

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 7

Tuesday 24 May 1983

1. The Assembly met at 10.00 a.m., pursuant to resolution. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.

2. MESSAGE FROM THE ADMINISTRATOR:

Mr Speaker read the following message from His Honour the Administrator:

Message No. 14:

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending 30 June 1984. Dated this eighteenth day of May 1983.

(Sgd) E.E. JOHNSTON
Administrator.

3. SUSPENSION OF STANDING ORDERS - MOVE MOTION WITHOUT NOTICE:

Mr Robertson (Attorney-General) moved - That so much of standing orders be suspended as would prevent the Chief Minister moving a motion relating to the construction of the Alice Springs to Darwin railway.

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

4. ALICE SPRINGS TO DARWIN RAILWAY:

Mr Everingham (Chief Minister) moved - That this Assembly call on the federal government to fulfil its binding legislative obligations, and honour the firm undertakings made to the people of the Northern Territory, to construct and wholly fund the Alice Springs to Darwin railway, with a completion date of 1988.

Debate ensued.

Extension of time: On the motion of Mrs O'Neil, an extension of time was granted to Mr B. Collins.

Suspension of sitting: The sitting was suspended between 12.10 and 2.00 p.m.

Debate resumed.

Distinguished Visitors - Hon. R.T. and Mrs Hope: Mr Speaker informed the Assembly of the presence in the Gallery of Hon. R.T. Hope, member for Meander in the Tasmanian Legislative Council, and Mrs Hope, and on behalf of the Assembly extended a warm welcome to the distinguished visitors.

Debate resumed.

Extension of time: On the motion of Mr B. Collins, an extension of time was granted to Mrs O'Neil.

Mrs O'Neil (Fannie Bay) moved, as an amendment - Omit all words after "That" and substitute "the Chief Minister and the Leader of the Opposition enter into meaningful negotiations with the Commonwealth government to ensure the successful completion of the Alice Springs to Darwin rail link."

Debate ensued.

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

5. QUESTIONS:

Questions without notice were asked.

Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.

6. NORTHERN TERRITORY DEVELOPMENT LAND CORPORATION (VESTING OF LAND) BILL 1983 (Serial 282):

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 (Mr Vale) and the resumption of the debate made an order of the day for a later hour.

7. ADJOURNMENT:

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

Question - put and passed.

And then the Assembly at 3.54 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 24 May 1983:

Annual Report:

Parole Board of the Northern Territory, 1982

Compulsory Acquisitions - Statement of Reasons:

Parts of Lot 2 LTO 77/3; Lot 7 LTO 79/30; and Lot 53 LTO 78/3 on
Gulnare Road for Road Reserve Purposes

Road Reserve over Part Lot 4999 Town of Darwin (Hood Terrace)

Public Service By-laws 1983:

No. 1 Amendment of the Public Service (Terms and Conditions of Service)
By-laws

Rules:

Amendment of the Totalizator Rules

ATTENDANCE:

All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 8

Wednesday 25 May 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Deputy Speaker (Mr T. Harris) took the Chair, and read prayers.
2. NOTICES:
The following notices were given:
Mr Everingham: To present the Financial Administration and Audit Amendment Bill 1983 (Serial 302), the Ombudsman (Northern Territory) Amendment Bill 1983 (Serial 303), and the Public Service Amendment Bill 1983 (Serial 304).
3. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.
4. SUPERANNUATION ARRANGEMENTS FOR GOVERNMENT EMPLOYEES - MINISTERIAL STATEMENT:
Mr Everingham (Chief Minister), by leave, made a statement on superannuation arrangements for government employees.
5. PERMANENT PART-TIME EMPLOYMENT - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Everingham (Chief Minister), by leave, made a statement on permanent part-time employment in the Northern Territory Public Service.
Mr Everingham moved - That the Assembly take note of the statement.
Debate adjourned (Mr Leo) and the resumption of the debate made an order of the day for a later hour.
6. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - ROLL-ON ROLL-OFF FACILITY, DARWIN WHARF:
Mr Deputy Speaker informed the Assembly that Mr Smith (Millner) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely, "the incompetence of the government in the purchase and delivery of the roll-on roll-off facility at the Darwin wharf."
The proposed discussion having received the necessary support - Mr Smith addressed the Assembly.
Discussion ensued.
Extension of time: On the motion of Mr B. Collins, an extension of time was granted to Mr Dondas.
Discussion concluded.
7. PRISONS (ARBITRAL TRIBUNAL) AMENDMENT BILL 1983 (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 third reading to be moved forthwith.
Mr Everingham (Chief Minister) moved - That the Bill be now read a third time.
Debate ensued.

Question - put and passed.

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

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

8. CONSUMER PROTECTION AMENDMENT BILL 1983 (Serial 284):
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 third reading to be moved forthwith.
On the motion of Mr Tuxworth (Minister for Community Development), the Bill was read a third time and passed to be a proposed law.
9. PUBLIC HOLIDAYS AMENDMENT BILL 1983 (Serial 295):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Debate adjourned (Mr Vale) and the resumption of the debate made an order of the day for a later hour.
10. CRIMINAL CODE BILL 1983 (Serial 294):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Extension of time: On the motion of Mrs O'Neil, an extension of time was granted to Mr B. Collins.
Debate adjourned (Mr Steele) and the resumption of the debate made an order of the day for a later hour.
11. TRAFFIC AMENDMENT BILL 1983 (Serial 275):
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 (Mr Vale) and the resumption of the debate made an order of the day for a later hour.
12. ADJOURNMENT:
Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn.
Debate ensued.
Question - put and passed.
And then the Assembly at 5.25 p.m. adjourned until tomorrow at 10.00 a.m.

ATTENDANCE:

All members attended the sitting, except Mr MacFarlane.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 9

Thursday 26 May 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. PETITION:
Mr Robertson (Gillen) presented a petition from 1166 residents of Alice Springs relating to the construction of a recreation lake.
Petition received and read.
3. NOTICES:
The following notices were given:
Mr Everingham: To present the Aboriginal Sacred Sites Amendment Bill 1983 (Serial 315).
Mr Perron: To present the Lotteries and Gaming Amendment Bill 1983 (Serial 313), and the Racing and Betting Bill 1983 (Serial 312).
Mr Tuxworth: To present the Territory Parks and Wildlife Conservation Amendment Bill (No. 2) 1983 (Serial 321).
4. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.
5. DISTINGUISHED VISITORS - HON. ROGER AND MRS GROOM:
Mr Speaker informed the Assembly of the presence in the Gallery of Hon. Roger Groom, Minister for Police, Emergency Services and Transport in the Tasmanian Parliament, and Mrs Groom, and on behalf of the Assembly extended a warm welcome to the distinguished visitors.
6. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - SALE AND TRANSFER OF PASTORAL PROPERTIES:
Mr Speaker informed the Assembly that Mr B. Collins (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely "the Northern Territory government, and in particular two of its ministers, did improperly prevent the sale and transfer of the pastoral properties, Eva Downs, Cresswell Downs and Wallhallow by C.S.R. to Tancred Meats."
The proposed discussion having received the necessary support - Mr B. Collins addressed the Assembly.
Discussion ensued.
Extension of time: On the motion of Mr Robertson, an extension of time was granted to Mr Tuxworth.
Discussion concluded.

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

7. SUSPENSION OF STANDING ORDERS - TAKE THREE BILLS TOGETHER:

Mr Everingham (Chief Minister) moved - That so much of standing orders be suspended as would prevent 3 Bills relating to acting appointments -

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

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

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

8. ACTING APPOINTMENTS BILLS - FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL 1983 (Serial 302), OMBUDSMAN (NORTHERN TERRITORY) AMENDMENT BILL 1983 (Serial 303) and PUBLIC SERVICE AMENDMENT BILL 1983 (Serial 304):

Mr Everingham (Chief Minister), pursuant to notice, presented Bills for Acts to amend the *Financial Administration and Audit Act*, the *Ombudsman (Northern Territory) Act*, and the *Public Service Act*.

Bills read a first time.

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

Debate adjourned (Mr B. Collins) and the resumption of debate made an order of the day for a later hour.

9. POLICE ADMINISTRATION AMENDMENT BILL 1983 (Serial 286):

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 third reading to be moved forthwith.

On the motion of Mr Everingham (Chief Minister), the Bill was read a third time and passed to be a proposed law.

10. MUSEUMS AND ART GALLERIES AMENDMENT BILL 1982 (Serial 229):

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 third reading to be moved forthwith.

Mr Tuxworth (Minister for Community Development) moved - That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

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

11. QUESTIONS WITHOUT NOTICE - STATEMENT:

Mr Speaker made a brief statement relating to allocation of the call to members seeking to ask questions without notice during this sittings.

12. ADMINISTRATION AND PROBATE AMENDMENT BILL 1983 (Serial 285):

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 third reading to be moved forthwith.

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

13. ABSENCE OF MEMBERS - STATEMENT:

Mr Everingham (Chief Minister), by leave, made a statement relating to the absence of himself and Mr Perron for the remainder of this day for the purpose of attending conferences in Sydney and Canberra.

14. CONTROL OF ROADS AMENDMENT BILL 1983 (Serial 287):

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

Debate resumed.

Question - put and passed - Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Everingham (Minister for Lands, Industrial Development and Tourism), the Bill was read a third time and passed to be a proposed law.

15. HEALTH BILLS - DENTISTS REGISTRATION AMENDMENT BILL 1983 (Serial 289), MEDICAL PRACTITIONERS REGISTRATION AMENDMENT BILL 1983 (Serial 290), OPTOMETRISTS AMENDMENT BILL 1983 (Serial 291), PHARMACY AMENDMENT BILL 1983 (Serial 292), and RADIOGRAPHERS AMENDMENT BILL 1983 (Serial 293):

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

Debate resumed.

Question - put and passed - Bills read a second time.

Leave granted for third readings to be moved forthwith.

On the motion of Mr Dondas (Minister for Health and Housing), the Bills were read a third time and passed to be proposed laws.

16. ADJOURNMENT:

Mr Steele (Minister for Transport and Works) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 4.49 p.m. adjourned until 10.00 a.m. on Tuesday 31 May 1983.

ATTENDANCE:

All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 10

Tuesday 31 May 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.

2. NOTICES:

The following notices were given:

Mr Steele: To present the Motor Vehicles Amendment Bill 1983 (Serial 319).

Mr Perron: To present the Taxation (Administration) Amendment Bill 1983 (Serial 305), and the Tenancy Amendment Bill (No. 2) 1983 (Serial 307).

Mr B. Collins: To move - That the Minister for Transport and Works and the Minister for Health and Housing be censured for misleading this Assembly in respect of the design, construction and operation of the Ro-Ro facility at the new Fort Hill wharf and for the continuing incompetence in the discharge of their portfolio responsibilities, and the Assembly calls on these Ministers to resign.

Mr B. Collins: To present the Electoral Amendment Bill (No. 2) 1983 (Serial 314).

Mr Robertson: To present the Contracts Amendment Bill 1983 (Serial 311), the Local Courts Amendment Bill 1983 (Serial 318), the Records of Depositions Amendment Bill 1983 (Serial 316), and the Instruments Amendment Bill 1983 (Serial 317).

Mr Everingham: To present the Electoral Amendment Bill 1983 (Serial 308), and the Police Administration Amendment Bill (No. 2) 1983 (Serial 322).

3. MOTION OF CENSURE OF MINISTER FOR TRANSPORT AND WORKS AND MINISTER FOR HEALTH AND HOUSING - RO-RO FACILITY, FORT HILL WHARF:

Mr Robertson (Attorney-General) having informed the Assembly that the government, in conformity with practice, would not proceed with further business until the notice of motion by Mr B. Collins had been disposed of, sought leave of the Assembly for the motion to be moved forthwith.

Leave having been granted -

Mr B. Collins (Leader of the Opposition) moved - That the Minister for Transport and Works and the Minister for Health and Housing be censured for misleading this Assembly in respect of the design, construction and operation of the Ro-Ro facility at the new Fort Hill wharf and for the continuing incompetence in the discharge of their portfolio responsibilities, and the Assembly calls on these Ministers to resign.

Debate ensued.

Question - put and negatived.

4. QUESTIONS:

Questions without notice were asked.

Suspension of sitting: The sitting was suspended between 12.03 and 2.00 p.m.

5. QUOTING FROM UNCORRECTED HANSARD - STATEMENT:

Mr Speaker made the following statement confirming his previous ruling on quoting from the uncorrected Hansard record of debates:

Honourable members, I again draw your attention to my previous ruling and action in this Assembly in forbidding quoting from the uncorrected daily Hansard.

As indicated on its cover, it is an uncorrected proof of the daily report. Quoting from the uncorrected daily Hansard means accepting Hansard's version of what members say without question.

The provision of correction sheets in every uncorrected daily Hansard given to honourable members indicates that the Hansard editors themselves anticipate making mistakes in interpreting honourable members' speeches.

It has always been accepted practice in this legislature and every legislature that quoting from daily Hansard was forbidden although there is no mention of it in Standing Orders.

I would again request all honourable members to refrain from quoting the uncorrected daily Hansard in future.

6. FURTHER NOTICE:

The following further notice was given, by leave:

Mr Tuxworth: To present the Grain Marketing Bill 1983 (Serial 271).

7. THE TRUSTEES EXECUTORS AND AGENCY CO. LTD - MINISTERIAL STATEMENT:

Mr Tuxworth (Minister for Community Development), by leave, made a statement on the collapse of The Trustees Executors and Agency Co. Ltd.

8. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - AERO-MEDICAL SERVICES:

Mr Speaker informed the Assembly that Mrs O'Neil (Fannie Bay) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely, "inadequacies in the aero-medical services in the Northern Territory, resulting from the government's aviation policies."

The proposed discussion having received the necessary support - Mrs O'Neil addressed the Assembly.

Discussion ensued.

Discussion concluded.

9. SUPPLY BILL 1983-84 (Serial 320):

Mr Perron (Treasurer) presented a Bill for an Act to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending 30 June 1984, the subject of Message No. 14 from His Honour the Administrator.

Bill read a first time.

Mr Perron moved - That the Bill be now read a second time.

Debate adjourned (Miss D'Rozario) and the resumption of the debate made an order of the day for a later hour.

10. ABORIGINAL SACRED SITES AMENDMENT BILL 1983 (Serial 315):

Mr Everingham (Minister for Lands, Industrial Development and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal Sacred Sites Act*.

Bill read a first time.

Mr Everingham moved - That the Bill be now read a second time.

Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.

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

Mr Perron (Treasurer) moved - That so much of standing orders be suspended as would prevent 2 Bills relating to racing and gaming -

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

(b) the consideration of the Bills separately in the committee of the whole.

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

12. RACING AND GAMING BILLS - RACING AND BETTING BILL 1983 (Serial 312), and LOTTERIES AND GAMING AMENDMENT BILL 1983 (Serial 313):
Mr Perron (Treasurer), pursuant to notice, presented a Bill for an Act to control racing and betting, and for related purposes, and a Bill for an Act to amend the *Lotteries and Gaming Act*.

Bills read a first time.

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

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

13. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (No. 2) 1983 (Serial 321):

Mr Tuxworth (Minister for Primary Production and Conservation), pursuant to notice, presented a Bill for an Act to amend the *Territory Parks and Wildlife Conservation Act*.

Bill read a first time.

Mr Tuxworth moved - That the Bill be now read a second time.

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

14. MINING AMENDMENT BILL 1983 (Serial 296):

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 third reading to be moved forthwith.

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

15. BUILDING BILL 1983 (Serial 299):

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

Debate resumed.

Question - put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 4 -

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

Omit from paragraph (c) of the definition of "building" in sub-clause (1) the words "or aerial," and substitute ", aerial or swimming pool with a capacity which is not less than 10 kilolitres,".

Insert in sub-clause (1) after the definition of "instrument of determination" the following:

"'notice of alteration or demolition' means a notice under section 30C(1);

'notice specifying building work' means a notice under section 30A(1);".

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

"'stop work notice' means a notice under section 30(1) or (2);".

Clause, as amended, agreed to.

Clauses 5 to 7, by leave, taken together and agreed to.

Clause 8 -

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

Omit from sub-clause (1) "a person" and substitute "a member, or a person qualified to be a member, of the Royal Australian Institute of Architects or Institution of Engineers Australia".

Clause, as amended, agreed to.

Clauses 9 to 13, by leave, taken together and agreed to.

Clause 14 -

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

Insert in sub-clause (1) after "members" the words "one of whom shall be an architect and another of whom shall be a practising structural engineer."

Clause, as amended, agreed to.

Clause 15 -

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

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

Clause, as amended, agreed to.

Clause 16, agreed to, after debate.

Clauses 17 to 19, by leave, taken together and agreed to.

Clause 20 -

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

Insert in sub-clause (1) after "Chairman" the words "or, in his absence, the Deputy Chairman".

Clause, as amended, agreed to.

Clause 21, negatived.

New clause -

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

"21. POWERS OF COMMITTEE

"(1) The Committee may consider -

(a) building standards, techniques, products and materials; and

(b) the operation of this Act and the Regulations.

"(2) The Committee may, as it thinks fit, report and make recommendations to the Minister, Board or Building Controller on matters which it considers under sub-section (1).

"(3) Without limiting the generality of the Committee's powers under sub-section (1), the Committee shall consider the Australian Model Uniform Building Code as amended from time to time and may obtain specific technical advice in order to enable it to exercise its powers.

"(4) The Minister may direct the Committee to consider a matter which it has power to consider under sub-section (1) and to make recommendations, as it thinks fit, to him on the matter."

Clauses 22 to 27, by leave, taken together and agreed to.

Clause 28 -

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

Insert in sub-clause (3) after "built" the words "and the health and fire safety standards are adequate".

Clause, as amended, agreed to.

Clause 29 -

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

Omit from sub-clause (4)(b) "issue a" and substitute "grant".

Clause, as amended, agreed to.

Clauses 30 and 31, by leave, taken together and negatived.

New clauses -

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

"30. STOP WORK NOTICES

"(1) Where building work in a building area is being carried out -

- (a) by a person who has not obtained building approval for the building work or who is not employed by or under contract to a person who has obtained building approval for the building work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) otherwise than in accordance with the conditions subject to which building approval for the building work is granted;
- (d) contrary to this Act;
- (e) on a parcel of land held under lease from the Territory, contrary to a provision, covenant or condition of the lease;
or
- (f) contrary to a planning instrument in relation to the building work,

the Building Controller may, by notice in writing, prohibit the carrying out of further building work or of such building work as he specifies in the notice.

"(2) The Building Controller may, by notice in writing, prohibit the carrying out of specified building work in relation to building work for the erection or alteration of a building where -

- (a) the building is not in accordance with approved plans; and
- (b) the proposed building or building as proposed to be altered would not, when completed, be structurally sound.

"(3) A stop work notice ceases to be in force -

- (a) where it is revoked by the Building Controller, by notice in writing;
- (b) on the expiration of 7 days after it was issued unless the Building Controller, within 7 days, issues a notice specifying building work;
- (c) where a notice specifying building work is issued - when the work specified in the notice is carried out;
- (d) where it is revoked under section 32; or
- (e) where it is deemed to have been revoked under sub-section (4).

"(4) Where, when a stop work notice is given on the grounds specified in sub-section (1)(a) -

- (a) an application is made under this Act for building approval in relation to the work within 7 days after the giving of the notice; and
- (b) having regard to all the circumstances and the building work so far carried out, the Building Controller grants building approval,

the stop work notice shall be deemed to have been revoked.

"30A. NOTICE SPECIFYING BUILDING WORK

"(1) Where a stop work notice has been given on a ground other than the grounds specified in section 30(1)(a), the Building Controller may, within 7 days after the service of the stop work notice, by a further notice, specify the building work (including work by way of demolition) that is required to be carried out to ensure that the building work for which the building approval was granted will be carried out in accordance with the approved plans, this Act and any other conditions subject to which the building approval was granted, and shall, by the further notice, require the building work specified in the notice to be carried out within the period which is specified in the further notice.

"(2) Where a stop work notice has been issued in pursuance of section 30(2), the Building Controller shall not require the carrying out of building work by a further notice under sub-section (1) other than such building work as is necessary for the proposed building or the building as proposed to be altered to be, when completed, structurally sound.

"(3) Where -

- (a) an application for building approval is not made; or
- (b) the Building Controller rejects an application made,

in the circumstances referred to in section 30(4) the Building Controller, in a case in which the stop work notice has not ceased to be in force, may, by notice in writing, require the owner of the land on which the building work was being carried out before the giving of the stop work notice to carry out the building work (including demolition) which is specified in the notice within such period as is specified in the notice.

"(4) An act or thing done by a person for the purpose of complying with a notice under this section shall be deemed not to be a contravention of a stop work notice.

"30B. SERVICE OF NOTICES

"A stop work notice or notice specifying building work may be served -

- (a) on the owner of the land on which the building work referred to in the notice is being carried out;
- (b) on the person by whom the building work referred to in the notice is being carried out;
- (c) in the case of a stop work notice, on any person carrying out building work referred to in the notice; or
- (d) jointly on 2 or more of the persons to whom the notice may be given in the appropriate case under paragraph (a), (b) or (c).

"30C. NOTICE OF ALTERATION OR DEMOLITION

"(1) Where -

- (a) a building has been erected or an alteration has been made to a building and building approval has not been obtained in respect of the building work;
- (b) building work has not been carried out in accordance with building approval, a notice under this Part or an order; or
- (c) the Building Controller finds, on inspection, that -
 - (i) a building has deteriorated to such an extent as to be unfit for any type of reasonable use;
 - (ii) building work has not been completed when the building approval in relation to the building work lapsed;
 - (iii) a building or part of a building is not structurally sound; or
 - (iv) the external condition of a building is such that injury to persons or damage to property may result from a part of the building becoming detached,

the Building Controller may serve on the owner of the land on which the building work has been carried out or on which the building has been erected a notice directing him to carry out the building work (including demolition) as is specified in the notice and may in a notice in relation to the building work specified in the notice require the owner to submit plans for approval and obtain building approval in relation to those plans.

"(2) Where building work has been carried out in the circumstances referred to in sub-section (1)(a), a notice of alteration or demolition is deemed to have been revoked where the Building Controller, on application under this Act by or on behalf of the owner of the land made within 7 days after the service of the notice, grants building approval for the building work.

"(3) A notice served on a person under sub-section (1) directing him to carry out building work may specify safety precautions to be taken by the person in relation to the building work, being safety precautions that are reasonable in the circumstances.

"(4) Where an owner of land -

- (a) is directed by a notice of alteration or demolition to carry out building work (not being demolition); and
- (b) is not required by the Building Controller under sub-section (1) to submit plans for approval and obtain building approval,

he shall pay to the Building Controller those fees that would have been payable if he had been required to submit plans for approval and obtain building approval.

"31. URGENT BUILDING WORK

"(1) Where a prescribed notice -

- (a) may be served; or
- (b) has been served but the period specified in the notice has not expired,

the Minister may certify that, in his opinion, having regard to -

- (c) the urgency of the case; or
- (d) any other exceptional circumstances,

the Building Controller should undertake specified building work as soon as possible.

"(2) Where the Minister certifies that the Building Controller should undertake, as soon as possible, specified building work in relation to a building, the Building Controller -

- (a) may enter the land upon which the building stands and do such work on the building, including work by way of demolition or alteration, as is required to ensure that the specified building work is undertaken; and
- (b) may remove and sell materials used in the building which are not required.

"(3) The Building Controller may employ or contract with a person to do building work under sub-section (2) on such terms as he thinks fit.

"(4) The Building Controller may remove to a convenient place any material from a building demolished in carrying out building work under sub-section (2) and sell the materials, as he thinks fit.

"(5) The proceeds of a sale referred to in sub-section (2) or (4) shall be applied -

- (a) in reimbursing the expenses of demolishing, altering or removing the building or part of the building; and
- (b) in paying any fees or penalties due under this Act by the owner,

and the balance of the proceeds shall be paid to the owner or person entitled to the proceeds.

"(6) Where the proceeds of a sale referred to in sub-section (2) or (4) are insufficient to reimburse the Building Controller the amount of any expenses incurred by him and of fees which are due, the balance of the expenses or fees or both shall be a debt due and payable to the Territory by the owner or builder, as the case may be.

"(7) The exercise of the powers conferred by this section shall not relieve a person from liability for a penalty incurred by reason of his breach of this Act or the Regulations."

Clause 32 agreed to.

Clause 33 -

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

Omit from sub-clause (1) ", by an order under section 32(2) has dismissed an objection to a prescribed notice," and substitute "makes an order under section 32(2), the Building Controller or".

Clause, as amended, agreed to.

Clauses 34 to 42, by leave, taken together and agreed to.

Clause 43 negatived.

New clause -

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

"43. AUTHORIZED PERSON DEEMED TO BE OWNER

"(1) Where the owner of land may make an application under this Act, he may authorize a person to make the application on his behalf.

"(2) Where a person authorized under sub-section (1) makes an application on behalf of the owner of land, the application is deemed to have been made by the owner and any notice served on the authorized person is deemed to be served on the owner."

Clauses 44 and 45, by leave, taken together and agreed to.

Clause 46 -

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

Omit from sub-clause (1) "within the time specified in the notice".

Omit from sub-clause (2) "a provision of" and "within the time specified in the notice".

Clause, as amended, agreed to.

Clause 47 -

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

Omit "a provision of" and "within the time specified in the notice".

Clause, as amended, agreed to.

Clause 48 agreed to.

Clause 49 -

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

Omit from sub-clause (1) "An" and substitute "Proceedings for an".

Clause, as amended, agreed to.

Clause 50 -

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

Omit paragraphs (za), (zb) and (zg).

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The Assembly resumed - the Chairman (Mr Harris) reported accordingly and the report was adopted.

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

16. ABSCONDING DEBTORS AMENDMENT BILL 1983 (Serial 301):

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

Debate resumed.

Question - put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

The Assembly resumed - the Chairman (Mr Harris) reported accordingly and the report was adopted.

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

17. TRAFFIC AMENDMENT BILL 1983 (Serial 275):

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

Debate resumed.

Question - put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

In the committee

Clauses 1 to 3, by leave, taken together and agreed to.
Clause 4 agreed to, after debate.
Clause 5 agreed to.
Remainder of the Bill, by leave, taken as a whole and agreed to.
Bill to be reported without amendment.

The Assembly resumed - the Chairman (Mr Harris) reported accordingly and the report was adopted.

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

18. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And then the Assembly at 7.16 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 31 May 1983:

Regulations 1983:

No. 16 Workmen's Compensation (Rates of Compensation) Regulations

No. 17 Amendment of the Public Service Regulations

ATTENDANCE:

All members attended the sitting.

Wednesday 1 June 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. DISTINGUISHED VISITORS - MESSRS SOEDHORO AND SAMODRA:
Mr Speaker informed the Assembly of the presence in the Gallery of Mr Soedhoro, Consul, and Mr Samodra, Vice-consul, of the Republic of Indonesia, and on behalf of the Assembly extended a warm welcome to the distinguished visitors.
3. PETITIONS:
Mrs Padgham-Purich (Tiwi) presented a petition, on behalf of the Member for Elsey, from 9 citizens of Gorge Road, Katherine, relating to extension of the Katherine town boundary.
Petition received and read.
Mrs Padgham-Purich (Tiwi) presented a petition from 764 citizens of the Northern Territory relating to an ambulance station in the Fred's Pass area.
Petition received and read.
4. NOTICES:
The following notices were given:
Mr Everingham: To present the Surveyors Bill 1983 (Serial 323).
Mr Smith: To move - That this Assembly resolves that a Board of Inquiry be appointed under section 4A of the *Inquiries Act* to inquire into and report to the Administrator on the operation and development of the Port of Darwin, with particular reference to -
 - (a) the design and construction of the Fort Hill wharf; the circumstances in which the original design was varied; and the ways in which those variations affected the structure and capacities of the wharf;
 - (b) whether those variations have led to the bringing forward, in time and priority, of the proposed extension to the wharf; and whether those variations will lead to additional costs in the construction of the proposed extension;
 - (c) the financial and contractual arrangements for the construction and installation of the roll-on roll-off facility; whether these followed normal commercial practice; whether they were in the best interests of the Northern Territory; whether they led to additional costs to the Northern Territory government; whether they caused delays in the completion of the contract;
 - (d) the financial and contractual arrangements for the construction and installation of the proposed container crane; whether they follow normal commercial practice; whether they are in the best interests of the Northern Territory;
 - (e) the use of consultants by or on behalf of the Northern Territory Port Authority or the Department of Transport and Works, in any aspect of the development of the wharf, its proposed extension, the roll-on roll-off facility and the proposed container crane; the costs involved therein; and any circumstances in which consultants were used where their advice might not have been objective since it required evaluation of their previous involvement; and
 - (f) how the present operations and development of the port are administered; and whether and in what ways these should be altered to best serve future operations and development.

5. SUSPENSION OF STANDING ORDERS - ALLOW MOTION TO BE MOVED AND DEBATED:

Mr Robertson (Attorney-General) moved - That so much of standing orders be suspended as would prevent the motion of Mr Smith, notice of which has been given this day, being moved and debated forthwith.

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

6. RO-RO FACILITY, FORT HILL WHARF - MOTION CALLING FOR INQUIRY:

Mr Smith (Millner) moved - That this Assembly resolves that a Board of Inquiry be appointed under section 4A of the *Inquiries Act* to inquire into and report to the Administrator on the operation and development of the Port of Darwin, with particular reference to -

(a) the design and construction of the Fort Hill wharf; the circumstances in which the original design was varied; and the ways in which those variations affected the structure and capacities of the wharf;

(b) whether those variations have led to the bringing forward, in time and priorities, of the proposed extension to the wharf; and whether those variations will lead to additional costs in the construction of the proposed extension;

(c) the financial and contractual arrangements for the construction and installation of the roll-on roll-off facility; whether these followed normal commercial practice; whether they were in the best interests of the Northern Territory; whether they led to additional costs to the Northern Territory government; whether they caused delays in the completion of the contract;

(d) the financial and contractual arrangements for the construction and installation of the proposed container crane; whether they follow normal commercial practice; whether they are in the best interests of the Northern Territory;

(e) the use of consultants by or on behalf of the Northern Territory Port Authority or the Department of Transport and Works, in any aspect of the development of the wharf, its proposed extension, the roll-on roll-off facility and the proposed container crane; the costs involved therein; and any circumstances in which consultants were used where their advice might not have been objective since it required evaluation of their previous involvement; and

(f) how the present operations and development of the port are administered; and whether and in what ways these should be altered to best serve future operations and development.

Debate ensued.

Question - That the motion be agreed to - put.

The Assembly divided (the Speaker, Hon. J.L.S. MacFarlane, in the Chair) -

AYES, 7	NOES, 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Miss D'Rozario	Mr Everingham
Mrs Lawrie	Mr Harris
Mr Leo	Mr MacFarlane
Mrs O'Neil	Mrs Padgham-Purich
Mr Smith	Mr Perron
	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

And so it was negatived.

7. FURTHER NOTICE:

The following further notice was given, by leave:

Mr Tuxworth: To move - That this Assembly, pursuant to section 4A of the

Inquiries Act, resolves that a Board of Inquiry consisting of 3 persons recommended by the Executive Council be appointed to inquire into, report on and make recommendations within 6 months on the direct and indirect costs for all sectors of the economy of freight to, from and within the Northern Territory by road, sea, air and rail transport in 2 parts dealing with -

- major centres along the Stuart Highway, and
- other locations,

and with particular reference to:

- (i) identifying the nature and level of consumer complaints on freight costs and services;
- (ii) identifying freight costs as a component of the prices of goods and services;
- (iii) identifying sales tax on freight as a component of prices of goods and services;
- (iv) identifying the ways in which freight costs, general distribution costs and prices interrelate;
- (v) the economy and efficiency of freight industries as they relate to the Territory;
- (vi) whether freight charges are reasonable in terms of the industry's costs and the efficiency and quality of service provided;
- (vii) the adequacy of existing legislative and government financial and administrative arrangements relating to freight and other distribution costs;
- (viii) measures including those utilised interstate or overseas that may usefully be applied in ameliorating any problems identified; and
- (ix) any other matters considered by the Board to be relevant to the inquiry.

Suspension of sitting: The sitting was suspended between 11.47 a.m. and 2.00 p.m.

8. QUESTIONS:

Questions without notice were asked.

Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.

9. DARWIN WORKERS CLUB INC. - MINISTERIAL STATEMENT:

Mr Everingham (Chief Minister), by leave, made a statement relating to the Darwin Workers Club Inc.

10. EXOTIC DISEASE ALERT - MINISTERIAL STATEMENT:

Mr Tuxworth (Minister for Primary Production and Conservation), by leave, made a statement on a suspected exotic disease outbreak at Humpty Doo.

11. HOUSING - MINISTERIAL STATEMENT - MOTION TO NOTE:

Mr Dondas (Minister for Health and Housing), by leave, made a statement on housing in the Northern Territory.

Mr Dondas moved - That the Assembly take note of the statement.

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

12. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - INTERFERENCE IN PUBLIC SERVICE MATTERS:

Mr Speaker informed the Assembly that Mr B. Collins (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely, "This Assembly does express its concern at the unwarranted interference in the appointment, promotion and disciplinary procedures of the N.T. Public Service by ministers of the Northern Territory government."

The proposed discussion having received the necessary support - Mr B. Collins addressed the Assembly.

Discussion ensued.

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

- (a) Minute 15 April 1983 - Acting Deputy Secretary, Department of Community Development
 - (b) Letter 15 April 1983 - Secretary for Health to Chief Minister
 - (c) Letter 14 April 1983 - Mr V.T. O'Brien to Chief Minister
 - (d) Letter 18 April 1983 - Mr N. Lynagh to Chief Minister
 - (e) Letter 15 April 1983 - Mr E.K. Campbell, Director of Energy, to Chief Minister
 - (f) Memorandum 15 April 1983 - Dr G.A. Letts, Chairman, Conservation Commission of the Northern Territory to Public Service Commissioner for the Northern Territory
 - (g) Letter 15 April 1983 - Mr T.C. Lovegrove to Chief Minister
 - (h) Memorandum MP190 of 18 April 1983 from Acting Assistant Secretary (Management Services), Department of Health, to Secretary, Department of Health
 - (j) Memorandum MP190/11 of 8 December 1980 - Secretary, Department of Health, to Minister for Health
 - (k) Telex message, 13 April 1983 - Mr N. Lynagh to Mr R. Ellis, A.C.O.A.
- Debate resumed.

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

- (a) Minutes 15 February 1983 - Management Committee, Meeting No. 133, Department of Community Development
 - (b) Minute 14 February 1983 - Director, Management Support Services, Department of Community Development to Mr P.J. Bartholomew, Director, Special Services Division
 - (c) Minute 16 February 1983 - Director, Management Support Services, to Secretary, Department of Community Development.
- Debate resumed.

Extension of time: On the motion of Mr Robertson, an extension of time was granted to Mr Tuxworth.

Discussion concluded.

13. POSTPONEMENT OF NOTICES:

On the motion of Mr Robertson (Attorney-General), Notices, Government Business, No. 1 (Electoral Amendment Bill 1983), No. 2 (Taxation (Administration) Amendment Bill 1983), No. 5 (Police Administration Amendment Bill (No. 2) 1983), and No. 7 (Tenancy Amendment Bill (No. 2) 1983) were postponed until the next sitting day.

14. CONTRACTS AMENDMENT BILL 1983 (Serial 311):

Mr Robertson (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Contracts Act* and for other purposes.

Bill read a first time.

Mr Robertson moved - That the Bill be now read a second time.

Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.

15. MOTOR VEHICLES AMENDMENT BILL 1983 (Serial 319):

Mr Steele (Minister for Transport and Works), pursuant to notice, presented a Bill for an Act to amend the *Motor Vehicles Act*.

Bill read a first time.

Mr Steele moved - That the Bill be now read a second time.

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

16. SUSPENSION OF STANDING ORDERS - TAKE THREE BILLS TOGETHER:

Mr Robertson (Attorney-General) moved - That so much of standing orders be suspended as would prevent 3 Bills relating to filing and documents fees -

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

(b) the consideration of the Bills separately in the committee of the whole.

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

17. FILING AND DOCUMENTS FEES BILLS - LOCAL COURTS AMENDMENT BILL 1983 (Serial 318), RECORDS OF DEPOSITIONS AMENDMENT BILL 1983 (Serial 316), and INSTRUMENTS AMENDMENT BILL 1983 (Serial 317):

Mr Robertson (Attorney-General), pursuant to notice, presented Bills to amend the *Local Courts Act*, the *Records of Depositions Act*, and the *Instruments Act*.

Bills read a first time.

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

Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.

18. GRAIN MARKETING BILL 1983 (Serial 271):

Mr Tuxworth (Minister for Primary Production and Conservation), pursuant to notice, presented a Bill for an Act relating to the acquisition and marketing of certain grains, and for other purposes.

Bill read a first time.

Mr Tuxworth moved - That the Bill be now read a second time.

Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.

19. ADJOURNMENT:

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

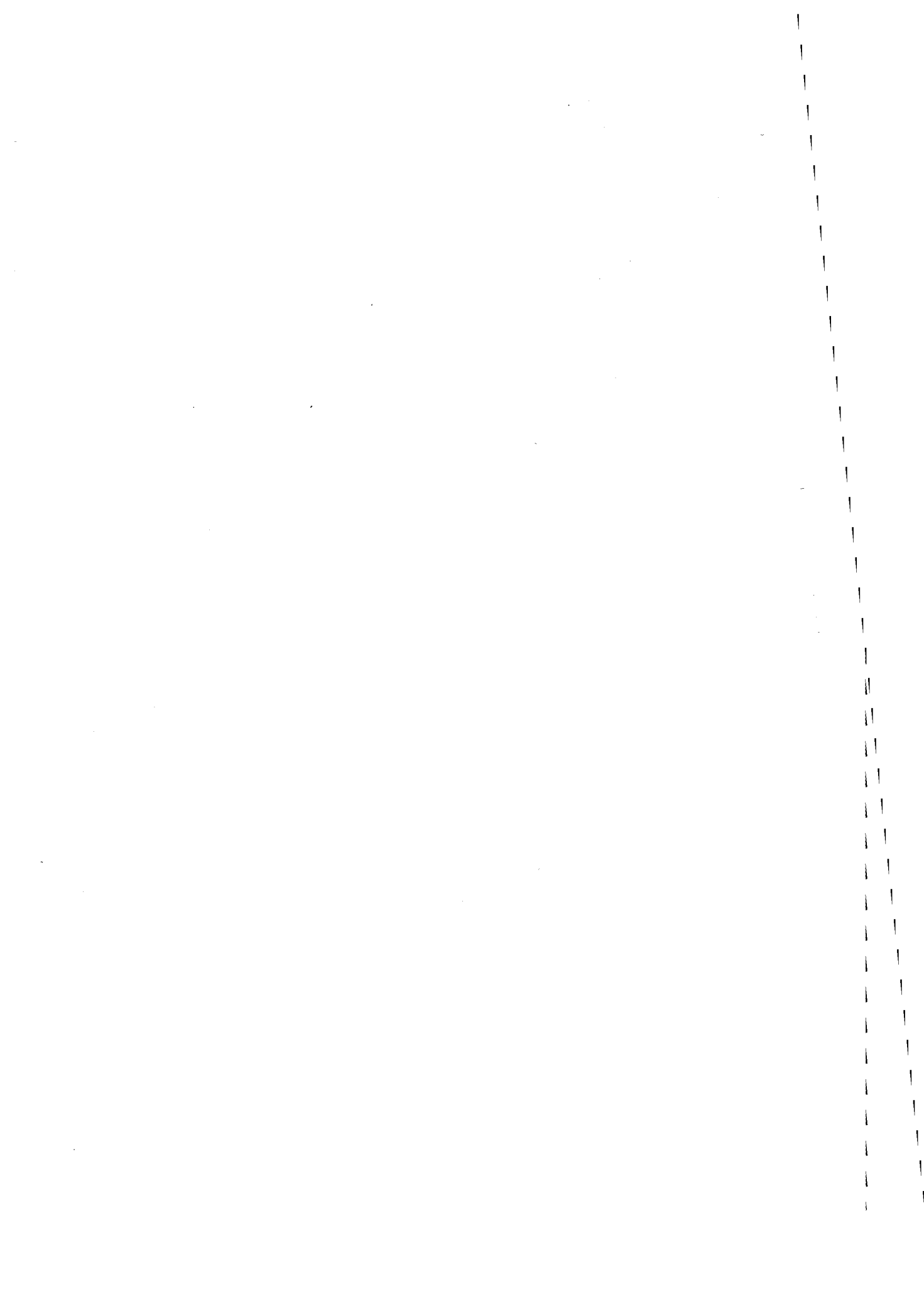
Debate ensued.

Question - put and passed.

And then the Assembly at 7.09 p.m. adjourned until tomorrow at 10.00 a.m.

ATTENDANCE:

All members attend the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 12

Thursday 2 June 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.
3. ANSWER TO QUESTION:
Mr Tuxworth (Minister for Primary Production and Conservation), by leave, provided information in answer to a question asked of him earlier this sittings.
4. EMERGENCY PURCHASE ORDERS ISSUED BY NTEC - AUDITOR-GENERAL'S REPORT - PAPER TABLED:
Mr Robertson (Attorney-General), laid on the Table a report of the Auditor-General relating to misuse of emergency purchase orders by staff of the Northern Territory Electricity Commission.
5. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - NINTH REPORT - PAPER TABLED - PAPER NOTED:
Mr Harris (Port Darwin), laid on the Table the ninth report of the Subordinate Legislation and Tabled Papers Committee.
Mr Harris moved - That the Assembly take note of the paper.
Debate ensued.
Question - put and passed.
6. LOCAL GOVERNMENT ACT REVIEW - DISCUSSION PAPER NO. 2 - MINISTERIAL STATEMENT:
Mr Tuxworth (Minister for Community Development), by leave, made a statement on the Local Government Act Review, Discussion Paper No. 2, deemed to have been tabled this day.
7. SURVEYORS BILL 1983 (Serial 323):
Mr Everingham (Minister for Lands, Industrial Development and Tourism), pursuant to notice, presented a Bill for an Act to provide for the registration of land surveyors and for the regulation of the practice of land surveying, and for other purposes.
Bill read a first time.
Mr Everingham moved - That the Bill be now read a second time.
Debate adjourned (Mr Smith) and the resumption of the debate made an order of the day for a later hour.
8. TENANCY AMENDMENT BILL (No. 2) 1983 (Serial 307):
Mr Perron (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Tenancy Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.

9. FREIGHT COSTS - BOARD OF INQUIRY:

Mr Tuxworth (Minister for Community Development) moved - That this Assembly, pursuant to section 4A of the *Inquiries Act*, resolves that a Board of Inquiry consisting of 3 persons recommended by the Executive Council be appointed to inquire into, report on and make recommendations within 6 months on the direct and indirect costs for all sectors of the economy of freight to, from and within the Northern Territory by road, sea, air and rail transport in 2 parts dealing with -

- major centres along the Stuart Highway, and
- other locations,

and with particular reference to:

- (i) identifying the nature and level of consumer complaints on freight costs and services;
- (ii) identifying freight costs as a component of the prices of goods and services;
- (iii) identifying sales tax on freight as a component of prices of goods and services;
- (iv) identifying the ways in which freight costs, general distribution costs and prices interrelate;
- (v) the economy and efficiency of freight industries as they relate to the Territory;
- (vi) whether freight charges are reasonable in terms of the industry's costs and the efficiency and quality of service provided;
- (vii) the adequacy of existing legislative and government financial and administrative arrangements relating to freight and other distribution costs;
- (viii) measures including those utilised interstate or overseas that may usefully be applied in ameliorating any problems identified; and
- (ix) any other matters considered by the Board to be relevant to the inquiry.

Debate ensued.

Question - put and passed.

Suspension of sitting: The sitting was suspended between 12.06 and 2.00 p.m.

10. ELECTORAL AMENDMENT BILL 1983 (Serial 308):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Electoral Act*.

Bill read a first time.

Mr Everingham moved - That the Bill be now read a second time.

Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.

11. TAXATION (ADMINISTRATION) AMENDMENT BILL 1983 (Serial 305):

Mr Perron (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Taxation (Administration) Act*.

Bill read a first time.

Mr Perron moved - That the Bill be now read a second time.

Debate adjourned (Miss D'Rozario) and the resumption of the debate made an order of the day for a later hour.

12. POLICE ADMINISTRATION AMENDMENT BILL (No. 2) 1983 (Serial 322):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Police Administration Act*.

Bill read a first time.

Mr Everingham moved - That the Bill be now read a second time.

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

13. FIRE SERVICE BILL 1983 (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 Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 4 -

Mr Leo moved, as an amendment -

Omit the definition of "Commissioner of Police" and substitute the following:

"Director" means the person appointed in pursuance of section 9(a);".

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 5 negatived.

Clause 6 agreed to.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9 -

Mr Leo moved, as an amendment -

Omit paragraphs (a), (b) and (c) and substitute the following:

"(a) the Director of the Fire Service; and

(b) the Chief Fire Officer."

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

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

Clauses 13 to 15, by leave, taken together and agreed to.

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

Clause 20 -

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

Omit from sub-clause (4) "terminate the appointment" and substitute the following:

"give notice in writing to the person on probation of his decision to terminate the appointment after the expiration of a period of not less than 14 days specified in the notice.

"(5) A person on probation who is aggrieved by a decision of the Director may, within 7 days after receipt of a notice referred to in sub-section (4) appeal to the Commissioner of Police.

"(6) After consideration of an appeal under sub-section (5), the Commissioner of Police shall allow or refuse the appeal and his decision is final.

"(7) The Commissioner of Police shall give notice in writing to the Director and the appellant of his allowance or refusal under sub-section (6), and where the appeal is allowed, the Director shall comply with the decision of the Commissioner."

Clause, as amended, agreed to.

Clause 21 -

Mr Leo moved, as an amendment -

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

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 22 -

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

Omit from paragraph (b) "28 days" and substitute "14 days".

Omit from paragraph (c)(ii) "28 days" and substitute "14 days".

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

Clause, as amended, agreed to.

Clauses 23 and 24, by leave, taken together and agreed to.

Clause 25 agreed to.

Clause 26 -

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

Omit from sub-clause (2) "A member" and substitute "Subject to sub-section (3A), a member".

Insert after sub-clause (3) the following:

"(3A) Where a member appeals under sub-section (3) against a lawful instruction or order relating to the permanent transfer of the member, the transfer of the member shall not be effected before consideration of the appeal under sub-section (4)."

Omit from sub-clause (4) "the Director" and substitute "the Commissioner of Police".

Omit from sub-clause (5) "The Director" and substitute "The Commissioner of Police".

Omit from sub-clause 3 "the Director" and substitute "the Commissioner of Police".

Clause, as amended, agreed to.

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

Clause 30 negatived.

New clause -

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

"30. CONSTITUTION OF BOARD

"(1) The Board shall be constituted by -

(a) a Chairman, who shall be a Stipendiary Magistrate nominated by the Chief Magistrate;

(b) a person nominated by the Director; and

(c) the prescribed appropriate available nominated member or the prescribed substitute for that nominated member,

who shall be appointed by the Minister.

"(2) For the purposes of this section 'Stipendiary Magistrate' and 'Chief Magistrate' have the same meaning as in the *Magistrates Act*."

Clauses 31 and 32, by leave, taken together and agreed to.

Clauses 33 to 60, by leave, taken together and agreed to.

Clause 61 -

Mr Leo moved, as an amendment -

Omit from sub-clause (1)(d) "a member." and substitute "a member, where the member's activity adversely affects his performance of his duties under this Act or there is a conflict of duties under this Act with his duties or interests in relation to that activity."

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

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

Clause 64 -

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

Omit paragraph (c) and substitute the following:

"(c) is guilty of disgraceful or improper conduct in his capacity as a member;"

Clause, as amended, agreed to.

Clauses 65 and 66, by leave, taken together and agreed to.

Clause 67 -

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

Omit from sub-clause (1)(a) "section 69(a)(i) or (ii)" and substitute "section 68(1)(a)".

Mr Leo moved, as a further amendment -

Omit from sub-clause (4) "but may not" and substitute "or may".

Debate ensued.

Question - put and negatived.

Clause, as amended, agreed to, after debate.

Clause 68 negatived.

New clause -

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

"68. PUNISHMENT

"(1) Where a member has committed a disciplinary offence -

(a) the Director may, as a punishment -

(i) reprimand the member; or

(ii) impose on the member a fine not exceeding 50% of the member's weekly salary; or

(b) the Appeal Board may, as a punishment -

(i) reduce the member for a specified period to the rank below the rank which the member holds;

(ii) reduce the member to the rank below the rank which the member holds;

(iii) reduce the rate of salary of the member to a rate of salary within the limits of salary fixed for the rank which the member holds;

(iv) suspend the member from the Fire Service for such time as the Appeal Board specifies;

(v) dismiss the member from the Fire Service; or

(vi) impose on the member a fine not exceeding 100% of the member's weekly salary.

"(2) For the purposes of sub-section (1), 'member's weekly salary' means the amount of the gross weekly salary payable to the member in accordance with the appropriate determination or award that applies from time to time to that member."

Clause 69 -

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

Omit from sub-clause (3) "his salary" and substitute "the salary, allowances and penalty pay to which he would have been entitled had he not been suspended,".

Clause, as amended, agreed to.

Clause 70 -

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

Omit from sub-clause (4) "salary" and substitute "the salary, allowances and penalty pay to which he would have been entitled had he not been suspended".

Omit from sub-clause (6)(b) ", for all purposes other than the payment of salary,".

Omit from sub-clause (5) "may reappoint" and substitute "shall reappoint".

Clause, as amended, agreed to.

Clauses 71 to 78, by leave, taken together and agreed to.

Clause 79 -

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

Omit from sub-clause (1)(a) "section 78(2)" and substitute "section 77(2)".

Clause, as amended, agreed to.

Clauses 80 to 84, by leave, taken together and agreed to.

Clause 85 -

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

Omit "shall deliver" and substitute "who, without reasonable excuse, fails to deliver".

Omit "volunteer member." (last occurring) and substitute "volunteer member, is guilty of an offence.".

Clause, as amended, agreed to.

Clause 86 -

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

Omit sub-clause (1).

Omit sub-clause (3).

Clause, as amended, agreed to.

Clauses 87 to 89, by leave, taken together and negatived.

Clause 90 -

Mr Leo moved, as an amendment -

Omit from sub-clause (1) "or imprisonment for 3 months".

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 91 -

Mr Leo moved, as an amendment -

Omit "or imprisonment for 3 months".

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 92 agreed to.

Clause 93 -

Mr Leo moved, as an amendment -

Omit "or imprisonment for 12 months".

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 94 agreed to.

Clause 95 -

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

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

Clause, as amended, agreed to.

Clause 96 agreed to.

Clause 97 -

Debate ensued.

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

Clauses 98 and 99, by leave, taken together and agreed to.

Clauses 100 to 103, by leave, taken together and agreed to.

Clause 104 -

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

Omit "A person" and substitute "A person, other than a member in his capacity as a member,".

Clause, as amended, agreed to.

Clause 105 agreed to.

Clause 106 -

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

Insert after sub-clause (3) the following:

"(3A) Notwithstanding anything in this Act, the terms and conditions of employment of the Chief Fire Officer, a Station Officer or a member referred to in sub-section (3) and those applying to a person appointed or promoted as a member of equivalent rank after the commencement of this Act but before a determination or award in substitution for the relevant determination or other means by which those terms and conditions were established is first made after that commencement, shall, until that determination or award in substitution is made, be the relevant terms and conditions applying immediately before the commencement of this Act."

Clause, as amended, agreed to.

Postponed clause 97 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The Assembly resumed - the Deputy Chairman (Mr D.W. Collins) reported accordingly and the report was adopted.

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

14. FIRE BRIGADES ARBITRAL TRIBUNAL AMENDMENT BILL 1983 (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.
The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 6 -

Mr Leo moved, as an amendment -

Omit from paragraph (a) all words after " 'fire officer' " (first occurring) and substitute "; and".

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 7 agreed to.

Schedule -

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

Omit -

"Section 3(1)(m), 'Administrator in 'Administrator'"
2(a) and (3) Council'

and substitute the following:

"Section 3(1)(m), 'Administrator in 'Minister'".
2(a) and (3) Council'

Omit -

"Section 6(1) 'Administrator in 'Administrator'"
 Council'

and substitute the following:

"Section 6(1) 'Administrator in 'Minister'".
 Council'

Omit -

"Section 6(1A) 'Administrator in 'Administrator'"
 Council'

and substitute the following:

"Section 6(1A) 'Administrator in 'Minister'".
 Council'

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The Assembly resumed - the Deputy Chairman (Mr D.W. Collins) reported accordingly and the report was adopted.

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

15. SUPPLY BILL 1983-84 (Serial 320):

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 Orders: Mr Perron (Treasurer) moved - That so much of standing orders be suspended as would prevent the Supply Bill 1983-84 (Serial 320) passing through all stages at this sittings.

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

Question - put and passed - Bill read a second time.

Leave granted for third reading to be moved forthwith.

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

16. REQUEST FOR URGENCY - TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (No. 2) 1983 (Serial 321):

Mr Deputy Speaker, having considered a request by the Chief Minister submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

17. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (No. 2) 1983 (Serial 321):

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 third reading to be moved forthwith.

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

18. SPECIAL ADJOURNMENT:

Mr Everingham (Chief Minister) moved - That the Assembly, at its rising, adjourn until 10.00 a.m. on Tuesday 23 August 1983 or such other time and date as set by Mr Speaker under Sessional Order.

Question - put and passed.

19. ADJOURNMENT:

Mr Everingham (Chief Minister) moved - That the Assembly do now adjourn.
Debate ensued.

Question - put and passed.

And then the Assembly at 6.40 p.m. adjourned until Tuesday 23 August 1983 or such other time and date as set by Mr Speaker under Sessional Order.

PAPER:

The following paper was deemed to have been presented on 2 June 1983:

Report:

Local Government Act Review, Discussion Paper No. 2

ATTENDANCE:

All members attended the sitting.

R. CHIN

Clerk of the Legislative Assembly

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