.

Clause 15 -

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

Insert in proposed section 97A(5) after "to be delivered" the word "to".

Clause, as amended, agreed to.

Title agreed to.

Stamp Duty Bill 1979 (Serial 260)

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

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

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

14. LEAVE OF ABSENCE - Mr PERKINS: Mrs O'Neil moved -

That leave of absence for this week be granted to the Member for Macdonnell, Mr N.G. Perkins, for medical reasons.

Question put and passed.

15. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1739 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 15 May 1979, pursuant to statute:

Annual Reports:

Darwin Community College, 1975 (Paper No. 146)

Northern Territory Port Authority, 1976-7 (Paper No. 144)

Public Service By-laws 1979:

No. 3 Public Service (Salaries and Designations) By-laws (Paper No. 145)

Recommendation under S.103(3) of the Crown Lands Act:

Proposed revocation of Lot 5244 from Reserve No. 1018 (Mindil Beach)
(Paper No. 147)

Regulations 1979:

No. 3 Amendments of the Associations Incorporation Regulations (Paper No. 143)

ATTENDANCE: All members attended the sitting except Mr Perkins who had been granted leave of absence.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 19

Wednesday 16 May 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. DISTINGUISHED VISITORS - SIR DONALD AND LADY TEBBIT: Mr Speaker informed the Assembly that Sir Donald Tebbit, KCMG, High Commissioner in Australia for the United Kingdom, and Lady Tebbit were present in the Gallery. Mr Speaker formally welcomed the distinguished visitors.
3. PETITION: Mr Vale presented a Petition on behalf of the Member for Elsey from 401 residents of the Northern Territory relating to fluoridation of the Katherine water supply.

Petition received and read.

4. NOTICES: The following notices were given -

Mr Everingham: To present the following Bills -

Local Courts Bill 1979 (Serial 298);
Absconding Debtors Bill 1979 (Serial 299);
Workmen's Compensation Bill (No. 2) 1979 (Serial 302); and
Interpretation Bill (No. 2) 1979 (Serial 291).

Mr Tuxworth: To present the Human Tissue Transplant Bill 1979 (Serial 292).

5. QUESTIONS: Questions without notice were asked.
6. DARWIN HOSPITAL ADVISORY BOARD - REPORT: Mr Tuxworth (Minister for Health) laid on the Table the Report of the Board on the condition of the buildings, furniture, fittings, equipment and installations of the Darwin Hospital pursuant to section 14(1)(a) of the Hospital Advisory Boards Ordinance 1970.
7. PROPOSED COMMONWEALTH LAWS - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister) made a Statement on the proposed Commonwealth Coastal Waters (Northern Territory Powers) Bill, Coastal Waters (Northern Territory Title) Bill and Fisheries Amendment Bill.
8. TRANSFER OF SUPREME COURT - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister) made a Statement on the transfer of responsibility for the Supreme Court from the Commonwealth to the Northern Territory and moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

9. AUSTRALIA - INDONESIA SEABED DELIMITATION - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister) made a Statement on the involvement of the Northern Territory Government in negotiations between Australia and Indonesia for determination and delimitation of the seabed boundaries between those countries, and moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

10. APPROPRIATION BILL (No. 2) 1978-79 (Serial 295): Mr Perron (Treasurer), presented the Bill, the subject of His Honour the Administrator's Message No. 10, and the Bill was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

11. SUPPLY BILL 1979-80 (Serial 294): Mr Perron (Treasurer), presented the Bill, the subject of His Honour the Administrator's Message No. 11, and the Bill was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

12. MOTOR VEHICLE DEALERS BILL 1979 (Serial 243): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 11, by leave, taken together and agreed to, after debate.

Clause 12 -

Mrs O'Neil proposed as an amendment -

Omit sub-clause (6).

Debate ensued.

Question put and negatived.

Clause, as printed, agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Clause 15 -

Mrs O'Neil proposed as an amendment -

Omit in sub-clause (1)(a) the words "and, where known, the engine number and body number of the motor vehicle" and substitute the words "the engine number, and, where known, the body number of the motor vehicle;"

Debate ensued.

Question put and negatived.

On the motion of Mrs O'Neil the following amendment was made, after debate -

Insert in sub-clause (2) the following new paragraph:

"(d) the cash or other consideration given or agreed to be given and a description of any such other consideration."

Clause, as amended, agreed to.

. SUSPENSION OF SITTING: The sitting was suspended between 1207 and 1400 hours.

Clauses 16 to 19, by leave, taken together and agreed to, after debate.

New clause -

Mrs O'Neil proposed that the following new clause be inserted in the Bill -

After clause 19 insert the following new clause:

"19A.(1) A dealer shall not offer or display for sale a motor vehicle, unless there is attached to that vehicle a notice in the prescribed form containing the required particulars.

Penalty: \$500.

"(2) For the purposes of this section the required particulars are -

- (a) the cash price of the vehicle;
- (b) where the motor vehicle is fitted with an odometer, the distance travelled by the motor vehicle as recorded on the odometer when the motor vehicle came into the dealer's possession; and
- (c) the make, model designation and type, year of manufacture and engine number of the vehicle."

Debate ensued.

Question put and negatived.

Clause 20 -

Mrs O'Neil proposed as an amendment -

Omit in sub-clause (6)(a) the words, "after the purchaser took delivery of the vehicle from the dealer;" and substitute the words "after the sale of that vehicle, and when the vehicle was not in the possession of the dealer;"

Debate ensued.

Question put and negatived.

Mrs O'Neil proposed as an amendment -

Insert after sub-clause (6)(c) a new sub-clause (d) "occurring in the tyres, battery or any prescribed accessory of the vehicle".

Debate ensued.

Question put and negatived.

Clause agreed to.

Clauses 21 to 30, by leave, taken together and agreed to.

Clause 31 -

Mrs O'Neil proposed as an amendment -

Omit sub-clause (6) and insert the following new sub-clause:

"(6) An inspector may make copies of any books, papers, accounts or documents referred to in sub-section (1) and may retain any such books, papers, accounts or documents for such period as is necessary to obtain those copies.".

Debate ensued.

Question put and negatived.

Clause agreed to.

Clauses 32 to 43, by leave, taken together and agreed to.

Clause 44 -

On the motion of Mrs O'Neil the following amendment was made, after debate -

Omit the words "orally or".

Clause, as amended, agreed to.

Clause 45 -

On the motion of Mrs O'Neil the following amendment was made -

Insert after the words "ending on that day" the words "and the Minister shall table that report in the Legislative Assembly within three sitting days of receiving it".

Clause, as amended, agreed to.

Clauses 46 and 47, by leave, taken together and agreed to.

Clause 48 -

On the motion of Mr Dondas the following amendment was made, after debate -

Omit sub-clause (1).

Clause, as amended, agreed to.

Clause 49 -

On the motion of Mr Dondas the following amendment was made, after debate -

Omit "the Fourth Schedule to".

Clause, as amended, agreed to.

Clauses 50 and 51, by leave, taken together and agreed to.

Progress to be reported and leave asked to sit again.

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

13. FERAL ANIMALS IN THE NORTHERN TERRITORY - REPORT: The order of the day having been read for debate on the motion of Mr Steele

That the Report be noted -

Debate ensued.

Question put and passed.

14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 5 was called on.

15. ELECTRICITY COMMISSION BILL 1979 (Serial 254): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 -

Miss D'Rozario proposed as an amendment -

Omit "Electricity Commission Act 1979" and substitute "Energy Commission Act 1979".

Debate ensued.

Question put and negatived.

Clause agreed to.

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

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

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson the order of the day relating to the Motor Vehicle Dealers Bill 1979 (Serial 243) was called on.
17. MOTOR VEHICLE DEALERS BILL 1979 (Serial 243): The order of the day having been read for further consideration of the Bill in the Committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Title agreed to.

The Assembly resumed - The Chairman reported the Bill.

Mr Robertson moved -

That the Bill be recommitted to the committee of the whole for further consideration of clause 49.

Question put and passed.

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

(In the committee)

On recommitment

Clause 49 negatived.

New clause -

On the motion of Mr Dondas the following new clause was inserted in the Bill, after debate -

"49.(1) Subject to this section, it shall be a condition of the sale of a motor vehicle by a dealer that the motor vehicle is of a standard fit to meet the requirements as to registration set out in the *Motor Vehicles Act*.

"(2) This section does not apply to -

(a) a commercial vehicle;

(b) a motor vehicle sold for wrecking; or

- (c) a motor vehicle sold pursuant to a contract in the prescribed form excluding the operation of this section."
-

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

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

18. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1715 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting except Mr Perkins who had been granted leave of absence.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 20

Thursday 17 May 1979

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

2. NOTICE: The following notice was given:

Mr Doolan: To present the Territory Development Bill (No. 2) 1979 (Serial 296).

3. QUESTIONS: Questions without notice were asked.

4. ABORIGINAL COMMUNITY INVOLVEMENT IN ADMINISTRATION OF JUSTICE - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on Aboriginal involvement in the administration of justice in the Northern Territory.

Mr Everingham moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

5. SUSPENSION OF STANDING ORDERS - ALLOW STATEMENT TO BE MADE: Mr Everingham (Chief Minister) moved -

That so much of standing orders be suspended as would prevent his making a statement on motor accidents compensation.

Question put and passed.

6. MOTOR ACCIDENTS COMPENSATION - STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on the recommendations made by the committee studying the concepts of motor accident compensation and their application to proposed legislation presently before the Assembly.

Mr Everingham moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

7. HYDRO-ELECTRICITY AND SOLAR POWER RESEARCH - MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement on Ministerial discussions between the Northern Territory and Western Australia on the use of power from the Ord River Hydro-electricity Project and on solar power research.

Mr Tuxworth moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

8. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham (Chief Minister) moved -

That so much of standing orders be suspended as would prevent two Bills relating to the monetary jurisdiction of Local Courts -

- (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 stages and the third readings of the Bills together; and
- (b) the consideration of the Bills separately in the committee of the whole.

The motion having been supported by an absolute majority, Mr Speaker declared the question resolved in the affirmative.

9. MONETARY JURISDICTION BILLS - LOCAL COURTS BILL 1979 (Serial 298) and ABSCONDING DEBTORS BILL 1979 (Serial 299): Mr Everingham (Chief Minister), 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.

10. WORKMEN'S COMPENSATION BILL (No. 2) 1979 (Serial 302): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

11. INTERPRETATION BILL (No. 2) 1979 (Serial 291): Mr Everingham, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

12. HUMAN TISSUE TRANSPLANT BILL 1979 (Serial 292): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

. SUSPENSION OF SITTING: The sitting was suspended between 1152 and 1500 hours.

13. ATTENDANCE OF THE ADMINISTRATOR: The presence of His Honour the Administrator of the Northern Territory being reported, the Speaker, with the concurrence of Members, invited His Honour to take a seat on the floor of the Assembly.
14. DELEGATION FROM THE COMMONWEALTH PARLIAMENT: The presence of a Delegation from the Commonwealth Parliament being reported, the Speaker, with the concurrence of Members, directed that the Delegation be invited to enter the Chamber and be received at the Table.

The Delegation, comprising -

Senator the Honourable Sir Condor Laucke, KCMG,
President of the Senate;
The Right Honourable Sir Billy Snedden, KCMG, QC, MP,
Speaker of the House of Representatives;
Senator B.F. Kilgariff;
Senator E.A. Robertson;
Mr S.E. Calder, DFC, MP;
Mr A.W. James, MP;
Mr D.M. Blake, VRD,
Deputy Clerk of the House of Representatives; and
Mr T. Wharton,
Acting Usher of the Black Rod of the Senate;

entered the Chamber and were provided with seats on the floor of the Assembly at the foot of the Table.

Mr Speaker extended a welcome to the distinguished visitors.

15. ADDRESS BY JOINT LEADER OF DELEGATION: The Speaker called on Sir Billy Snedden, Joint Leader of the Delegation from the Commonwealth Parliament, to address the Assembly.
16. PRESENTATION OF MACE: Sir Billy Snedden addressed the Assembly.

At the conclusion of the address, the Mace, covered, was borne to the foot of the Table by Mr Blake.

The Mace was unveiled by Mr Wharton.

Sir Condor Laucke formally asked the Speaker and the Assembly to accept the Mace.

Mr Speaker, on behalf of the Assembly, accepted the gift of the Mace.

Sir Billy Snedden took the Mace from Mr Blake and handed it to the Clerk Assistant who placed it upon his right shoulder and then placed it on the Table.

17. THANKS TO COMMONWEALTH PARLIAMENT: Mr Everingham (Chief Minister) moved -
- That the following resolution be agreed to:

We, the Members of the Legislative Assembly of the Northern Territory of Australia, express our sincere thanks to the Senate and the House of Representatives of the Commonwealth Parliament for the Mace which, by direction of Her Majesty the Queen, they have presented to this Assembly. We accept this generous gift from the Parliament which conferred self-government upon the Northern Territory as a tangible link with all the other legislatures throughout the world which adhere to the traditions of parliamentary government symbolized by the Mace.

Mr Isaacs (Leader of the Opposition) spoke in support of the motion.

The Speaker informed the Joint Leaders of the Delegation that they would each be furnished with printed copies of the Resolution and proceedings for the records of their respective Houses.

18. WITHDRAWAL OF DELEGATION: The Delegation from the Commonwealth Parliament withdrew from the Chamber.
19. WITHDRAWAL OF THE ADMINISTRATOR: His Honour the Administrator withdrew from the Chamber.
20. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1600 hours adjourned until Tuesday 22 May 1979 at 1000 hours.

ATTENDANCE: All members attended the sitting except Mr Perkins, who had been granted leave of absence.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 21

Tuesday 22 May 1979

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

2. NOTICES: The following notices were given:

Mr Everingham: To present the following Bills -

Juries Bill 1979 (Serial 293);
Statute Law Revision Bill (No. 2) 1979 (Serial 297);
Electoral Bill 1979 (Serial 309); and
Catholic Church in the Northern Territory Bill 1979 (Serial 289).

Mr Perron: To present the following Bills -

Taxation (Administration) Bill 1979 (Serial 300); and
Stamp Duty Bill (No. 2) 1979 (Serial 301).

Mr Steele: To present the Stock (Artificial Breeding) Bill 1979 (Serial 290).

3. QUESTIONS: Questions without notice were asked.

4. DISTINGUISHED VISITORS - CONSUL-GENERAL FOR JAPAN: Mr Speaker informed the Assembly that Mr Michio Mizoguchi, the Consul-General for Japan, and Mrs Mizoguchi were present in the Gallery. Mr Speaker formally welcomed the distinguished visitors.

5. DOMICILE BILL 1978 (Serial 201): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 3 -

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

Omit "except so far as the context or subject-matter otherwise indicates or requires" and substitute "unless the contrary intention appears".

Omit from the definition of "country" the word "State" and substitute "state".

Clause, as amended, agreed to.

Clauses 4 to 7, by leave, taken together and agreed to.

Clause 8 negatived.

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

"8.(1) In this section -

- (a) 'child' means a person under the age of 18 years who is not, and has not at any time been, married; and
- (b) references to the parents of a child include references to parents who are not married to each other.

"(2) Where, at any time, a child has his principal home with one of his parents but his parents are living separately and apart or the child does not have another living parent, the domicile of the child at that time is the domicile that that parent has at that time and thereafter the child has the domicile that that parent has from time to time or, if that parent has died, the domicile that that parent had at the time of death.

"(3) Where a child is adopted, his domicile -

- (a) if, upon his adoption, he has 2 parents - is, at the time of the adoption and thereafter, the domicile he would have if he were a child born in wedlock to those parents; and
- (b) if, upon his adoption, he has one parent only - is, at the time of the adoption, the domicile of that parent and thereafter is the domicile that that parent has from time to time or, if that parent has died, the domicile that that parent had at the time of death.

"(4) A child ceases to have, by virtue of sub-section (2), the domicile or last domicile of one of his parents if -

- (a) he commences to have his principal home with his other parent;
or
- (b) his parents resume or commence living together.

"(5) Where a child has a domicile by virtue of sub-section (2) or (3) immediately before he ceases to be a child, he retains that domicile until he acquires a domicile of choice.

"(6) Where the adoption of a child is rescinded, the domicile of the child shall thereafter be determined in accordance with any provisions with respect to that domicile that are included in the order rescinding the adoption and, so far as no such provision is applicable, as if the adoption had not taken place."

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

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

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

6. ADOPTION OF CHILDREN BILL 1978 (Serial 202): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 negatived.

New clauses -

On the motion of Mr Dondas the following new clauses were inserted in the Bill -

"4. Section 18 of the Principal Act is amended by omitting from subsection (4)(d) "(including the domicile of origin)".

"5. Section 33 of the Principal Act is repealed."

Title agreed to.

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

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

7. JABIRU TOWN DEVELOPMENT BILL 1979 (Serial 278): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

. SUSPENSION OF SITTING: The sitting was suspended between 1201 and 1400 hours.

8. MALLS BILLS - CONTROL OF ROADS BILL 1979 (Serial 279) and LOCAL GOVERNMENT BILL 1979 (Serial 280): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Control of Roads Bill 1979 (Serial 279)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

On the motion of Mr Dondas the following amendment was made -

Omit "16(2)" and substitute "16(3)".

Clause, as amended, agreed to.

Clause 6 -

On the motion of Mr Dondas the following amendment was made -

Omit from proposed section 25A(1) "a closed road" and substitute "a road that is closed or a part of a road that is closed".

On the motion of Mr Dondas the following further amendment was made, after debate -

In proposed section 25A(3):

- (a) omit "Minister" and substitute "Minister administering the Local Government Act"; and
- (b) omit all words after "rights" and substitute "to use or occupy the pedestrian mall or a part thereof".

On the motion of Mr Dondas the following further amendment was made -

In proposed section 25A(4):

- (a) insert after "pedestrian mall" the words "or part thereof";
and
- (b) omit all words after "transferee" (last occurring).

Clause, as amended, agreed to.

Title agreed to.

Local Government Bill 1979 (Serial 280)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

Mr Dondas proposed as an amendment -

Omit proposed paragraph (69A) and substitute the following:

"(69A) Subject to the terms of any agreement entered into in pursuance of section 25A(3) of the Control of Roads Act in relation to a pedestrian mall -

(a) regulating or prohibiting vehicular traffic in; or

(b) regulating the use by any person of,

a pedestrian mall;"

Debate ensued.

Progress to be reported and leave asked to sit again.

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

9. LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION BILL 1979 (Serial 281): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 3 -

On the motion of Mr Isaacs the following amendment was made -

Insert in the definition of "additional salary", after "Leader of the Opposition", the words ", or other service in a particular office or in performance of a particular function in respect of which remuneration or an allowance is payable under the Legislative Assembly (Remuneration, Allowances and Entitlements) Act.".

Clause, as amended, agreed to.

Clause 4 -

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

In sub-clause (2) -

(a) omit from paragraph (b) "and; and

(b) add at the end the following word and paragraph:

"and

(d) moneys borrowed by the Trust in accordance with this Act."

Clause, as amended, agreed to.

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

Clause 7 -

On the motion of Mr Isaacs the following amendment was made -

Omit from sub-clause (2) all words after and including "as soon as possible" and substitute "within 3 sitting days after they are received by him, cause them to be tabled in the Assembly."

Clause, as amended, agreed to.

Clauses 8 to 11, by leave, taken together and agreed to.

Clause 12 -

On the motion of Mr Isaacs the following amendment was made, after debate -

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

"(2) The Trustees referred to in sub-section (1)(b) shall be appointed by the Speaker, one on the recommendation of the Chief Minister, and the other on the recommendation of the Leader of the Opposition."

Clause, as amended, agreed to.

Clause 13 -

On the motion of Mr Isaacs the following amendment was made -

Omit sub-clause (2).

Clause, as amended, agreed to.

Clauses 14 to 17, by leave, taken together and agreed to.

Clause 18 -

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

In the definition of "dependent child" -

(a) omit "an unmarried" and substitute "a"; and

(b) omit "who" and substitute "who is unmarried and".

Omit from paragraph (e) of the definitions of "spouse" the word "or" and substitute "and".

Clause, as amended, agreed to.

Clause 19 -

On the motion of Mr Everingham the following amendments were made, after debate -

Omit from paragraph (b) in sub-clause (1) "for an aggregate period of 10 years" and substitute "for an aggregate period of 10 years or 3 full terms of the Assembly (whichever is the lesser)".

Omit from paragraph (c) in sub-clause (1) "in respect of an aggregate period of 10 years" and substitute "for an aggregate period of 10 years or 3 full terms of the Assembly (whichever is the lesser)".

On the motion of Mr Everingham the following further amendment was made -

Insert in item B in sub-clause (1) after "salary received" the words "as a member".

Clause, as amended, agreed to.

Clauses 20 to 23, by leave, taken together and agreed to.

Clause 24 -

On the motion of Mr Everingham the following amendments were made, after debate -

Insert in sub-clause (2) after "10 years" the words "or 3 full terms of the Assembly (whichever is the lesser)".

Insert in sub-clause (3) after "10 years" the words "or 3 full terms of the Assembly (whichever is the lesser)".

Clause, as amended, agreed to.

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

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

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

10. LOCAL GOVERNMENT BILL (No. 2) 1979 (Serial 287): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

The Assembly resumed - The 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 a proposed law.

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson the order of the day relating to the Malls Bills was called on.
12. MALLS BILLS - CONTROL OF ROADS BILL 1979 (Serial 279) and LOCAL GOVERNMENT BILL 1979 (Serial 280): The order of the day having been read for further consideration of the Bills in the committee of the Assembly -

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

(In the committee)

Local Government Bill 1979 (Serial 280)

Clause 5 and the amendment proposed by Mr Dondas -

Omit proposed paragraph (69A) and substitute the following:

"(69A) Subject to the terms of any agreement entered into in pursuance of section 25A(3) of the Control of Roads Act in relation to a pedestrian mall -

(a) regulating or prohibiting vehicular traffic in: or

(b) regulating the use by any person of,

a pedestrian mall;".

Proposed amendment, by leave, withdrawn.

On the motion of Mr Dondas the following amendment was made, after debate -

Omit proposed paragraph (69A) and substitute the following:

"(69A) Subject to the terms of any agreement entered into in pursuance of section 25A(3) of the Control of Roads Act in relation to a pedestrian mall -

(a) regulating or prohibiting vehicular traffic in; or

(b) regulating the use, other than access, by any person of,
a pedestrian mall;".

Clause, as amended, agreed to.

Title agreed to.

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

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

13. BILLS REMOVING REPORTING PROVISIONS - TERRITORY PARKS AND WILDLIFE CONSERVATION BILL 1979 (Serial 241) and FISHERIES BILL 1979 (Serial 242): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Territory Parks and Wildlife Conservation Bill 1979 (Serial 241)

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

Fisheries Bill 1979 (Serial 242)

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

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

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

14. ELECTRICAL WORKERS AND CONTRACTORS BILL 1979 (Serial 249): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

15. TRUSTEE BILL 1979 (Serial 247): 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 (Chief Minister), by leave, moved -

That the question, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

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

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

16. PORTS BILL 1979 (Serial 246): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 3 -

On the motion of Mr Steele the following amendment was made, after debate -

Insert in proposed sub-section (4) after "expiration" the words "or determination".

On the motion of Mr Steele the following further amendment was made -

Omit from proposed sub-section (4)(b) ", as determined by the Valuer-General appointed under the Valuation of Land Act," and substitute "to him".

Clause, as amended, agreed to, after further debate.

Title agreed to.

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

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

17. CEMETERIES BILL 1979 (Serial 255): 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 (Chief Minister), by leave, moved -

That the question, That the Bill be now read a third time, be moved forthwith.

Question put and passed.

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

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

18. STATUTE LAW REVISION BILL 1979 (Serial 276): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 15, by leave, taken together and agreed to.

Schedule -

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

Omit from the Schedule:

"No. 42, 1965

Supreme Court
Ordinance Repeal
Ordinance 1965".

Schedule, as amended, agreed to.

Title agreed to.

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

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

19. ADJOURNMENT: Mr Everingham (Chief Minister) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1812 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 22

Wednesday 23 May 1979

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

2. NOTICES: The following notices were given -

Mr Isaacs: To present the following Bills -

Classification of Publications Bill 1979 (Serial 306);
Police and Police Offences Bill (No. 3) 1979 (Serial 307); and
Police Administration Bill (No. 2) 1979 (Serial 308).

Mrs O'Neil: To move -

That this Assembly requests Local Government Councils, as a matter of urgency, to use their by-law making powers to require the fencing of private swimming pools.

3. QUESTIONS: Questions without notice were asked.
4. POPULATION COUNT - MINISTERIAL STATEMENT: Mr Perron (Treasurer), by leave, made a statement on a population count of the Northern Territory to be made by the Bureau of Statistics on 4 July 1979.
5. JURIES BILL 1979 (Serial 293): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

6. STOCK (ARTIFICIAL BREEDING) BILL 1979 (Serial 290): Mr Steele (Minister for Industrial Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

7. STATUTE LAW REVISION BILL (No. 2) 1979 (Serial 297): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

8. TAXATION (ADMINISTRATION) BILL 1979 (Serial 300): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

9. ELECTORAL BILL 1979 (Serial 309): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

10. STAMP DUTY BILL (No. 2) 1979 (Serial 301): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Notice No. 2 General Business was called on.

12. CATHOLIC CHURCH IN THE NORTHERN TERRITORY BILL 1979 (Serial 289): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

13. EDUCATION BILL 1979 (Serial 264): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

Debate resumed.

Question put and passed - Bill read a second time.

Mr Robertson (Minister for Education) moved -

That the committee stages be later taken.

Question put and passed.

14. CROWN LANDS BILL 1979 (Serial 237): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 3 -

On the motion of Mr Perron the following amendments were made -

Omit from proposed section 24A(1)(d) "enforced" and substitute "in force".

Omit from proposed section 24A(1A)(b) "at the place of" and substitute "as the place at".

Clause, as amended, agreed to.

Title agreed to.

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

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

15. DARWIN TOWN AREA LEASES BILL 1979 (Serial 238): 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 the third reading to be moved forthwith.

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

16. ADJOURNMENT: Mr Perron (Treasurer) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

MINUTES OF PROCEEDINGS - Wednesday 23 May 1979

And then the Assembly at 1747 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 23

Thursday 24 May 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - NINTH AND TENTH REPORTS: Mr Oliver (Alice Springs) laid on the Table the ninth and tenth reports of the standing committee.

Mr Oliver moved -

That the Reports be noted.

Mr Perkins moved as an amendment -

Add after the word "noted", "with the exception that Regulation No. 53 of 1978 of the Town Planning Act be disallowed."

Debate ensued.

. SUSPENSION OF SITTING: The sitting was suspended between 1202 and 1400 hours.

Question put - The Assembly divided (Mr Speaker MacFarlane in the Chair).

AYES 7

NOES 10

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

Mr Ballantyne
Mr Dondas
Mr Harris
Mr MacFarlane
Mr Oliver
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

Question - That the Reports be noted.

Debate ensued.

Question put and passed.

4. FISHERIES - MINISTERIAL STATEMENT: Mr Steele (Minister for Industrial Development), by leave, made a statement on Northern Territory fisheries.

Mr Steele moved -

That the Statement be noted.

Question put and passed.

5. TERRITORY DEVELOPMENT BILL (No. 2) 1979 (Serial 296): Mr Doolan (Victoria River), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Doolan 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. SUSPENSION OF STANDING ORDERS - THREE BILLS TOGETHER: Mr Isaacs (Leader of the Opposition) moved -

That so much of standing orders be suspended as would prevent 3 Bills relating to classification of publications -

(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 stages and the third readings of all the Bills together; and

(b) being considered separately in one committee of the whole.

The motion having been supported by an absolute majority, Mr Speaker declared the question resolved in the affirmative.

7. CLASSIFICATION OF PUBLICATIONS BILLS - POLICE ADMINISTRATION BILL (No. 2) 1979 (Serial 308), POLICE AND POLICE OFFENCES BILL (No. 3) 1979 (Serial 307) and CLASSIFICATION OF PUBLICATIONS BILL 1979 (Serial 306): Mr Isaacs (Leader of the Opposition), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Isaacs 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.

8. FENCING OF PRIVATE SWIMMING POOLS: Mrs O'Neil (Fannie Bay), pursuant to notice, moved -

That this Assembly requests Local Government Councils, as a matter of urgency, to use their by-law making powers to require the fencing of private swimming pools.

Debate ensued.

Question put - The Assembly divided (Mr Speaker MacFarlane in the Chair).

AYES 13

NOES 5

Mr Ballantyne
Mr Collins
Mr Doolan
Miss D'Rozario
Mr Everingham
Mr Isaacs
Mrs Lawrie
Mr MacFarlane
Mr Oliver
Mrs O'Neil
Mr Perkins
Mr Steele
Mr Vale

Mr Dondas
Mr Harris
Mr Perron
Mr Robertson
Mr Tuxworth

And so it was resolved in the affirmative.

9. CLASSIFICATION OF PUBLICATIONS BILL 1978 (Serial 207): 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 -

Bill, by leave, withdrawn.

10. ELECTORAL BILL 1978 (Serial 213): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Mr Everingham moved -

That the question be now put.

Question - That the question be now put - put. The Assembly divided (Mr Speaker MacFarlane in the Chair).

AYES 11

NOES 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr MacFarlane
Mr Oliver
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

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

And so it was resolved in the affirmative.

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

11. WITHDRAWAL OF THREE BILLS: On the motion of Mr Isaacs (Leader of the Opposition), by leave, the following Bills were withdrawn -

LONG SERVICE LEAVE BILL 1978 (Serial 209);
SECOND-HAND MOTOR VEHICLES BILL 1978 (Serial 210); and
WORKMEN'S COMPENSATION BILL (No. 2) 1978 (Serial 208).

12. EXPENDITURE COMMITTEE - PROPOSED APPOINTMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Isaacs

That -

1. A Standing Committee be appointed to:

- (a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine;
- (b) consider how, if at all, policies implied in the figures of expenditure and in the estimates may be carried out more economically;
- (c) examine the relationship between the costs and benefits of implementing government programs;

- (d) inquire into and report upon any question in connexion with public expenditure which is referred to it by the Legislative Assembly.
2. The committee consist of five members, three of whom will be nominated by the Chief Minister and two nominated by the Leader of the Opposition.
 3. Every nomination of a member of the committee be forthwith notified in writing to the Speaker.
 4. The members of the committee will hold office for the full term of the Legislative Assembly.
 5. The committee elect one of its members as Chairman.
 6. The committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee, and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the Chairman at that meeting.
 7. The committee have power to appoint sub-committees consisting of three or more of its members, and shall appoint the Chairman of each sub-committee who shall have a casting vote only, and refer to any such sub-committee any matter which the committee is empowered to examine.
 8. A majority of the members of a sub-committee constitute a quorum of that sub-committee.
 9. Members of the committee who are not members of a sub-committee may take part in the public proceedings of that sub-committee but shall not vote or move any motion or constitute a quorum.
 10. The committee or any sub-committee have power to send for persons, papers and records.
 11. The committee have power to move from place to place and to sit during any recess.
 12. Any sub-committee have power to move from place to place, adjourn from time to time and to sit during any recess, sitting or adjournment.
 13. The committee or any sub-committee have power to authorize publication of any evidence given before it and any document present to it.
 14. Three members of the committee constitute a quorum of the committee.
 15. The committee be provided with necessary staff, facilities and resources.
 16. The committee in selecting particular matters for investigation take account of the investigations of other committees of the Assembly and avoid duplication.
 17. The committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report.
 18. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Debate resumed.

Question put and negatived.

13. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - EIGHTH REPORT: The order of the day having been read for the debate on the motion of Mr Oliver

That the Report be noted -

Debate ensued.

Question put and passed.

14. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1737 hours adjourned until Tuesday 29 May 1979 at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 24

Tuesday 29 May 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. NOTICES: The following notices were given:

Mr Steele: To present the Plant Diseases Control Bill 1979 (Serial 304) and the Traffic Bill 1979 (Serial 303).
3. QUESTIONS: Questions without notice were asked.
4. REVIEW OF THE NORTHERN TERRITORY BARRAMUNDI FISHERY: Mr Steele (Minister for Industrial Development) laid on the Table a review of the barramundi fishery, Fishery Report No. 1 of the Fisheries Division, Department of Industrial Development.

Mr Steele moved -

That the Report be noted.

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

5. POLICE ADMINISTRATION BILL 1979 (Serial 269): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

New clauses -

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

"2A. Section 4 of the Principal Act is amended by inserting at the end thereof the following sub-section:

'(2) A reference in this Act to "this Act" includes a reference to the Regulations.'

"2B. Section 16 of the Principal Act is amended by omitting sub-section (1)(a) and substituting the following paragraphs:

'(a) appoint a person eligible for appointment to the Police Force to be a member with the rank of Constable;

(aa) appoint a person eligible for appointment to the Police Force to be a member with a rank other than the rank of Constable; and'.

"2C. Section 17 of the Principal Act is amended by omitting '16(1)(a)' and substituting '16(1)(aa)'."

Clause 3 agreed to.

Clause 4 negatived.

New clauses -

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

"4. Section 116 of the Principal Act is amended by inserting in sub-section (9) after 'arrest' the words 'and has been advised by a member that he will be charged with an offence'.

"5.(1) Section 118 of the Principal Act is amended by inserting in sub-section (2) after 'an information' the words 'on oath'.

"(2) Section 118 of the Principal Act is amended by omitting from sub-section (3) 'an arrest warrant' and substituting 'a search warrant'.

"6. Section 124 of the Principal Act is amended by inserting in sub-section (2) after 'apprehension or committal and' the words ', where the person has been apprehended in pursuance of a warrant authorizing his apprehension,'.

"7. Section 133 of the Principal Act is amended by inserting in sub-section (2) after 'forthwith' (last occurring) 'unless sooner released'.

"8. Section 134 of the Principal Act is amended by omitting from sub-section (1) 'and address' and substituting 'or address'.

"9. Section 136 of the Principal Act is amended by omitting from sub-section (1) 'and' and substituting 'or'.

"10. Section 137 of the Principal Act is amended by omitting from sub-section (4) 'when required by the member' and substituting 'when required by a member'.

"11. Section 144 of the Principal Act is amended by omitting from sub-section (1)(b) 'the offence' and substituting 'an offence'.

"12. Section 167 of the Principal Act is amended by inserting at the end thereof the following sub-section:

'(2) Without limiting the generality of sub-section (1), the regulations may make provision for or with respect to -

(a) the method of notifying the establishment and strength of the Police Force to members;

(b) the conditions of eligibility for appointment to the Police Force;

(c) the duties of members;

- (d) the manner in which members may be dealt with and punished for disciplinary offences;
- (e) examinations for qualification for promotion;
- (f) the promotion of members;
- (g) prescribing the manner in which and the grounds on which appeals may be made to the Police Appeals Board; and
- (h) the general government, management and discipline of the Police Force.'."

Title agreed to.

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

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

6. HOLDING CORPORATION BILLS - TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 2) 1979 (Serial 282) and TERRITORY DEVELOPMENT BILL 1979 (Serial 283): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Territory Parks and Wildlife Conservation Bill (No. 2) 1979 (Serial 282)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

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

Omit "Holding" and substitute "Land".

Clause, as amended, agreed to.

Clause 5 -

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

Omit sub-clause (3) and substitute the following sub-clause:

"(3) Section 12(7) of the Principal Act is amended -

- (a) by inserting after 'interest' the words 'both legal and beneficial'; and

(b) by omitting 'Commission' and substituting "Corporation'.".

Clause, as amended, agreed to.

Clause 6 agreed to.

New clause -

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

"6A.(1) Section 14 of the Principal Act is amended by omitting from sub-section (2) 'for the purposes of sub-section (1)' and substituting 'under sub-section (1) in relation to prescribed land'.

"(2) Section 14 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

'(3) In this section, "prescribed land" means land other than land which, at the date of the report in relation to that land required by sub-section (1) or at any time before the date of that report, -

(a) was -

(i) a park, reserve or conservation or wilderness zone within the meaning of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth;

(ii) a park, reserve, protected area or sanctuary; or

(iii) committed to the care, control and management of the Commission;

(b) was land which the Governor-General or the Administrator had purported to declare to be such a park, reserve, wilderness or conservation zone, protected area or sanctuary; or

(c) was land which the Administrator had purported to commit to the care, control and management of the Reserves Board under the National Parks and Gardens Ordinance.'."

Clause 7 -

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

Omit all words after "amended" and substitute -

"(a) by omitting 'any law of the Territory, but subject to sub-section (2)' and substituting 'this Act (sub-section (2) excepted) and any other law of the Territory'; and

(b) by omitting 'Commission' and substituting 'Corporation'."

Insert at the end thereof the following new sub-clause:

"(2) Section 16(2) of the Principal Act is amended by omitting 'Commission' and substituting 'Corporation'."

Clause, as amended, agreed to.

New clause -

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

"7A. Section 21 of the Principal Act is amended by omitting 'shall perform its functions and exercise its powers' and substituting 'and the Corporation shall perform their duties and functions and exercise their powers'."

Clauses 8 and 9, by leave, taken together and agreed to.

Clause 10 -

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

Omit "HOLDING" and substitute "LAND"

Omit "Holding" (wherever occurring) and substitute "Land".

Omit from proposed section 77N(4) "may" and substitute "shall".

Omit from proposed section 77N(4) "shall" (last occurring) and substitute "may".

Clause, as amended, agreed to after debate -

Clause 11 agreed to.

Clause 12 -

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

Insert after "vested" the words "both legally and beneficially".

Clause, as amended, agreed to.

Clause 13 -

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

Omit from sub-clause (3) "Trust" and substitute "Corporation".

Clause, as amended, agreed to.

Title agreed to.

Territory Development Bill 1979 (Serial 283)

Clause 1 agreed to.

Clause 2 -

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

Omit "Holding" (wherever occurring) and substitute "Land".

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4 negatived.

New clause -

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

"4. Section 4 of the Principal Act is amended by inserting after the definition of 'industry' the following definition:

"'Land Corporation' means the Northern Territory Development Land Corporation established by this Act;".

Clause 5 -

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

Omit from sub-clause (2)(c)(ii) "Holding" and substitute "Land".

Clause, as amended, agreed to.

Clause 6 -

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

Omit "HOLDING" from the heading to proposed Part IIIA and substitute "LAND".

Omit "Holding" (wherever occurring) and substitute "Land".

Omit from proposed section 25N(4) "may" and substitute "shall".

Omit from proposed section 25N(4) "shall" (last occurring) and substitute "may".

Insert in proposed section 25P(2) after "right, title and interest" the words ", both legal and beneficial,".

Clause, as amended, agreed to.

Clause 7 -

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

Omit "vested in the Holding Corporation" and substitute "vested, both legally and beneficially, in the Land Corporation".

Clause, as amended, agreed to.

Clause 8 -

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

Omit "Holding" (wherever occurring) and substitute "Land".

Clause, as amended, agreed to.

Title agreed to.

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

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

7. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 5 was called on.
8. SUPREME COURT BILLS - SUPREME COURT BILL 1979 (Serial 200), CRIMINAL LAW CONSOLIDATION BILL (No. 2) 1979 (Serial 284), SHERIFF BILL 1979 (Serial 285) and INTERPRETATION BILL 1979 (Serial 286): 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.

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

9. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 10 was called on.
10. PUBLIC TRUSTEE BILL 1979 (Serial 244) and ADMINISTRATION AND PROBATE BILL 1979 (Serial 268): 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.

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

Mr Robertson (Minister for Education) moved -

That the committee stages be later taken.

Question put and passed.

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 7 was called on.
12. PAY-ROLL TAX BILL 1979 (Serial 288): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

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

Omit paragraph (b) and substitute the following paragraphs:

"(b) by inserting after the definition of 'employer' the following definitions:

"foreign wages" means wages that are not taxable wages and are not interstate wages;

"group" means a group constituted under Part IVA;

"interstate wages" means wages that are taxable wages within the meaning of a corresponding law;";

(ba) by inserting after the definition of 'person' the following definition:

"return period", in relation to an employer, means the period relating to which that employer is required to furnish a return under this Act;"; and".

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6 negatived.

New clause -

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

"6. Section 8 of the Principal Act is repealed and the following section substituted:

'8.(1) In this section -

"interstate wages" does not include interstate wages paid or payable by a member of a group;

"prescribed amount" -

(a) in relation to a return for a return period of one month, means \$5,500; and

(b) in relation to a return for a return period of 2 or more months, means the product ascertained by multiplying \$5,500 by the number of months in that return period;

"taxable wages" does not include taxable wages paid or payable by a member of a group.

'(2) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay taxable wages for the whole of a return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an

assessment relating to that return period) the prescribed amount, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the prescribed amount.

'(3) For the purpose of ascertaining the pay-roll tax payable by an employer who pays or is liable to pay wages during a return period and pays or is liable to pay taxable wages for part only of that return period, but does not pay and is not liable to pay interstate wages during that return period, there shall be deducted, for that return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to that return period) the amount that bears to the prescribed amount the same proportion as the number of days in that part of that return period bears to the total number of days in that return period, reduced by \$2 for each \$3 (disregarding any remainder) by which the amount of those taxable wages (in whole dollars) exceeds the same proportion of the prescribed amount.

'(4) An employer who during any return period pays or is liable to pay taxable wages and interstate wages may serve on the Commissioner an instrument in accordance with a form, and in a manner, determined by the Commissioner, nominating an amount (being an amount calculated in the manner specified in the form, but not exceeding the prescribed amount) as the deduction that he claims to be entitled to make for that return period and for subsequent return periods.

'(5) For the purpose of ascertaining the pay-roll tax payable by an employer who has served on the Commissioner an instrument under sub-section (4), there shall, subject to sub-section (6), be deducted, for a return period (being the return period ending last before the day on which he served that notice on the Commissioner or any subsequent return period) from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount nominated in that instrument.

'(6) The Commissioner may, on an application made to him in writing by an employer who pays or is liable to pay taxable wages and interstate wages during any return period or of his own motion in relation to such an employer, at any time, make a determination specifying an amount, not exceeding the prescribed amount, that may be deducted for any return period specified or referred to in the determination (being a return period commencing before, but not before 1 July 1979, or after, or the return period in which, the determination is made) from the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) and there shall be deducted, for any such return period, from the amount of the taxable wages included in a return made by, or an assessment relating to, that employer (being a return or an assessment relating to any such return period) the amount so specified.

'(7) The Commissioner may, at any time, by instrument in writing, revoke a determination made under sub-section (6) and any such revocation shall have effect as on and from the first day of the return period specified in the instrument, whether that return period is before, but not before the date of the determination, or after, or the return period in which, the instrument is executed by him.

'(8) The Commissioner shall, as soon as practicable after making a determination under sub-section (6) or a revocation under sub-section (7), serve notice of the determination or revocation on the employer concerned.'."

Clauses 7 to 10, by leave, taken together and agreed to.

Progress to be reported and leave asked to sit again.

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

13. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES: Mr Robertson (Minister for Education) moved -

That so much of standing orders be suspended as would prevent the Workmen's Compensation Bill (No. 2) 1979 (Serial 302) being passed through all stages at this sittings.

The motion having been supported by an absolute majority, Mr Speaker declared the question resolved in the affirmative.

14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 3 was called on.

15. INSURANCE OFFICE BILLS - TERRITORY INSURANCE OFFICE BILL 1979 (Serial 262), COMPENSATION (FATAL INJURIES) BILL 1979 (Serial 270), MOTOR ACCIDENTS (COMPENSATION) BILL 1979 (Serial 272) and MOTOR VEHICLES BILL (No. 2) 1979 (Serial 275): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Territory Insurance Office Bill 1979 (Serial 262)

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10 -

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

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

"(1) The Board shall consist of 5 members appointed by the Minister."

Clause, as amended, agreed to.

Clause 11 -

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

Omit "appointed under section 10(1)(c)" (twice occurring) and substitute "who is not an employee as defined in the Public Service Act".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clauses 13 to 16, by leave, taken together -

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

Clause 13 -

Omit from sub-clause (1) "appointed under section 10(1)(c)" and substitute "who are not employees as defined in the Public Service Act".

Clause 14 -

Omit "appointed under section 10(1)(c)" and substitute "who is not an employee as defined in the Public Service Act".

Clause 15 -

Omit from sub-clause (1) "appointed under section 10(1)(c)" and substitute "who is not an employee as defined in the Public Service Act".

Clause 16 -

Omit from sub-clause (1) "appointed under section 10(1)(c)" and substitute "who is not an employee as defined in the Public Service Act".

Clauses, as amended, agreed to.

Clauses 17 to 22, by leave, taken together and agreed to, after debate.

Clause 23 -

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

Omit from sub-clause (2) "Subject to section 26, moneys" and substitute "Moneys".

Clause, as amended, agreed to.

Clause 24 -

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

Insert after "maintain" the words "in the Territory".

Clause, as amended, agreed to.

Clause 25 agreed to.

Clause 26 -

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

Omit "The Minister" and substitute "Subject to section 23(2), the Minister".

Clause, as amended, agreed to.

Clause 27 -

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

Omit from sub-clause (8) "Auditor-General" (twice occurring) and substitute "auditor".

Clause, as amended, agreed to.

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

Compensation (Fatal Injuries) Bill 1979 (Serial 270)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

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

Omit from proposed section 5(2) "for negligence".

Clause, as amended, agreed to.

Title agreed to.

Motor Accidents (Compensation) Bill 1979 (Serial 272)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

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

Omit the definition of "accident" and substitute the following:

"'accident' means -

- (a) in relation to the Territory - an occurrence on a public street, as defined in the Motor Vehicles Act; and
- (b) in relation to a place outside the Territory - an occurrence on any road or place the driving of a motor vehicle of the relevant kind on which requires the registration of that vehicle in accordance with the law relating to the registration of motor vehicles applicable in that place,

occurring on or after 1 July 1979, caused by or arising out of the use of a motor vehicle and that results in the death of or bodily injury to a person;".

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

Omit the definition of "dependent child" and substitute the following:

"'dependent child', in relation to a person, means a child, adopted child, grandchild or stepchild of that person, who is unmarried, and who -

(a) has not attained the age of 16 years; or

(b) has attained the age of 16 years but has not attained the age of 21 years and is receiving full-time education at a

school, college or university,

and is primarily dependent on that person for financial support;".

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

Omit the definition of "parent" and substitute the following:

"'parent' in relation to a person, includes an adoptive parent, a stepfather, a stepmother, a grandfather, a grandmother and a parent of the spouse of that person;".

Omit the definition of "Territory motor vehicle" and substitute the following:

"'Territory motor vehicle' means -

(a) in relation to an accident occurring outside the Territory - a motor vehicle currently registered in the Territory under the Motor Vehicles Act and which was not, at the time of the accident, a non-registered vehicle within the meaning of the law relating to the registration of motor vehicles applicable in the place where the accident occurred; and

(b) in relation to an accident occurring in the Territory - a motor vehicle -

(i) owned or driven by a resident of the Territory;

(ii) owned by a company or corporation incorporated in the Territory;
or

(iii) owned jointly by a resident of the Territory and another person,

and not currently registered outside the Territory."

Clause, as amended, agreed to.

Clause 5 -

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

Omit from sub-clause (1) "no action for negligence" and substitute "no action for damages".

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

"(2) Subject to sub-section (3), nothing in sub-section (1) deprives a person of the right to bring an action for damages for pain and suffering or loss of amenities of life.

"(3) A person who has received or has elected to receive a benefit under section 17 shall not commence or continue an action referred to in sub-section (2)."

Clause, as amended, agreed to.

Clause 6 -

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

Omit paragraphs (a) and (b) from sub-clause (1) and substitute the following:

"(a) the owner of a Territory motor vehicle involved in the accident and in respect of which he was so liable; or

(b) in control of a Territory motor vehicle,".

Clause, as amended, agreed to.

Clause 7 -

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

Omit "in a Territory motor vehicle" and substitute "in or from a Territory motor vehicle".

Clause, as amended, agreed to.

Clause 8 -

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

Omit "it may treat that person" and substitute "it may, at the request in writing signed by the first-mentioned person, treat that person".

Add at the end the following sub-section:

"(2) A person treated by the Board as a resident of the Territory in pursuance of sub-section (1) shall, for the purposes of section 5, be deemed to be a resident of the Territory.".

Clause, as amended, agreed to.

Clause 9 -

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

Omit "section 13 or 15" and substitute "section 13 or 17".

Add at the end the following word and paragraph:

"or

(a) that occurred while he was driving a motor vehicle while not the holder of a licence to drive a motor vehicle -

(i) having never at any time held in any part of Australia a licence to drive a motor vehicle; or

(ii) because his licence to drive had been suspended or cancelled,

except where, in the opinion of the Board, the vehicle was being driven in an emergency situation.".

Clause, as amended, agreed to.

Clauses 10 to 12, by leave, taken together and agreed to.

Clauses 13 to 17 negatived.

New clause -

Mr Everingham moved That the following new clause be inserted in the Bill:

"13.(1) A resident of the Territory who suffers an injury in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle and whose capacity to earn income from personal exertion (either physical or mental) is, in the opinion of the Board, reduced as a result of that injury, shall be paid such compensation for that loss of earning capacity as provided in this section.

"(2) Subject to sub-sections (4), (5) and (6) and section 14, there shall be payable by the Office to a person referred to in sub-section (1), in respect of the period during which he suffers a loss of earning capacity as determined by the Board, the amount by which the amount that the Board determines he is reasonably capable of earning in employment in each period of 6 months during that period if he were to engage in the most profitable employment (if any) available to him is less than 85 per cent of the average earnings for that 6 months of wage earners in the Territory of the same sex as the person calculated on the basis of what, in the opinion of the Board, are the best statistics available to it, both amounts calculated net of income tax as if paid to the person.

"(3) For the purposes of sub-section (2) a reference to an amount that a person is capable of earning in employment includes any amount of benefit payable to the person under any other law in force in the Territory in respect of his inability to find employment.

"(4) The Board may, at its discretion, where it considers that because of the exceptionally high earning capacity of a person referred to in sub-section (1) immediately before the relevant accident -

- (a) his or his immediate family's standard of living commensurate with that earning capacity would be reduced; or
- (b) he would be unable to continue to meet his existing financial commitments,

because of the application to him of the formula in sub-section (2), and but for the injuries received he would have continued to have that exceptionally high earning capacity, pay to the person such additional amounts as it considers reasonable in the circumstances but so that the total amount received by the person does not exceed 85 per cent of the amount he might reasonably be expected to earn, net of income tax, from personal exertion if the accident had not occurred.

"(5) Where a person referred to in sub-section (1) is admitted as a full-time patient in a hospital or rehabilitation institution for any period which, in the opinion of the Board, is likely to exceed 6 months, the Board may suspend payment of the whole or part of the amounts otherwise payable under this section to that person for all or such part of that period as it thinks fit and, where that person has dependents, may make payments otherwise payable to that person to or for the benefit of such dependents, and in such amounts, as it thinks fit.

"(6) No person who has attained the age of 65 years shall be paid a benefit under this section.

"(7) An amount of benefit payable under this section may be paid in such instalments and at such times as the Board, from time to time, determines, and the Office may make any such payment in advance pending the calculation of a person's actual entitlement under this section."

On the motion of Mr Perron the following amendment to the proposed new clause was made, after debate -

Omit sub-clause (4).

New clause, as amended, agreed to after debate.

New clauses -

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

"14.(1) Subject to sub-section (3), a person who would have been entitled to a benefit under section 13 had he suffered a reduction in earning capacity but who, at the time of the relevant accident, had not attained the age of 16 years or who had attained that age but was a full-time student at a school, college or university, shall not receive a benefit under that section except in respect of a period commencing on the date on which he attains the age of 16 years or ceases to be a full-time student, whichever is the later, and on so attaining that age or ceasing to be a full-time student, as the case may be, he shall be deemed to have suffered a reduction in earning capacity.

"(2) Subject to sub-section (3), the amount of benefit payable under section 13 to a person entitled to receive such a benefit but who has not attained the age of 25 years and is not married is, in respect of the year of his life indicated in Column 1 of the following Table the relevant percentage, indicated in Column 2 of the Table and set out opposite the year in Column 1, of the amount that would otherwise be payable to him under section 13:

TABLE

Column 1 Year	Column 2 Percentage
17	55%
18	60
19	65
20	70
21	75
22	80
23	85
24	90
25	95

"(3) Where a person referred to in sub-section (2) marries or establishes a relationship which, in the opinion of the Board, is in the nature of a marriage, he shall be entitled to the full amount of benefit calculated in accordance with section 13 in respect of the period commencing on the date of his marriage or his establishing that relationship, as the case may be.

"15.(1) Where, in the opinion of the Board, because of the small amount of a benefit payable under section 13 to a person the administrative costs in calculating and paying that benefit place an unnecessary burden on the administration of the compensation scheme established by this Act, it may commute those payments at present values and pay the commuted amount to the person and, subject to sub-section (2), the payment of that amount is a full discharge of the obligations under section 13 of the Office and the Board.

"(2) Where at any time after an amount has been paid under sub-section (1) the circumstances in relation to a person to or in respect of whom it was paid change to such an extent as, in the opinion of the Board,

to warrant further payments under section 13 being made, the Board may determine that such payments shall be made but, notwithstanding anything in that section, may reduce the amounts otherwise payable under that section by such amounts as it determines have already been paid in respect of the relevant period in the commuted amount paid under sub-section (1) of this section.

"16.(1) A person receiving a benefit under section 13 may, at any time, apply in writing to the Board for a lump-sum payment of that benefit.

"(2) On receiving an application under sub-section (1) the Board may, at its discretion, commute at present values the benefit payable to the applicant and pay the commuted amount to him.

"(3) The payment of an amount under sub-section (2) is a full discharge of the obligation under section 13 of the Office and the Board in respect of the injury in respect of which the benefit was payable.

"17.(1) Subject to this section, and in addition to any amount payable to him under section 13, a resident of the Territory who suffers an injury in or as a result of an accident that occurred in the Territory or in or from a Territory motor vehicle and who survives that accident for a period of 3 months shall, where he has suffered an injury specified in Column 1 of the Schedule, be paid the amount of compensation equal to the percentage of \$25,000 specified in Column 2 of the Schedule opposite the specification of the injury in Column 1.

"(2) Where a person referred to in sub-section (1) suffers in or as a result of the accident referred to in that sub-section or in or from a Territory motor vehicle, an injury which causes partial and permanent loss of the sight of one eye, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of the sight of one eye as is equal to the percentage of the diminution of sight.

"(3) Where a person referred to in sub-section (1) suffers in or as a result of the accident referred to in that sub-section or in or from a Territory motor vehicle, an injury which causes partial and permanent loss of the efficient use of a part of the body specified in the Schedule, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of that part as is equal to the percentage of the diminution of the efficient use of that part.

"(4) The compensation payable under this section in respect of an injury resulting in a impairment of speech of a person entitled to a benefit under this section is such percentage of the amount of compensation that would be payable under this section in respect of an injury resulting in total loss of power of speech by the person as is reasonable having regard to the extent to which the speech of the person immediately before the injury was impaired by the injury.

"(5) For the purposes of this section and of the Schedule, facial disfigurement shall not be taken to be severe where -

- (a) if the person underwent suitable medical treatment, the disfigurement would not be severe; and
- (b) if the person underwent suitable medical treatment, the disfigurement would be removed.

"(6) A person shall not be paid compensation under this section -

- (a) if he has commenced an action against any person to recover damages in respect of the injury; or
- (b) unless, within 3 months after the accident in or as a result of which the injury occurred, or such additional time as the Board allows, he has given to the Office a written election, signed by him or with his authority, to be paid compensation under this section.

"(7) The amount of compensation payable under this section to a person shall not, in respect of any one accident, exceed \$25,000."

Clause 18 -

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

Omit from sub-clause (1) "\$10,000" and substitute "\$15,000".

Omit from paragraph (a) in sub-clause (2) ", otherwise than in a hospital" and substitute "(subject to sub-section (3), otherwise than in a hospital)".

Omit sub-clause (3) and substitute the following:

"(3) Where a person referred to in sub-section (1) who is admitted to a hospital in the Territory requests the Board to approve the provision to him of treatment or care of a particular kind or by a particular medical practitioner, and the Board is of the opinion that the request is reasonable in the circumstances, the reasonable expenses incurred in providing that treatment or care, as the case may be, shall be payable to or on behalf of that person."

Clause, as amended, agreed to.

Clause 19 -

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

Omit "\$15,000" and substitute "\$20,000".

Clause, as amended, agreed to.

Clause 20 agreed to.

New clause -

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

"20A. Where a person who, if he had died in or as a result of the accident would have been a qualifying person is a full-time patient in a hospital or other institution because of his injuries received in or as a result of an accident and, in the opinion of the Board, he is likely permanently to remain a full-time patient in a hospital or institution, the Board may, at the written request of the dependent spouse of the person, determine that this Part shall apply to and in relation to that person, and on that determination being made the person shall, for the purposes of this Part, be deemed to have died on the date of the determination and to have been a qualifying person on that date.

Clause 21 -

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

Omit "in or as a result of an accident leaving him surviving a dependent spouse" and substitute "in an accident, or as a result of an accident within 2 years of that accident, leaving a dependent spouse who survives him for a period of 30 days".

Omit paragraph (a) and substitute the following:

"(a) subject to sub-section (2), a lump sum calculated by the application of the formula $A \times \frac{B}{C} \times \frac{B}{D}$ where -

A is -

- (i) in the case of a deceased who was at the date of his death under the age of 60 years - \$40,000;
- (ii) in the case of a deceased who was not at the date of his death under the age of 60 years but was under the age of 65 years - \$20,000;
- (iii) in the case of a deceased who was not at the date of his death under the age of 65 years but was under the age of 70 years - \$10,000; and
- (iv) in the case of a deceased who was at the date of his death 70 years of age or older - \$5,000.

B is that part of the average income of the deceased that, in the opinion of the Board, would not have been payable to or for the benefit of his spouse or dependent children had the deceased died at the beginning of the period used in calculating the average income;

C is the total of the average incomes of both the deceased and his spouse calculated to the date of the accident; and

D is the average earnings of wage earners in the Territory of the same sex as the deceased in respect of the 12 months to the date of the accident, calculated on the basis of what, in the opinion of the Board, are the best statistics available to it, net of income tax as if paid to the deceased,

but not less than \$5,000; and".

Add at the end the following sub-section:

"(2) If, in making the calculation required by sub-section (1)(a), B is a greater amount than D, the fraction $\frac{B}{D}$ shall be omitted from the formula."

Clause, as amended, agreed to.

Clause 22 negatived.

New clause -

On the motion of Mr Everingham the following new clause was inserted in the

Bill -

"22. Subject to section 36, where a qualifying person who is the dependent spouse of the head of a household dies in an accident, or as a result of an accident within 2 years of that accident, there shall be payable to the head of the household in respect of that death \$5,000 or, where the average income of the dependent spouse exceeds 25 per cent of his income, the sum determined by the application to the dependent spouse of the formula in section 21(a) (with the necessary changes), whichever is the greater."

Clause 23 -

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

Omit "in or as a result of an accident" and substitute "in an accident, or as a result of an accident within 2 years of that accident,".

Clause, as amended, agreed to.

Clause 24 negatived.

New clause -

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

"24. Where -

- (a) a qualifying person dies in an accident, or as a result of an accident within 2 years of that accident, leaving him surviving no spouse but a dependent child or dependent children; or
- (b) the spouse of a qualifying person dies and immediately before his death he was receiving a weekly payment under section 21(b) in respect of the dependent child or dependent children of a qualifying person,

there shall be payable in respect and for the benefit of each such dependent child \$25 per week."

Clauses 25 and 26, by leave, taken together and agreed to.

Clause 27 -

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

Omit "appointed to the Tribunal by the Minister".

Clause, as amended, agreed to.

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

Clause 30 negatived.

New clause -

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

"30.(1) A claim -

- (a) for a benefit; or
- (b) for the variation of a benefit,

under this Act shall be made as soon as practicable after the accident in or as a result of which the death or injury giving rise to the claim for a benefit, or the change in circumstances giving rise to the claim for variation of the benefit, occurred.

"(2) The Board may refuse to consider -

(a) a claim in respect of an accident; or

(b) a claim for the variation of a benefit,

made later than 6 months after the date of the accident or the occurrence giving rise to the claim for variation, as the case may be."

Clause 31 agreed to.

Clause 32 -

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

Omit "(other than the monetary limits on disability payments under section 13)".

Clause, as amended, agreed to.

Clauses 33 to 35, by leave, taken together and agreed to.

Clause 36 -

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

Omit sub-clause (2).

Insert in sub-clause (3) after "shall be \$5,000" the words "or other amount provided for in that section, as the case may be,".

Clause, as amended, agreed to.

New clauses -

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

"36A. The Office may, from time to time, sue and recover as a debt from -

(a) a manufacturer or repairer of a motor vehicle;

(b) the owner, or driver (other than a resident of the Territory), of a motor vehicle that was not, at the time of the accident, a Territory motor vehicle; or

(c) a person who has intentionally or culpably caused the death of or injury to another person; or

(d) the Commonwealth,

and who is, or but for section 5 would be, liable to pay damages in respect of the death or injury of a person in or as a result of an accident, the amount that the Office has paid in respect of that death or injury.

"36B.(1) In an action referred to in section 5(2), an award of damages shall not exceed \$100,000.

"(2) In an action referred to in section 5(2), the court shall not make an award that compensates the plaintiff in respect of any treatment, facility or equipment the cost of which, under section 18 or 19, the Board is empowered to meet."

Clause 37 agreed to.

Clause 38 -

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

Omit from paragraph (b) in sub-clause (3) "for negligence".

Clause, as amended, agreed to.

Clause 39 agreed to.

Schedule -

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

Omit the Schedule and substitute the following:

"THE SCHEDULE

Section 17(1)

Injuries in respect of which special compensation is payable

Column 1 Injury	Column 2 Percentage
<hr/>	
Loss of, or total loss of sight of both eyes	100
Loss of, or total loss of sight of, a useful eye, the other being blind or absent	100
Loss of both hands	100
Loss of hand and foot	100
Loss of both feet	100
Loss of, or total loss of sight of, one eye with serious diminution of the sight of the other	75
Loss of, or total loss of sight of, one eye	40
Total loss of hearing	70
Loss of arm at or above the elbow	80
Loss of arm below the elbow, loss of hand or loss of thumb and 4 fingers on the one hand	70

Loss of leg at or above the knee	75
Loss of leg below the knee	65
Loss of foot	60
Total loss of power of speech	70
Loss of genitals or total and permanent loss of capacity to engage in sexual intercourse	50
Severe and permanent facial disfigurement	50".

Schedule, as amended, agreed to.

Title agreed to.

Motor Vehicles Bill (No. 2) 1979 (Serial 275)

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6 -

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

Add at the end of proposed new section 46 the words "less such amounts to cover administrative costs as are determined by the Treasurer, or as are calculated in accordance with a determination of the Treasurer".

Add at the end of proposed new section 46 the following sub-section:

"(2) Where the Treasurer makes a determination for the purposes of sub-section (1), he shall cause a copy of that determination to be published in the Gazette."

Omit from proposed new section 47 "The Minister may, by notice in the Gazette," and substitute "The Treasurer may, upon the recommendation of the Office, by instrument in writing,".

Add at the end of proposed new section 47 the following new sub-section:

"(2) Where the Treasurer makes an instrument under sub-section (1), he shall cause a copy of the instrument to be published in the Gazette."

Omit from proposed new sections 48 and 49 "Minister" (wherever occurring) and substitute "Treasurer".

Omit from proposed new section 48(1) "by notice in the Gazette" and "a notice" and substitute "by instrument in writing" and "an instrument" respectively.

Insert in proposed new section 48, after sub-section (1), the following sub-section:

"(1A) Where the Treasurer makes an instrument under sub-section (1), he shall cause a copy of the instrument to be published in the Gazette."

Omit from proposed new section 49(2) "the end of each financial year" and substitute "30 June in 1982 and in each subsequent financial year".

Insert in proposed new section 49(2), after "that financial year", the

words ", including interest,".

Clause, as amended, agreed to.

Clause 7 -

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

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

"(2) Notwithstanding the repeal effected by section 6 -

(a) section 81(1) and (3); and

(b) the office, duties, functions, rights and liabilities of the nominal defendant within the meaning of, and under, the Principal Act as in force immediately before the commencement of this Act

shall continue, and all rights that a person had against the nominal defendant immediately before the commencement of this Act, or may subsequently have had if the repeal had not been effected, in respect of a motor vehicle accident that occurred before the commencement of this Act shall continue or accrue, as the case may be, as if that repeal had not been effected.

"(3) Notwithstanding the repeal effected by section 6, section 83 of the Principal Act as in force immediately before the commencement of this Act shall continue to apply to and in relation to claims against the nominal defendant arising out of accidents that occurred before the commencement of this Act as if that repeal had not been effected, and a reference in that section to authorized insurers is to those insurers who were authorized insurers, within the meaning of the Principal Act as in force immediately before the commencement of this Act, at the time of the accident."

Clause, as amended, agreed to.

New clauses -

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

"7A.(1) Section 103(4) of the Principal Act is amended by inserting after 'renewal' (first occurring) the words ', including the amount payable under Part V,'.

"(2) Section 103(5) of the Principal Act is amended by omitting 'of 50 cents' and substituting 'prescribed for the purposes of this sub-section'.

"7B. Section 132(2) of the Principal Act is amended -

(a) by inserting in paragraphs (b) and (c), after 'fee', the words 'or other amount';

(b) by omitting from paragraph (d) 'the fee paid on the registration or licensing of the vehicle equivalent to one-twelfth of the annual registration or licence fee' and substituting 'the moneys paid on the registration or licensing of the vehicle equivalent to one-twelfth of the annual licence fee or the annual registration fee and compensation contributions';
and

- (c) by omitting 'of 50 cents' (wherever occurring) and substituting 'prescribed for the purposes of this sub-section'."

Clause 8 agreed to.

Clause 9 -

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

Omit item 4 from the proposed Second Schedule and substitute the following:

"4 OMNIBUS OR TOURIST MOTOR VEHICLE - A motor vehicle in respect of which payment is received for the conveyance of passengers, being a motor vehicle that is authorized to convey passengers on a specified route only or to tourist resorts only or sight-seeing tours only -

- (a) where the vehicle has seating accommodation for more than 6 adult persons (including driver); 334-00
- (b) where the vehicle has seating accommodation for not more than 6 adult persons (including driver). 120-00"

Omit items 8 and 9 from the proposed Second Schedule and substitute the following:

"8 MOTOR CYCLE - A motor vehicle, not included in item 11, that has less than 4 wheels and is steered by means of a handlebar or tiller -

- (a) where the capacity rating of the engine of the motor cycle exceeds 250 cubic centimetres: 174-00
- (b) where the capacity rating of the engine of the motor cycle exceeds 125 cubic centimetres but does not exceed 250 cubic centimetres 66-00
- (c) where the capacity rating of the engine of the motor cycle does not exceed 125 cubic centimetres. 24-00
- "9 FIRE-FIGHTING VEHICLE - A motor vehicle used solely for fire-fighting purposes. 24-00".

Clause, as amended, agreed to.

Title agreed to.

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

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

16. ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1755 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 25

Wednesday 30 May 1979

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

2. NOTICES: The following notices were given:

Mr Dondas: To present the Local Government Bill (No. 3) 1979 (Serial 311) and the Police and Police Offences Bill (No. 2) 1979 (Serial 305).

Mr Everingham: To move -

That the resolution of the Assembly relating to the broadcasting of its proceedings passed on 7 March 1979 be amended by inserting after the first resolution the following resolution:

"That this Assembly also authorizes the broadcasting of its proceedings to the offices of the Legislative Draftsman in Block 2."

3. QUESTIONS: Questions without notice were asked.
4. DARWIN COMMUNITY COLLEGE, ANNUAL REPORT 1976: Mr Robertson (Minister for Education) laid on the Table the 1976 annual report of the College.
5. STUDY OF AIR TRANSPORT POLICY FOR THE NORTHERN TERRITORY: Mr Steele (Minister for Transport and Works) laid on the Table the report prepared by Mr F.D. Gallagher.

Mr Steele moved -

That the Report be noted

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

6. SOIL CONSERVATION - REPORTS: Mr Everingham (Chief Minister) laid on the Table Report No. 1 of the Collaborative Soil Conservation Study 1975-77 and a review of the report prepared by the Standing Committee on Soil Conservation.

Mr Everingham moved -

That the Reports be noted.

Question put and passed.

7. ADVISORY COUNCIL FOR INTER-GOVERNMENTAL RELATIONS - MEETINGS: Mr Harris (Port Darwin), by leave, made a statement relating to his attendance at meetings of the Council at Hobart and Brisbane.

Mr Harris, by leave, moved -

That the Statement be noted.

Question put and passed.

8. PLANT DISEASES CONTROL BILL 1979 (Serial 304): Mr Steele (Minister for Industrial Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

9. TRAFFIC BILL 1979 (Serial 303): Mr Steele (Minister for Transport and Works), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

10. EDUCATION BILL 1979 (Serial 264): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

On the motion of Mr Robertson the following amendments were made -

Insert before the definition of "child of compulsory school age" the following new definition:

"'child' means a person who has not attained the age of 18 years;".

Omit the definitions of "correspondence school" and "school of the air".

Omit from the definition of "Government school" the words "under this Act" and substitute "wholly established and wholly maintained by the Minister under this Act".

Omit the definition of "non-Government school" and substitute the following definition:

"'non-Government school' means a school other than a Government school;".

Insert after the definition of "Secretary" the following new definition:

"'school' means a school or institution at which any person or body of persons provides, or offers to provide, courses of instruction in primary or secondary education;".

Clause, as amended, agreed to.

Clause 5 -

Debate ensued.

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

Omit "in the Territory" and substitute "wholly provided and wholly maintained by him".

Clause, as amended, agreed to.

Clause 6 -

Mr Collins moved as an amendment -

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

"(1) Subject to this Act, the Minister may take all measures which, in his opinion, are necessary or desirable -

(a) to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to their individual needs and abilities; and

(b) to make education services, provided by him, available to all people in the Territory."

Omit from sub-clause (2) "The Minister" and substitute "Subject to this Act, the Minister".

Debate ensued.

Question put and negatived.

On the motion of Mr Robertson the following amendments were made -

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

"(1) The Minister may take all measures which, in his opinion, are necessary or desirable -

(a) to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to the individual needs and abilities of those children;

(b) to make education services, provided by him, available to all people in the Territory; and

(c) to assist all people of the Territory with their own education."

Omit from sub-clause (4) "(1) and (2)" and substitute "(3)".

Omit from sub-clause (4)(a)(ii) "or" and substitute "and".

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

Insert in sub-clause (4)(g) before "make provision" the words "having sought the advice of the relevant Advisory Council,".

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 -

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

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

"(2) The Secretary shall, in the exercise of his powers and the performance of his duties or functions under this Act, be subject to the direction and control of the Minister."

Clause, as amended, agreed to.

Clause 9 -

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

Add at the end of clause 9 the following sub-clauses:

"(2) The Secretary may, by instrument in writing, either generally or as provided by the instrument of delegation, delegate to -

(a) a person who is an employee within the meaning of the Public Service Act; or

(b) a person who is a member of the Service within the meaning of the Commonwealth Teaching Service Act 1972 of the Commonwealth,

all or any of his powers or functions under this Act, other than this power of delegation.

"(3) A power or function delegated under sub-section (2) may be exercised by the delegate in accordance with the instrument of delegation.

"(4) A delegation under sub-section (2) is revocable by the Secretary at will and does not prevent the exercise of a power or the performance of a function by the Secretary."

Clause, as amended, agreed to.

Clause 10 -

On the motion of Mr Robertson the following amendment was made, after debate -

Add at the end of clause 10 the following sub-clause:

"(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days after it has been so furnished."

Clause, as amended, agreed to.

Clause 11 -

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

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

"(2) Subject to this section, the Administrator may, by instrument in writing, appoint a person to be a member of the Education Advisory Council for a period specified in the instrument not exceeding 2 years."

Mr Collins moved as an amendment -

Omit sub-clause (3) and substitute:

"(3) The Education Advisory Council shall consist of not more than 15 members including -

- (a) not more than 6 members, each of whom shall be persons selected from nominations received from the following bodies;
 - (i) the Northern Territory Teachers Federation from whose nominations one primary school teacher and one secondary school teacher shall be appointed;
 - (ii) the Northern Territory Council of Government School Organizations from whose nominations one member shall be appointed;
 - (iii) the Northern Territory Aboriginal Education Consultative Group from whose nominations one member shall be appointed;
 - (iv) the Northern Territory Trades and Labour Council from whose nominations one member shall be appointed; and
 - (v) the Council of Australian Government Employees Organizations who shall nominate persons who are employees within the meaning of the Public Service Act and serving within the Department of Education and from those nominations one member shall be chosen;
- (b) not more than 6 members who shall be persons drawn from one each of the following interested groups:
 - (i) the migrant community;
 - (ii) employer organizations;
 - (iii) post-school institutions;
 - (iv) non-Government schools;
 - (v) students of secondary schools; and
 - (vi) residents of communities remote from the main centres of population in the Territory; and
- (c) not more than 3 additional members of whom not less than 2 reside outside the City of Darwin."

Debate ensued.

Question put and negatived.

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

Omit from sub-clause (3) "not more than 13 members" and substitute "not more than 14 members".

Mr Robertson moved as an amendment -

Omit sub-paragraph (ix) from sub-clause (3)(a) and substitute the following sub-paragraphs:

"(ix) students of secondary schools; and

(x) residents of communities remote from the Territory's main centres of population;".

On the motion of Mrs Lawrie, the amendment was amended as follows, after debate -

Omit "secondary" and substitute "primary or secondary".

Amendment, as amended, agreed to.

On the motion of Mr Robertson the following further amendment was made, after debate -

Add at the end of clause 11 the following sub-clauses:

"(5) Subject to this section, a member of the Education Advisory Council is eligible for reappointment.

"(6) Subject to sub-section (7), no member of the Education Advisory Council shall be eligible to be reappointed to that Council after serving for 2 terms in any period of 4 years until the expiration of a period of 2 years from the date when the member's term last expired.

"(7) Where a period of 2 years provided for in sub-section (6) has expired, a former member of the Education Advisory Council may be reappointed to that Council and no account shall be taken of any period served as a member of that Council prior to that 2 year period in ascertaining that former member's eligibility to be reappointed.".

Clause, as amended, agreed to.

Clause 12 -

Mr Collins moved as an amendment -

Omit sub-clause (1) and substitute:

"(1) The Administrator shall appoint a person who is a member of the Education Advisory Committee appointed under section 11(3)(a) or (b) to be Chairman of the Education Advisory Council.".

Debate ensued.

Question put and negatived.

On the motion of Mr Robertson the following amendment was made, after debate -

Omit from sub-clause (1) "may appoint" and substitute "shall appoint".

Clause, as amended, agreed to.

New clause -

Mr Collins moved that the following new clause be inserted in the Bill -

"12A. A member of the Education Advisory Council who is not an employee within the meaning of the Public Service Act shall be entitled to be paid such fees, allowances and expenses as are determined by the Minister."

Debate ensued.

Question put and negatived.

Clause 13 -

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

Omit from paragraph (a) "as the Council, with the approval of the Minister, determines" and substitute "as the Council determines".

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

Add at the end thereof -

"; and

(d) shall exercise such other functions as are provided for in this Act."

Clause, as amended, agreed to.

. SUSPENSION OF SITTING: The sitting was suspended between 1202 and 1400 hours.

Proposed new clause -

Mr Collins moved that the following new clause be inserted in the Bill -

"13A. The Education Advisory Council shall meet as often as it is necessary to carry out its functions but so that a period of not more than 3 months shall elapse between any 2 meetings."

Debate ensued.

Question put and negatived.

Clause 14 -

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

Add at the end of clause 14 the following sub-clause:

"(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days of the Legislative Assembly after it has been so furnished."

Clause, as amended, agreed to.

Clause 15 -

On the motion of Mr Robertson the following amendments were made -

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

"(2) Subject to this section, the Administrator may, by instrument in writing, appoint a person to be a member of the Post-school Advisory Council for a period specified in the instrument not exceeding 2 years."

Omit from sub-clause (3) "5 members" and substitute "7 members".

Mr Collins moved as an amendment -

Add at the end of sub-clause (3) "one of whom shall be a member of the Education Advisory Council."

Debate ensued.

Question put and negatived.

On the motion of Mr Robertson the following further amendment was made, after debate -

Add at the end of the clause 15 the following sub-clauses:

"(5) Subject to this section, a member of the Post-school Advisory Council is eligible for reappointment.

"(6) Subject to sub-section (7), no member of the Post-school Advisory Council shall be eligible to be reappointed to that Council after serving for 2 terms in any period of 4 years until the expiration of a period of 2 years from the date when the member's term last expired.

"(7) Where a period of 2 years as provided for in sub-section (6) has expired, a former member of the Post-school Advisory Council may be reappointed to that Council and no account shall be taken of any period served as a member of that Council prior to that 2 year period in ascertaining that former member's eligibility for reappointment."

Clause, as amended, agreed to.

Clause 16 agreed to.

Proposed new clause -

Mr Collins moved that the following new clause be inserted in the Bill -

"16A. A member of the Post-school Advisory Committee who is not an employee within the meaning of the Public Service Act shall be entitled to be paid such fees, allowances and expenses as are determined by the Minister."

Debate ensued.

Question put and negatived.

Clause 17 -

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

Omit from paragraph (a) "as the Council, with the approval of the Minister, determines" and substitute "as the Council determines".

Clause, as amended, agreed to.

Proposed new clause -

Mr Collins moved that the following new clause be inserted in the Bill -

"17A. The Post-school Advisory Council shall meet as often as it is necessary to carry out its functions but so that a period of not more than 3 months shall elapse between any 2 meetings."

Debate ensued.

Question put and negatived.

Clause 18 -

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

Add at the end of clause 18 the following sub-clause:

"(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days of the Legislative Assembly after it has been so furnished."

Clause, as amended, agreed to.

Clause 19 agreed to.

Proposed new clause -

Mr Collins moved that the following new clause be inserted in the Bill -

"19A. In the Administration of this Act the Minister shall consult with the Education Advisory Council, the Post-school Advisory Council and any other body established by or under this Act before acting where the exercise of a power is in an area that relates to the functions and powers of that council or other body."

Debate ensued.

Question put and negatived.

Clause 20 agreed to.

Clause 21 -

Mr Robertson moved as an amendment -

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

"(1) A parent who has the actual custody of a child of compulsory school age shall provide efficient and suitable education for the child, having regard to the age and capability of the child.

Penalty: \$200.

"(2) Without limiting the generality of sub-section (1), a parent shall be held to have complied with sub-section (1) in relation to a child where -

(a) the child is enrolled in a Government school or a registered non-Government school; or

- (b) special arrangements under Part V have been made for the education of the child and the child is complying with those arrangements."

Mr Collins moved as an amendment to the proposed amendment -

Omit from sub-clause (1) "Penalty: \$200." and substitute "Penalty: \$100."

Debate ensued.

Question put and negatived.

Original amendment (Mr Robertson's) agreed to.

On the motion of Mr Robertson the following further amendment was made, after debate -

Omit from sub-clause (3) "For the purposes of sub-section (2)(b)," and substitute "Subject to sub-section (2), for the purposes of sub-section (1),".

On the motion of Mr Collins the following amendment was made, after debate -

Omit sub-clause (3)(b).

Clause, as amended, agreed to.

Clause 22 -

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

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

"(d) whose absence is on a day, or part of a day, of significance to the ethnic group of the child and a parent of the child provides either orally or in writing to the head teacher of the school the reason for the absence of the child."

Clause, as amended, agreed to.

New clause -

On the motion of Mr Robertson the following new clause was inserted in the Bill, after debate -

"22A.(1) A parent of a child enrolled at a Government school may request the head teacher of the school to withdraw the child from the whole or a specified part of a specified course of instruction provided for the child at the school.

"(2) The head teacher of a Government school to whom a request under sub-section (1) has been made may comply with the request and shall comply with it if -

- (a) the course of instruction specified in the request is a course of religious instruction; or
- (b) the parent claims to have a conscientious objection to the child's attending the course or part of the course, as the case may be."

Clause 23 agreed to.

Clause 24 negatived.

New clause -

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

"24.(1) The head teacher of a Government school at which a child is enrolled may give notice in writing to a parent of the child that the child is not to attend school for, subject to sub-section (2), a period specified in the notice, on the ground that the child is suffering from an infectious or contagious disease.

"(2) Where a head teacher of a Government school has given notice under sub-section (1) in relation to a child, he shall readmit the child to the school upon the production of a certificate signed by a medical practitioner certifying that the child is fit to return to school.

"(3) For the purposes of sub-section (2), 'medical practitioner' means a person who is a registered medical practitioner within the meaning of the Medical Practitioners Registration Act or a person who practises as a medical practitioner, however described, under a law in force in a State or Territory, not being the Northern Territory, of Australia."

Clause 25 -

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

Omit "school" and substitute "Government school".

Clause, as amended, agreed to.

Clauses 26, 27 and 28, by leave, taken together and negatived.

New clauses -

On the motion of Mr Robertson the following new clauses were inserted in the Bill, after debate -

"26.(1) Where the head teacher of a Government school at which a child is enrolled is of the opinion that the child should be suspended from attendance at the school for the reason that the presence of the child at school would, in his opinion, be injurious to the health or moral welfare of other children attending the school, by reason of the child's insolence, repeated disobedience, immoral conduct or serious breach of discipline, he may, subject to this section, suspend the child from attendance at that school.

"(2) The head teacher of a Government school shall not suspend a child from attendance at that school under this section unless he has sought and considered the advice of the council, if any, for the school established under Part IX regarding the proposed suspension.

"(3) Where the head teacher of a Government school has suspended a child under sub-section (1), he shall immediately furnish notice, in a form approved by the Secretary, of the suspension and a full report of the circumstances to a parent who has the actual custody of the child and to the Minister.

"(4) A suspension under this section shall remain in force for the period, not exceeding one month, specified in the notice referred to in sub-section (3) or until the Minister decides whether the child shall be expelled under section 27, whichever is the earlier.

"27.(1) Where the Minister considers it necessary in the interests of other children attending a Government school, the Minister may expel a child from the school at which the child is enrolled.

"(2) The Minister may, at any time, review an expulsion made under sub-section (1) and, where he is of the opinion that the child should be no longer expelled from the school referred to in that sub-section, he may terminate the expulsion.

"(3) As soon as practicable after an expulsion or termination of expulsion under this section, the Minister shall inform or cause to be informed in writing a parent who has the actual custody of the child of that expulsion or termination of expulsion.

"28.(1) A parent of a child in respect of whom a notice has been given under section 24 or 26 or who has been expelled under section 27 shall ensure that the child does not attend school during the period specified in the notice given under section 24, subject to the provisions of sub-section (2) of that section, or section 26 or while the child is expelled from school under section 27, as the case may be.

Penalty: \$200.

"(2) It is a defence to a charge under this section that the attendance of the child at school did not result from any failure of the parent to exercise proper care and control of the child.

"(3) In this section, 'attend school' means to be present at the Government school at which the child is enrolled at any time during a day, or any part of a day, when instruction is provided at the school for children."

Clause 29 agreed to.

Clause 30 -

On the motion of Mr Robertson the following amendments were made -

Omit from sub-clause (1) "a member of the Police Force or".

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

"(1A) The Secretary shall issue to each authorized person an identity card in accordance with a form approved by the Minister."

On the motion of Mr Robertson the following further amendment was made, after debate -

Omit from sub-clause (2) "he may request of the child" and substitute "he may, after producing the identity card referred to in sub-section (1A), request of the child".

Mr Robertson moved as an amendment -

Omit sub-clauses (3) and (4) and substitute the following sub-clauses:

"(3) An authorized person may, at any time between 8.00 a.m. and 7.00 p.m. during any day, call at an address which has been obtained under sub-section (2) or otherwise, and, after producing the identity

card referred to in sub-section (1A), require any person present at that address to furnish him with -

(a) the full names of all children of compulsory school age who ordinarily reside at that address; and

(b) the names of the schools, if any, at which those children are enrolled.

"(4) A person shall, so far as he is able, comply with a requirement of an authorized person made under sub-section (3).

Penalty: \$200."

Mr Collins moved as an amendment to the proposed amendment -

Omit from sub-clause (3) "require any person present in the dwelling house," and substitute "after producing an identity card in the prescribed form, require a parent of any children who are of compulsory school age".

Debate ensued.

. SUSPENSION OF SITTING: The sitting was suspended between 1505 and 1517 hours.

Question put and negatived.

Original amendment agreed to.

Clause, as amended, agreed to.

Clause 31 -

Mr Collins moved as an amendment -

Omit "An apparently genuine document" and substitute "A document".

Debate ensued.

Question put and negatived.

Clause, as printed, agreed to.

Heading to PART V -

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

Omit the heading to Part V and substitute the following heading:

"PART V - CHILDREN WITH SPECIAL
LEARNING NEEDS".

Clause 32 negatived.

New clause -

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

"32. In this Part, 'handicapped child' means a child whose educational progress will, by reason of the child's mental or physical handicap, suffer unless the child has access to special educational arrangements."

Clause 33 -

Mr Collins moved as an amendment -

Omit from sub-clause (1) "The Minister may" and substitute "After consultation with the Education Advisory Council, the Minister shall".

Debate ensued.

Question put and negatived.

Clause, as printed, agreed to, after further debate -

Clause 34 -

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

Omit from sub-clauses (1) and (2) "handicapped children" (wherever occurring) and substitute "children to whom this Part relates".

On the motion of Mr Robertson the following further amendment was made, after debate -

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

"(3) In this section, 'children to whom this Part relates' means -

(a) handicapped children; and

(b) children whose educational progress will, by reason of some special factor, other than a physical or mental handicap, in relation to the children, suffer unless the children have access to special educational arrangements."

Clause, as amended, agreed to.

Clauses 35 to 39, by leave, taken together and negatived.

New clauses -

On the motion of Mr Robertson the following new clauses were inserted in the Bill -

"35.(1) Where it appears to -

(a) a parent who has the actual custody of a child of compulsory school age; or

(b) the head teacher of the school at which a child of compulsory school age is enrolled,

that the child is a handicapped child or that the educational progress of the child will, by reason of some special factor, other than a physical or mental handicap, suffer unless the child has access to special educational arrangements -

(c) that parent; or

(d) that head teacher,

may request the Minister to make special arrangements for or in relation to the education of the child.

"(2) Where it appears to a parent who has the actual custody of a child who is not of compulsory school age that the child is a handicapped child, he may request the Minister to make special arrangements for or in relation to the education of the child.

"36. The Minister may, upon receiving a request under section 35(1) or (2), by order in writing, make such special arrangement for or in relation to the education of the child as he considers necessary or desirable and as are -

(a) in the case of a request under section 35(1) -

(i) agreed to by the parent who has the actual custody of the child; or

(ii) authorized under section 37; or

(b) in the case of a request under section 35(2) - agreed to by the parent who has the actual custody of the child.

"37.(1) Where the Minister and the parent who has actual custody of a handicapped child of compulsory school age cannot reach agreement in relation to proposed special arrangements for or in relation to the education of the child, the Minister may refer the proposed arrangements to the Supreme Court.

"(2) Subject to this Act, the Supreme Court may, in relation to any proposed arrangements referred to it under sub-section (1) -

(a) authorize the making of the arrangements;

(b) vary the arrangements in such manner as it thinks fit, and authorize the making of the arrangements so varied;

(c) substitute such arrangements as it considers necessary or desirable for the arrangements, and authorize the making of the arrangements so substituted; or

(d) refuse to authorize the arrangements.

"(3) In exercising the jurisdiction conferred by this section, the Supreme Court shall have regard to the responsibility of parents to educate their children and give due weight to the wishes of a parent who has the actual custody of a child who is the subject of a referral to the Court under this section.

"(4) Rules made under the Supreme Court Act may include Rules for or with respect to referrals to the Supreme Court under this section.

"(5) Unless the Supreme Court otherwise orders, the costs of and incidental to a referral to that Court under this section shall be paid by the Territory.

"38. The Minister shall not make special arrangements under section 36 for or in relation to the education of a child which require the

child to reside at a place other than the usual place of residence of the parent who has actual custody of the child unless those arrangements include provision for visits of reasonable frequency and duration by that parent to the child or by the child to that parent."

Clauses 40 and 41, by leave, taken together and agreed to.

Clause 42 -

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

Omit from paragraph (a) "technology" and substitute "technology and trades".

Clause, as amended, agreed to.

Clause 43 -

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

Omit paragraph (a) from sub-clause (2) and substitute the following paragraph:

"(a) to enter into an arrangement with one or more universities or institutions of advanced, technical or further education, whether in or outside Australia, or with one or more of the States that administer education services, for the establishment in the College of courses of lectures or studies for degrees, diplomas, trade certificates or otherwise;"

On the motion of Mr Collins the following further amendment was made, after debate -

Omit from sub-clause (2)(c) ", with the approval of the Minister,".

Clause, as amended, agreed to.

Clause 44 agreed to.

Clause 45 -

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

After paragraph (a) of sub-clause (1) insert the following paragraph:

"(aa) one member of the staff of the College elected by that staff;"

On the motion of Mr Robertson the following further amendment was made, after debate -

Omit from sub-clause (1)(d) "8 in number" and substitute "12 in number".

On the motion of Mr Robertson the following further amendment was made -

Omit paragraph (e) from sub-clause (1).

Clause, as amended, agreed to, after debate.

Clause 46 -

On the motion of Mr Robertson the following amendments were made -

Insert in sub-clause (1) after "elected by" the words "the staff or".

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

"(2) If a member elected by the staff or the teaching staff of the College has ceased to hold office before the expiration of his term of office, the Chairman may, having regard to the length of the unexpired part of that term of office, direct that a member of that staff or teaching staff be elected by that staff or teaching staff, as the case requires, to hold office from the date of his election until the expiration of that term."

Omit from sub-clause (3) "teaching staff" (first occurring) and "teaching staff" (second occurring) and substitute "staff or the teaching staff" and "staff or teaching staff, as the case may be" respectively.

Clause, as amended, agreed to.

Clause 47 -

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

Omit from sub-clause (2) all the words after "before the expiration of his term of office," and substitute "the Chairman may, having regard to the length of the unexpired part of that term of office, direct that a student of the College be elected by the students of the College, to hold office from the date of his election until the expiration of that term."

On the motion of Mr Robertson the following further amendment was made, after debate -

Omit sub-clause (4).

Clause, as amended, agreed to.

Clauses 48 to 54, by leave, taken together and agreed to.

Clause 55 -

Mr Collins moved as an amendment -

Omit paragraph (c).

Debate ensued.

Question put and negatived.

Clause, as printed, agreed to.

Clause 56 agreed to.

Clause 57 -

Mr Collins moved as an amendment -

Omit ", with the approval of the Administrator,".

Debate ensued.

Question put and negatived.

Clause, as printed, agreed to.

Clauses 58 to 60, by leave, taken together and agreed to.

Clause 61 negatived.

New clauses -

On the motion of Mr Robertson the following new clauses were inserted in the Bill -

"61.(1) Subject to this Part, the person who has the management or control of the affairs of an educational institution that is -

- (a) a non-Government school;
- (b) a pre-school, other than a pre-school wholly established and wholly maintained by the Minister; or
- (c) a post-school institution, other than the Darwin Community College constituted under section 41 or a post-school institution wholly established and wholly maintained by the Minister,

may apply to the Minister for registration of that institution.

"(2) Where, in relation to an institution, there is more than one person of a description referred to in sub-section (1), a person, authorized by a resolution of the governing authority of the institution may make an application under sub-section (1).

"61A.(1) An application under section 61 for registration of an educational institution referred to in that section shall be in writing and shall contain particulars of -

- (a) the names and address of the institution;
- (b) the method of management of the affairs of the institution;
- (c) the minimum educational qualifications of teachers or lecturers to be employed at the institution;
- (d) the curriculum in accordance with which instruction is to be provided at the institution;
- (e) the maximum and minimum ages of and the maximum number of children or students to be enrolled at the institution;
- (f) the buildings and facilities to be used by or available to the institution; and
- (g) the name and designation of a person (in this Part referred to as a 'public officer') nominated by the institution for the service of notices under this Act.

"(2) An applicant shall furnish to the Minister such further particulars of the matters referred to in sub-section (1) as the Minister may specify in a written request delivered to the applicant.

"61B.(1) Subject to this Part, the Minister may, by notice in writing delivered to the applicant, determine an application under section 61 for registration of an educational institution -

- (a) by registering the institution; or
- (b) by refusing to register the institution.

"(2) Subject to section 61D, the Minister may register an educational institution subject to such conditions as may be specified in the notice referred to in sub-section (1).

"(3) Where the Minister refuses to register an institution or registers an institution subject to conditions, the Minister shall, in the notice referred to in sub-section (1), set out details of the reasons for the refusal or the imposition of the conditions, as the case may be.

"61C.(1) The Minister may, on an application made to him in writing by the public officer of a registered educational institution -

- (a) cancel;
- (b) suspend, for the period specified in the application; or
- (c) vary, in the manner specified in the application, a condition of,

the registration of the institution by notice in writing delivered to that public officer.

"(2) The Minister may, by notice in writing delivered to the public officer of a registered educational institution, require that public officer to show cause why -

- (a) the registration of the institution should not be -
 - (i) cancelled; or
 - (ii) suspended for the period specified in the notice;
- (b) a condition of the registration of the institution should not be varied in the manner specified in the notice; or
- (c) the registration of the institution should not be subject to a condition specified in the notice.

"(3) Subject to section 61D, the Minister may, not less than 3 months after the date of delivery of a notice under sub-section (2), by notice in writing delivered to the public officer of the educational institution which is the subject of that first-mentioned notice -

- (a) cancel the registration of that institution;
- (b) suspend the registration of that institution for the period specified in the first-mentioned notice;
- (c) vary a condition of the registration of that institution in the manner specified in the first-mentioned notice; or
- (d) impose a condition on the registration of that institution in the manner specified in the first-mentioned notice.

"(4) Subject to section 61E(6), the cancellation or suspension of the registration of an educational institution under sub-section (1) or (3) or the variation or imposition of a condition of such registration under

sub-section (1) or (3) shall have effect on and from such date as the Minister may specify in the notice delivered under sub-section (1) or (3), as the case may be.

"61D. The Minister -

- (a) shall not refuse to register an educational institution under section 61B;
- (b) shall not cancel , under section 61C(3)(a), or suspend, under section 61C(3)(b), the registration of an education institution; or
- (c) shall not impose, under section 61B(2) or 61C(3)(d), a condition on, or vary, under section 61C(3)(c), a condition of, the registration of an educational institution,

if the education provided or to be provided at the institution is efficient and suitable education, having regard to the ages and capabilities of the children or students who are or will be enrolled in the institution.

"61E. (1) An applicant for registration of an educational institution who is dissatisfied with a decision of the Minister under section 61B may appeal to the Supreme Court.

"(2) The public officer of a registered educational institution who is dissatisfied with a decision of the Minister under section 61C(1) or (3) may appeal to the Supreme Court.

"(3) A person intending to appeal under sub-section (1) or (2) shall, within 28 days after the day on which he receives the notice referred to in section 61B(1), 61C(1) or (3), as the case may be, serve on or post to the Master of the Supreme Court and the Minister a notice in writing of his intention to appeal.

"(4) The Supreme Court has jurisdiction to hear and determine an appeal under this section and for the purposes of that jurisdiction, has the same powers and duties as the Minister has under this Part.

"(5) The Minister shall be the respondent on an appeal under this section.

"(6) The making of an appeal under this section operates as a stay of action to implement the decision which is the subject of the appeal.

"(7) The Supreme Court is determining an appeal under this section may -

- (a) affirm, set aside or vary the decision of the Minister; and
- (b) make such other order as it thinks fit.

"(8) Where the Supreme Court sets aside or varies a decision of the Minister, the Court shall set out in its decision the reasons for its decision.

"(9) Subject to this Part, an appeal under this section shall be brought as if it were an appeal from a Local Court to the Supreme Court under the Local Courts Act and the Supreme Court may exercise all the

powers and perform all the functions that it may exercise and perform under that Act in relation to an appeal from a Local Court to the Supreme Court."

Clause 62 -

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

Omit from sub-clauses (1) and (2) "non-Government school" and substitute "registered non-Government school".

Clause, as amended, agreed to.

Clause 63 -

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

Omit from sub-clauses (1) and (3) " non-Government school" and substitute "registered non-Government school".

Clause, as amended, agreed to.

Clause 64 -

Mr Collins moved as an amendment -

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

"(1) The Secretary shall be responsible for the curriculum in accordance with which instruction is provided in Government schools.

"(2) For the purpose of assisting the Secretary to determine the curriculum in accordance with which instruction shall be so provided, the Minister may appoint an Advisory Curriculum Board for Secondary Education, and such other advisory committees as the Minister may determine on the recommendation of the Secretary.

"(2A) Each such board or committee shall consist of such employees within the meaning of the Public Service Act and of the teaching service, and representatives of non-Government schools and other organizations as may be determined by the Minister on the recommendation of the Secretary.

"(2B) A member of a board or committee under this section shall hold office upon such terms and conditions as may be determined by the Minister."

Debate ensued.

Question put - The Committee divided (The Chairman, Mr Ballantyne in the Chair).

AYES 7

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

NOES 10

Mr Ballantyne
Mr Dondas
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

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

Omit from sub-clause (1)(a) "post-school institutions" and substitute "post-school institutions wholly established and wholly maintained by the Minister".

Mrs Lawrie moved as an amendment -

Insert in sub-section (2) after "the Secretary" the words ", after seeking the advice of the Education Advisory Council,".

Debate ensued.

Question put and negatived.

On the motion of Mr Robertson the following further amendment was made -

Omit from sub-clause (2)(b) "method and evaluation" and substitute "methods and evaluation".

Mrs Lawrie moved as an amendment -

Insert after sub-section (2)(b) the following paragraph:

"(ba) where a Government school has a school council established under section 65, for the matters set out in paragraph (b) after consultation with the school council;".

Debate ensued.

Question put and negatived.

On the motion of Mr Robertson the following further amendment was made -

Omit paragraph (c) from sub-clause (2).

Clause, as amended, agreed to.

Clause 65 -

Mrs Lawrie moved as an amendment -

Add the following sub-clause:

"(3) In exercising his discretion under sub-section (1), the Minister shall have regard to a request to establish the council from a member of the community served by the institution.".

Mr Robertson moved as an amendment to the proposed amendment -

Omit "a request to establish the council from a member" and substitute "the wish of members".

Debate ensued.

Proposed amendment, by leave, withdrawn.

Original amendment agreed to with a formal amendment, after debate.

Clause, as amended, agreed to.

Clauses 66 and 67, by leave, taken together and agreed to.

Clause 68 -

Mr Robertson moved as an amendment -

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

"(2) Upon the request, in writing, of the parents of a child or children in attendance at a Government school, the Secretary shall, where he considers it practicable, permit a person who is a minister of religion and is nominated by those parents or a person authorized by such a minister of religion, during school hours, to give to the children in attendance at that Government school whose parents wish them to receive religious instruction from that minister of religion or a person authorized by that minister of religion, religious instruction during not less than half an hour in every week when instruction is provided at the school for children, on such days and at such times as the Secretary determines."

Mr Collins moved as an amendment to the amendment -

Omit all words after "sub-clause (2)" and substitute the following:

"(2) Where a parent requests in writing that a child of his who is in attendance at a Government school receive religious instruction from a minister of religion nominated by the parent, the Secretary shall, where he considers it practicable, permit the minister of religion or a person authorized by the minister of religion to give the child religious instruction for not less than half an hour in every week when instruction is provided at the school on such days and at such times as the Secretary determines."

Debate ensued.

Question put and negatived.

Original amendment agreed to.

Clause, as amended, agreed to.

Clauses 69 and 70, by leave, taken together and agreed to.

Clause 71 -

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

Omit from sub-clause (4) "the corresponding provision of" and "that corresponding provision of".

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

After sub-clause (6) insert the following sub-clause:

"(6A) Notwithstanding the repeal effected by section 3, the accounts and records of financial transactions of the Darwin Community College with respect to the period from the day after those accounts and records were last audited until the date of commencement of this Act shall be audited in accordance with section 29 of the repealed Darwin Community College Ordinance and the Council of the Darwin Community College shall prepare and furnish, in accordance with section 30 of that repealed

Ordinance, a report of the operations of the College during the period from 31 December 1978 to the date of commencement of this Act."

On the motion of Mr Robertson the following further amendment was made, after debate -

Omit sub-clause (7) and substitute the following sub-clause:

"(7) A reference in section 21(2) to a registered non-Government school shall be read as a reference to a non-Government school until the expiration of 6 months after the date of commencement of Part VII."

Clause, as amended, agreed to.

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

Title agreed to.

The Assembly resumed - The Chairman reported the Bill.

Mr Robertson moved -

That the Bill be recommitted to the committee of the whole for further consideration of clause 16.

Question put and passed.

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

(In the committee)

On recommitment

Clause 16 -

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

Omit from sub-clause (1) "may" and substitute "shall".

Clause, as amended, agreed to.

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

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

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business, No. 5 was called on.
12. PAY-ROLL TAX BILL 1979 (Serial 288): 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 11 -

On the motion of Mr Perron the following amendments were made -

Omit from proposed section 17J(1) all the words after "for the purposes of this Act" and substitute "and nominate an amount (being an amount calculated in the manner specified in the form, but not exceeding the prescribed amount as defined in section 8(1), as the deduction that the members of the group claim to be entitled to make for any return period in relation to which that designated group employer is required to furnish returns under this Act.".

Omit from proposed section 17J(4) "not exceeding the prescribed amount" and substitute "not exceeding the prescribed amount as defined in section 8(1)".

Omit from proposed section 17J(4) "a return of an assessment" and substitute "a return or an assessment".

Clause, as amended, agreed to.

Clauses 12 to 14, by leave, taken together and agreed to.

Clause 15 -

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

Add at the end thereof the following sub-clauses:

"(2) The Principal Act as amended by this Act applies to and in relation to all matters relating to wages paid or payable on or after 1 July 1979.

"(3) The Principal Act as in force immediately before the commencement of this Act continues to apply to and in relation to wages paid or payable before 1 July 1979.".

Clause, as amended, agreed to.

Title agreed to.

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

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

13. ALTERATION OR ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Health) Order of the Day, Government Business, No. 6 was called on.

14. ARALUEN ARTS AND CULTURAL TRUST BILL 1979 (Serial 256): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

15. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

And then the Assembly at 1810 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 26

Thursday 31 May 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. REMUNERATION TRIBUNAL REVIEW REPORT: Mr Everingham (Chief Minister) laid on the Table the Report of the Tribunal's 1979 Review of Salaries for the N.T. Legislative Assembly.

Mr Everingham moved -

That the Report be noted.

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

4. FINANCIAL STATEMENTS - ALICE SPRINGS COUNCIL: Mr Dondas (Minister for Community Development) laid on the Table the financial Statements of the Alice Springs Council for the year ended 30 June 1978 together with the Auditor-General's report on the Statement.
5. ENVIRONMENTAL SURVEY OF ABORIGINAL COMMUNITIES 1977-8: Mr Tuxworth (Minister for Health) laid on the Table the Report prepared by the Northern Territory Department of Health.

Mr Tuxworth moved -

That the Report be noted.

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

6. FORESTRY PROGRAMME OF THE TOP END OF THE NORTHERN TERRITORY AND ADJACENT ISLANDS - REPORT: Mr Everingham (Chief Minister) laid the Report on the Table.

Mr Everingham moved -

That the Report be noted.

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

7. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - ELEVENTH AND TWELFTH REPORTS: Mr Oliver (Alice Springs) laid on the Table the eleventh and twelfth reports of the Standing Committee.

Mr Oliver moved -

That the Reports be noted.

Debate ensued.

Question put and passed.

8. PERSONAL EXPLANATION: Mr Everingham (Chief Minister), by leave, refuted allegations made against him in the Darwin Star on 31 May 1979.

9. SUSPENSION OF STANDING ORDERS - PASS FOUR BILLS THROUGH ALL STAGES: Mr Robertson (Minister for Education), by leave, moved -

That so much of standing orders be suspended as would prevent the Taxation (Administration) Bill 1979 (Serial 300), the Stamp Duty Bill 1979 (Serial 301), the Appropriation Bill (No. 2) 1978-79 (Serial 295) and the Supply Bill 1979-80 (Serial 294) being passed through all stages at this sittings.

The motion having been supported by an absolute majority, Mr Speaker declared the question resolved in the affirmative.

10. ABORIGINAL LAND BILL 1979 (Serial 312): Mr Everingham (Chief Minister), by leave, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

11. ELECTRICITY COMMISSION BILL (No. 2) 1979 (Serial 310): Mr Tuxworth (Minister for Mines and Energy), by leave, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

12. POLICE AND POLICE OFFENCES BILL (No. 2) 1979 (Serial 305): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas 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.

13. BROADCASTING OF PROCEEDINGS TO BLOCK 2: Mr Everingham (Chief Minister), pursuant to notice, moved -

That the resolution of the Assembly relating to the broadcasting of its proceedings passed on 7 March 1979 be amended by inserting after the first resolution the following resolution:

"That this Assembly also authorizes the broadcasting of its proceedings to the offices of the Legislative Draftsman in Block 2."

Debate ensued.

Question put and passed.

14. LOCAL GOVERNMENT BILL (No. 3) 1979 (Serial 311): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas 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.

15. WORKMEN'S COMPENSATION BILL (No. 2) 1979 (Serial 302): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee - Deputy Chairman Mrs Padgham-Purich)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

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

Omit from the proposed definition of "insurer" in paragraph (c) "(including reinsurance)" and substitute "(other than reinsurance)".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Omit from sub-section (2) in proposed section 17J all words before and including "his absolute discretion," and substitute "(2) Subject to sub-sections (3A) and (4), the Commissioner may".

Insert in proposed section 17J after sub-section (3) the following sub-section:

"(3A) An approval under sub-section (2) shall not be unreasonably withheld."

Clause, as amended, agreed to.

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

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

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

16. PUBLIC TRUSTEE BILL 1979 (Serial 244) and ADMINISTRATION AND PROBATE BILL 1979 (Serial 268): The order of the day having been read for the consideration of the Bills in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

Public Trustee Bill 1979 (Serial 244)

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 -

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

Insert in sub-clause (5) after "as amended" (twice occurring) the words "and in force".

Clause, as amended, agreed to.

Clause 5 -

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

Insert after the definition of "Court" the following definition:

"'estate' includes a trust estate;".

Omit the definition of "Public Trustee" and substitute the following:

"'Public Trustee' means the Public Trustee appointed under section 8 and includes an Acting Public Trustee appointed under that section while that person is so acting;".

Omit the definition of "administrator" and substitute:

"'administrator' includes -

(a) a person to whom a grant of probate or administration is made;
and

(b) the Public Trustee, where he is authorized by this Act to administer an estate without a grant being made.".

Clause, as amended, agreed to.

Clauses 6 and 7, by leave, taken together and agreed to.

Clause 8 negatived.

Clause 9 -

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

At the end of clause 9 insert the following new sub-clause:

"(5) The Administrator may appoint a person who is an employee within the meaning of the Public Service Act to be an Acting Public Trustee to hold office during the absence of the Public Trustee from the Territory

or during the inability of the Public Trustee, for any reason, to perform the duties of his office.".

Clause, as amended, agreed to.

New clause -

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

"9A.(1) The Public Trustee and his successors in office shall be a body corporate under the name of 'Public Trustee for the Northern Territory' and shall by that name be capable of exercising all the functions of an incorporated body, have perpetual succession and a common seal, may by that name sue and be sued and may acquire, hold and dispose of real and personal property.

"(2) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Public Trustee affixed to any document or notice and shall presume that it was duly affixed.".

Clause 10 agreed to.

Clause 11 -

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

Omit "of the Office" (wherever occurring).

Insert after sub-clause (1)

"Penalty: \$1,000 or imprisonment for 12 months.".

Omit after sub-clause (2)

"Penalty: \$1,000 or imprisonment for 12 months.".

Insert in sub-clause (3)(a) after "sought" the words "or that person's solicitor or agent".

Clause, as amended, agreed to.

Clauses 12 and 13, by leave, taken together and agreed to.

Heading to PART IV -

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

Omit from heading to Part IV "AND INVESTMENTS".

Heading, as amended, agreed to.

Clauses 14 to 16, by leave, taken together and agreed to.

Clause 17 -

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

Omit from sub-clause (1) "The Public Trustee" (first occurring) and substitute "Where the Public Trustee invests money under section 23, he".

Clause, as amended, agreed to.

Clauses 18 and 19, by leave, taken together and agreed to.

Clause 20 -

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

Omit "all the" and substitute "such".

Clause, as amended, agreed to.

Clause 21 -

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

Omit from sub-clause (1) "may" and substitute "shall".

Omit from sub-clause (2) "The Public Trustee may" and substitute "Subject to this Act, the Public Trustee shall".

Omit from sub-clause (11) paragraph (a) and substitute the following:

"(a) first, in payment to the credit of the respective trusts or estates, the moneys of which from the common fund, of the interest payable under this Act to each, calculated on the respective minimum monthly balances of such trusts or estates at credit in the common fund; and".

Omit sub-clause (12) and substitute the following:

"(12) The payments referred to in sub-section (11)(a) shall be made -

(a) on 31 March and 30 September of each year and at such other times, if any, as the Public Trustee from time to time determines; and

(b) on completion of the administration of the trust or estate.

"(13) Moneys in the common fund established under this section shall be invested by the Public Trustee in accordance with the directions of the Investment Board.".

Clause, as amended, agreed to.

Clauses 22 and 23, by leave, taken together and agreed to.

Clause 24 -

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

Omit from sub-clause (1)(b) "granted" substitute "guaranteed".

Omit from sub-clause (1)(m) "Attorney-General" substitute "Minister".

Clause, as amended, agreed to.

Clause 25 -

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

Omit from sub-clause (2)(a) "shall, together with interest at the maximum rate provided by the mortgage, be" and substitute "may, at the discretion of the Public Trustee, incur interest chargeable at the maximum rate provided by the mortgage, such interest (if any) to be".

Clause, as amended, agreed to.

Clauses 26 to 29, by leave, taken together and agreed to.

Clause 30 -

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

Omit from sub-clause (1)(c) "and which the Public Trustee is required to exercise".

Clause, as amended, agreed to.

Clause 31 agreed to.

Clause 32 -

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

Insert in sub-clause (1) before paragraph (a) the following new paragraphs:

"(a)(a) an executor;

(a)(b) an administrator;

(a)(c) an agent;

(a)(d) an administrator pendente lite;"

Omit sub-clause (2).

Insert in sub-clause (4) after "discharges" the words "from the date of appointment of the Public Trustee".

Add at the end the following new sub-clause:

"(6) Notwithstanding the provisions of any other Act, or rule, or law to the contrary, the Public Trustee upon becoming executor, administrator or trustee pursuant to the provisions of this Part shall not be obliged to inquire into or to institute any proceedings in respect of any acts or omissions or distributions done or omitted or made by any other person whether as executor, administrator, trustee or otherwise at any time before the Public Trustee became the executor, administrator or trustee as aforesaid".

Clause, as amended, agreed to.

Clause 33 -

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

Omit from sub-clause (1) -

(a) "a trustee"; and

(b) "trustee" (second occurring).

Omit from sub-clause (2) "application" and substitute "application under this section for the consent of the Court".

Clause, as amended, agreed to.

Clause 34 -

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

Insert at the end thereof the following sub-clause:

"(6) Immediately on the grant of letters of administration of the estate of a deceased person pursuant to the provisions of sub-section (4) -

- (a) all the functions, powers, authorities, discretions, rights and duties of the Public Trustee, other than the rights reserved by this sub-section, in relation to the estate of the testator and all liability of the Public Trustee under any contract entered into by the Public Trustee affecting or relating to the estate shall pass to the person obtaining probate or letters of administration with the will annexed and no claim shall thereafter lie against the Public Trustee in respect of any such liability; and
- (b) subject to payment to the Public Trustee of all money due for commission, disbursements, costs, charges and expenses affecting the estate, including the costs of the Public Trustee of and incidental to the application for probate or letters of administration with the will annexed referred to in sub-section (3), the remainder of the estate as is then unadministered by the Public Trustee shall vest in the person obtaining probate or letters of administration."

Clause, as amended, agreed to.

Clause 35 -

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

Omit from sub-clause (1)(a) "\$2,000" and substitute "\$5,000".

Omit sub-clause (3) and substitute the following:

"(3) The Public Trustee shall not administer an estate under sub-section (1) unless notice of intention to so administer the estate has been given by the Public Trustee by advertisement in a newspaper published in the Territory."

Clause, as amended, agreed to.

Clause 36 -

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

Omit from sub-clause (1) "especially" and substitute "expressly".

Clause, as amended, agreed to.

Clause 37 -

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

Omit "other".

Clause, as amended, agreed to.

Clause 38 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 39 -

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

Omit from sub-clause (1) "the Court shall make the grant" and substitute "the Court may make the grant".

Add at the end of sub-clause (2) "and, unless the Court otherwise orders the Public Trustee shall be entitled to his costs out of the estate of the deceased person."

Clause, as amended, agreed to.

Clauses 40 to 42, by leave, taken together and agreed to.

Clause 43 -

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

Omit from sub-clause (2) "entitled to the costs" and substitute "entitled to his costs".

Clause, as amended, agreed to.

Clause 44 -

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

Omit all words after "grant of administration," and substitute "the Registrar of Probates shall furnish to the Public Trustee a copy of the caveat".

Clause, as amended, agreed to.

Clause 45 agreed to.

Clause 46 -

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

Insert in sub-clause (1) at the end thereof "other than the distribution of any part of the estate to the person beneficially entitled."

Omit from sub-clause (3) "or otherwise dispose of".

Clause, as amended, agreed to.

Clause 47 -

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

Omit from sub-clause (1) "Where" and substitute "Before".

Omit from sub-clause (2) "does not succeed to obtain" and substitute "is not successful in obtaining".

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

"(4) Where in the opinion of the Public Trustee, the delay caused by the requirement to give notice under sub-section (1) before taking action would cause detriment to an estate or to the interest of a creditor of or a person beneficially entitled in an estate, the Public Trustee may act immediately."

Clause, as amended, agreed to.

Clause 48 agreed to.

Clause 49 -

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

Omit from sub-clause (1)(g) "revoked or otherwise" and substitute "has".

Clause, as amended, agreed to.

Clause 50 agreed to.

Clause 51 -

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

Insert at the end of sub-clause (2) "within 28 days of the making of the order".

Clause, as amended, agreed to.

Clauses 52 to 54, by leave, taken together and agreed to.

Clause 55 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 56 agreed to.

Clause 57 -

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

Omit from sub-clause (1)(b) "and" and insert after sub-clause (1)(c) -

"; and

"(d) the real or personal property described in the certificate forms part of the estate in respect of which the Public Trustee is acting,".

Clause, as amended, agreed to.

Clause 58 agreed to.

Clause 59 -

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

Insert in sub-clause (3) after "notice of his" the words "application for".

Insert in sub-clause (6) after "Public Trustee" (second occurring) "as manager".

Clause, as amended, agreed to.

Clause 60 -

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

Insert in sub-clause (1) after paragraph (g) the following paragraph:

"(ga) to repair property and raise money on the security of the property for that purpose;".

Clause, as amended, agreed to.

Clauses 61 to 65, by leave, taken together and agreed to.

Clause 66 -

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

Omit "found" and substitute "ascertained".

Clause, as amended, agreed to.

Clause 67 agreed to.

Clause 68 -

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

Omit from sub-clause (1) "require the complainant or any other persons to appear before a Judge at any time and place stated in the summons and there or at any adjournment of the application" and substitute "require the claimant or any other person to appear before a Judge at any time and place stated in the summons and there or at any adjournment of the proceedings".

Clause, as amended, agreed to.

Clauses 69 to 71, by leave, taken together and agreed to.

Clause 72 -

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

Omit "instrument of appointment" and substitute "governing instrument".

Clause, as amended, agreed to.

Clauses 73 and 74, by leave, taken together and agreed to.

Clause 75 -

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

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

Omit from sub-clause (2) "an action" and substitute "proceedings".

Clause, as amended, agreed to.

Clause 76 agreed to.

Clause 77 -

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

Omit "creditors" and substitute "persons who wish to claim against the estate".

Clause, as amended, agreed to.

Clauses 78 to 90, by leave, taken together and agreed to.

Clause 91 -

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

Insert at the end thereof the following new sub-clause:

"(3) Where the Public Trustee holds a share in a company, the company shall, at the request of the Public Trustee, record the name of the estate or person beneficially entitled to a share in that company as well as the name of the Public Trustee".

Clause, as amended, agreed to.

Clause 92 negatived.

New clause -

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

"92. The Public Trustee, in his capacity as trustee or administrator of a trust or estate, may enter into a contract, deed or covenant with himself in his capacity as trustee or administrator of another trust or estate."

Clause 93 -

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

Omit "coming into the hands of" and substitute "under the control of".

Clause, as amended, agreed to.

Clause 94 agreed to.

Clause 95 -

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

Omit "whose estate is in the place of domicile of the deceased" and substitute "whose estate, in the place of domicile of the deceased, is".

Clause, as amended, agreed to.

Clause 96 -

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

Omit "such" and substitute "any".

Clause, as amended, agreed to.

Clauses 97 to 99, by leave, taken together and agreed to.

Clause 100 -

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

Insert after "under this Act" the words "or any other law in force in the Territory".

Omit "sign, seal and deliver" and substitute "sign and seal".

Clause, as amended, agreed to.

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

Administration and Probate Bill 1979 (Serial 268)

Clauses 1 to 9, by leave, taken together and agreed to.

New clause -

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

"9A. Section 71B.(1) of the Principal Act is amended by inserting after 'belonged' the words 'or the Public Trustee'."

Clause 10 agreed to.

Clause 11 negatived.

New clause -

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

"11.(1) Where a person died before the commencement of this Act, the Public Trustee shall administer the estate of that person in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted.

"(2) Where before the commencement of this Act the Curator of Estates of Deceased Persons had accrued any right, duty, obligation or liability, that right, duty, obligation or liability vests in or imposes upon the Public Trustee and it shall be dealt with by the Public Trustee in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted.

"(3) Where a person had a right that could be exercised against the Curator of Estates of Deceased Persons under a provision of the Principal Act that was repealed by this Act, the person may exercise that right against the Public Trustee in the name of the Curator of Estates of Deceased Persons under the Principal Act as if this Act had not been enacted."

Title agreed to.

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

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

. SUSPENSION OF SITTING: The sitting was suspended between 1228 and 1400 hours.

17. SUPREME COURT BILLS - SUPREME COURT BILL 1979 (Serial 200), CRIMINAL LAW CONSOLIDATION BILL (No. 2) 1979 (Serial 284), SHERIFF BILL 1979 (Serial 285) and INTERPRETATION BILL 1979 (Serial 286): 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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Supreme Court Bill 1979 (Serial 200)

Clause 1 agreed to.

Clause 2 negatived.

New clause -

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

"2. The several Parts of this Act shall come into operation on such dates as are fixed by the Administrator by notice in the Gazette."

Clauses 3 to 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit sub-clause (3).

Clause, as amended, agreed to.

Clauses 8 to 13, by leave, taken together and agreed to.

Clause 14 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Clauses 15 to 20, by leave, taken together and agreed to.

Clause 21 negatived.

New clause -

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

"21.(1) The Judge hearing a proceeding, not being a proceeding in the Court of Appeal, in which the jurisdiction of the Court is exercisable by one Judge, or, if the hearing of such a proceeding has not commenced, any Judge, may refer that proceeding or part of that proceeding to the Full Court.

"(2) The Full Court may -

(a) accept, subject to section 16(1)(b);

(b) decline to accept; or

(c) accept in part only, and then subject to section 16(1)(b),

a reference made under sub-section (1) and, in any event, may make such orders and give such directions as it thinks proper in relation to, and to the procedure to be followed in, the further conduct of the proceedings or part, as the case may be, including, in a case where evidence was received before the reference, orders and directions in relation to the use, if any, to be made of that evidence."

Clauses 22 and 23, by leave, taken together and agreed to.

Clause 24 -

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

Insert in paragraphs (a) and (b), after "read", the words "or published".

Clause, as amended, agreed to.

Division Heading -

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

Omit from the heading to Division 4 of Part II "Inquiries and Trials" and substitute "Exercise of Jurisdiction".

Heading, as amended, agreed to.

New clause -

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

"24A.(1) The Rules may -

- (a) empower the Master to exercise the jurisdiction of the Court in interlocutory proceedings; and
- (b) prescribe the circumstances in which, and the terms and conditions subject to which, the Master may exercise that jurisdiction.

"(2) The jurisdiction of the Court shall not be exercised by a Deputy Master."

Clauses 25 and 26, by leave, taken together and agreed to.

Clause 27 negatived.

New clauses -

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

"27. Where the Court makes an order under section 25 or 26 -

- (a) it may, subject to the Rules, make the order on such terms and conditions, including terms and conditions as to costs, as it thinks fit;
- (b) it may, subject to the Rules, give such directions as it thinks fit;
- (c) the Master or referee, as the case may be, may exercise the jurisdiction of the Court for the purpose of carrying out the order; and
- (d) if the order is an order that a matter be tried by or referred to a referee, the referee shall be deemed to be an officer of the Court.

"27A. Where the Master or a referee exercises the jurisdiction of the Court as provided by this Division, then, subject to the Rules and to the directions of the Court and, in the case of an order under section 25 or 26, to the terms of the order -

- (a) he has and may exercise the authority, powers, functions, duties, privileges and immunities of the Court and of a Judge (but not including the power to commit for contempt);
- (b) he may, at any time, and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising; and

(c) he may, if he gives a judgment -

- (i) order the inclusion of interest in any sum for which judgment is given; and
- (ii) make an order as to costs.

"27B. A judgment given by the Master or a referee in the exercise of the jurisdiction of the Court has effect, subject to section 27C and to the Rules, as a judgment of the Court.

"27C. (1) A party to a proceeding affected by a judgment given in that proceeding by the Master or a referee in the exercise of the jurisdiction of the Court may appeal from that judgment to the Court.

"(2) On an appeal under sub-section (1), the Court may -

- (a) affirm, vary or reverse the judgment appealed from, in whole or in part, and give such judgment as in all the circumstances it thinks just; or
- (b) set aside the judgment appealed from, in whole or in part, and substitute its own judgment or remit the proceeding to the Master or referee, as the case may be, for further hearing and determination subject to such directions as the Court thinks fit."

Clauses 28 to 50, by leave, taken together and agreed to.

Clause 51 -

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

Insert in sub-clause (2)(c), before "proceeding", the word "civil".

Omit from sub-clause (5) "The Court of Appeal" and substitute "In a criminal proceeding, the Court of Appeal".

Clause, as amended, agreed to.

Clauses 52 to 55, by leave, taken together and agreed to.

Clause 56 -

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

Insert in paragraphs (a) and (b), after "read", the words "or published".

Clause, as amended, agreed to.

Clauses 57 to 73, by leave, taken together and agreed to.

Clause 74 -

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

Insert in sub-clause (1), after "Commonwealth", the words "or of the Territory".

Clause, as amended, agreed to.

Clause 75 -

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

Insert in sub-clause (1), after "Commonwealth", the words "or of the Territory".

Clause, as amended, agreed to.

Clauses 76 to 81, by leave, taken together and agreed to.

Clause 82 negatived.

New clause -

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

"82.(1) The Judges who are appointed under section 28(1) and are not additional Judges, or a majority of those Judges, may make Rules of Court, not inconsistent with this Act -

(a) for regulating and prescribing -

(i) the practice and procedure, including the method of pleading, to be followed in the Court and in the offices of the Court; and

(ii) all matters and things incidental to or relating to any such practice and procedure or necessary or convenient to be prescribed for the conduct of any business of the Court; and

(b) for prescribing any matter or thing that is, by this Act, required or permitted to be prescribed by Rules of Court.

"(2) In particular, and without limiting the generality of subsection (1), the Rules may make provision for or in relation to -

(a) the service and execution of the process of the Court, including the service and execution of process out of the jurisdiction of the Court;

(b) the service and execution in the Territory of the process of any foreign Court;

(c) costs; and

(d) evidence, including the administration of oaths, the attendance of witnesses and the production of documents."

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

Criminal Law Consolidation Bill (No. 2) 1979 (Serial 284)

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

Sheriff Bill 1979 (Serial 285)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit "1 July 1979" and substitute "the date on which Part I of the Supreme Court Act 1979 comes into operation".

Clause, as amended, agreed to.

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

Interpretation Bill 1979 (Serial 286)

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

Clause 3 -

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

Omit "1 July 1979" and substitute "the date on which Part I of the Supreme Court Act 1979 comes into operation".

Clause, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

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

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

18. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Vale (Stuart) Order of the Day, Government Business, No. 5 was called on.
19. APPROPRIATION BILL (No. 2) 1978-79 (Serial 295): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Schedule -

Revised appropriations for Divisions 11, 12 and 14 agreed to.

Revised appropriations for Divisions 15 and 16, by leave, taken together and agreed to.

Revised appropriation for Division 18 agreed to, after debate.

Revised appropriations for the remainder of the Divisions, by leave, taken together and agreed to.

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

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

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

20. SUPPLY BILL 1979-80 (Serial 294): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

21. TAXATION (ADMINISTRATION) BILL 1979 (Serial 300): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

22. STAMP DUTY BILL (No. 2) 1979 (Serial 301): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

23. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 12 was called on.
24. ROAD ACCIDENT SITUATION: SAFETY MEASURES CURRENT AND PROPOSED - MINISTERIAL STATEMENT: The order of the day having been read for the resumption of the debate on the motion of Mr Steele

That the Statement be noted -

Debate resumed.

Question put and passed.

25. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 13 was called on.
26. CRIMINAL LAW AND PROCEDURE BILL 1979 (Serial 225): The order of the day having been read for the resumption of the debate on the question.

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

27. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 15 was called on.
28. FINANCIAL ADMINISTRATION AND AUDIT BILL 1979 (Serial 239) and PUBLIC SERVICE BILL 1979 (Serial 240): 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.

Mr Everingham (Chief Minister), by leave, moved -

That the question, that the Bills be now read a third time, be moved forthwith.

Question put and passed.

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

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

29. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 14 was called on.
30. HOUSING BILL 1979 (Serial 236): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

31. BUSINESS WITHDRAWN: Mr Everingham (Chief Minister), by leave, moved -

That Orders of the Day, Government Business, No. 17 (Note Darwin Cyclone Tracy Relief Trust Fund Reports - May, June and July 1978), No. 18 (Note First Report of Ombudsman), No. 19 (Note Ministerial Statement - Expected Benefit to N.T. Economy), No. 21 (Note Statement on Employment), No. 23 (Note Statement on Health Care Services), No. 35 (Road Maintenance (Inter-state Enforcement) Bill 1979 (Serial 252), and No. 37 (Note Report on an

Investigation into Third Party Insurance in the N.T.) be withdrawn.

Question put and passed.

32. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 16 was called on.
33. NEW PARLIAMENT HOUSE SITE COMMITTEE - REPORT: The order of the day having been read for debate on the motion of Mr Perron

That the Report be noted.

Debate ensued.

Question put and passed.

34. NEW PARLIAMENT HOUSE SITE COMMITTEE - TERMS OF REFERENCE: Mr Perron (Treasurer) seeking to move an amendment deferred to Mr Everingham (Chief Minister) and the following amendments were made, after debate -

Omit first paragraph.

Omit from second paragraph "the site" and substitute "a site", omit "purpose" and substitute "parliament house".

35. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) Order of the Day, Government Business, No. 20 was called on.
36. REPORT OF OMBUDSMAN - SECOND REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham

That the Report be noted -

Debate resumed.

Question put and passed.

37. SPECIAL ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -
- That the Assembly, at its rising, adjourn until Tuesday 11 September 1979 at 1000 hours or such earlier date and time appointed by Mr Speaker and advised to all members by letter or telegram.

Question put and passed.

38. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1808 hours adjourned until Tuesday 11 September 1979.

PAPERS: The following papers were deemed to have been presented on 31 May 1979, pursuant to statute:

Regulations 1979:

- No. 4 Amendment of the Fisheries Regulations
- No. 5 Amendments of the Treasury Regulations

ATTENDANCE: All members attended the sitting except Mr Doolan.

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

SECOND LEGISLATIVE ASSEMBLY

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