

PART III

THE MINUTES OF PROCEEDINGS

*Minutes of Proceedings*  
OF THE  
**LEGISLATIVE ASSEMBLY**

No. 36

Tuesday 13 November 1979

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION - RADIO SERVICES IN OUTBACK AREAS: Mr Collins (Arnhem), on behalf of the Member for Elsey, presented a Petition from 196 citizens of the Northern Territory relating to the inadequacy of radio broadcast services in outback areas.

*Petition received and read.*

3. NOTICES: The following notices were given:

Mr Everingham: To present the Northern Territory Disasters Bill 1979 (Serial 367).

Mr Dondas: To present the Prisons Bill 1979 (Serial 368).

Mr Tuxworth: To present the Nursing Bill 1979 (Serial 362).

4. QUESTIONS: Questions without notice were asked.
5. ROAD SAFETY COUNCIL OF THE NORTHERN TERRITORY - ANNUAL REPORT, 1978-9: Mr Steele (Minister for Transport and Works) laid on the Table the first annual report of the Council.
6. PECUNIARY INTERESTS REGISTER - STATEMENT: Mr Steele, by leave, made a statement relating to an omission and an error in his 1979 statement of pecuniary interests lodged in pursuance of an Assembly resolution.
7. SUMMARY OFFENCES BILL (No. 4) 1979 (Serial 361): 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.

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(In the committee)

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

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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.

8. SPECIAL PURPOSES LEASES BILL (No. 2) 1979 (Serial 350): 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.

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(In the committee)

Clauses 1 to 3 agreed to.

New clause -

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

"3A. Section 4 of the Principal Act is amended by omitting sub-section (2) and substituting the following:

'(2) Subject to this Act, the Minister shall not grant a lease of land under this Act until all amounts payable under this Act in respect of the right to a lease, and such amount, if any, as the Minister determines to be the cost of surveying the land proposed to be leased, have been paid.'."

Clause 4 negatived.

New clauses -

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

"4. Section 5BB of the Principal Act is repealed and the following section substituted:

'5BB.(1) Where an application for a lease of land has been made, and the lease, if granted, is to be granted under section 5B, the Minister may, if he thinks fit, determine that there shall be paid, by way of premium for the lease, an amount determined by him, being not greater than the difference between the current market value determined by the Valuer-General and the reserve price, if any.'

'(2) Where the Minister determines under sub-section (1) a premium for a lease and under section 8(2) as a condition of the lease that the premium and reserve price, if any, may be paid in instalments, the applicant shall not obtain a right to the lease until he has paid the first of those instalments.'."

"4A. Section 5BC(1) of the Principal Act is amended by omitting 'Where a lease' and substituting 'Subject to section 5BB, where a lease'."

Clause 5 -

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

In paragraph (b) insert in proposed sub-section (2) of section 8, after "provisions", the words "(including as to the rent, if any, to be paid)".

Clause, as amended, agreed to.

Clause 6 negatived.

New clause -

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

"6. Section 10A of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

'(1) Subject to this Act, the rent payable in respect of land comprised in a lease shall be -

(a) in the case of a lease granted after the commencement of the Special Purposes Leases Ordinance 1965 and before the commencement of the Special Purposes Leases Act (No. 2) 1979 -

(i) such rent as is reserved under the lease; or

(ii) if no rent is so reserved, the annual rent of 5 per cent of the unimproved capital value of the land; and

(b) in any other case, the rent, if any, reserved under the lease.'."

Clause 7 -

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

Omit proposed sub-section 11A(8) and substitute the following -

"(8) The provisions of this section do not apply to or in relation to a lease granted under section 5B after the commencement of the Special Purposes Leases Act (No. 2) 1979 where the payment of rent is not reserved under the lease."

Clause, as amended, agreed to.

Title agreed to.

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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.

9. DINGO DESTRUCTION ACT REPEAL BILL 1979 (Serial 314): 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.

. SUSPENSION OF SITTING: The sitting was suspended between 1209 and 1400 hours.

10. JUSTICES BILL 1979 (Serial 316): 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.

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(In the committee)

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

Clause 4 agreed to.

Schedule -

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

. Omit "12 kilometres" and substitute "32 kilometres".

Schedule, as amended, agreed to.

Title agreed to.

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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. MAGISTRATES BILL 1979 (Serial 333): 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.

12. FISHERIES BILLS - ABORIGINAL LAND BILL (No. 2) 1979 (Serial 355) and FISH AND FISHERIES BILL 1979 (Serial 313): 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.

13. PHARMACY BILL 1979 (Serial 346): 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.

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(In the committee)

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

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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.

14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 10 (Electoral Bill 1979) was called on.

15. ELECTORAL BILL 1979 (Serial 327): The order of the day having been read for determination of the question stood over from 20 September 1979 pursuant to standing order 152

That the Bill be now read a second time -

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

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(In the committee)

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

Clause 3 -

Mr Isaacs moved as an amendment -

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

"(b) it has no vote indicated on it or it does not indicate a first preference for one candidate or it indicates a first preference for more than one candidate."

Debate ensued.

Question put and negatived.

Clause agreed to.

Clauses 4 to 8, by leave, taken together and agreed to.

Clause 9 -

Mr Isaacs moved as an amendment -

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

"(3) The Administrator may, by notice in the Gazette, appoint a Judge of the Supreme Court to be a member of the Distribution Committee."

Debate ensued.

Question put and negatived.

Clause agreed to.

Clauses 10 and 11, by leave, taken together and agreed to.

Clause 12 agreed to, after debate.

Clause 13 agreed to.

Clause 14 -

Debate ensued.

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

Clauses 15 to 60, by leave, taken together and agreed to.

Clause 61 -

Mr Isaacs moved as an amendment -

Sub-clause (2) is amended by omitting "6.00" and substituting "8.00".

Debate ensued.

Question put and negatived.

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

Sub-clause (5) is amended by inserting after "the date" the words "and time".

Clause, as amended, agreed to.

Clauses 62 to 67, by leave, taken together and agreed to.

Clause 68 agreed to, after debate.

Clauses 69 to 78, by leave, taken together and agreed to.

Clause 79 -

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

Insert after sub-clause (2) the following sub-clause:

"(2A) For the purposes of this section, it shall be a sufficient indication of a voter's instructions if the voter or the person appointed by the voter under sub-section (2) presents to an officer referred to in sub-section (1) a piece of paper or card, whether or not a recognizable how-to-vote card, containing a list of names of all candidates and indicating an order of preference for them, and that officer is satisfied that the piece of paper or card reflects the wishes of the voter."

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

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

"(3) An officer who -

- (a) pursuant to this section is required to mark the ballot-paper of a voter; and
- (b) marks the ballot-paper of the voter otherwise than in accordance with instructions given by the voter or, in a case where sub-section (2) applies, by a person appointed by the voter,

shall be guilty of an offence.

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

Clause, as amended, agreed to.



Clauses 80 to 143, by leave, taken together and agreed to.

New clause -

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

"144.(1) Subject to sub-section (2), notwithstanding sections 27(3) and 29(2), a person who -

(a) is qualified under section 27(1) to vote at an election;

(b) is not required by regulation 25 of the Northern Territory Electoral Regulations from time to time in force under the Northern Territory Representation Act 1922 of the Commonwealth and the Commonwealth Electoral Act 1918 of the Commonwealth to have his name placed on a Roll kept under those Regulations;

(c) is not enrolled; and

(d) contravenes or fails to comply with section 27(2) or 29(1),

is not guilty of an offence.

"(2) Sub-section (1) shall cease to have effect in relation to a person at 6.00 p.m. on the day of the issue of the writ for the first election, after the commencement of this Act, for the division in respect of which that person is required by this Act to be enrolled."

Schedule agreed to.

Title agreed to.

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

Mr Everingham moved -

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

Question put and passed.

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

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(In the committee)

*On recommital*

Postponed clause 14 -

Mr Everingham moved -

That the committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

16. ADJOURNMENT: Mr Perron (Treasurer) moved -

That, the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1705 hours adjourned until tomorrow at 1000 hours.

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PAPERS: The following papers were deemed to have been presented on 13 November 1979, pursuant to statute:

*Annual Report*

Gove District Hospital Advisory Board, 1978-9

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

Proposed revocation of part of Reserve No. 1306

*Regulations 1979*

No. 27 Treasury (Northern Territory Stock) Regulations

No. 28 Amendment of the Mining Regulations

No. 29 Land and Business Agents Regulations

No. 31 Amendments of the Motor Vehicle (Hire Car) Regulations

No. 32 Amendments of the Local Government Regulations

No. 33 Public Trustee Regulations

No. 34 Amendment of the Stock Routes and Travelling Stock Regulations

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ATTENDANCE: All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 37

Wednesday 14 November 1979

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: Mrs Lawrie (Nightcliff) presented a petition from 685 residents of Darwin relating to the alleged abuse of authority by the Darwin City Council dog catcher.

*Petition received and read.*

3. NOTICE: The following notice was given:

Mr Steele: To present the Traffic Bill (No. 4) 1979 (Serial 366).

4. QUESTIONS: Questions without notice were asked.
5. PERSONAL EXPLANATION: Mr Everingham (Chief Minister), by leave, made a personal explanation refuting words attributed to him in the ABC national news service this morning.
6. GOVE DISTRICT HOSPITAL ADVISORY BOARD - ANNUAL REPORT, 1978-9: Mr Tuxworth (Minister for Health) tabled the Board's annual report for 1978-9.
7. KAKADU NATIONAL PARK AND JABIRU TOWN SITE - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement relating to his recent visit to Canberra for discussions with Federal ministers on the status of Kakadu National Park and development of the mining town site at Jabiru and, by leave, laid on the Table a statement by the Deputy Prime Minister of Australia, Rt Hon. J.D. Anthony, M.P., on the same subject.
8. NORTHERN TERRITORY DISASTERS BILL 1979 (Serial 367): 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.

9. PRISONS BILL 1979 (Serial 368): 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.

10. NURSING BILL 1979 (Serial 362): 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.

11. FIREARMS BILL 1979 (Serial 336): 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 1155 and 1400 hours.

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

12. LOCAL GOVERNMENT BILL (No. 5) 1979 (Serial 337): 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 Robertson (Minister for Education) moved -

That the Committee stages be later taken.

Question put and passed.

13. LOCAL GOVERNMENT BILL (No. 4) 1979 (Serial 329): 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.

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(In the committee)

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

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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.

14. MENTAL HEALTH BILL 1979 (Serial 334): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

15. TRANSFER OF POWERS (LAW) BILL 1979 (Serial 335): 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. CROWN LANDS BILL (No. 2) 1979 (Serial 341): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

17. SUMMARY OFFENCES BILL 1979 (Serial 342): 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.

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(In the committee)

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

Clause 4 -

Mrs O'Neil moved as an amendment -

In the definition of "undue noise" omit "unreasonable".

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 5 agreed to.

Clause 6 -

Mrs O'Neil moved as an amendment -

Omit proposed new section 53A.

Debate ensued.

Mr Everingham moved -

That the Committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

18. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 11 (Electoral Bill 1979) was called on.
19. ELECTORAL BILL 1979 (Serial 327): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

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(In the committee)

Clause 14 negatived.

New clause -

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

"14. When making a distribution of the Territory into proposed divisions, the Distribution Committee shall -

- (a) ensure that each proposed division shall contain a number of electors not exceeding, or falling short of, one fifth of a quota calculated by dividing the whole number of electors in the Territory, as nearly as can be ascertained, by the number of members to be elected; and
- (b) give due consideration, in relation to each proposed division, to -

- (i) community of interests within the proposed division, including economic, social and regional interests;
- (ii) means of communication and travel within the proposed division, with special reference to disabilities arising out of remoteness or distance;
- (iii) the trend of population changes within the Territory;
- (iv) the density of population in the proposed division;
- (v) the area of the proposed division;
- (vi) the physical features of the proposed division;
- (vii) the existing boundaries of existing divisions and matters referred to in paragraphs (i) to (vi) inclusive in respect of the existing divisions; and
- (viii) suggestions and comments lodged with it in pursuance of section 13."

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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.

ADJOURNMENT: Mr Robertson (Minister for Education) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1740 hours adjourned until tomorrow at 1000 hours.

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PAPER: The following paper was deemed to have been presented on 14 November 1979, pursuant to statute:

*Financial Statement*

Northern Territory Reserves Board and Territory Parks and Wildlife Commission, 1977-8

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ATTENDANCE: All members attended the sitting.





MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 38

Thursday 15 November 1979

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: Mrs Padgham-Purich (Tiwi) presented a petition from 588 residents of the rural areas adjacent to Darwin expressing their concern at the inadequacy of fire protection services in the area.  
  
*Petition received and read.*
3. NOTICES: The following notices were given:  
  
Mr Everingham: To present the following Bills -  
  
Conservation Commission Bill 1979 (Serial 369);  
Territory Parks and Wildlife Conservation Bill (No. 4) 1979 (Serial 370);  
Forestry Bill 1979 (Serial 371);  
Soil Conservation and Land Utilization Bill 1979 (Serial 372); and  
Jabiru Town Development Bill 1980 (Serial 375).  
  
Mr Tuxworth: To present the Poisons Bill 1979 (Serial 376).
4. QUESTIONS: Questions without notice were asked.
5. NEW PARLIAMENT HOUSE SITE COMMITTEE - REPORT: Mr Speaker laid on the Table an interim report from the Sessional Committee.  
  
Mr Perron (Treasurer) moved -  
  
That the Report be noted  
  
and was granted leave to continue his remarks at a later hour.
6. KALLIS KAOHSIUNG FISHING VENTURE IN NORTH AUSTRALIAN WATERS - MINISTERIAL STATEMENT: Mr Steele (Minister for Industrial Development), by leave, made a statement on the fishing venture.  
  
Mr Steele, by leave, moved -  
  
That the Statement be noted.  
  
Debate adjourned (Mr Isaacs) and the resumption of the debate made an order of the day for a later hour.
7. SINGAPORE TRADE MISSION - MINISTERIAL STATEMENT: Mr Steele (Minister for Industrial Development), by leave, made a statement on the Northern Territory Trade Mission to Singapore in October 1979.
8. TRAFFIC BILL (No. 4) 1979 (Serial 366): 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.

9. AVIATION BILL 1979 (Serial 338): 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 1155 and 1400 hours.

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

10. DOG BILL 1979 (Serial 348): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

ADJOURNMENT: Mr Tuxworth (Minister for Mines and Energy) moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1550 hours adjourned until 20 November 1979 at 1000 hours.

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ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 39

Tuesday 20 November 1979

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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 -
    - Supreme Court Bill 1980 (Serial 377);
    - Building Societies Bill 1980 (Serial 380);
    - Pawnbrokers Bill 1980 (Serial 381); and
    - Land and Business Agents Bill 1979 (Serial 386).
  - Mr Perron: To present the Planning Bill 1980 (Serial 379).
  - Mr Dondas: To present the Prisons (Correctional Services) Bill 1980 (Serial 365).
  - Mr Tuxworth: To present the following Bills -
    - Liquor Bill (No. 2) 1979 (Serial 374);
    - Dangerous Drugs Bill 1979 (Serial 378);
    - Prohibited Drugs Bills 1979 (Serial 385); and
    - Hospital Management Boards Bill 1980 (Serial 382).
  - Mr Steele: To present the Bushfires Bill 1980 (Serial 373).
3. QUESTIONS: Questions without notice were asked.
4. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - 14TH REPORT: Mr Oliver (Alice Springs) laid on the Table the 14th Report of the Standing Committee.
5. DARWIN CYCLONE TRACY RELIEF TRUST FUND - MONTHLY REPORTS: Mr Everingham (Chief Minister) laid on the Table reports of the Trust for the months of June, July, August, September and October 1979.
6. SUSPENSION OF STANDING ORDERS - FOUR BILLS TOGETHER: Mr Everingham (Chief Minister), by leave, moved -
  - That so much of standing orders be suspended as would prevent 4 Bills relating to the establishment of the Conservation Commission -
    - (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.
7. CONSERVATION COMMISSION BILLS - CONSERVATION COMMISSION BILL 1979 (Serial 369), TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 4) 1979 (Serial 370), FORESTRY BILL 1979 (Serial 371) and SOIL CONSERVATION AND LAND UTILIZATION BILL 1979 (Serial 372): Mr Everingham (Chief Minister), pursuant to resolution, 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.

8. POISONS BILL 1979 (Serial 376): 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.

9. JABIRU TOWN DEVELOPMENT BILL 1980 (Serial 375): 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. INDUSTRIES TRAINING BILL 1979 (Serial 352): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

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

11. HOSPITALS AND MEDICAL SERVICES BILL 1979 (Serial 345): 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.

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(In the committee)

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

Clause 4 -

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

Omit "fixed" and substitute "declared".

Clause, as amended, agreed to.

Clause 5 -

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

Omit from paragraph (b) "and" (last occurring).

Insert after paragraph (b) the following new paragraph:

"(ba) by omitting from sub-section (4) 'or the Regulations'; and".

Clause, as amended, agreed to.

Clause 6 -

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

Omit paragraph (a) and substitute the following paragraph:

"(a) by omitting from paragraph (a) 'for medical services supplied under this Ordinance' and substituting 'for services supplied under section 5A';".

Clause, as amended, agreed to.

Title agreed to.

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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.

12. FINANCIAL ADMINISTRATION AND AUDIT BILL (No. 2) 1979 (Serial 349): 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.

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(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 -

Omit all words after "the following paragraph" and substitute:

""(c) on loan to any person or body authorized by an Act to borrow money when that Act expressly authorizes the borrowing of money from the Territory or the Treasurer; or'.".

Clause, as amended, agreed to.

Clause 6 -

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

Insert at the beginning of the clause the following sub-section:

"(1) Section 63(1) of the Principal Act is amended by inserting after 'authorizes' the words 'and may borrow such moneys from the Territory or the Treasurer'.".

Clause, as amended, agreed to.

Clause 7 -

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

Omit from proposed sub-section (2)(p) "regulations" and substitute "the regulations".

Clause, as amended, agreed to.

Title agreed to.

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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. EDUCATION BILL (No. 2) 1979 (Serial 359): 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.

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(In the committee)

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

Clause 4 agreed to, after debate.

Title agreed to.

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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.

14. STATUTE LAW REVISION BILL (No. 3) 1979 (Serial 353): 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.

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(In the committee)

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 "Sections 8A and 12 of the Building Act are" and substitute "Section 12 of the Building Act is"

Clause, as amended, agreed to.

Clause 4 negatived.

Clauses 5 to 16, by leave, taken together and agreed to.

Clause 17 -

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

Omit from sub-clause (1) "sub-section (2)(a)" and substitute "sub-sections (2)(a) and (3)".

Omit sub-clause (2).

Clause, as amended, agreed to.

Clauses 18 to 28, by leave, taken together and agreed to.

New clause -

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

"28A. Sections 18(1), 20 and 24 of the Oaths Act are amended by inserting after 'an Act' the words 'of the Commonwealth'."

Clause 29 -

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

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

"(1A) Section 4 of the Pay-roll Tax Act is repealed."



Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31 -

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

Insert after sub-clause (1) the following new sub-clauses and new clauses:

"(2) Section 15 of the Petroleum (Prospecting and Mining) Act is amended by omitting 'Legislative Council for the Northern Territory' (wherever occurring) and substituting 'Legislative Assembly'.

"(3) Section 117 of the Petroleum (Prospecting and Mining) Act is amended by omitting 'Administrator in Council' and substituting 'Administrator'.

"32. Section 22 of the Places of Public Entertainment Act is amended by omitting 'Administrator in Council' and substituting 'Administrator'.

"33. Section 17(j) of the Workmen's Compensation Act is amended by omitting from sub-section (8) ', 17L'."

Clause, as amended, agreed to.

Title agreed to.

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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. CRIMINAL LAW AND PROCEDURE BILL (No. 3) 1979 (Serial 357): 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. WORKMEN'S COMPENSATION BILL (No. 5) 1979 (Serial 358): 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.

17. WELFARE NEEDS OF THE NORTHERN TERRITORY - REPORT: The order of the day having been read for debate on the motion of Mr Dondas

That the Report be noted -

Debate ensued.

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

18. REMUNERATION (STATUTORY BODIES) BILL 1979 (Serial 360): 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.

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(In the committee)

Clauses 1 to 6, by leave, taken together and agreed to.

Schedule -

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

Insert after the entry relating to the Bush Fires Control Act the following entry:

"Classification of  
Publications Act

Omit section 16".

Omit from Column 2 in the entry relating to the Housing Act, "'(6) The Chairman" and substitute "'(5) The Chairman".

Omit from proposed section 6(6) of the Housing Act "the Chairman" and

substitute "a member or the Chairman".

Insert after the entry relating to the Museums and Art Galleries Act the following entry:

"Northern Territory  
Tourist Commission Act

Omit section 10".

Schedule, as amended, agreed to.

Title agreed to.

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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. TAXATION (ADMINISTRATION) BILL (No. 2) 1979 (Serial 363): 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 Perron (Treasurer), 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.

20. STAMP DUTY BILL (No. 3) 1979 (Serial 364): 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 Perron (Treasurer), 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.

21. MINING BILL 1979 (Serial 351): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

22. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 14 (Firearms Bill 1979) was called on.

23. FIREARMS BILL 1979 (Serial 336): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

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

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1750 hours adjourned until tomorrow at 1000 hours.

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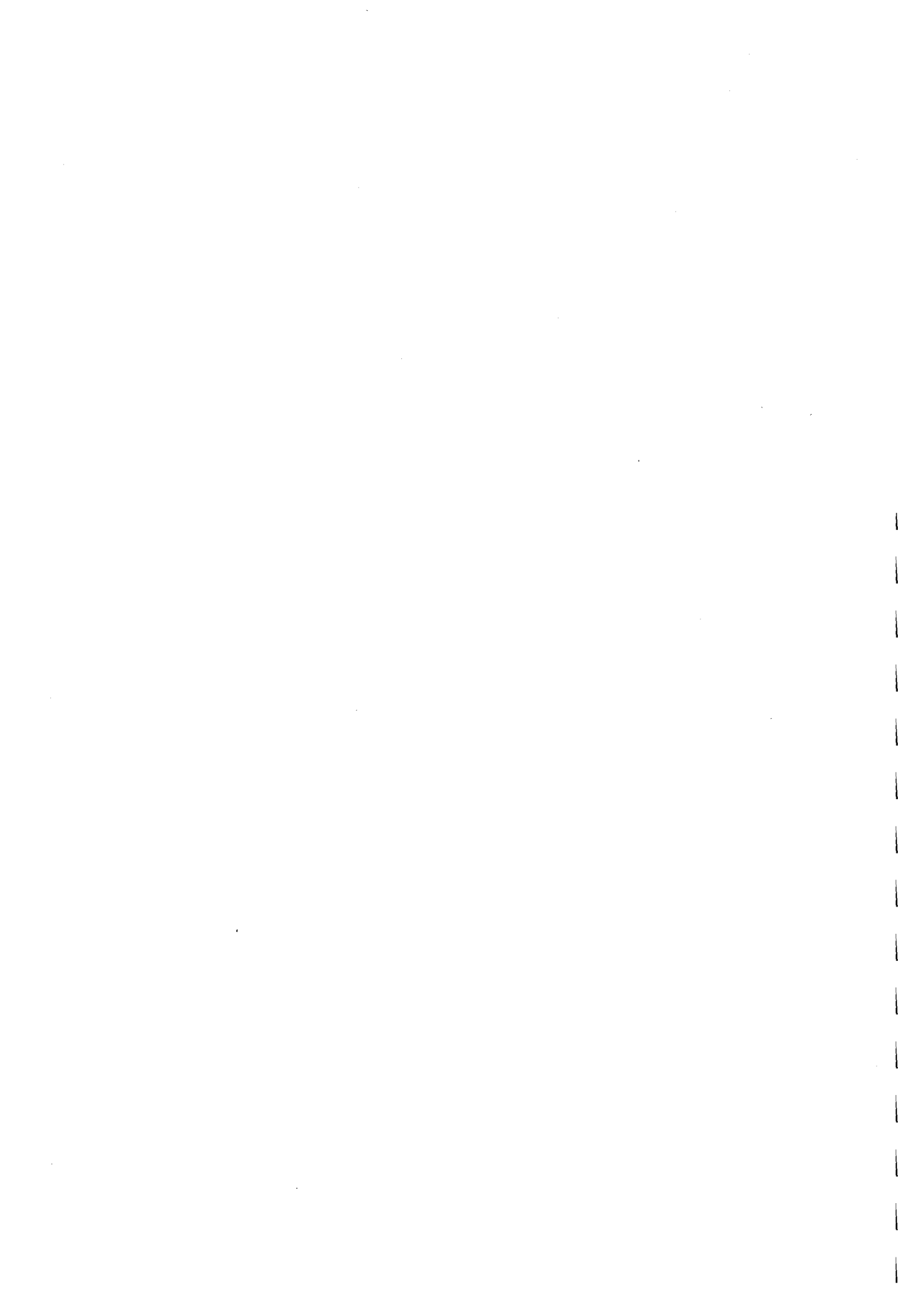
PAPER: The following paper was deemed to have been presented on 20 November 1979, pursuant to statute -

*Permit to Prospect for Petroleum*

Permit No. 189 Coastal Caribbean Oils and Minerals Ltd.

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ATTENDANCE: All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 40

Wednesday 21 November 1979

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

Mr Tuxworth: To present the Radioactive Ores and Concentrates (Packaging and Transport) Bill 1980 (Serial 387).

Mr Perron: To present the Crown Lands Bill 1980 (Serial 389).

Mr Steele: To present the Stock Routes and Travelling Stock Bill 1980 (Serial 391).
3. QUESTIONS: Questions without notice were asked.
4. NORTHERN TERRITORY LIQUOR COMMISSION - ANNUAL REPORT 1978-9 Mr Tuxworth (Minister for Health) laid on the Table the Commission's Annual Report for 1978-9.
5. KOONGARRA PROJECT - SUPPLEMENT TO DRAFT ENVIRONMENTAL IMPACT STATEMENT: Mr Tuxworth (Minister for Mines) laid on the Table the Supplement to the Draft Environmental Impact Statement on the Koongarra Project prepared by Noranda.
6. LORD MAYOR OF DARWIN - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on the status of the Lord Mayor of Darwin.
7. REAL PROPERTY (SPECIAL PROVISIONS) BILL 1979 (Serial 390): 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.
8. SUPREME COURT BILL 1980 (Serial 377): 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.
9. PLANNING BILL 1980 (Serial 379): Mr Perron (Minister for Lands and Housing), 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.

10. HOSPITAL MANAGEMENT BOARDS BILL 1979 (Serial 382): 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.

11. BUILDING SOCIETIES BILL 1980 (Serial 380): 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.

12. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Tuxworth (Minister for Health), moved -

That so much of standing orders be suspended as would prevent 2 Bills relating to dangerous and prohibited drugs -

- (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.

13. DRUGS BILLS - DANGEROUS DRUGS BILL 1979 (Serial 378) and PROHIBITED DRUGS BILL 1979 (Serial 385): Mr Tuxworth (Minister for Health), pursuant to notice and resolution, presented the Bills which were thereupon read a first time.

Mr Tuxworth 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.

14. PAWNBROKERS BILL 1980 (Serial 381): 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.

15. POSTPONEMENT OF NOTICE: On the motion of Mr Dondas (Minister for Community Development), Notice - Government Business No. 8 (Prisons (Correctional Services) Bill 1980) was postponed.

16. LIQUOR BILL (No. 2) 1979 (Serial 374): 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.

17. BUSHFIRES BILL 1980 (Serial 373): 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.

18. LAND AND BUSINESS AGENTS BILL 1979 (Serial 386): 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.

19. ANSWER TO QUESTION: Mr Everingham (Chief Minister), by leave, answered a question asked of him by the Leader of the Opposition during this sittings relating to Police obtaining lists of absentees from schools.

20. MENTAL HEALTH BILL 1979 (Serial 334): 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.

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(In the committee)



Clause 1 -

Mr Tuxworth moved -

That the committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

21. CROWN LANDS BILL (No. 2) 1979 (Serial 341): 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.

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(In the committee)

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

New clause -

On the motion of Mr Perron the following new clause was added to the Bill, after debate -

"9. Section 84 of the Principal Act is repealed and the following section substituted:

'84.(1) Subject to this section and any other Act, the lessee of lands contained in a town land subdivision lease -

(a) shall, within the time specified in the lease complete the subdivision of the land in accordance with the terms of the lease; and

(b) may erect buildings and other structures on the land.

'(2) The lessee of lands contained in a town lands subdivision lease in respect of an excluded subdivision shall not, until the proposals referred to in section 82 or 83 in respect of the subdivision have been approved under section 82, use or develop the land otherwise than for the purpose of preparing the proposals for submission to the Minister.'."

Title agreed to.

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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. SUMMARY OFFENCES BILL 1979 (Serial 342): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

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(In the committee)

Clause 6 and the amendment proposed by Mrs O'Neil -

Omit proposed new section 53A.

Debate ensued.

Question put and negatived.

Mr Everingham moved as an amendment -

Omit from proposed section 53A(3) all words after and including "proves" and substitute the following:

"proves -

- (a) that he was unable, by all reasonable efforts on his part, to prevent the noise occurring; or
- (b) he did not know, and had no reason to know, that a direction under sub-section (1) had been given."

Debate ensued.

Mr Isaacs moved -

That the proposed amendment be amended by omitting ", and had no reason to know,".

Debate ensued.

Question put and passed.

Proposed amendment, as amended, agreed to, after further debate.

Clause, as amended, agreed to.

New clause -

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

"6A. The Principal Act is amended -

- (a) by omitting "65A" (first occurring) and substituting "65AA"; and
- (b) by adding at the end of section 65AA "Penalty: \$200."

Clause 7 agreed to.

Title agreed to.

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The Assembly resumed - The Chairman reported the Bill.

Mr Everingham moved -

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

Question put and passed.

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

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(In the committee)

*On recommittal*

New clause -

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

"3A.(1) The amendments effected by sections 4, 5, 6 and 7 shall remain in force until the expiration of 12 months after the commencement of this Act and, on the expiration of that period, sections 12 and 15 of the Interpretation Act shall apply as though that expiration were a repeal of those amendments.

(2) On the expiration of the amendment effected by section 5, section 53 of the Principal Act, as in force immediately before the commencement of this Act, shall revive."

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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 1205 and 1400 hours.

23. MOTOR VEHICLES BILLS - MOTOR VEHICLES BILL (No. 3) 1979 (Serial 343) and TRAFFIC BILL (No. 3) 1979 (Serial 344): 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.

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(In the committee)

*Motor Vehicles Bill (No. 3) 1979*

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

Clause 4 -

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

Omit from proposed section 128A(6) paragraph (a) and substitute the following:

"(a) specifying the defects in the vehicle; and".

Omit proposed section 128A(14) and substitute the following:

"(14) The Registrar may cancel the registration of a motor vehicle where a person fails to show reasonable cause under sub-section (13) why the registration of the vehicle should not be cancelled."

Clause, as amended, agreed to.

Title agreed to.

*Traffic Bill (No. 3) 1979*

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

Clause 4 -

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

Omit "defect label" and substitute "defect label, within the meaning of the Motor Vehicles Act".

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.

24. **BILLS WITHDRAWN:** On the motion of Mr Everingham (Chief Minister), by leave, Orders of the Day - Government Business Nos. 5 and 6 (Companies (Trustees and Personal Representatives) Bill 1978 and Administration and Probate Bill (No. 2) 1978) were withdrawn.
25. **NEW PARLIAMENT HOUSE SITE COMMITTEE - INTERIM REPORT:** The order of the day having been read for debate on the motion of Mr Perron

That the Report be noted -

Debate resumed.

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

26. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education), Order of the Day - Government Business No. 9 (Prisons Bill 1979) was called on.

27. PRISONS BILL 1979 (Serial 368): 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.

. REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

Question put and passed - Bill read a second time.

Mr Dondas (Minister for Community Development), 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.

28. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 10 (Aviation Bill 1979) was called on.

29. AVIATION BILL 1979 (Serial 338): 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 Steele the following amendments were made -

Omit paragraph (j) of the definition of "aerial work operations" and substitute the following paragraph:

"(j) police or customs functions or the service of a government department;"

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6 -

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

Omit "an employee" and substitute "a person".

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

Add at the end the following sub-clauses:

"(2) An instrument appointing a person to be an inspector may include provisions for or in relation to limiting the powers that that person may exercise as an inspector or the circumstances or manner in which he may exercise those powers and, where it does so, that person's powers are limited accordingly.

"(3) The Director shall issue to each inspector an identity card containing -

- (a) a passport-type photograph and the signature of the inspector, verified by the signature of the Director; and
- (b) if the instrument of appointment of the inspector contains a provision in pursuance of sub-section (2), a copy of that provision."

Clause, as amended, agreed to.

Clause 7 -

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

Omit "The owner of an aircraft" and substitute "A person".

Clause, as amended, agreed to.

Clause 8 -

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

Omit from sub-clause (2) all the words from and including ", as appropriate" and substitute "such particulars as may be prescribed".

Clause, as amended, agreed to.

Clause 9 -

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

Add at the end of sub-clause (1) the following word and paragraph:

"; or

- (c) allow the applicant to amend it, and grant it as amended."

Insert in sub-clause (3) "he thinks" before "appropriate".

Omit from sub-clause (3)(c) "stability" and substitute "situation".

Insert after sub-clause (3)(c) ", and may take into consideration such other matters as he thinks fit".

Clause, as amended, agreed to.

Clause 10 -

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

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

"(aa) the provisions of any regulation relating to the keeping of records or the furnishing of information applicable to the aircraft and its operation be complied with;".

Insert before "any" in sub-clause (2)(c) "subject to paragraph (a),".

Clause, as amended, agreed to.

Clauses 11 to 14, by leave, taken together and agreed to.

Clause 15 -

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

Insert at the commencement of sub-clause (1) "Subject to section 6(2),".

Omit from sub-clause (1) "the owner of an aircraft is committing an offence under" and substitute "an aircraft is being used in the commission of an offence against".

Add at the end the following sub-clause:

"(3) Before an inspector makes a requirement of a person under sub-section (1), he shall produce his identity card to that person.".

Clause, as amended, agreed to.

Clause 16 agreed to.

Clause 17 -

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

Omit from sub-clause (1) "Subject to sub-section (2),".

Insert after "the Director," in sub-clause (1) "if it considers that such action is warranted,".

Clause, as amended, agreed to.

New clause -

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

"17A.(1) A licensee may request the Minister to review -

- (a) an action of the Minister taken under section 14;
- (b) an action of the Director taken under section 17; or
- (c) an action of the Director referred to in section 12(1)(a) or (b).

"(2) A request shall be made under sub-section (1) by lodging with the Director, within 14 days after service on the licensee of notice of the action the subject of the request, or within such further time as the Minister for sufficient reason allows, a written notice of the request containing particulars of the grounds on which the Minister is asked to review the action.

"(3) Subject to sub-section (2), the Minister shall consider a request made under section 17A(1) and may, in his discretion, take such action, if any, as he thinks fit to review the action the subject of the request."

Clause 18 agreed to.

New clauses -

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

"18A. The certificate of the Director -

- (a) that a person was or was not a licensee on a certain day;
- (b) that on a certain day a licence under this Act contained a certain provision, was under suspension or was subject to a certain condition; or
- (c) that on a certain day the Minister or the Director took an action in relation to a licence held under this Act,

is evidence of the facts stated in the certificate, and judicial notice shall be taken of the signature of the Director on such a certificate.

"18B.(1) Subject to this section, a person who is a member of the Police Force of the Northern Territory or an inspector shall not, either directly or indirectly, except in the performance of his duty as a policeman or inspector, and either while he is or after he ceases to be a policeman or inspector, make a record of or divulge or communicate to any person any information respecting the affairs of any other person disclosed or obtained under a provision of this Act.

Penalty: \$4,000 or imprisonment for 2 years.

"(2) For the purposes of sub-section (1), the Director shall -

- (a) hold all records and papers that could be the subject of an offence against sub-section (1) in his custody; and
- (b) ensure that no inspector or other person sees them or learns of their contents unless it is necessary or desirable that he do so for the purposes of the administration of this Act or of prosecuting a person for an offence against this Act.



"(3) Without limiting the generality of sub-section (2), the Director shall not allow a person to see a record or paper or learn of its contents by reason only that that person is -

- (a) a minister or other public official; or
- (b) constituting a court or tribunal or exercising a judicial or administrative power or function."

Clause 19 -

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

Insert before "conditions" in sub-clause (2)(a) "the application for or for a variation of and the".

Add at the end of sub-clause (2) the following paragraph:

"(f) the payment to inspectors of allowances and expenses."

Clause, as amended, agreed to.

Title agreed to.

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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.

- 30. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 8 (Northern Territory Disasters Bill 1979) was called on.
- 31. NORTHERN TERRITORY DISASTERS BILL 1979 (Serial 367): 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.

- . REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

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.

32. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 17 (Firearms Bill 1979) was called on.
33. FIREARMS BILL 1979 (Serial 336): 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.

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(In the committee)

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

Clause 5 -

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

In the definition of "firearm" -

(a) insert at the end of paragraph (b) "and"; and

(b) insert in paragraph (c) before "an airgun" the words "a firearm and".

Omit from the definition of "firearm class A" the words "an automatic" (wherever occurring) and substitute "a self-loading".

Omit from paragraph (b) of the definition of "firearm class D" the word "automatic" and substitute "self-loading".

Insert after the definition of "licensed shooter" the following definition:

"'machine-gun' means a firearm (including a pistol) which discharges or is capable of discharging more than one shot, bullet or other missile on a single release of a trigger mechanism, but does not include a collector's piece;"

Omit from the definition of "Registrar" the words "appointed or" and "under or".

Question - That the clause stand as amended -

Debate ensued.

On the motion of Mr Everingham further consideration of clause 5 was postponed.

Clause 6 negatived.

New clause -

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

"6.(1) This Act does not apply to or in relation to -

- (a) a person who is a member of the Defence Force referred to in Division 1 of Part III of the Defence Act 1903 of the Commonwealth;
- (b) a firearm the property of the Crown or the Commonwealth used or possessed by a person referred to in paragraph (a) in the course of his duty as such a member; and
- (c) a firearm which -
  - (i) is an explosive-powered tool within the meaning of the Construction Safety Act;
  - (ii) is in an approved museum;
  - (iii) is an antique firearm;
  - (iv) is a pistol designed to be used for life-saving, rescuing or distress signal purposes; or
  - (v) the Commissioner has certified is permanently incapable of use as a firearm.

"(2) Part III does not apply to or in relation to a firearm which is in the possession of a licensed dealer or licensed armourer in the ordinary course of his business.

"(3) Parts III and IV do not apply to or in relation to a person who is a common carrier in respect of his possession of a firearm which -

- (a) is not his property; and
- (b) forms part of a consignment of goods in his possession as a common carrier.

"(4) Part IV does not apply to or in relation to a person who is -

- (a) an employee within the meaning of the Public Service Act or the Electricity Commission Act; or
- (b) an officer or employee of the Public Service of the Commonwealth or a statutory body of the Commonwealth,

in respect of his possession or use of a firearm the property of the Crown or the Territory in the course of his duty as such an employee or officer, as the case may be.

"(5) Part IV and sections 81, 91, 92, 94, 95 and 96 do not apply to or in relation to a member or a member of the Police Force of a State, another Territory or the Commonwealth in respect of his possession or use of a firearm the property of the Crown or the Territory in the course of his duty as such a member."

"(6) The Commissioner may, by notice in writing, exempt a shooting gallery, amusement parlour or like place from such of the provisions of this Act and on such conditions, as he thinks fit."

Clause 7 agreed to.

Clause 8 -

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

Omit sub-clause (1).

Clause, as amended, agreed to.

Clause 9 -

Mr Everingham moved -

That the committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

34. ELECTORAL BILL (No. 2) 1979 (Serial 392): 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 ensued.

- . SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES: Mr Everingham (Chief Minister), moved -

That so much of standing orders be suspended as would prevent the Electoral Bill (No. 2) 1979 (Serial 392) passing through all stages at this sittings.

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

Question -

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

The Bill was 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.

35. ADJOURNMENT: Mr Dondas (Minister for Community Development) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1803 hours adjourned until tomorrow at 1000 hours.

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ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 41

Thursday 22 November 1979

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITIONS - ALLEGED ABUSE OF AUTHORITY BY DARWIN DOG CATCHER: Mr Isaacs (Leader of the Opposition) presented a Petition from 1,010 citizens of Darwin expressing concern at continued reports of alleged abuse of authority by the Darwin City Council dog catcher.

*Petition received and read.*

RADIO SERVICES IN OUTBACK AREAS: Mr Collins (Arnhem), on behalf of the Member for Elsey, presented a Petition from 71 Northern Territory citizens relating to the inadequacy of radio broadcast services in outback areas.

*Petition received and read.*

3. QUESTIONS: Questions without notice were asked.
4. NORTHERN TERRITORY HOUSING COMMISSION - ANNUAL REPORT 1977-8: Mr Perron (Minister for Lands and Housing) laid on the Table the Commission's annual report for 1977-8.
5. MINISTER FOR COMMUNITY DEVELOPMENT - LEGAL OPINION: Mr Everingham (Chief Minister), by leave, laid on the Table a legal opinion of the Solicitor-General relating to the Minister for Community Development.
6. JABILUKA PROJECT - MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement on the Jabiluka mining project.

Mr Tuxworth, by leave, moved -

That the Statement be noted

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

7. TIES - STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement relating to ties bearing the Northern Territory coat of arms presented to members this morning and to scarves and brooches on order.
8. EMPLOYMENT - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on employment in the Northern Territory.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

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

9. EDUCATION - MINISTERIAL STATEMENT: Mr Robertson (Minister for Education), by leave, referred to a statement on education in the Northern Territory and laid the statement on the Table.

Mr Robertson moved -

That the Statement be noted.

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

10. PRISONS (CORRECTIONAL SERVICES) BILL 1980 (Serial 365): 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.

11. RADIOACTIVE ORES AND CONCENTRATES (PACKAGING AND TRANSPORT) BILL 1980 (Serial 387): Mr Tuxworth (Minister for Mines and Energy), 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.

12. CROWN LANDS BILL 1980 (Serial 389): Mr Perron (Minister for Lands and Housing), 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.

13. STOCK ROUTES AND TRAVELLING STOCK BILL 1980 (Serial 391): 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.

14. VISITORS BOOK: Mr Speaker made a statement relating to a visitors book presented to the Assembly by the Government Printer of the Northern Territory, Mr A.B. Caudell, as an example of the work of apprentices employed in the Government Printing Office.

15. MENTAL HEALTH BILL 1979 (Serial 334): The order of the day having been read for the 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)

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit sub-clause (1) and substitute:

"(1) Where it is made to appear to a magistrate after reasonable inquiry that a person may be suffering from a mental illness and, by reason of the illness -

- (a) require care, treatment or control;
- (b) be incapable of managing himself or his affairs;
- (c) be under inadequate care or control; or
- (d) be likely, by act or neglect, to cause death or serious bodily harm to himself or another person,

the magistrate may issue a warrant to take that person into custody and to hold him in custody for a period not exceeding 3 days (not inclusive of Saturdays, Sundays and public holidays)."

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

Mrs O'Neil moved as an amendment -

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

"(2) Where a person takes another person into custody under this section he shall, within 24 hours, or as soon as possible thereafter, ensure that the Chief Medical Officer makes an application to a magistrate under this Act for an order that that person be kept in custody."

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 10 -

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

Omit from sub-clause (3) "prison,".

Clause, as amended, agreed to.

Clauses 11 to 18, by leave, taken together and agreed to.

Clause 19 agreed to.



New clause -

Mrs O'Neil moved as an amendment that the following new clause be inserted in the Bill -

"19A.(1) The person in charge of a hospital shall ensure that, upon the admission to that hospital of a person who is taken into custody under this Act -

- (a) subject to sub-section (4), the person admitted is given; and
- (b) where practicable the next of kin of that person is given, by post, or otherwise,

a statement in the prescribed form in relation to the legal rights of the person admitted.

"(2) Wherever possible, the statement referred to in sub-section (1) should be in the language with which the person admitted is most familiar.

"(3) Where, in the opinion of the person in charge of a hospital, the person admitted is illiterate or too disturbed to read and comprehend the statement referred to in this section, the person in charge of the hospital shall take such steps, if any, as may be practicable in the circumstances to ensure that the information contained in the statement is conveyed to the person admitted."

Debate ensued.

Question put and negatived.

Clause 20 agreed to, after debate.

. SUSPENSION OF SITTING: The sitting was suspended between 1232 and 1400 hours.

Clauses 21 to 23, by leave, taken together and agreed to.

Clause 24 -

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

Insert in sub-clause (7)(c), after "custody", the words ", otherwise than in pursuance of an order made under section 23,".

Clause, as amended, agreed to.

Clauses 25 to 28, by leave, taken together and agreed to.

Clause 29 -

Mrs O'Neil moved as an amendment -

Paragraph (b) is amended by omitting "necessary" and substituting "practicable".

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 30 agreed to.

Clause 31 -

Mrs O'Neil moved as an amendment -

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

"(2) Without limiting the generality of sub-section (1), a legal practitioner may -

(a) require the Chief Medical Officer -

(i) to cause a person whom the legal practitioner is representing to be examined by such person and in such manner as the legal practitioner may specify; and

(ii) to make available a copy of the report of the examination to the legal practitioner;

(b) inspect the records of the Chief Medical Officer relating to a person whom the legal practitioner is representing; and

(c) at any time ask a court or magistrate to make or revoke an order under this Act.

"(2A) The Chief Medical Officer shall comply with a reasonable requirement of a legal practitioner under sub-section (2)".

Debate ensued.

On the motion of Mr Tuxworth further consideration of clause 31 and the proposed amendment was postponed.

Clauses 32 to 35, by leave, taken together and agreed to.

Clause 36 -

Mrs O'Neil moved as an amendment -

Sub-clause (1) of clause 36 is amended by inserting after paragraph (b) the following new paragraph:

"(ba) experimentation or research to be carried out, using;"

Debate ensued.

Question put and negatived.

Clause agreed to.

Clause 37 agreed to.

Clause 38 -

Mrs Lawrie moved as an amendment -

Omit "Chief Medical Officer" (wherever occurring) and substitute "Minister".

Debate ensued.

Question put and negatived.

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

Omit from sub-clause (1) "a patient" and substitute "the person, but not the property, of a patient".

. SUSPENSION OF SITTING: The sitting was suspended between 1441 and 1447 hours.

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

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

"(4) The Chief Medical Officer shall not exercise a power under sub-section (1) in relation to a patient unless -

(a) a court or magistrate has approved his exercise of the power;  
or

(b) he is satisfied that it is not practicable, in all the circumstances of the case, to make an application to a court or magistrate in the time available and, by reason of -

(i) an emergency; or

(ii) the trivial nature of the action that the Chief Medical Officer proposes to take,

it is desirable that the action should be taken before the application is made.

"(5) For the purposes of sub-section (4), the Supreme Court, a court of summary jurisdiction or a magistrate has power to hear and determine an application made by the Chief Medical Officer for approval to exercise a power under sub-section (1) in relation to a patient."

Clause, as amended, agreed to.

Clauses 39 to 42, by leave, taken together and agreed to.

Postponed clause 31 and the amendment proposed by Mrs O'Neil -

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

"(2) Without limiting the generality of sub-section (1), a legal practitioner may -

(a) require the Chief Medical Officer -

(i) to cause a person whom the legal practitioner is representing to be examined by such person and in such manner as the legal practitioner may specify; and

(ii) to make available a copy of the report of the examination to the legal practitioner;

(b) inspect the records of the Chief Medical Officer relating to a person whom the legal practitioner is representing; and

(c) at any time ask a court or magistrate to make or revoke an order under this Act.

"(2A) The Chief Medical Officer shall comply with a reasonable requirement of a legal practitioner under sub-section (2)."

Debate ensued.

Question put and negatived.

Clause 31 agreed to.

Schedule agreed to.

Title 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.

16. REMUNERATION AND ALLOWANCES - DETERMINATION: Mr Everingham (Chief Minister), by leave, laid on the Table the Remuneration Tribunal's Determination No. 2 of 1979 relating to remuneration and allowances.
17. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day - Government Business No. 3 (Firearms Bill 1979) was called on.
18. FIREARMS BILL 1979 (Serial 336): The order of the day having been read for the further consideration of the Bill in the committee of the whole -  
The Assembly resolved itself into a committee of the whole.

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(In the committee)

Clause 9 agreed to.

Clause 10 -

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

Omit from sub-clause (1) "register" and substitute "record".

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 11 negatived.

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

Clause 15 -

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

Insert in sub-clause (2)(a) before "he is satisfied" the words "if the firearm is not a collector's piece -".

Clause, as amended, agreed to.

Clauses 16 to 18, by leave, taken together and agreed to, after debate.

Clause 19 -

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

Omit from sub-clause (1) "sell,".

Omit from sub-clause (2)(a)(i) "or" and substitute "and".

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

Clause, as amended, agreed to.

Clauses 20 and 21 agreed to.

Clause 22 agreed to, after debate.

Clauses 23 to 25, by leave, taken together and agreed to.

Clause 26 -

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

Omit from sub-clause (2) "and" and substitute "or".

Clause, as amended, agreed to.

Clauses 27 to 29, by leave, taken together and agreed to.

Clause 30 -

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

Omit sub-clause (2) (excluding the penalty).

Clause, as amended, agreed to.

Clause 31 -

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

Omit "prescribed" and substitute "approved".

Omit "in the 3 months before the date of forwarding the return" and substitute "in the 3 months before that last day".

Clause, as amended, agreed to.

Clauses 32 to 39, by leave, taken together and agreed to.

Clause 40 -

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

Insert after "not later than" the words "7 days after"..

Omit "in the 3 months before the date of forwarding the return" and substitute "in the 3 months before that last day".

Clause, as amended, agreed to.

Clause 41 -

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

Omit "served on the owner of the firearm".

Clause, as amended, agreed to.

Clauses 42 to 44, by leave, taken together and agreed to.

Clause 45 -

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

Insert after "licence" the words "and to Division 5, purchase".

Clause, as amended, agreed to.

Clause 46 agreed to.

Clause 47 -

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

Omit paragraph (a).

Clause, as amended, agreed to.

Clause 48 agreed to.

Clause 49 negatived.

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

Clause 52 -

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

After sub-clause (2) add the following new sub-clause:

"(3) For the purposes of this section, a member of an approved pistol club has, by virtue of that membership, a sufficient reason to possess, carry and discharge a firearm class C."

Clause, as amended, agreed to.

Clauses 53 to 56, by leave, taken together and agreed to.

New clause -

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

"56A. A licensed shooter may, subject to the terms and conditions of his licence and Division 6, carry, own, possess, purchase and discharge firearms."

Clause 57 -

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

Omit "use" and substitute "discharge".

Omit from paragraph (b) "a gun, rifle or pistol club" and substitute "a rifle club or an approved gun or pistol club".

Clause, as amended, agreed to.

Clause 58 -

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

Insert in sub-clause (1) after "No person" the words ", other than a licensed dealer,".

Clause, as amended, agreed to.

Clause 59 -

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

Insert after "shooter's" the words "or collector's".

Clause, as amended, agreed to.

Clause 60 -

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

Insert after "shooter's" the words "or collector's".

Clause, as amended, agreed to.

Clauses 61 to 68, by leave, taken together and agreed to.

New clause -

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

"68A. A temporary permit may -

(a) authorize the carriage, ownership, possession or discharge of an unregistered firearm specified in the permit; and

(b) authorize the carriage, ownership, hire, possession or discharge of a firearm by a person."

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 "6 or".

Clause, as amended, agreed to.

Clauses 73 to 83, by leave, taken together and agreed to.

Clause 84 -

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

Omit "use" and substitute "discharge".

Clause, as amended, agreed to.

Clauses 85 and 86, by leave, taken together and agreed to.

Clause 87 negatived.

Clauses 88 and 89, by leave, taken together and agreed to.

Clause 90 -

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

Insert at the end the following new sub-clause:

"(4) It is a defence to a prosecution for an offence against this section that the defendant did not know and could not reasonably have known that the firearm was unsafe."

Clause, as amended, agreed to.

Clause 91 agreed to.

Clause 92 -

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

Add at the end but before the penalty the following new sub-clause:

"(2) It is a defence to a prosecution for an offence against sub-section (1) that -

(a) the firearm is a machine gun by reason only of a defect or obstruction in the firearm; and

(b) the person charged took such steps as were reasonable in the circumstances to have the firearm repaired."

Clause, as amended, agreed to.

Clauses 93 to 101, by leave, taken together and agreed to.

Clause 102 -

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

Omit "\$1,000" and substitute "\$500".

Clause, as amended, agreed to.

Clauses 103 and 104, by leave, taken together and agreed to.



Clause 105 -

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

Insert in sub-clause (2)(b) before "not later than 48 hours" the words "in the case of a licence in respect of a firearm class A or B -".

Clause, as amended, agreed to.

Clause 106 -

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

Add at the end the following new sub-clause:

"(3) A person shall not be searched pursuant to this section by a person who is not of the same sex as the person being searched."

Clause, as amended, agreed to.

Clause 107 agreed to.

Clause 108 -

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

Omit paragraph (b).

Omit from paragraph (c) "or kind" and substitute ", class or kind".

Clause, as amended, agreed to.

Clauses 109 to 111, by leave, taken together and agreed to.

Postponed clause 5 -

Question -

That the clause stand as amended.

Question put and passed.

Schedule 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. SUSPENSION OF STANDING ORDERS - PASS BILLS THROUGH ALL STAGES: Mr Robertson (Minister for Education), by leave, moved -

That so much of standing orders be suspended as would prevent the Real Property (Special Provisions) Bill 1979 (Serial 390) and the Traffic Bill (No. 4) 1979 (Serial 366) passing through all stages at this sittings.

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

20. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 5 (Real Property (Special Provisions) Bill 1979) was called on.

21. REAL PROPERTY (SPECIAL PROVISIONS) BILL 1979 (Serial 390): 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.

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(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. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 7 (Report of Sessional Committee) was called on.

23. NEW PARLIAMENT HOUSE SITE COMMITTEE - INTERIM REPORT: The order of the day having been read for the resumption of the debate on the motion of Mr Perron

That the Report be noted -

Mr Everingham (Chief Minister) moved -

That the motion be amended by adding after "noted" the words "and that the Committee be directed to proceed to the preparation of a brief upon which a cost advice may be sought for the development of the present site of the Legislative Assembly as a site for the proposed Parliament House".

Mr Oliver (Alice Springs) moved -

That the amendment be amended by omitting all words after "Assembly" and substituting "and the Myilly Point site as a site for the proposed Parliament House".

Debate ensued.

Question put -

That the amendment to the amendment be agreed to.

The Assembly divided - Mr Speaker MacFarlane in the Chair.

AYES 8

NOES 11

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

Mr Ballantyne  
Mr Dondas  
Mr Everingham  
Mr Harris  
Mr MacFarlane  
Mr Perron  
Mrs Padgham-Purich  
Mr Robertson  
Mr Steele  
Mr Tuxworth  
Mr Vale

And so it was resolved in the negative.

Mr Perron (Treasurer) moved -

That the amendment be amended by adding after "Assembly" the words "and adjacent roads and Crown land".

Question put and passed.

Question -

That the amendment, as amended, be agreed to.

Question put and passed.

Question -

That the motion, as amended, be agreed to.

Question put and passed.

24. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 4 (Local Government Bill (No. 5) 1979) was called on.
25. LOCAL GOVERNMENT BILL (No. 5) 1979 (Serial 337): The order of the day having been read for consideration of the Bill in the committee of the whole Assembly -

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.

26. HOUSE COMMITTEE REPORT: Mr Speaker laid on the Table a report from the House Committee on rearrangement of furniture in the Chamber.

Mr Dondas (Minister for Community Development) moved -

That the Report be adopted.

Debate ensued.

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

27. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 14 (Traffic Bill (No. 4) 1979) was called on.

28. TRAFFIC BILL (No. 4) 1979 (Serial 366): 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.

29. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 11 (Fisheries Bills) was called on.

30. FISHERIES BILLS - ABORIGINAL LAND BILL (No. 2) 1979 (Serial 355) and FISH AND FISHERIES BILL 1979 (Serial 313): 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.

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(In the committee)

*Fish and Fisheries Bill 1979*

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

Clause 5 -

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

Omit from the definition of "fish" the words "a crocodile or a bird" and substitute "a bird, an amphibian, a reptile other than a marine turtle or sea snake or a mammal other than a marine mammal,".

Insert after the definition of "foreign boat" the following definition:

"'indigenous' does not include the progeny of an introduced species;".

Insert after the definition of "lease" the following definition:

"'lessee' means a person who holds a lease;".

Insert after the definition of "noxious fish" the following definition:

"'owner', in relation to a boat, gear or equipment, means a person who has a right to the possession of that boat, gear or equipment, whether or not his right is subject to the right of another person, but a person shall not be held to be the owner of a boat, gear or equipment by reason only that he was in command of it;".

Insert after the definition of "prescribed" the following definition:

"'registered' means registered under this Act;".

Clause, as amended, agreed to.

Clauses 6 to 8, by leave, taken together and agreed to.

Clause 9 -

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

Omit from sub-clause (2) "who is exercising the powers of a member of the Police Force or the powers of a fisheries officer" and substitute "acting in the execution of his duty".

Clause, as amended, agreed to.

Clause 10 agreed to.

Division heading and new clauses -

On the motion of Mr Steele the following Division heading and new clauses were inserted in the Bill -

Omit the heading to Division 1 of Part III and substitute the following Division heading and clauses:

"Division 1 - Registration and Licences

"10A. A person who is the owner of a boat may make an application in writing to the Director of Fisheries for -

(a) registration of the boat under this Act;

(b) a renewal of the registration;

- (c) the endorsement, on the certificate of registration, of a variation of a provision of the registration; or
- (d) approval, and endorsement on the certificate of registration, of a transfer of ownership.

"10B.(1) Subject to this section, the registration of a boat under this Act registers -

- (a) the boat; and
- (b) any boat that is being used as a tender boat to that boat.

"(2) A boat, whether a boat that has been registered or a tender boat, is not registered except while it is marked in the prescribed manner in relation to that boat.

"(3) A boat that is marked in the prescribed manner for the purposes of a registration under this Act is exempt from any other requirement under a law of the Northern Territory to mark a registration number on the boat."

Clause 11 -

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

Omit from sub-clause (1)(c) ", other than a Class A2 licence,".

Omit sub-clause (2).

Insert in sub-clause (3) before "Class D" the words "Class A2 or".

Insert in sub-clause (4) before "circumstances so justify" the words "the regulations so provide or".

Insert in sub-clause (4) after "where it is so expressed" the words "and circumstances so justify".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

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

Omit from the Table -

"The using by the licensee, in the taking of fish under his licence, of a specified boat and of a boat that is being used as a tender boat to that boat."

Omit from the Table "named".

Omit from the Table -

"The trans-shipping of fish that have not been landed."

Omit from the Table -

"(a) landed; and".

Clause, as amended, agreed to.

Clause 14 negatived.

Clause 15 agreed to.

Clause 16 -

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

Omit from sub-clause (1)(a) "the Class A1 licensee in respect of whom he is licensed" and substitute "a Class A1 licensee".

Omit from sub-clause (1)(b) "in respect of whom he is licensed" and substitute "whom he is assisting".

Clause, as amended, agreed to.

Repositioning of Division -

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

Insert Division 6 of Part III after Division 1 of Part III.

Division heading -

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

Add at the end of the heading to Division 6 of Part III "and Certificates of Registration".

Heading, as amended, agreed to.

Clauses 17 to 47 -

On the motion of Mrs Lawrie consideration of clauses 17 to 47 was postponed.

Clause 48 -

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

Insert in sub-clause (1) "10A or " after "section".

Insert in sub-clause (1)(b) "registration," after "grant the".

Clause, as amended, agreed to.

Clause 49 -

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

Insert in sub-clause (1) "10A or" after "section".

Insert in sub-clause (1)(c) "has a Commonwealth licence," after "transferee".

Omit from sub-clause (1)(e) "from activities carried out under the licence" and substitute "by fishing".

Omit from sub-clause (1)(g) "and other licensees" and substitute

", licensees generally and owners of boats generally".

Clause, as amended, agreed to.

Clause 50 -

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

Add at the end of paragraph (a) "or the registration of a boat".

Insert in paragraph (c) "and registrations" after "licences".

Clause, as amended, agreed to.

Clause 51 -

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

Omit from sub-clause (1) "grants, renews or endorses, or approves the transfer of, a licence" and substitute "exercises a power under section 48(1)".

Omit from sub-clause (2) "grant, renew or endorse, or approve the transfer of, a licence" and substitute "exercise a power under section 48(1)".

Insert in sub-clause (2)(a) and (b) "or registration" after "licence".

Insert in sub-clause (2)(c) "with the boat or" after "used".

Insert in sub-clause (2)(d) "of" before "a specified".

Clause, as amended, agreed to.

Clause 52 -

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

Insert in sub-clause (1)(a) "or certificate of registration" after "licence".

Insert in sub-clause (1)(b) and (c) "and certificates of registration" after "licences".

Insert in sub-clause (2) "or the registration of a boat" after "licence" (first occurring).

Insert in sub-clause (2) "or registration" after "licence" (second occurring).

Clause, as amended, agreed to.

Clause 53 -

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

Insert after "licence" the words ", the grant or renewal of the registration of a boat and the making of an endorsement on a certificate of registration".

Clause, as amended, agreed to.



Clause 54 -

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

Add at the end of sub-clause (1) ", a registration of a boat or an endorsement on a certificate of registration".

Clause, as amended, agreed to.

Clause 55 -

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

Insert in sub-clause (1)(a) "or the ownership of a registered boat" after "licence".

Insert in sub-clause (1)(b) "or registered boat" after "licence".

Omit from sub-clause (1)(c) "or licensee" and substitute ", a licensee, a registered boat or the owner of a registered boat".

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

"(aa) prohibit or make provision for or in relation to the registration of a boat, or an endorsement on the certificate of registration of a boat, that is owned by an incorporated person, the transfer of the ownership of a registered boat to an incorporated person or a dealing with a registered boat by an incorporated person; and".

Add at the end of sub-clause (2)(b) "or registered boat".

Clause, as amended, agreed to.

Clause 56 negatived.

New clause -

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

"56.(1) Subject to this section -

(a) a licence, other than a temporary licence; and

(b) the registration of a boat,

ceases to have effect on 31 December in the year in respect of which it was granted or renewed, but may be renewed.

"(2) Notwithstanding sub-section (1), the Director of Fisheries may receive and process an application for renewal of a licence or renewal of the registration of a boat at any time before the expiration of 6 months after the licence or registration has ceased to have effect, and for that purpose a licence or the registration of a boat does not expire until 6 months after it ceases to have effect."

Postponed clauses -

Clause 17 -

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

Omit sub-clause (2), but not including the penalty at the foot of sub-clause (2), and substitute:

"(2) Subject to the regulations, an amateur fisherman shall not, except under and in accordance with a Class D licence -

(a) use an item of fishing gear that is prescribed for the purposes of this paragraph; or

(b) fish for or take a fish that is prescribed for the purposes of this paragraph in an area that is prescribed for the purposes of this paragraph in relation to that fish."

Clause, as amended, agreed to.

Clause 18 -

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

Omit sub-clause (2)(b).

Clause, as amended, agreed to.

Clause 19 -

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

Omit from sub-clause (1) ", use or remove fish from" and substitute "or use, or remove fish from,".

Clause, as amended, agreed to.

Clause 20 -

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

Insert at the commencement of sub-clauses (1) and (2) "Subject to this section,".

Insert after sub-clause (3) and before the penalty the following sub-clauses:

"(4) It is a defence to a charge of contravening this section if the defendant establishes that the person assisting the Class A1 licensee -

(a) was a bona fide non-paying passenger in a registered boat;

(b) had not received and would not receive, directly or indirectly, any pecuniary benefit or other reward by reason of assisting the Class A1 licensee; and

(c) did not frequently assist a Class A1 licensee.

"(5) For the purposes of this section, a Class A1 licensee shall be deemed also to hold a Class A2 licence to assist other Class A1 licensees in acting under provisions of their licences that are like

provisions of his licence."

Clause, as amended, agreed to.

New clause -

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

"20A. Subject to the regulations, a person who is in command of a registered boat shall, unless he is not being assisted, within the meaning of section 20, or is being so assisted only by a Class A1 licensee, maintain a record showing the name of each person who is so assisting him and, if that person holds a licence, the licence number.

Penalty: \$250."

Clause 21 -

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

Omit all the words from and including "except" to and including "Class C licence" and substitute "unless the boat is registered and he is acting under and in accordance with a Class A1 or Class C licence".

Clause, as amended, agreed to.

Clause 22 -

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

Omit "licensed in respect" and substitute "the registered owner".

Omit "who is not licensed in respect of the boat" and substitute "unless he knows the purpose for which that person wishes he use it and is satisfied that that person may lawfully use it for that purpose".

Clause, as amended, agreed to.

New clause -

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

"22A. Subject to the regulations, a person shall not use a prescribed item of gear or equipment unless it is marked in the manner prescribed in relation to that item.

Penalty: \$500 or imprisonment for 3 months."

Clause 23 -

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

Omit sub-clause (2)(a).

Omit sub-clause (2)(c).

Clause, as amended, agreed to.

Clause 24 -

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

Omit sub-clause (1)(b) and substitute:

"(b) to a boat that is registered as a trans-shipping boat."

Omit sub-clause (2) and substitute:

"(2) A person who is in command of a boat shall not allow fish to be trans-shipped to the boat unless -

(a) the fish have been landed;

(b) the boat is registered as a trans-shipping boat; or

(c) he receives them under and in accordance with the regulations.

"(3) For the purposes of this section, a boat is not registered as a trans-shipping boat unless its certificate of registration is endorsed with a provision that the boat may be used as a trans-shipping boat.

Penalty: \$2,000 or imprisonment for 12 months."

Clause, as amended, agreed to.

Clauses 25 to 27, by leave, taken together and agreed to.

Clause 28 -

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

Insert in paragraphs (a) and (b) "or the registration of a boat" after "licence".

Insert in paragraph (c) "or certificate of registration" after "licence".

Clause, as amended, agreed to.

Clause 29 -

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

Omit "terms, conditions and limitations" and substitute "provisions".

Insert before the penalty the following sub-clause:

"(2) The owner of a registered boat shall comply with and shall not contravene the provisions of the certificate of registration of the boat."

Clause, as amended, agreed to.

Clause 30 -

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

Insert in sub-clause (1) -

- (a) after "a licensee" the words "or the registered owner of a boat";
- (b) after "his licence" the words "or the registration of the boat"; and
- (c) after "the licence" (wherever occurring) "or registration".

Clause, as amended, agreed to.

Clause 31 -

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

Omit "in acting" and substitute "who is acting".

Clause, as amended, agreed to.

Clauses 32 to 34, by leave, taken together and agreed to.

Clauses 35 and 36, by leave, taken together and negatived.

New clauses -

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

"35.(1) A person shall not bring into the Northern Territory a live fish, or a living egg, fry or larva of a fish, except under and in accordance with a permit to bring it in.

Penalty: \$10,000 or imprisonment for 12 months.

"(2) A person shall not possess in the Northern Territory a live noxious fish or an egg, fry or larva of a noxious fish.

Penalty: \$10,000 or imprisonment for 12 months.

"(3) A person shall not release in the Northern Territory a fish, or a living egg, fry or larva of a fish -

- (a) unless it is indigenous to the Northern Territory; or
- (b) except under and in accordance with a permit to do so.

Penalty: \$10,000 or imprisonment for 12 months.

"(4) Where the Director of Fisheries is satisfied that there are reasonable grounds for suspecting that an offence has been committed against this section in relation to a fish -

- (a) he may search for and destroy that fish and the progeny of that fish and for that purpose he may take whatever action is, in the opinion of the Minister, necessary or desirable; and
- (b) he may take whatever action is, in the opinion of the Minister, necessary or desirable to limit the consequences of the offence or to ameliorate the damage caused by the offence,

notwithstanding that such action may constitute a trespass or may cause loss or damage to property.

"(5) Where a person is convicted of an offence against this section in relation to a fish, the court may, in addition to imposing a penalty, order the person to pay to the Director of Fisheries or to any other person such amount as it thinks fit in respect of action taken under sub-section (4) or other loss or damage."

Clause 37 agreed to.

Clause 38 -

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

Omit from paragraph (b) "section 35(1)" and substitute "section 40(5)".

Clause, as amended, agreed to.

Clause 39 -

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

Omit paragraphs (a) and (b) and substitute:

"(a) to bring into the Northern Territory a live fish or an egg, fry or larva of a fish; or"

Clause, as amended, agreed to.

Clause 40 -

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

Insert at the commencement of sub-section (1) "Subject to this section,".

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

"(5) The Director of Fisheries shall not grant a permit to bring into the Northern Territory a fish, or an egg, fry or larva of a fish, unless -

(a) he is satisfied that the fish is indigenous to the Northern Territory; or

(b) the fish is prescribed for the purposes of this sub-section."

Clause, as amended, agreed to.

Clause 41 agreed to.

Clause 42 -

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

Omit sub-clause (1) and substitute:

"(1) The regulations may prescribe noxious fish for the purposes of section 35(2) and fish for the purposes of sections 38 and 40(5)."

Clause, as amended, agreed to.

Clauses 43 to 45, by leave, taken together and agreed to.

Clause 46 negatived.

Proposed new clause -

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

"46.(1) The Administrator may, by notice in the Gazette, declare that an area is reserved -

(a) for the purpose of protecting or re-establishing a marine environment or an aquatic environment; or

(b) for the purpose of protecting or re-establishing fish or fish breeding grounds.

"(2) Where a declaration is made under sub-section (1), the Administrator may, by notice in the same or a subsequent Gazette, name the area."

Debate ensued.

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

Clause 47 agreed to.

New clause -

On the motion of Mr Steele the following new clause was inserted in the Bill, after debate.

"56A. In this Division, unless the contrary intention appears -

"'Minister' means the Minister administering the Crown Lands Act."

Clause 57 agreed to.

Clause 58 -

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

Insert after "may," in sub-clause (1) "after receiving a report from the Minister administering this Act,".

Omit from sub-clause (1)(b) "after receiving a report from the Director of Fisheries,".

Omit sub-clause (2) and substitute:

"(2) For the purpose of enabling the Minister administering this Act to make a report under sub-section (1), the Director of Fisheries may require the applicant to furnish the Director with such information as the Director thinks fit."

Clause, as amended, agreed to.

Clause 59 -

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

Omit "the Director of Fisheries" and substitute "the Minister administering this Act".

Clause, as amended, agreed to.

Clause 60 -

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

Omit "the Director of Fisheries" and substitute "the Minister administering this Act".

Clause, as amended, agreed to.

Clause 61 -

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

Omit "the Director of Fisheries" and substitute "the Minister administering this Act".

Clause, as amended, agreed to.

Clauses 62 and 63, by leave, taken together and agreed to.

Clause 64 -

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

Insert in sub-clause (4) "or other emergency" after "weather".

Clause, as amended, agreed to.

Clauses 65 to 68, by leave, taken together and agreed to.

Clause 69 -

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

Omit from sub-clauses (2)(a) and (3) "person for the time being holding or acting in or performing the duties of the office of".

Clause, as amended, agreed to.

Clauses 70 to 72, by leave, taken together and agreed to.

Clause 73 -

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

Omit from sub-clause (1)(a) "to assist a Class A1 licensee".

Omit from sub-clause (1) "the Class A1 licensee" and substitute "a Class A1 licensee".

Clause, as amended, agreed to.

Clauses 74 and 75, by leave, taken together and agreed to.

New clause -

On the motion of Mrs Lawrie the following new clause was inserted in the Bill -



"75A. Where a fisheries officer exercises a power under section 75, he shall, as soon as practicable thereafter, make a report in writing to the Minister in such form as the Minister determines."

Clause 76 -

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

Omit from sub-clause (1)(a) "unlicensed".

Clause, as amended, agreed to.

Clause 77 agreed to.

Clause 78 -

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

Omit "A fisheries officer may" and substitute "For the purpose of exercising a power of inspection, a fisheries officer may".

Clause, as amended, agreed to.

Clause 79 -

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

Insert after "handling" in sub-clause (5) ", maintaining".

Clause, as amended, agreed to.

Clauses 80 to 87, by leave, taken together and agreed to.

New clauses -

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

"87A.(1) Subject to this section, a person who is a member of the Police Force of the Northern Territory or an employee within the meaning of the Public Service Act shall not, either directly or indirectly, except in the performance of his duty as a policeman or employee, and either while he is or after he ceases to be a policeman or employee, make a record of or divulge or communicate to any person any information respecting the affairs of any other person disclosed or obtained under a provision of this Act or of an Act repealed by this Act.

Penalty: \$4,000 or imprisonment for 2 years.

"(2) For the purposes of sub-section (1), the Director of Fisheries shall -

(a) hold all records and papers that could be the subject of an offence against sub-section (1) in his custody; and

(b) ensure that no employee or other person sees them or learns of their contents unless it is necessary or desirable that he do so for the purposes of the administration of this Act or of prosecuting a person for an offence against this Act.

"(3) Without limiting the generality of sub-section (2), the Director of Fisheries shall not allow a person to see a record or paper or learn of its contents by reason only that that person is -

- (a) a minister or other public official; or
- (b) constituting a court or tribunal or exercising a judicial or administrative power or function.

"87B.(1) Subject to this section, the provisions of this Act and the regulations regulating or prohibiting the entry of persons into, or controlling fishing or other activities in, waters do not, unless and to the extent to which they are expressed to do so, operate to limit the right of Aborigines to enter, and use the resources of, those waters in accordance with Aboriginal tradition.

"(2) Sub-section (1) does not authorize a person to -

- (a) trespass on a lease;
- (b) interfere with, or remove fish from, a net, trap or other device or thing that is the property of another person; or
- (c) engage in a commercial activity."

Clause 88 agreed to.

Clause 89 -

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

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

"(fa) keeping and supplying of records by registered owners of boats;"

Clause, as amended, agreed to.

Proposed new clause 46 -

Proposed new clause agreed to.

Schedule agreed to.

Title agreed to.

*Aboriginal Land Bill (No. 2) 1979*

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

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

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

That the Assembly, at its rising, adjourn until Tuesday 12 February 1980 or such other time appointed by Mr Speaker and advised to members in writing.

Question put and passed.

32. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day - Government Business No. 6 (Industries Training Bill) was called on.

33. INDUSTRIES TRAINING BILL 1979 (Serial 352): 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.

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(In the committee)

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

Clause 4 -

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

Omit from paragraph (a) "the apprenticeship determination" and substitute "an apprenticeship determination".

Clause, as amended, agreed to.

Clause 5 -

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

Omit from the definition of "apprentice" in sub-clause (1) the words "including indentures of apprenticeship which have been assigned" and substitute "whether or not those indentures have been assigned".

Omit from the definition of "employer" in sub-clause (1) the words "including indentures of apprenticeship which have been assigned" and substitute "and, where the indentures have been assigned, the person specified in the assignment as the employer of the apprentice".

Insert after the definition of "member" the following new definitions:

"'probationer' means a person who is employed in an apprenticeship trade and who has made an application under section 46 for registration as an applicant for apprenticeship;

'registered applicant for apprenticeship' means a person registered under section 47 as an applicant for apprenticeship;"

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

"(3) A reference in this Act to the employment of -

- (a) an apprentice - is a reference to the employment of that apprentice in the apprenticeship trade to which he is indentured; and
- (b) a probationer - is a reference to the employment of that probationer in the apprenticeship trade in respect of which he has made application under section 46 for registration as an applicant for apprenticeship."

Clause, as amended, agreed to.

Clauses 6 to 18, by leave, taken together and agreed to.

Clause 19 -

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

Omit the penalty and substitute the following:

"Penalty: \$4,000 or imprisonment for 2 years."

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together and agreed to.

Clause 23 -

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

Omit from sub-clause (2) "without pay".

Insert after sub-clause (2) the following new sub-clause:

"(2A) An employer shall not be held to have penalized or prejudiced and employee in his employment by reason only of the employee's being granted leave of absence without pay under sub-section (2) if that employee is entitled under the Remuneration (Statutory Bodies) Act to remuneration in respect of the period of his absence."

Clause, as amended, agreed to.

Clauses 24 and 25, by leave, taken together and agreed to.

Clause 26 -

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

Omit from sub-clause (1) "Chairman" and substitute "Commission".

Omit from sub-clause (2) "or a committee of the Commission".

Clause, as amended, agreed to.

Clause 27 agreed to.

Clause 28 negatived.

Clause 29 -

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

Omit from sub-clause (1)(b)(ii) "racial and cultural".

Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31 -

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

Omit from sub-clause (1) "function" and substitute "power".

Insert in sub-clause (1)(a) after "member" the words "or employee within the meaning of the Public Service Act".

Clause, as amended, agreed to.

Clauses 32 to 38, by leave, taken together and agreed to.

Clause 39 -

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

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

"(1) Subject to this section, a person shall not employ a person who has not attained the age of 21 years in an apprenticeship trade unless -

(a) the person so employed -

(i) is a registered applicant for an apprenticeship;

(ii) is an apprentice; or

(iii) has completed an apprenticeship in that trade; or

(b) the employer ensures that the person so employed makes an application under section 46 for registration immediately upon his becoming so employed.

Penalty: \$500."

Clause, as amended, agreed to.

Clause 40 agreed to.

Clause 41 -

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

Add at the end "but nothing in this section prevents the employment of a probationer not inconsistent with this Act".

Clause, as amended, agreed to.

Clause 42 -

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

Omit from sub-clause (3) "registered applicant for apprenticeship" and substitute "probationer".

Omit from sub-clause (3)(a) "apprentice" and substitute "probationer".

Clause, as amended, agreed to.

Clause 43 -

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

Omit "registered applicant for apprenticeship" and "applicant" and substitute "probationer".

Clause, as amended, agreed to.

Clause 44 -

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

Omit "registered applicant for apprenticeship" and "applicant" and substitute "probationer".

Clause, as amended, agreed to.

Clause 45 agreed to.

New clause -

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

"45A.(1) Subject to sub-section (2), where the employer of an apprentice or probationer is unable, by reason of the shortage or failure of electric power, to keep the apprentice or probationer fully employed during the normal working hours of a day, the employer may deduct from the wages due to that apprentice or probationer an amount equal to the wages for that part of the day in excess of 20 minutes during which the apprentice or probationer cannot be fully employed.

"(2) An apprentice or probationer -

- (a) who is require to attend for work on a day but by reason of the shortage or failure of electric power cannot be fully employed shall be entitled to pay for 2 hours work; or
- (b) who commences work on a day but by reason of the shortage or failure of electric power cannot be fully employed, shall be entitled to pay for -
  - (i) 4 hours work; or
  - (ii) the number of hours actually worked,whichever is the greater."

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

Clause 48 -

Mr Robertson moved as an amendment -

Omit "a registered applicant for apprenticeship" and substitute "another person in an apprenticeship trade".

Debate ensued.

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

Clauses 49 to 57, by leave, taken together and agreed to.

Clause 52 -

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

Omit "applicant for apprenticeship" and "applicant" (wherever occurring) and substitute "probationer".

Omit "4" and substitute "3".

Clause, as amended, agreed to.

Clauses 53 to 56, by leave, taken together and agreed to.

Clause 57 -

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

Omit from paragraph (b) "registered applicants for apprenticeship in an apprenticeship trade" and substitute "probationers".

Omit from paragraph (d) "registered applicants for apprenticeship in an apprenticeship trade" and substitute "probationers".

Omit paragraph (e) and substitute the following paragraph:

"(e) the number of hours in each year of an apprenticeship during which apprentices and probationers shall attend classes for instruction in a training course and, with the approval of the person providing the course, the times in each week in each year during which they shall so attend; and".

Clause, as amended, agreed to.

Clause 58 -

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

Omit from sub-clause (1) all words from and including "each" to and including "trade" (second occurring) and substitute "each probationer shall, upon commencing employment -".

Omit from sub-clause (2) "registered applicant for apprenticeship" and "applicant" (wherever occurring) and substitute "probationer".

Insert in sub-clause (3) after "apprentice" (wherever occurring) the words "or probationer".

Clause, as amended, agreed to.

Clause 59 -

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

Omit "registered applicant for apprenticeship" and "applicant" (wherever occurring) and substitute "probationer".

Insert after "apprentice" (last occurring) the words "or probationer".

Clause, as amended, agreed to.

Clauses 60 and 61, by leave, taken together and agreed to.

Clause 62 -

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

Insert after "An apprentice or the" the words "parent or guardian or".

Clause, as amended, agreed to.

Clauses 63 to 67, by leave, taken together and agreed to.

Clause 68 -

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

Omit from paragraph (a) "registered applicants for apprenticeship" and substitute "probationer".

Clause, as amended, agreed to.

Clause 69 -

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

Omit from sub-clause (1) "registered applicant for apprenticeship" and "applicant" and substitute "probationer".

Omit from sub-clause (2) "offence" and substitute "breach".

Insert in sub-clause (3) after "apprentice" the words "probationer".

Omit from sub-clause (3) "applicant" and substitute "probationer".

Omit from sub-clause (4) after "apprentice" (twice occurring) the words "or probationer".

Clause, as amended, agreed to.

Clause 70 -

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

Omit from sub-clause (2) "registered applicant for apprenticeship" and substitute "probationer".

Omit sub-clause (2)(a) and (b) and substitute -

"(a) deduct the amount of any unpaid fine imposed under section 69 from the wages of the apprentice or probationer, as the case may be; and

(b) pay that amount to the Commission."



ATTENDANCE: All members attended the sitting.

F.K.M. THOMPSON  
Clerk of the Legislative Assembly

SECOND LEGISLATIVE ASSEMBLY

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