

PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

Minutes of Proceedings

OF THE

LEGISLATIVE ASSEMBLY

No. 21

Tuesday, 14 October 1975

1. The Assembly met at 1000 hours pursuant to the Resolution of 21 August 1975—Mr Speaker MacFarlane took the Chair.
 2. **PETITION:** Mr Steele presented a Petition from certain Territory residents relating to Aboriginal Land Claims.
Petition received and read.
 3. **NOTICES:** The following notices were given:—
 - Mrs Lawrie: To present the Prevention of Cruelty to Animals Bill 1975 (Serial 57).
 - Mrs Lawrie: To move That this Council—
 - (a) affirms its belief that persons wishing to rebuild their homes inside the primary surge zone should not be discriminated against in any way and should be eligible for the same assistance as persons rebuilding elsewhere in Darwin; and
 - (b) requires the Honourable Member for Fannie Bay to actively promote this policy in his capacity as Assembly nominee on the Darwin Reconstruction Commission.
- Mr Withnall: To present the Environment Bill 1975 (Serial 75).
- Mr Everingham: To present the Church of England in Australia Constitution Bill 1975 (Serial 66).
- Dr Letts: To present the Stabilization of Land Prices Bill 1975 (Serial 60), the Lands Acquisition Bill 1975 (Serial 59) and the Wildlife Conservation and Control Bill 1975 (Serial 67).
- Mr Tambling: To present the Housing Bill 1975 (Serial 72) and the Housing Loans Bill 1975 (Serial 77).
- Mr Kilgariff: To present the Police and Police Offences Bill 1975 (Serial 71), the Unit Titles Bill 1975 (Serial 64), the Real Property (Unit Titles) Bill 1975 (Serial 65), the Local Courts Bill 1975 (Serial 63), the Local Government Bill 1975 (Serial 56), and the Criminal Injuries (Compensation) Bill 1975 (Serial 68).
- Mr Kilgariff: To move That an Address to the Australian Senate be agreed to in the following terms:

TO the Honourable the President and Members of the Senate in Parliament Assembled.

We the Legislative Assembly for the Northern Territory of Australia have recently endorsed and commended the policy of your Honourable House in declining to proceed with a bill relating to the Territory until such time as this Assembly had considered it.

With great humility we now request that the Senate accept as a general rule the desirability of referring to this Assembly all legislation, the nature of which would permit it to be dealt with by the Assembly.

In furtherance of this policy we would request that any legislation introduced into the Federal Parliament proposing to make changes in the constitution of the Northern Territory Police Force, which is a body created by Ordinance as part of the Northern Territory Public Service, be referred to this Assembly in the same manner as was the Stabilization of Land Prices Bill, 1975.

Mr Ryan: To present the Construction Safety Bill 1975 (Serial 55), the Firearms Bill 1975 (Serial 76), the Inspection of Machinery Bill 1975 (Serial 54) and the Motor Vehicles Bill 1975 (Serial 58).

Mr Pollock: To present the Nursing Bill 1975 (Serial 53) and the Pharmacy Bill 1975 (Serial 61).

4. **QUESTIONS:** Questions without notice were asked.
5. **PROPOSED PETITION TO THE HOUSES OF THE AUSTRALIAN PARLIAMENT:** Dr Letts laid on the Table a document entitled "The Petition of the Legislative Assembly for the Northern Territory to the Houses of the Australian Parliament" and, by leave, moved That
 - (a) a petition in the terms of the document tabled today be addressed to the respective Houses of the Australian Parliament;
 - (b) Mr Speaker transmit to the Honourable Member for the Northern Territory in the House of Representatives a copy of the aforesaid petition for presentation to the House; and
 - (c) Mr Speaker approach a suitable Senator and request him to present a copy of the Petition to the Senate.

THAT the Senator introducing the Petition be requested to seek an invitation from the Senate for a delegation to attend before the bar of that House to state a case in support of the Petition and that the delegation comprise Mr Speaker, Dr Letts and Mr Withnall. Dr Letts was granted leave to continue his remarks at a later hour.
6. **REPORT OF THE WORKING PARTY ON TERRITORIAL CRIMINAL LAW:** Mr Kilgariff, by leave, laid on the Table a copy of the Report and moved That the Report be noted.
Question put and passed.
7. **CYCLONE TRACY RELIEF TRUST FUND—FINANCIAL STATEMENT:** Mr Everingham, by leave, tabled a copy of the financial statement.
8. **NURSING BILL 1975 (Serial 48):** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time.
Bill, by leave, withdrawn.
9. **EXPLOSIVES BILL (No. 2) 1975 (Serial 46):** 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.

10. LITTER BILL 1975 (Serial 45): 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—Mr Chairman reported the Bill and the report was adopted.

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

11. LOCAL GOVERNMENT BILL 1975 (Serial 44): 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.

12. MOTOR VEHICLES BILL 1975 (Serial 43): 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 5 agreed to.

Clauses 6 to 12, by leave, taken together.

On the motion of Mr Ryan the following amendment to clause 12 was made:

At the beginning of the clause insert the following subclause:

“(1) Section 58(1) of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) ‘or’ (last occurring); and
- (b) by omitting paragraph (b) and substituting the following paragraphs:
 - ‘(b) undertake or offer to undertake insurance business—
 - (i) in terms of this Ordinance; or
 - (ii) in respect of fire, public liability or workmen’s compensation; or
- (c) except with and in accordance with the approval of the Registrar, undertake or offer to undertake insurance business in respect of property damage caused to or by motor vehicles that are registered or to be registered in the Northern Territory.’”

Clauses 6 to 12, as amended, agreed to.
 Progress to be reported, and leave asked to sit again.

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

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

13. PRICES REGULATION BILL 1975 (Serial 49): 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.

14. LEAVE OF ABSENCE TO MEMBER: Mr Steele moved, That leave of absence for this sitting day and the next two sitting days be granted to Mr Tungutalum.

Question put and passed.

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

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3—

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

Omit from proposed new section 110A sub-section (1) and substitute the following sub-section:
 “(1) Notwithstanding section 110, during the period of 5 years from the date of commencement of the Darwin Reconstruction Act 1975 or, if during that period a date is fixed by Proclamation under section 4 (1) of that Act then until that date, the Administrator may grant a licence to occupy, for temporary residential purposes, Crown Land within the Darwin Area as defined in that Act, being land that has been fenced or otherwise set apart and serviced as a building allotment for a dwelling house or flats.”

Clause, as amended, agreed to.

Clauses 4 and 5—

Dr Letts moved That clauses 4 and 5 be taken together.

Question put and passed.

Debate ensued.

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

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

16. CROWN LANDS BILL (No. 2) 1975 (Serial 52): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time.

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Proposed new clause—

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

“2A. The Principal Ordinance is amended by inserting after section 23 the following new section:

‘23AA.(1) Where in a pastoral, agricultural or miscellaneous lease there is a covenant relating to stocking, development work or improvements, the Administrator may, on application made by the lessee, suspend or temporarily vary the operation of that covenant and, during the period of the suspension or variation, the lease shall be construed as if that suspension or temporary variation were written into the lease.

‘(2) In considering an application for the suspension or temporary variation of the operation of a covenant under sub-section (1), the Administrator may take into account the financial resources of the lessee, and for this purpose may require the lessee to furnish him with such financial statements and other information as he considers necessary.

‘(3) Subject to sub-section (4), the suspension or temporary variation of the operation of a covenant under sub-section (1) shall—

- (a) in the first instance, be for such a period not exceeding 2 years as the Administrator thinks fit; and
- (b) may be extended for such further periods not exceeding one year at any one time as the Administrator thinks fit.

‘(4) The Administrator may give notice in writing to the lessee that, at the expiration of the period of 3 months after receipt of the notice, the period of suspension or temporary variation of the operation of a covenant will come to an end, and if he does so, then at the expiration of that period of notice, that suspension or variation shall cease.’”

Debate ensued.

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

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

17. DRUNKENNESS BILLS: DRUNKENNESS BILL 1975 (Serial 31), POLICE AND POLICE OFFENCES BILL 1975 (Serial 32): The order of the day having been read for the second reading.

Bills, by leave, withdrawn.

18. EXECUTIVE RESPONSIBILITY BILLS: Dr Letts, by leave, made a statement relating to the retention of the Bills on the Notice Paper.

19. ADJOURNMENT: Dr Letts moved—That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1523 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 14 October 1975, pursuant to statute:—

ANNUAL REPORTS:

Katherine Hospital Advisory Board 1974-75.

Tennant Creek Hospital Board 1974-75.

Consumers Protection Council 1974-75.

DETERMINATIONS AND AGREEMENTS:

Agreement between Administrator and Northern Territory Senior Prison Officers Association dated 8 September 1975.

Agreement between Administrator and Northern Territory Prison Officers Association dated 8 September 1975.

MINUTES OF MEETINGS OF TOWN MANAGEMENT BOARDS:

Katherine 12 August 1975, 23 September 1975.

Tennant Creek 25 August 1975, 22 September 1975.

REGULATIONS—1975:

No. 16—Amendments of the Crown Lands Regulations.

No. 17—Amendment of the Electricity Regulations.

No. 18—Amendments of the Hospitals and Medical Services (Charges) Regulations.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 22

Wednesday, 15 October 1975

1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker MacFarlane took the Chair.
2. **DISTINGUISHED VISITOR:** Mr Speaker informed the Assembly that Mr A. G. W. Greator, the former President of the Legislative Council for the Northern Territory was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.
3. **NOTICES:** The following notice was given:—
Miss Andrew: To present the Landlord and Tenant (Control of Rents) Bill 1975 (Serial 62).
4. **QUESTIONS:** Questions without notice were asked.
5. **PREVENTION OF CRUELTY TO ANIMALS BILL 1975 (Serial 57):** Mrs Lawrie, pursuant to notice, presented the Bill which was thereupon read a first time.
Mrs Lawrie moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
6. **ENVIRONMENT BILL 1975 (Serial 75):** Mr Withnall, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Withnall moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
7. **CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL 1975 (Serial 66):** Mr Everingham, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Everingham moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
SUSPENSION OF SITTING: The sitting was suspended between 1147 and 1400 hours.
8. **STATEMENT BY Mr SPEAKER:** Mr Speaker made a statement relating to relocatable offices for Members and repairs to Assembly buildings.
SUSPENSION OF SITTING: The sitting was further suspended between 1410 and 1420 hours.
9. **HOMEBUILDING IN PRIMARY SURGE ZONE:** Mrs Lawrie, pursuant to notice, moved That this Assembly—
 - (a) affirms its belief that persons wishing to rebuild their homes inside the primary surge zone should not be discriminated against in any way and should be eligible for the same assistance as persons rebuilding elsewhere in Darwin; and

(b) requires the Honourable Member for Fannie Bay to actively promote this policy in his capacity as Assembly nominee on the Darwin Reconstruction Commission.

Debate ensued.

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

10. **LAPSE OF NOTICE:** Notice No. 5 (Darwin Reconstruction Act Repeal Proposal) was, by leave, withdrawn.

11. **BUILDING MANUAL ADOPTED BY DARWIN RECONSTRUCTION COMMISSION:** The order of the day having been read for the resumption of the debate on the motion of Mr Withnall, That the document tabled by the Majority Leader on 19 June 1975 be noted.

Motion, by leave, withdrawn.

12. **PROPOSED ADDRESS TO THE AUSTRALIAN SENATE:** Mr Kilgariff, pursuant to notice, moved That an Address to the Australian Senate be agreed to in the following terms:

TO the Honourable the President and Members of the Senate in Parliament Assembled.

We the Legislative Assembly for the Northern Territory of Australia have recently endorsed and commended the policy of your Honourable House in declining to proceed with a bill relating to the Territory until such time as this Assembly had considered it.

With great humility we now request that the Senate accept as a general rule the desirability of referring to this Assembly all legislation, the nature of which would permit it to be dealt with by the Assembly.

In furtherance of this policy we would request that any legislation introduced into the Federal Parliament proposing to make changes in the constitution of the Northern Territory Police Force, which is a body created by Ordinance as part of the Northern Territory Public Service, be referred to this Assembly in the same manner as was the Stabilization of Land Prices Bill, 1975.

Debate ensued.

Question put and passed.

13. **HOUSING LOANS BILL 1975 (Serial 77):** Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tambling 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. **NURSING BILL 1975 (Serial 53):** Mr Pollock, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Pollock 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. **UNIT TITLES BILL 1975 (Serial 64):** Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Kilgariff 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.

16. **REAL PROPERTY (UNIT TITLES) BILL 1975 (Serial 65):** Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Kilgariff 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. **HOUSING BILL 1975 (Serial 72):** Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Tambling 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. **CONSTRUCTION SAFETY BILL 1975 (Serial 55):** Mr Ryan, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Ryan moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
19. **FIREARMS BILL 1975 (Serial 76):** Mr Ryan, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Ryan moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
20. **CRIMINAL INJURIES (COMPENSATION) BILL 1975 (Serial 68):** Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Kilgariff 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.
21. **ADJOURNMENT:** Dr Letts moved—That the Assembly do now adjourn.
Debate ensued.
Question put and passed.
And then the Assembly at 1651 hours adjourned until tomorrow at 1000 hours.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 23

Thursday, 16 October 1975

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1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker MacFarlane took the Chair.
 2. NOTICES: The following notice was given:
Dr Letts: To present the Transfer of Executive Powers Bill 1975 (Serial 69) and the Interpretation Bill 1975 (Serial 70).
 3. QUESTIONS: Questions without notice were asked.
 4. REPORT OF DELEGATION TO THE AUSTRALIAN CONSTITUTIONAL CONVENTION: Dr Letts tabled the Report of the Delegation to the Australian Constitutional Convention 1975.
 5. WILDLIFE CONSERVATION AND CONTROL BILL 1975 (Serial 67): Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.
Dr Letts moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
 6. INSPECTION OF MACHINERY BILL 1975 (Serial 54): Mr Ryan, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Ryan moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
 7. POLICE AND POLICE OFFENCES BILL 1975 (Serial 71): Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Kilgariff 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. PHARMACY BILL 1975 (Serial 61): Mr Pollock, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Pollock 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. LOCAL COURTS BILL 1975 (Serial 63): Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Kilgariff 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. MOTOR VEHICLES BILL 1975 (Serial 58): Mr Ryan, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

11. **STABILIZATION OF LAND PRICES BILL 1975 (Serial 60):** Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

12. **LANDS ACQUISITION BILL 1975 (Serial 59):** Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

13. **LOCAL GOVERNMENT BILL 1975 (Serial 56):** Mr Kilgariff, pursuant to notice, presented the Bill which was thereupon read a first time.

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

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

14. **LANDLORD AND TENANT (CONTROL OF RENTS) BILL 1975 (Serial 62):** Miss Andrew, pursuant to notice, presented the Bill which was thereupon read a first time.

Miss Andrew moved—That the Bill be now read a second time.

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

SUSPENSION OF SITTING: The sitting was suspended between 1151 and 1400 hours.

15. **PROPOSED PETITION TO THE HOUSES OF THE FEDERAL PARLIAMENT:** The order of the day having been read for the resumption of the debate on the motion of Dr Letts That—

- (a) a petition in the terms of the document tabled today be addressed to the respective Houses of the Australian Parliament;
- (b) Mr Speaker transmit to the Honourable Member for the Northern Territory in the House of Representatives a copy of the aforesaid petition for presentation to the House; and
- (c) Mr Speaker approach a suitable Senator and request him to present a copy of the Petition to the Senate.

THAT the Senator introducing the Petition be requested to seek an invitation from the Senate for a delegation to attend before the bar of that House to state a case in support of the Petition and that the delegation comprise Mr Speaker, Dr Letts and Mr Withnall.

Debate ensued.

SUSPENSION OF SITTING: The sitting was suspended between 1430 and 1448 hours.

Debate resumed.

MEMBER NAMED AND SUSPENDED: Mr Ryan having objected to certain words used by Mrs Lawrie and Mrs Lawrie having refused to comply with the order of Mr Speaker to withdraw those words, she was thereupon named by Mr Speaker.

Dr Letts moved That the Honourable member for Nightcliff be suspended from the service of the Assembly.

The Honourable Member was, therefore, suspended at 1540 hours for 24 hours under standing order 197, and accordingly withdrew from the Chamber.

Debate resumed.

Question put and passed.

16. EXPLOSIVES BILL (No. 2) 1975 (Serial 46): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time.

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4 agreed to.

New clause—

On the motion of Mr Ryan the following new clause was inserted in the Bill:

“4A. Section 33 of the Principal Ordinance is amended by inserting after ‘sale’ the words ‘, purchase or possession’.”

Clause 5—

On the motion of Mr Ryan the following amendment was made:—

“(2) Section 37(4) of the Principal Ordinance is amended—

- (a) by inserting after ‘an inspector’ the words ‘, a member of the Police Force’; and
- (b) by omitting all words after and including ‘; but where the Regulations specify’.”

Clause, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

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

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

17. ADJOURNMENT: Dr Letts moved—That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1610 hours adjourned until 1000 hours on Tuesday, 21 October 1975.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 24

Tuesday, 21 October 1975

1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker MacFarlane took the Chair.
2. NOTICES: The following notices were given:—
Mr Pollock: To move That this Assembly expresses its deep concern at the serious difficulties facing those responsible for the provision of health services in the Territory and the possibility that some services may have to be curtailed because of staff shortages and that this concern be conveyed to the Prime Minister and Ministers for Health and for Northern Australia.
Mr Tambling: To present the Darwin Town Area Leases Bill 1975 (Serial 74) and the Crown Lands Bill 1975 (Serial 73).
3. QUESTIONS: Questions without notice were asked.
4. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE—SECOND AND THIRD REPORTS: Mr Withnall presented the Second and Third Reports of the Committee.
5. TRANSFER OF EXECUTIVE POWERS BILL 1975 (Serial 69): Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.
Dr Letts moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
6. INTERPRETATION BILL 1975 (Serial 70): Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.
Dr Letts moved—That the Bill be now read a second time.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
7. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Steele, Order of the Day No. 1 (Local Government Bill 1975) was postponed until a later hour.
8. MOTOR VEHICLES BILL 1975 (Serial 43): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly. The Assembly again resolved itself into a committee of the whole.

(In the committee)

Clause 13—

On the motion of Mr Ryan the following amendment was made:—

Omit from proposed paragraph (b) "or for any other reason".

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken together and agreed to.

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

9. **PRICES REGULATION BILL 1975 (Serial 49):** 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.

10. **CROWN LANDS BILL 1975 (Serial 9):** The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

Clauses 4 and 5—

On the motion of Dr Letts, the order of the Committee of 14 October 1975 that clauses 4 and 5 be taken together was rescinded.

Clause 4 negatived, after debate.

Clause 5 agreed to.

Title agreed to.

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

11. **CROWN LANDS BILL (No. 2) 1975 (Serial 52):** The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.

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

(In the committee)

New clause 2A—

Proposed new clause, by leave, withdrawn.

New clause—

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

“2A. The Principal Ordinance is amended by inserting after section 23 the following new section—

‘23AA.(1) Where in a pastoral, agricultural or miscellaneous lease there is a covenant relating to stocking, development work or improvements, the Administrator may, on application made by the lessee, grant a moratorium on the performance of the obligations under that covenant and, during the period of the moratorium, the lease shall be construed as if that moratorium was written into the lease.

‘(2) In considering an application for a moratorium under sub-section (1), the Administrator may take into account the financial resources of the lessee, and for that purpose may require the lessee to furnish him with such financial statements and other information as he considers necessary.

‘(3) Subject to sub-section (4), a moratorium under sub-section (1)—

(a) shall, in the first instance, be for such period, not exceeding 2 years as the Administrator thinks fit; and

(b) may be extended for such further periods, not exceeding one year at any one time, as the Administrator thinks fit.

(4) The Administrator may give notice in writing to the lessee that, at the expiration of the period of 6 months after receipt of the notice, the moratorium on the performance of the obligations under a covenant will come to an end, and if he does so, then at the expiration of that period of notice, that moratorium shall cease.

(5) Where in a covenant the subject of a moratorium under sub-section (1) a periodical or other action on the part of the lessee is provided for—

(a) the time for the performance of the earliest periodical or other action that would have fallen due during the period of the moratorium, had the moratorium not been granted, shall be postponed for a period equal to the period during which the moratorium was in force; and

(b) the time for the performance of each subsequent periodical action shall be postponed for a period equal to the period of postponement of the first-mentioned periodical action.

(6) On the expiration of a moratorium, both the lessee and the Crown shall with respect to the covenant, have the same rights and obligations as they respectively had immediately before the granting of the moratorium.

Clause 3—

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

Omit from proposed new section 24BA(3) “If, upon receipt of a notice under sub-section (1)” and substitute “If, during the period of one month after receipt of a notice under sub-section (1), or within such further time as the Administrator allows”.

Clause, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

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

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

12. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts, order of the day No. 7 was called on.
13. HOUSING LOANS BILL 1975 (Serial 77): 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.
14. NURSING BILL 1975 (Serial 53): 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.
16. UNIT TITLES BILL 1975 (Serial 64): 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 1410 hours.
Debate resumed.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
17. LEAVE OF ABSENCE TO MEMBER: Mr Steele moved that leave of absence be granted to Mr Tungutalum for this sitting day and the remaining sitting days this week.
Question put and passed.

18. **POSTPONEMENT OF ORDER OF THE DAY:** On the motion of Mr Steele, Order of the Day No. 10 (Real Property (Unit Titles) Bill 1975) was postponed until a later hour.
19. **HOUSING BILL 1975 (Serial 72):** 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.
20. **PROPOSED DELEGATION ON ABORIGINAL LAND (NORTHERN TERRITORY) BILL 1975:** Dr Letts, by leave, moved That this Assembly is of the opinion that the passage of the Aboriginal Land (Northern Territory) Bill 1975 at present before the Federal Parliament should be delayed until at least the last week in November to allow the people of the Northern Territory to express their views on it.
 That a delegation comprising Dr Letts (Chairman), Mr Pollock, Mr Tambling, Mrs Lawrie and Mr Withnall be appointed to attend upon such Ministers of the Federal Government as they deem necessary for the purpose of conveying to them the views of this Assembly and of the people of the Northern Territory on this matter.
 That the Majority Leader be empowered to appoint additional members to the delegation should he deem it necessary.
 That the delegation be authorized to undertake travel which it deems necessary to inform itself of the views of the people of the Territory and to convey those views to the Government.
 Dr Letts was granted leave to continue his remarks on the resumption of the debate.
 Debate adjourned and the resumption of the debate made an order of the day for a later hour.
21. **ADJOURNMENT:** Dr Letts moved—That the Assembly do now adjourn.
 Debate ensued.
 Question put and passed.
 And then the Assembly at 1550 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following paper was deemed to have been presented on 21 October 1975, pursuant to statute:—

Regulations—1975:

No. 19—Crown Lands (Katherine Racecourse and Recreation Reserve) By-laws.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 25

Wednesday, 22 October 1975

1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker MacFarlane took the Chair.
2. **PETITION:** Mr Vale presented a Petition from certain Territory residents relating to the lack of access to telephone facilities and inadequate postal services in the Warrabri area.
Petition received and read.
3. **NOTICES:** The following notice was given:—
Dr Letts: To present the Trespassers (Temporary Provision) Bill 1975 (Serial 79).
4. **QUESTIONS:** Questions without notice were asked.
5. **HEALTH SERVICES IN THE TERRITORY:** Mr Pollock, pursuant to notice, moved That this Assembly expresses its deep concern at the serious difficulties facing those responsible for the provision of health services in the Territory and the possibility that some services may have to be curtailed because of staff shortages and that this concern be conveyed to the Prime Minister and Ministers for Health and for Northern Australia.
Debate ensued.
SUSPENSION OF SITTING: The sitting was suspended between 1200 and 1400 hours.
Debate resumed.
Question put and passed.
6. **LEAVE OF ABSENCE TO MEMBER:** Mr Steele moved that leave of absence be granted to Mr Dondas for this sitting day and tomorrow.
Question put and passed.
7. **DARWIN TOWN AREA LEASES BILL 1975 (Serial 74):** Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Tambling 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. **CROWN LANDS BILL 1975 (Serial 73):** Mr Tambling, pursuant to notice, presented the Bill which was thereupon read a first time.
Mr Tambling 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. **PROPOSED DELEGATION TO THE FEDERAL GOVERNMENT:** The order of the day having been read for the resumption of the debate on the motion of Dr Letts That this Assembly is of the opinion that the passage of the Aboriginal Land (Northern Territory) Bill 1975 at present before the Federal Parliament should be delayed until at

least the last week in November to allow the people of the Northern Territory to express their views on it.

That a delegation comprising Dr Letts (Chairman), Mr Pollock, Mr Tambling, Mrs Lawrie and Mr Withnall be appointed to attend upon such Ministers of the Federal Government as they deem necessary for the purpose of conveying to them the views of this Assembly and of the people of the Northern Territory on this matter.

That the Majority Leader be empowered to appoint additional members to the delegation should he deem it necessary.

The the delegation be authorized to undertake travel which it deems necessary to inform itself of the views of the people of the Territory and to convey those views to the Government.

Debate ensued.

Question put and passed.

10. LOCAL GOVERNMENT BILL 1975 (Serial 44): 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 Withnall moved That the Committee stages be later taken.

Question put and passed.

11. PRICES REGULATION BILL 1975 (Serial 49): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time.

Debate resumed.

Question put and passed—Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3—

On the motion of Miss Andrew the following amendment was made:—

Add at the end "notice in the Gazette."

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 (by proposed new sections)—

Proposed section 24—

On the motion of Miss Andrew the following amendment was made:—

Amend proposed new section 24(3) by omitting all words after and including "the Administrator shall" and substituting "the Administrator shall, at least 14 days before making such an appointment, cause to be published in a newspaper printed and circulated in the northern half of the Territory and a newspaper printed and circulated in the southern half of the Territory, a notice inviting all persons and associations claiming to speak on behalf of retail interests or consumer interests, as the case may be, to recommend a person to be so appointed."

Proposed section, as amended, agreed to.

Proposed new sections 24A, 24B and 24C agreed to.

Proposed section 24D—

On the motion of Miss Andrew the following amendments were made:

Amend proposed new section 24D(2) by inserting in paragraph (b) after “application” the words “and such supporting information as the applicant considers necessary”.

Omit proposed new section 24D(4) and substitute the following:

“24D(4) The Controller shall, at least 14 days before the date on which the application is to be heard—

- (a) cause a notice of the date and place for the hearing of the application to be published in the Gazette; and
- (b) notify the applicant of the date and place for the hearing by letter posted to him at his last known place of business or abode.”.

Question—That proposed new section 24D as amended be agreed to—put.

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

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

12. HOUSING LOANS BILL 1975 (Serial 77): The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time.

Mr Speaker pursuant to Standing Order 152 declared the Bill to be an urgent Bill.

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

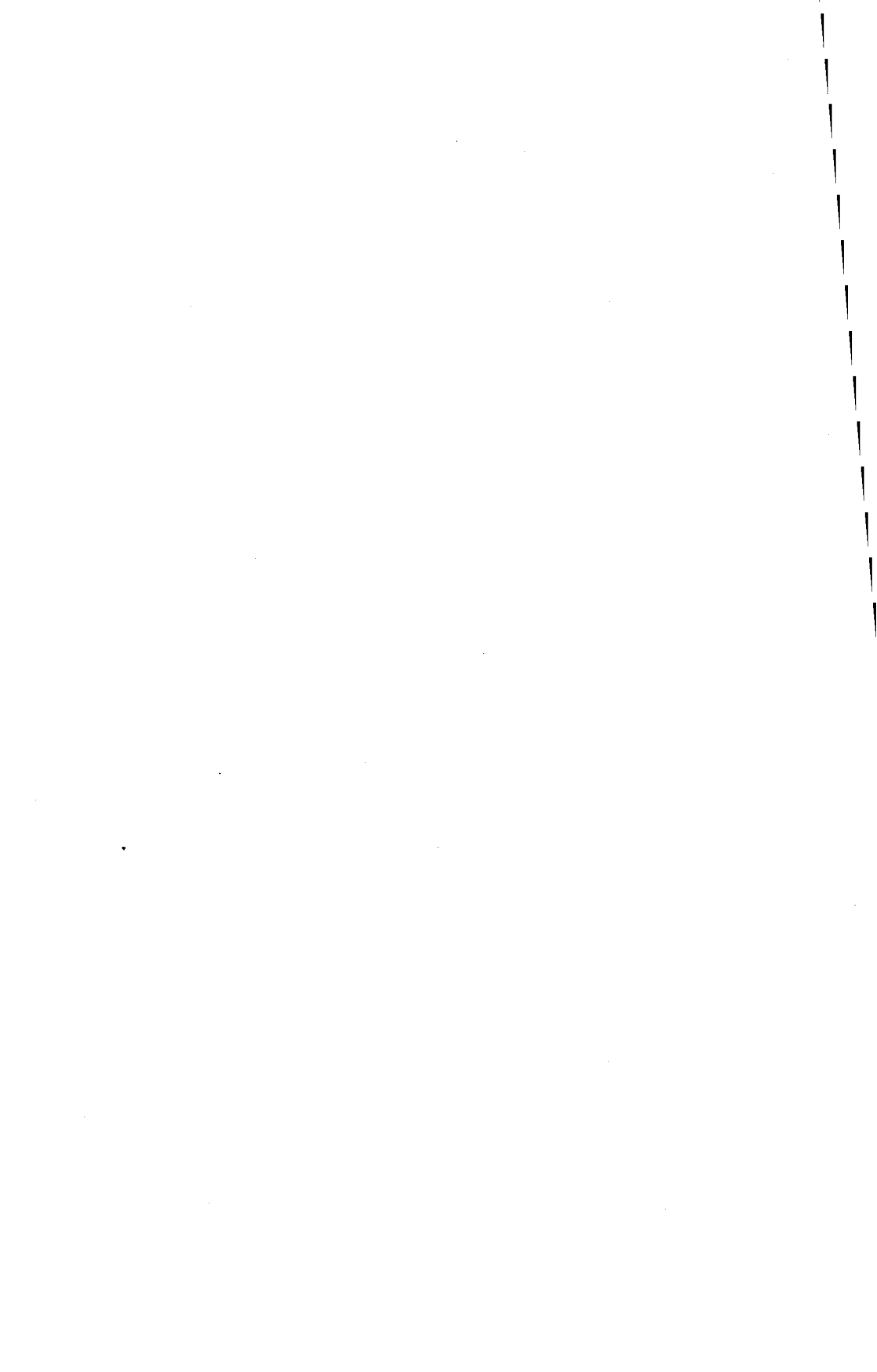
13. ADJOURNMENT: Miss Andrew moved—That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1716 hours adjourned until tomorrow at 1000 hours.

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



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 26

Thursday, 23 October 1975

1. The Assembly met at 1000 hours pursuant to adjournment—Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. CYCLONE TRACY RELIEF TRUST FUND—JUNE 1975 REPORT: Mr Everingham, by leave, tabled a copy of the Report.
4. PUBLICATIONS COMMITTEE—SECOND REPORT: Mr Pollock presented the Second Report from the Committee and moved That the Report be adopted and That the recommendations contained therein be orders of the Assembly.
Question put and passed.
5. PROPOSED ESTABLISHMENT OF AN EDUCATION ADVISORY COMMITTEE IN THE NORTHERN TERRITORY: Miss Andrew presented a statement relating to the proposed establishment of an Education Advisory Committee in the Northern Territory.
6. TRESPASSERS (TEMPORARY PROVISION) BILL 1975 (Serial 79): Dr Letts, pursuant to notice, presented the Bill which was thereupon read a first time.
Dr Letts moved—That the Bill be now read a second time.
Debate ensued.
Debate adjourned and the resumption of the debate made an order of the day for a later hour.
7. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Tambling, Order of the Day No. 1 (Local Government Bill 1975) was postponed until a later hour.
8. PRICES REGULATION BILL 1975 (Serial 49): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly.
The Assembly again resolved itself into a committee of the whole.

(In the committee)

Clause 5—proposed new section 24D as amended—

Proposed new section, as amended, agreed to.

Proposed new section 24E—

On the motion of Miss Andrew the following amendment was made:—

Add at the end of paragraph (c) “and who the Tribunal considers has a reasonable interest in the matter”.

Proposed new section, as amended, agreed to.

Proposed new sections 24F to 24K, by leave, taken together and agreed to.

Proposed new section 24L—

On the motion of Miss Andrew the following amendment was made:—

Omit proposed new section 24L(3) and substitute the following:

“(3) The Controller, shall as soon as practicable after the Tribunal’s decision is made, cause a notice of that decision to be published in the *Gazette* and in such newspaper published in the Territory as the Tribunal directs.”.

Proposed new section, as amended, agreed to.

Proposed new sections 24M to 24P, by leave, taken together and agreed to.

Proposed new section 24Q—

On the motion of Mrs Lawrie the following amendments were made:—

Insert at the end of paragraph (b) “or”.

Omit paragraph (c).

On the motion of Mr Withnall the following further amendments were made:—

Omit from paragraph (b) “or”.

Omit paragraph (d) and substitute the following paragraph—

“(d) disobey an order of the Tribunal made under section 24H(2); or

(e) do any other act or thing that would, if the Tribunal were a court of record, constitute a contempt of that court.”.

Proposed new section, as amended, agreed to.

Proposed new sections 24R and 24S agreed to.

Further proposed new section—

On the motion of Miss Andrew the following further proposed new section was added to the proposed new sections:—

“24T The Tribunal shall keep records of its proceedings and of documents lodged with it in such form as it determines.”.

Clause, as amended, agreed to.

New clause—

On the motion of Miss Andrew the following new clause was added to the Bill:—

“6. Section 58(3) of the Principal Ordinance is amended—

(a) by inserting after ‘this Ordinance’ the words, ‘for which a penalty is not expressly provided;’;

(b) by omitting from paragraph (a) ‘200 dollars’ and substituting ‘1,000 dollars’; and

(c) by omitting from paragraph (b) ‘1,000 dollars’ and substituting ‘2,000 dollars’.”.

Title agreed to.

The Assembly resumed; Mr Chairman reported the Bill.

Miss Andrew moved—That the Bill be now recommitted to the committee of the whole Assembly for reconsideration of clause 5, proposed section 24D.

Question put and passed.

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

(In the committee)

On recommital—

Clause 5, proposed new section 24D—

On the motion of Miss Andrew the following amendment was made:—

Omit from paragraph (a) of proposed new section 24D(4) “Gazette” and substitute “Gazette and a newspaper published in, and distributed throughout, the Territory”.

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

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

9. NURSING BILL 1975 (Serial 53): 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 STANDING ORDER 151: Mr Pollock moved, That in relation to the Nursing Bill 1975 (Serial 53) the operation of standing order 151 be suspended so as to allow the Bill to be passed without delay.

Question put and passed.

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

Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

10. HOUSING BILL 1975 (Serial 72): 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.

Statement by Mr Speaker—Mr Speaker informed the Assembly that he declined to approve a request received from the Majority Leader for the Bill to be treated as an urgent Bill.

SUSPENSION OF STANDING ORDER No. 151: Mr Tambling moved, That in relation to the Housing Bill 1975 (Serial 72) the operation of standing order 151 be suspended so as to allow the Bill to be passed without delay.

Debate ensued.

Question put.

Assembly divided (The Speaker, Mr MacFarlane in the Chair).

Ayes 15

Miss Andrew

Mr Ballantyne

Mr Everingham

Mr Kentish

Mr Kilgariff

Dr Letts

Mr Perron

Mr Pollock

Mr Robertson

Mr Ryan

Mr Steele

Mr Tambling

Mr Tungutalum

Mr Tuxworth

Mr Vale

Noes 3

Mrs Lawrie

Mr MacFarlane

Mr Withnall

And so it was resolved in the affirmative.

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

Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 4 agreed to.

Clause 5—

Mrs Lawrie moved as an amendment—

Omit proposed new section 13AA and substitute the following:

“13AA(1) This section applies only to and in relation to—

- (a) a dwelling house in existence on 24 December 1974 situated on land within 40 kilometres of the building known as the Darwin Post Office as existing at that date, being a dwelling house that was once the property of the Commission; and
- (b) damage to, or the destruction of, that dwelling house caused by, or as a result of, the event on 24 and 25 December 1974 known as ‘Cyclone Tracy’.

“(2) The commission may enter into a contract with a private person for the repair, modification or rebuilding of a dwelling house on land held by that person on such terms as shall be agreed upon between the Commission and that person”.

Proposed amendment negatived, after debate.

Mrs Lawrie moved as an amendment—

Add at the end of proposed new section 13AA the following sub-sections:

“(2) A contract shall not be entered into in pursuance of sub-section (1) except in respect of a type and style of house currently being, or about to be, constructed on land held by the Commission.

(3) The cost relating to the supervision of the construction of a house for a private person under this section shall be borne by that person.”.

Proposed amendment negatived, after debate.

On the motion of Mr Tambling the following amendments were made, after debate:—

In proposed new section 13AA—

- (a) omit “The Commission” and substitute “(1) Subject to sub-section (2), the Commission”; and
- (b) add at the end thereof the following sub-section:

“(2) A contract entered into under sub-section (1) shall include such terms and conditions as are approved by the Administrator in Council as applicable to such contracts and published in the *Gazette*.”.

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

Title agreed to.

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

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

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Dr Letts order of the day No. 4 (General Business) was called on.
12. REBUILDING INSIDE THE PRIMARY SURGE ZONE: The order of the day having been read for the resumption of the debate on the motion of Mrs Lawrie That this Assembly—
 - (a) affirms its belief that persons wishing to rebuild their homes inside the primary surge zone should not be discriminated against in any way and should be eligible for the same assistance as persons rebuilding elsewhere in Darwin; and
 - (b) requires the Honourable Member for Fannie Bay to actively promote this policy in his capacity as Assembly nominee on the Darwin Reconstruction Commission.

Debate resumed.

On the motion of Mr Everingham the following amendment was made:—

Omit paragraph (b) and substitute—

- (b) requests the Minister for Northern Australia to arrange for home owners who were resident in the primary surge zone on 24 December 1974 and who do not wish to rebuild or repair their residences to receive—
 - (i) speedy payment of just compensation for the surrender of their land;

- (ii) priority in the allocation of a suitable replacement block from available Crown land outside the primary surge zone; and
 - (iii) assistance which will ensure that they do not suffer financial loss as a result of their land being in the primary surge zone; and
- (c) requests the member nominated by the Assembly and his deputy to actively promote these policies within the Darwin Reconstruction Commission.”

Motion, as amended, agreed to after further debate.

13. SPECIAL ADJOURNMENT: Mr Kilgariff moved—That the Assembly, at its rising, adjourn until 1000 hours on Tuesday, 2 December 1975.

Question put and passed.

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

Debate ensued.

Question put and passed.

And then the Assembly at 1248 hours adjourned until 1000 hours on Tuesday, 2 December 1975.

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

F. WALKER
Clerk of the Assembly.

FIRST LEGISLATIVE ASSEMBLY

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