

PART III

THE MINUTES OF PROCEEDINGS



NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

FIRST SESSION

FIFTH ASSEMBLY

No. 107

Tuesday 25 September 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to resolution of the Assembly of 23 August 1990. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. LEAVE OF ABSENCE:

The Member for Macdonnell (Mr Bell) moved - That leave of absence for this period of sittings be granted to the Member for Arafura (Mr Tipiloura), on account of ill health.

Question - put and passed.

4. QUESTIONS:

Questions were asked of Ministers.

Papers tabled: The Chief Minister, by leave, laid on the Table the following Papers -

° Letter, Hon. P.J. Keating, MP, Treasurer to Hon. M.B. Perron, MLA, Chief Minister, dated 7 September 1990; and

° Letter, Hon. M.B. Perron, Treasurer to Hon. P.J. Keating, MP, Treasurer, dated 21 September 1990.

Further questions were asked of Ministers.

5. REPORT OF THE DISTRIBUTION COMMITTEE - PAPERS TABLED - MOTION TO APPROVE, AGREED TO:

The Chief Minister (Mr Perron) laid on the Table the Report of the Distribution Committee 1990, volumes 1 and 2, on the distribution of the Territory into electoral divisions, as revised in September 1990 in accordance with section 18A of the *Electoral Act*.

Mr Perron, by leave, moved - That the Assembly resolve in terms of section 18(1) of the *Electoral Act* that the distribution of the Territory into electoral divisions, as proposed in the revised 1990 Report of the Distribution Committee, be approved.

Debate ensued.

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

Debate continued.

Question - put and passed.

6. **CONDOLENCE - MR ALEC FONG LIM, AM:**

The Chief Minister (Mr Perron), by leave, moved - That this Assembly expresses its deep regret at the death, on 3 September 1990, of Mr Alec Fong Lim, AM, Lord Mayor of Darwin from 1 June 1984 to 9 August 1990 and places on record its appreciation of his long and distinguished service to the City of Darwin and the people of the Northern Territory and tenders its profound sympathy to his wife Norma and family.

Debate ensued.

And all Members present having risen, in silence -

Question - passed.

7. **DEATH OF FORMER MEMBER - MR R.J. WITHNALL:**

The Chief Minister (Mr Perron), by leave, moved - That this Assembly expresses its deep regret at the death, on 16 September 1990, of Ronald John Withnall, Crown Law Officer with the then Northern Territory Administration from 26 October 1954 to 5 June 1966, a former Official Member of the Legislative Council from 10 November 1954 to 5 June 1966, elected Member of the Legislative Council from 26 November 1966 to 18 October 1974, elected Member of the Legislative Assembly for the electoral division of Port Darwin from 19 October 1974 until 12 August 1977, and places on record its appreciation of his long and meritorious service to the Parliament and the Northern Territory and tenders its profound sympathy to his wife Joyce and family.

Debate ensued.

And all Members present having risen, in silence -

Question - passed.

8. **APPROPRIATION BILL 1990-91 (Serial 297):**

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 Treasurer (Mr Perron) moved - That the committee stages be later taken.

Question - put and passed - Committee stages made an order of the day for a later hour.

9. **ADJOURNMENT:**

The Minister for Primary Industry and Fisheries (Mr Reed) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 11.33 p.m. until tomorrow at 10.00 a.m.

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PAPERS:

The following Papers were deemed to have been presented on Tuesday, 25 September 1990:

Annual Report:

Accounting Standards Review Board, 1988-89

By-laws:

Northern Territory University (Academic Dress) By-laws

Northern Territory University (Degrees and Other Awards) By-laws

Recommendation under section 103 of the Crown Lands Act:

Revocation of Reserve No. 1059, Town of Newcastle Waters

Regulations 1990:

No. 31 - Amendments of Legal Practitioners Regulations

No. 32 - Amendment of Financial Institutions Duty Regulations

No. 33 - Amendments of Traffic Regulations

No. 34 - Amendment of the Police Administration Regulations

No. 35 - Amendments of Apprenticeship Regulations

No. 36 - Amendment of Stock Routes and Travelling Stock Regulations

No. 37 - Amendments of Motor Vehicles (Hire Car) Loan Security
Regulations

No. 38 - Amendment of Motor Vehicle (Hire Car) Regulations

No. 39 - Amendment of Motor Vehicles (Fees and Charges) Regulations.

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ATTENDANCE:

All Members attended the sittings, except Mr Tipiloura (on leave).



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 108

Wednesday 26 September 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. QUESTIONS:

Questions were asked of Ministers.

4. CENSURE OF MINISTER FOR PRIMARY INDUSTRY AND FISHERIES - DELIBERATELY MISLEADING THE ASSEMBLY ON BTEC ISSUES - MOTION, AS AMENDED, AGREED TO:

Suspension of Standing Orders - Allow Mr Ede to move motion:

The Member for Stuart (Mr Ede) moved - That so much of Standing Orders be suspended as would prevent him from moving a motion to censure the Minister for Primary Industry and Fisheries (Mr Reed).

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

Mr Ede thereupon moved - That this Assembly -

- (1) censures the Minister for Primary Industry and Fisheries (Mr Reed) for deliberately misleading the House by stating, in response to a question, that the government had not sought to restrict the rights of pastoralists to make public comment on BTEC issues, when incontrovertible proof exists that the government has so done; and

- (2) calls upon the Minister to resign forthwith.

Debate ensued.

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

- ° Letter, Solicitor for the Northern Territory to unnamed person, dated 1 September 1989; and
- ° Draft Deed, between unnamed person and the Northern Territory of Australia.

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

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

"this Assembly is of the opinion that the Minister for Primary Industry and Fisheries has carried out his responsibilities in relation to the BTEC programme with merit and distinction, but condemns the Member for Stuart for constantly working to undermine the BTEC programme and, in addition, for advising the Assembly that the Solicitor for the Northern Territory had written to a pastoralist in the terms of the letter which he tabled today when he was fully aware that the correspondence was addressed to a solicitor, not a pastoralist; that the deed

accompanying the letter was a draft; that the draft was never signed; and that the deed which was signed was the amended draft prepared by the pastoralist's solicitor".

Mr Manzie moved - That the question be now put.

Question - That the question be now put - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 13

NOES, 8

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

Mr Bailey
Mr Bell
Mr Ede
Mr Firmin
Mr Floreani
Mr Lanhupuy
Mr Smith
Mr Tuxworth

And so it was resolved in the affirmative.

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

- ° Letter, David de L. Winter, Barrister and Solicitor to the Solicitor for the Northern Territory, dated 19 September 1989; and
- ° Deed between Loris Joy Dunbar, Roderick Glen Dunbar and Robert MacArthur Dunbar, and the Northern Territory of Australia, dated 3 November 1989.

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

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

Suspension of sitting: The sitting was suspended between 12.07 p.m. and 2.00 p.m.

5. **APPROPRIATION BILL 1990-91 (Serial 297):**
The Assembly, according to order, resolved itself into Committee of the Whole for the consideration of the Bill.
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In the Committee
(Chairman - Mr Firmin)

In accordance with Standing Order 188, the Committee first considered Schedule 2.

Ordered - That Schedule 2 be considered division by division.

Appropriation for Division 14 agreed to, after debate.

Appropriation for Division 15 agreed to.

Appropriation for Division 11 agreed to, after debate

Appropriation for Division 10 agreed to.

Appropriation for Division 25 agreed to, after debate.

Appropriation for Division 26 agreed to.
Appropriation for Division 29 agreed to, after debate.
Appropriation for Division 16 agreed to, after debate.
Appropriation for Division 46 agreed to, after debate.
Appropriation for Division 47 agreed to.
Appropriation for Division 45 agreed to, after debate.
Appropriation for Division 23 agreed to, after debate.
Appropriation for Division 91 agreed to, after debate.
Appropriation for Division 55 agreed to, after debate.
Appropriation for Division 32 agreed to.
Appropriation for Division 30 agreed to, after debate.
The Member for Macdonnell (Mr Bell) moved - That the Committee do report progress and ask leave to sit again.
Question - put and negatived.
Appropriation for Division 86 agreed to, after debate.
Appropriation for Division 37 agreed to, after debate.
Appropriation for Division 35 agreed to, after debate.
Appropriation for Division 36 agreed to, after debate.
Appropriation for Division 70 agreed to, after debate.
Appropriation for Division 51 agreed to, after debate.
Appropriation for Division 85 agreed to, after debate.
Ordered - That the Chairman do report progress and ask leave to sit again.

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

6. ADJOURNMENT:

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

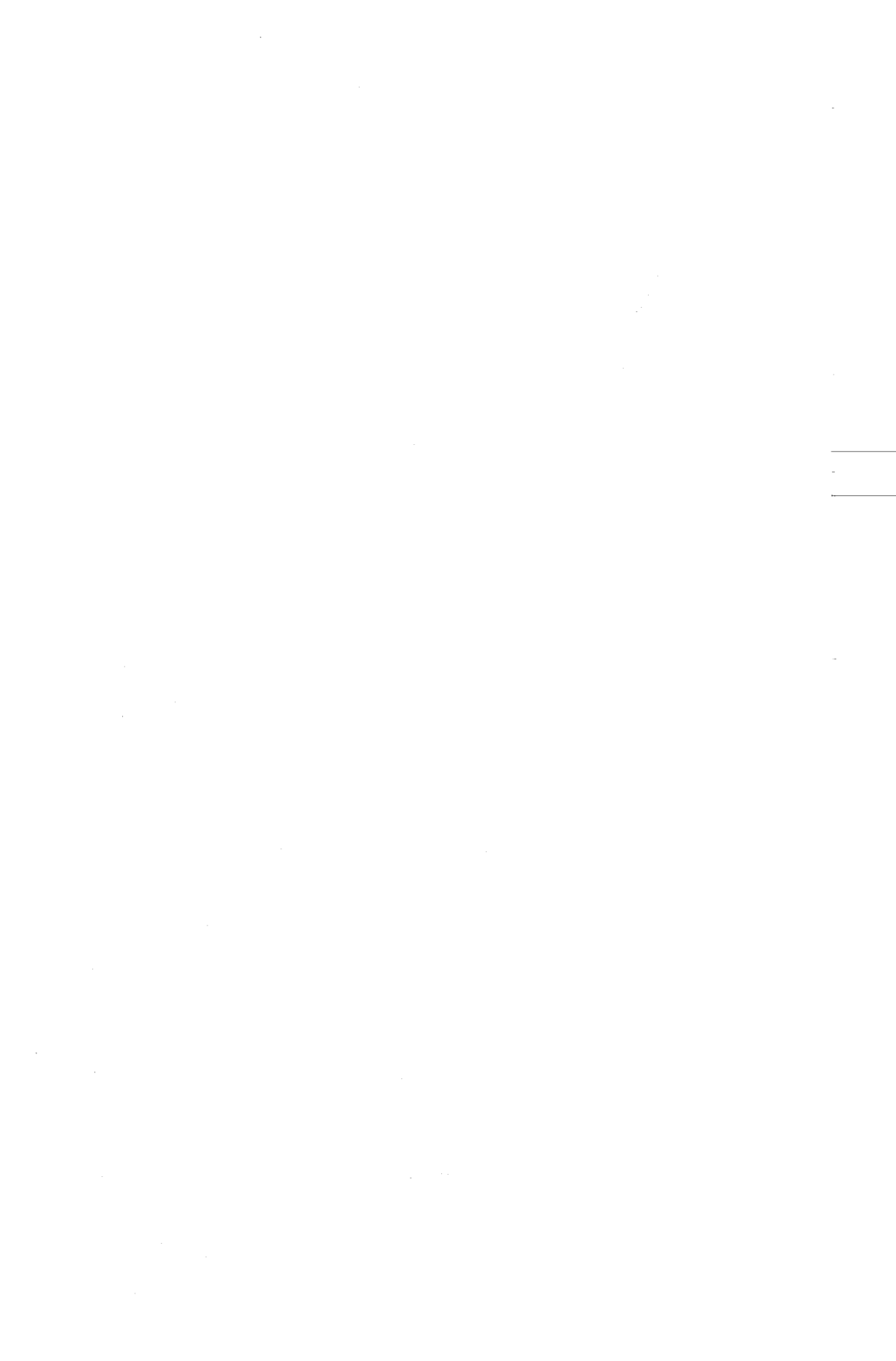
Question - put and passed.

The Assembly adjourned at 10.59 p.m. until tomorrow at 10.00 a.m.

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ATTENDANCE:

All Members attended the sitting, except Mr Tipiloura (on leave).



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 109

Thursday 27 September 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. QUESTIONS:

Questions were asked of Ministers.

Papers tabled: The Minister for Transport and Works (Mr Finch) laid on the Table the following Papers -

- Airspace Classifications A-E from September 1991 ;
- Airspace Classifications F & G from 7 February 1991;
- Airspace Classifications A-D from 7 February 1991; and
- Airspace Classifications F & G from September 1991.

Further questions were asked of Ministers.

4. PETROLEUM PRICES - MOTION AGREED TO:

The Minister for Mines and Energy (Mr Coulter), by leave, moved - That:

(1) this Assembly -

- (a) notes with alarm the large increase in the price of petroleum products resulting from the Middle East crisis;
- (b) invites the Commonwealth Government to give urgent consideration to the consequential and inequitable burden placed on people in remote areas, and particularly in the Northern Territory;
- (c) calls on the Prime Minister to have the "user pays" component of inland freight costs on petroleum products, under the Petroleum Products Freight Subsidy Scheme, lowered from its current level of 12.7 cents per litre to the former rate of one cent per litre, in recognition of the disadvantages suffered and lack of alternative energy sources available to Australians living and working at a distance from major population centres; and

(2) the Speaker forward the terms of this resolution to the Prime Minister forthwith.

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

- Table of 1c User Pays, Petrol Freight Differential and Subsidy; and
- Table of User Pays Margin and Total Cost of Scheme.

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.57 a.m. and 2.00 p.m.

Debate continued.

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

Omit all words after "Prime Minister" in paragraph (1)(c) and insert the following in their stead:

"to review the petroleum products Freight Subsidy Scheme to ensure that the dramatic increases in the price of petroleum products impacts fairly on all Australians, including those in the Northern Territory and elsewhere in remote Australia".

Debate continued.

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

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

5. APPROPRIATION BILL 1990-91 (Serial 297):

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

In the Committee
(Chairman - Mr Firmin)

Appropriation for Division 81 agreed to, after debate.

Appropriation for Division 60 -

Debate ensued.

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

- Letter, Hon. F.A. Finch, MLA, Minister for Transport and Works to Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support, dated 5 September 1990;
- Letter, Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support to Hon. F.A. Finch, MLA, Minister for Transport and Works, undated;
- Letter, Hon. F.A. Finch, MLA, Minister for Transport and Works to Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support, dated 10 September 1990;

- Letter, Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support to Hon. F.A. Finch, MLA, Minister for Transport and Works, dated 11 September 1990;
- Letter, Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support, to Mr Bill Hodge, President, Darwin Aero Club, dated 12 September 1990; and
- Letter, Claude Vautin, Executive Air Charter, to Senator the Hon. Bob Collins, Minister for Shipping and Aviation Support, dated 12 September 1990.

Debate continued.

Question - That the Appropriation for Division 60 be agreed to - put and passed.

Appropriation for Division 27 agreed to, after debate.

Appropriation for Division 12 -

Debate ensued.

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

- Table, Comparison of Benefits payable by Commonwealth, State and N.T. Worker's Compensation Schemes.

Debate continued.

Question - That Appropriation for Division 12 be agreed to - put and passed.

Appropriation for Division 13 agreed to, after debate.

Appropriation for Division 92 agreed to, after debate.

Appropriation for Division 79 agreed to, after debate.

Appropriation for Division 20 agreed to, after debate.

Appropriation for Division 71 agreed to, after debate.

Schedule 2 agreed to.

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

Bill to be reported without amendment.

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

On the motion of the Leader of Government Business (Mr Coulter) the Bill was read a third time and passed to be a proposed law.

6. PUBLICATIONS COMMITTEE, SIXTEENTH REPORT - PAPER TABLED - REPORT ADOPTED: The Chairman of the Publications Committee (Mr Setter) laid on the Table the Sixteenth Report of the Publications Committee recommending that the following Papers be printed -

Title	Date Tabled
Road Safety Council of the Northern Territory, Annual Report 1988-89	2. 5.90
Watarrka National Park - Plan of Management	8. 5.90
Northern Territory Grain Marketing Board, Annual Report 1987-88	10. 5.90
Elder's Trustee and Executor Company Limited, Annual Report 1986-87	15. 8.90
Elder's Trustee and Executor Company Limited, Annual Report 1987-88	15. 8.90
Elder's Trustee and Executor Company Limited, Annual Report 1988-89	15. 8.90
Executor Trustee Australia Limited, Financial Statement 1988-89	15. 8.90
Farmers' Cooperative Executors and Trustees Limited, Annual Report 1988-89	15. 8.90
Museums and Art Galleries Board, Annual Report 1988-89	15. 8.90
ANZ Executors and Trustee Company Limited, Annual Report for Year ended 30 September 1987	15. 8.90
ANZ Executors and Trustee Company Limited, Annual Report for Year ended 30 September 1988	15. 8.90
ANZ Executors and Trustee Company Limited, Annual Report for Year ended 30 September 1989	15. 8.90
Industry and Employment Training Advisory Council, Annual Report 1986-87	16. 8.90
Industry and Employment Training Advisory Council, Annual Report 1987-88	16. 8.90
Industry and Employment Training Advisory Council, Annual Report 1988-89	16. 8.90
Police Force of the Northern Territory, Northern Territory Emergency Service, Fire Service of the Northern Territory, Annual Report 1988-89	16. 8.90
Juvenile Justice Board of Management, Northern Region, Annual Report 1989-90	21. 8.90

Title	Date Tabled
Juvenile Justice Board of Management, Southern Region, Annual Report 1989-90	21. 8.90
Parole Board of the Northern Territory, Annual Report 1989	21. 8.90

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

7. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

The Assembly adjourned at 11.12 p.m. until Tuesday 2 October 1990 at 10.00 a.m.

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PAPER:

The following Paper was deemed to have been presented on Thursday 27 September 1990:

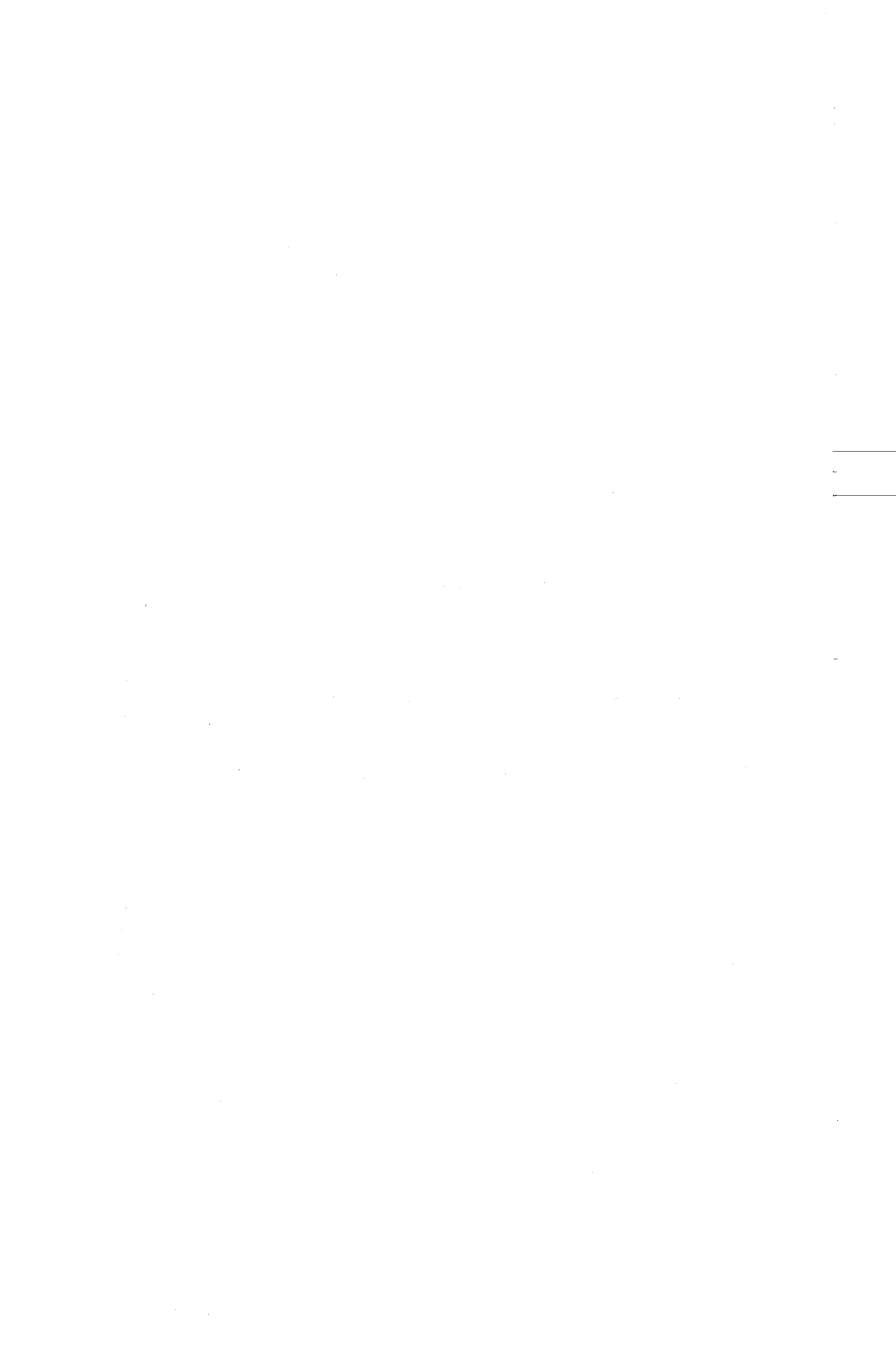
Annual Report:

Northern Territory Fisheries Joint Authority for the period ending 31 December 1989.

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ATTENDANCE:

All Members attended the sitting, except Mr Tipiloura (on leave).



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 110

Tuesday 2 October 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. PERSONAL EXPLANATION:

The Attorney-General (Mr Manzie), by leave, made a personal explanation relating to comments made by the Member for Barkly (Mr Tuxworth) upon the Mulholland investigation during the adjournment debate on Thursday 27 September 1990.

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

° Authorization in accordance with section 76 of the *Poisons and Dangerous Drugs Act*, signed by T.N. Baker, Commander of Police, dated 16 February 1990;

° Letter, Mr Ray Minahan, Senior Crown Prosecutor, Department of Law to Assistant Commissioner S. Grant, Northern Territory Police Force, dated 2 March 1990; and

° Letter, Mr Ray Minahan, Senior Crown Prosecutor, Department of Law to Mr G. Barbaro, Elston Gilchrist, dated 30 April 1990.

4. QUESTIONS:

Questions were asked of Ministers.

5. "TALKING IS NOT ENOUGH" - PAPER TABLED - MINISTERIAL STATEMENT - MOTION TO NOTE PAPER AND STATEMENT:

The Minister for Education (Mr Harris) laid on the Table a Paper entitled "Talking is not enough" and made a statement relating to the review of the education of traditionally oriented Aboriginal people in the Northern Territory.

Mr Harris moved - That the Assembly take note of the Paper and the Statement.

Debate ensued.

On the motion of the Member for Jingili (Mr Setter) debate was adjourned.

Suspension of sitting: The sitting was suspended between 12 noon and 2.00 p.m.

6. SUMMARY OFFENCES AMENDMENT BILL (No. 2) 1990 (Serial 291):

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 Member for Macdonnell (Mr Bell) moved - That the Bill be referred to the Sessional Committee on the Use and Abuse of Alcohol by the Community for consideration and report as soon as possible.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 5	NOES, 15
Mr Bailey	Mr Collins
Mr Bell	Mr Coulter
Mr Ede	Mr Dondas
Mr Lanhupuy	Mr Finch
Mr Smith	Mr Firmin
	Mr Harris
	Mr Hatton
	Mr Manzie
	Mr McCarthy
	Mrs Padgham-Purich
	Mr Palmer
	Mr Perron
	Mr Poole
	Mr Setter
	Mr Vale

And so it was resolved in the negative.

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

In the Committee
(Chairman - Mr Firmin)

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

New clause -

The Member for Sadadeen (Mr Collins) moved - That the following new clause be inserted in the Bill -

"3A. REPEAL

"Section 45G of the Principal Act is repealed."

Debate ensued.

Proposed new clause negatived.

Clause 4 agreed to, after debate.

Clause 5 read -

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

Insert in proposed section 45 HA(1), before "unopened", the words "opened or".

Insert after subsection (6) of proposed section 45HA the following:

"(6A) Subsections (2) and (3) do not apply to or in relation to an opened cask, flask, bottle, can or other container that is not self-sealing or that, in the opinion of the member, cannot conveniently be corked or otherwise sealed and, if such a thing is seized under subsection (1), the member who seized it may empty it."

Clause 5, as amended, agreed to.
Title agreed to.
Bill to be reported with amendments.

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

The Attorney-General (Mr Manzie) moved - That the Bill be now read a third time.

Question - put and passed.

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

7. ADJOURNMENT:

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

Debate ensued.

Papers tabled: The Member for Sadadeen (Mr Collins), by leave, laid on the Table the following Papers -

- The Conclusion of Treaties and other International Arrangements - Summary;
- Extract from Sydney Morning Herald, dated 27 September 1990; and
- An Open Letter to All Australians - The 1985 Bill of Rights - How it became law in Australia and The U.N. Convention on the Rights of the Child, by George V. Turner, BA, LLB, dated 5 September 1990.

Debate continued.

Question - put and passed.

The Assembly adjourned at 6.02 p.m. until tomorrow at 10.00 a.m.

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PAPERS:

The following Papers were deemed to have been presented on Tuesday 2 October 1990:

Regulations 1990:

- No. 41 - Amendment of Legal Practitioners Regulations
- No. 42 - Amendment of Racing and Betting Regulations
- No. 43 - Misuse of Drugs Regulations
- No. 44 - Amendment of Liquor Regulations
- No. 45 - Amendment of the Taxation (Administration) Regulations.

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ATTENDANCE:

All Members attended the sittings, except Mr Tipiloura (on leave).

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 111

Wednesday 3 October 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. NOTICES:

The following notices were given:

Mr McCarthy: To present the Dog Act Repeal Bill 1990 (Serial 313).

Mr McCarthy: To present the Law Reform (Miscellaneous Provisions) Amendment Bill 1990 (Serial 314).

4. QUESTIONS:

Questions were asked of Ministers.

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

- Northern Territory Fishing and Boating Guide by the Department of Primary Industry and Fisheries.

Further questions were asked of Ministers.

A supplementary answer was given by the Attorney-General (Mr Manzie) to a question asked by the Member for Barkly (Mr Tuxworth) during the adjournment debate on Tuesday 2 October 1990.

5. ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION - MOTION AGREED TO:

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

- (1) **Considering** that this Assembly is the Parliament of the Northern Territory and the voice of the Northern Territory people;
- (2) **Recognising** that the Commonwealth of Australia has imposed a new administrative tier on the bureaucratic framework responsible for the delivery of services to Aboriginal Territorians;
- (3) **Noting** that this organisation, the Aboriginal and Torres Strait Islander Commission (ATSIC) has circulated a document which specifies that annual funding to ATSIC by the Commonwealth will be inflation adjusted;
- (4) **Noting** that ATSIC's expenditure budget for 1990-91 exceeds \$660 million with additional funds being provided to ATSIC via other Commonwealth departments;

- (5) **Recognising** that in real terms the Commonwealth's allocation to the Northern Territory Government has declined 26% in the past six years compared with 13% to the states and that no other tier of government within Australia is assured of inflation adjusted allocations;
- (6) **Recognising moreover** that the Northern Territory has been ably governed by its own elected government chosen by the people of the Northern Territory in four successive elections;
- (7) **Noting** that the Northern Territory Government has consistently allocated higher per capita funding to the needs of Aboriginal Territorians than to non-Aboriginal Territorians;
- (8) **This Assembly declares** unanimously that the people of the Northern Territory desire the Commonwealth to re-establish an equitable basis for the financial treatment of the Territory;
- (9) **And further we the elected representatives of the Territory** people declare that the proposed creation of a Treaty or an Instrument of Reconciliation will create dissent and disharmony among the people of the Northern Territory;
- (10) **Accordingly, this Assembly condemns** any notion that taxpayers should fund some form of compensation as a consequence of a Treaty or an Instrument of Reconciliation; and
- (11) **This Assembly directs** that this clear will of the elected representatives of all the people of the Northern Territory be conveyed by the Chief Minister to the Special Premiers' Conference on October 30 and 31.

Suspension of sitting: The sitting was suspended between 11.50 a.m. and 2.00 p.m.

Debate ensued.

The Member for Arnhem (Mr Lanhupuy), by leave, moved the following amendments together -

- (1) omit the word "ably" from paragraph 6;
- (2) omit paragraph 9 and insert in its stead:

"This Assembly commits itself to achieving an access to appropriate standards of living for all Territorians by the year 2000."; and

(3) add at the end of paragraph 10:

"that results in payments to individuals but rather may include funding from the Federal Government to State and Territory Governments and Aboriginal organisations to remove the imbalance and inequities that currently exist".

Debate ensued.

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

° Letter, Mr N.R. Bell, MLA, Member for Macdonnell to Hon. M.B. Perron, MLA, Chief Minister, dated 7 September 1990.

Debate continued.

Question - That the amendments be agreed to - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 6

NOES, 17

Mr Bailey
Mr Bell
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith

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

Amendments negatived accordingly.

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

6. PRIVILEGE - REQUEST FOR REFERRAL TO COMMITTEE OF PRIVILEGES:

The Member for Macdonnell (Mr Bell), pursuant to Standing Order 83, raised as a matter of privilege a letter he had received from the firm of Cridlands, Barristers and Solicitors, and claimed that the content therein constituted a breach of privilege in that it attempted to prevent him from exercising his duties as a Member of the Legislative Assembly, and requested that the Speaker refer the matter to the Committee of Privileges.

Mr Bell, pursuant to Standing Order 87, laid on the Table the following Paper -

- ° Letter, Cridlands, Barristers and Solicitors to Mr N. Bell, MLA, dated 3 October 1990, together with a letter from Mr N. Bell, MLA, Member for Macdonnell to Hon. M.B. Perron, MLA, Chief Minister, dated 2 October 1990.

The Speaker stated that he would consider the matter and advise the Assembly of his decision during the next sitting day.

7. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (No. 2) 1990 (Serial 298):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

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

8. MINE MANAGEMENT AMENDMENT BILL 1990 (Serial 288):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

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

9. SUPREME COURT AMENDMENT BILL 1990 (Serial 302):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

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

10. SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) AMENDMENT BILL 1990 (Serial 289):

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

Debate resumed.

Question - put and passed.

Bill read a second time.

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

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

11. ADJOURNMENT:

The Attorney-General (Mr Manzie) moved - That the Assembly do now adjourn.

Debate ensued.

And the Member for Barkly (Mr Tuxworth) having mentioned in debate allegations by other persons imputing that the Attorney-General (Mr Manzie) had deliberately misled the Assembly -

Ruling of Speaker: The Speaker ruled - That to quote other people imputing that a Member had deliberately misled the Assembly was not in order.

Leave refused: Mr Tuxworth thereupon asked leave to move a motion relating to the conduct of Mr Manzie -

Objection being raised, leave not granted.

Mr Tuxworth moved - That so much of Standing Orders be suspended as would prevent him moving a motion relating to the conduct of Mr Manzie -

Ruling by Speaker: The Speaker ruled - That the motion was not in order as there was a question before the Chair.

Debate continued.

Papers tabled: The Minister for Transport and Works (Mr Finch) laid on the Table the following Papers -

° Extract, Parliamentary Record Debates page 5863, dated 22 February 1989; and

° Commonwealth of Australia, Northern Territory Telephone Directory, August 1951.

Debate continued.

Question - put and passed.

The Assembly adjourned at 8.28 p.m. until tomorrow at 10.00 a.m.

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PAPERS:

The following Papers were deemed to have been presented on Wednesday 3 October 1990:

Lands Acquisition Act:

Statement of reasons for compulsory acquisition as a matter of urgency -

Pastoral Lease No. 865 Ban Ban Springs, dated 3 October 1990

Regulations 1990:

No. 40 - Amendments of the Supreme Court Rules.

ATTENDANCE:

All Members attended the sittings, except Mr Tipiloura (on leave).

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 112

Thursday 4 October 1990

1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. NOTICES:

The following notices were given:

Mr McCarthy: To present the Local Government Amendment Bill 1990 (Serial 317).

Mr McCarthy: To present the Control of Roads Amendment Bill 1990 (Serial 318).

Mr McCarthy: To present the Crown Lands Amendment Bill 1990 (Serial 319).

Mr Harris: To present the Education Amendment Bill (No. 2) 1990 (Serial 308).

Mr Hatton: To present the Food Amendment Bill 1990 (Serial 316).

4. PRIVILEGE - REQUEST FOR REFERRAL TO COMMITTEE OF PRIVILEGE - STATEMENT - SPEAKER'S DECISION:

The Speaker advised the Assembly that he had considered the request of the Member for Macdonnell (Mr Bell) to refer to the Committee of Privileges a matter of privilege relating to a letter from the firm of Cridlands, which Mr Bell alleged attempted to prevent him from carrying out his duties as a Member of the Legislative Assembly.

The Speaker informed the Assembly of his decision in the following terms:

"Honourable Members, yesterday Mr Bell raised as a matter of privilege, a letter sent to him by the firm of Barristers and Solicitors, Cridlands, requesting that I refer the matter to the Committee of Privileges.

"I have given the matter consideration and, pursuant to Standing Order 84, I refer the matter to the Committee of Privileges."

5. FURTHER NOTICE:

The following further notice was given:

Mr Tuxworth: To move - That this Assembly censures the Attorney-General for deliberately misleading the Assembly by denying that he had ever met with the prostitute "Rhonda" when, by her own admission to me, she maintains that she met him in the Palmerston Bar at the Parap Hotel and spoke with him for about twenty minutes concerning their common acquaintance, Peter Woods.

6. CENSURE OF ATTORNEY-GENERAL, DELIBERATELY MISLEADING THE ASSEMBLY - MOTION NEGATIVED:

The Leader of Government Business (Mr Coulter) informed the Assembly that the Government, pursuant to Standing Order 95, accepted the notice of motion as a censure motion.

The Member for Barkly (Mr Tuxworth) thereupon moved - That this Assembly censures the Attorney-General for deliberately misleading the Assembly by denying that he had ever met with the prostitute "Rhonda" when, by her own admission to me, she maintains that she met him in the Palmerston Bar at the Parap Hotel and spoke with him for about twenty minutes concerning their common acquaintance, Peter Woods.

Debate ensued.

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

° Statutory Declaration, unsigned, dated 4 October 1990.

Debate continued.

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

° Letter, Mr N.R. Bell, MLA to Mr Bob Mulholland, QC, Barrister at Law, dated 3 October 1990.

Debate continued.

Suspension of sitting: The sitting was suspended between 11.56 a.m. and 2.00 p.m.

Debate continued.

Question - put.

The Assembly divided (the Speaker, Hon. N.M. Dondas, in the Chair) -

AYES, 8

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

NOES, 16

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

Motion negatived accordingly.

7. OMBUDSMAN, TWELFTH ANNUAL REPORT - PAPER TABLED - PAPER PRINTED:
The Chief Minister (Mr Perron) laid on the Table the twelfth annual report of the Ombudsman, 1 July 1989 to 30 June 1990.
Mr Perron moved - That the Report be printed.
Question - put and passed.
8. CONTROL OF THE *ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976* -
MOTION AGREED TO:
The Chief Minister (Mr Perron) moved - That -
- (1) **Considering** that this Assembly is the Parliament of the Northern Territory and the voice of the Northern Territory people;
 - (2) **Recognising** that the Commonwealth of Australia in its grant of self-government to the Territory retained certain state-like powers within the control of its own administration;
 - (3) **Noting** that since the grant of self-government in 1978 the Northern Territory has been ably and responsibly governed by its own elected government chosen by the people in successive elections;
 - (4) **Recognising** that one of the fundamental prerogatives of State Governments is their responsibility for land administration within their borders and that this prerogative is denied to the people of the Northern Territory over large tracts of Northern Territory land covering approximately 46% of the Territory;
 - (5) **Considering moreover** that many Aboriginal Territorians have a growing disaffection with Commonwealth administration of the Land Rights Act and have a desire for tribally based land titles and a Land Council system more in keeping with their aspirations;
 - (6) **This Assembly declares** that the people of the Northern Territory are well able to administer the responsibility for Land Rights;
 - (7) **Accordingly this Assembly asserts unanimously** that the Commonwealth should now transfer administration of the *Aboriginal Land Rights (Northern Territory) Act 1976*, now administered by the Commonwealth, to the control of this Assembly; and
 - (8) **This Assembly directs** that this clear will of the elected representatives of all the people of the Northern Territory be conveyed by the Chief Minister to the Special Premiers' Conference on October 30 and 31.

Debate ensued.

The Member for Arnhem (Mr Lanhupuy) moved the following amendment -

Omit all words after paragraph 2 and insert in their stead:

- " (3) **Notes** that successive Country Liberal Party Governments have maintained a consistent opposition to land claims lodged on behalf of Aboriginal people of the Northern Territory;
- (4) **Recognises** that this and other actions of the Country Liberal Party Government have created a high degree of distrust in the minds of Aboriginal people towards the Northern Territory CLP Government;
- (5) **Notes** that the issue of land rights created a high degree of division in the Northern Territory community in the years following passage of the Act by the Federal Government;
- (6) **Recognises** that in recent years there has been an emerging consensus in the Northern Territory surrounding issues such as land rights and Aboriginal aspirations generally;
- (7) **Notes** that the Legislative Assembly Select Committee on Constitutional Development is currently receiving submissions on the degree to which the principles of Aboriginal rights in regard to land and culture can be incorporated in a Northern Territory Constitution for a new state;
- (8) **Notes** that these issues will be put to the people of the Northern Territory in a referendum for their judgement, and a constitution accepted in that manner will become the supreme government legislation for the Northern Territory and asserts the belief of this Assembly that this process will provide the safeguards Aboriginal people require underpinned by a broad community consensus support and create the right environment for statehood; and
- (9) **This** Assembly declares that administration of the Land Rights Act should at that time be passed to this Assembly or its successors."

Debate ensued.

Paper tabled: The Minister for Tourism (Mr Vale) laid on the Table the following Paper -

° Finke River Translation of Aboriginal Land Rights Legislation.

Debate continued.

Question - That the amendment moved by Mr Lanhupuy, be agreed to - put and negatived.

The Leader of Government Business (Mr Coulter), by leave, moved the following amendment - Omit the word "unanimously" from paragraph 7.

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

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

9. POLICE INQUIRY BY MR R. MULHOLLAND, QC - MOTION AGREED TO:

The Leader of Government Business (Mr Coulter) for and on behalf of the Chief Minister (Mr Perron), by leave, moved - That -

- (1) any report by Mr Robert Mulholland, QC, relating to the manner, direction and effectiveness of investigations by Northern Territory Police in relation to -
 - (a) the investigation and prosecution of certain former Police Officers charged with drug-related offences;
 - (b) the investigation of a complaint concerning possible criminal offences against a certain Police Officer by another Police Officer; and
 - (c) the investigation of an alleged incident involving a Police Officer and a member of the public,shall, subject to paragraph (4), be forwarded to the Speaker of the Legislative Assembly immediately upon receipt by the Secretary of the Department of Law;
- (2) on receipt of any such report, the Speaker shall lay the Report on the Table of the Assembly at the earliest opportunity;
- (3) if the Assembly be not sitting, or if it be prorogued, when the Secretary of the Department of Law has received such a report, subject to paragraph (4), he shall provide the Report to the Speaker, or, if the Speaker is unavailable, to the Deputy Speaker, and in that event -
 - (a) the Report shall be deemed to have been presented to the Assembly;
 - (b) the publication of the Report is authorised by this resolution;
 - (c) the Speaker or the Deputy Speaker, as the case may be, shall give directions for the printing and circulation to Members of the Report;
 - (d) the Report shall be laid on the Table of the Assembly at the next sitting; and
- (4) so as to ensure the fair trial of persons before the Court, no part of the Report prepared by Mr Mulholland relating to matters the subject of court proceedings either in progress or pending shall be tabled or published until such time as those proceedings have been completed.

Debate ensued.

Question - put and passed.

10. POLICE POWERS REVIEW COMMITTEE - REPORT TABLED - STATEMENT:
The Attorney-General (Mr Manzie) laid on the Table the Second Interim Report of the Police Powers Review Committee, dated September 1990.
Mr Manzie, by leave, made a statement relating thereto.

11. DRAFT HERITAGE CONSERVATION BILL - PAPER TABLED - STATEMENT - MOTION TO NOTE PAPER:

The Minister for Conservation (Mr Hatton) laid on the Table a draft Heritage Conservation Bill and made a statement relating thereto.

Mr Hatton moved - That the Assembly take note of the Paper.

On the motion of the Member for Wanguri (Mr Bailey) debate was adjourned.

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

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) moved - That so much of Standing Orders be suspended as would prevent two Bills, the Dog Act Repeal Bill 1990 (Serial 313) and the Law Reform (Miscellaneous Provisions) Amendment Bill 1990 (Serial 314) -

(a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the Committee's report stage and the third readings of the Bills together; and

(b) the consideration of the Bills separately in Committee of the Whole.

Question - put and passed.

13. DOG ACT REPEAL BILL 1990 (Serial 313); and LAW REFORM (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 1990 (Serial 314):

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy), pursuant to notice and resolution, presented a Bill for an Act to repeal the *Dog Act*, and for other purposes; and a Bill for an Act to amend the *Law Reform (Miscellaneous Provisions) Act*.

Bills read a first time.

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

On the motion of the Member for Wanguri (Mr Bailey) debate was adjourned.

14. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - EIGHTEENTH REPORT - PAPER TABLED:

The Chairman of the Subordinate Legislation and Tabled Papers Committee (Mr Setter) laid on the Table the Eighteenth Report of the Subordinate Legislation and Tabled Papers Committee.

15. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And the Assembly adjourned at 9.32 p.m. until Tuesday 9 October 1990 at 10.00 a.m.

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PAPER:

The following Paper was deemed to have been tabled on Thursday, 4 October 1990:

Annual Report:

Department of Transport and Works, 1989-90.

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ATTENDANCE:

All Members attended the sitting, except Mr Tipiloura (on leave).

H G SMITH

Clerk of the Legislative Assembly

FIFTH LEGISLATIVE ASSEMBLY

FIRST SESSION

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