

PART III

THE MINUTES OF PROCEEDINGS

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

No. 33

Wednesday 11 June 1986

1. The Assembly met at 10.00 a.m., pursuant to resolution. Mr Speaker (the Honourable R.M. Steele) took the Chair, and read prayers.
2. RESIGNATION OF MEMBER - HON. J.M. ROBERTSON - PAPER TABLED:
Mr Speaker laid on the Table a letter from the Hon J.M. Robertson resigning his seat as Member for Araluen which he had received on the morning of 27 March 1986.
3. RETURN TO WRIT - ARALUEN DIVISION:
The Clerk laid on the Table the return to the writ issued by His Honour the Administrator on 1 April 1986 for the election of a member of the Legislative Assembly for the electoral Division of Araluen, certifying the election of Eric Houguet Poole on 19 April 1986.
4. NEW MEMBER - MR. E.H. POOLE:
The new member for Araluen, Eric Houguet Poole, was admitted to the Assembly, made and subscribed oaths of allegiance and of office, and was conducted to his place.
5. SPEAKER - PROPOSED RESIGNATION - STATEMENT - MOTION TO NOTE:
Mr Speaker made a statement relating to his intention to resign as Speaker of the Assembly on 16 June 1986.
Mr Hanrahan (Leader of Government Business) moved - That the Assembly take note of the statement.
Ordered - That the debate be adjourned and that Mr Hanrahan have leave to continue his remarks on the resumption of the debate.
6. MINISTRY AND ADMINISTRATIVE ARRANGEMENTS - STATEMENT - PAPER TABLED:
Mr Hatton (Chief Minister), by leave, made a statement relating to the Ministry and administrative arrangements of government.
Paper tabled: Mr Hatton laid on the Table a copy of His Honour the Administrator's Administrative Arrangements Order, dated 15 May 1986.

MINISTERS, MINISTRIES AND MAJOR FUNCTIONS

HON. S.P. HATTON

- **Chief Minister:** Department of the Chief Minister; Legislative Assembly; Police; Office of the Public Service Commissioner and Constitutional Development.

HON. B.F. COULTER

- **Treasurer:** Northern Territory Treasury; Racing and Gaming Commission; Northern Territory Totalizator Administration Board; local government financing and automatic data processing.
- **Minister for Mines and Energy:** Department of Mines and Energy and Northern Territory Electricity Commission.

HON. N.M. DONDAS

- **Minister for Transport and Works:** Department of Transport and Works.
- **Minister for Ports and Fisheries:** Department of Ports and Fisheries and Darwin Port Authority.
- **Minister for Lands:** Department of Lands.

HON. D.W. MANZIE

- **Attorney-General:** Department of Law
- **Minister for Education:** Department of Education; University College of the Northern Territory; Menzies School of Health Research; Darwin Institute of Technology and Northern Territory Teaching Service.

HON. R.A. HANRAHAN

- **Minister for Business, Technology and Communications:** Department of Business, Technology and Communications; Northern Territory Development Corporation; Trade Development Zone Authority; Industry Assistance under States and Northern Territory Grants (Rural Adjustment) Act 1979 and Territory Insurance Office.
- **Minister for Tourism:** Northern Territory Tourist Commission.

HON. T. HARRIS

- **Minister for Health:** Department of Health and Liquor Commission of the Northern Territory.
- **Minister for Housing:** Northern Territory Housing Commission.

HON. D.F. DALE

- **Minister for Community Development:** Department of Community Development; Jabiru Town Development Authority and Museums and Art Galleries Board.
- **Minister for Correctional Services:** Department of Correctional Services.
- **Minister for Youth, Sport, Recreation and Ethnic Affairs:** Department of Youth, Sport, Recreation and Ethnic Affairs.

HON. T.R. MCCARTHY

- **Minister for Primary Production:** Department of Primary Production and Agricultural Development and Marketing Authority.
- **Minister for Conservation:** Conservation Commission of the Northern Territory.

OFFICE HOLDERS

HON. B.F. COULTER: Deputy Chief Minister.

HON. R.A. HANRAHAN: Leader of Government Business.

MR C.C. FIRMIN: Government Whip.

7. SHADOW MINISTRY AND OPPOSITION OFFICE HOLDERS - STATEMENT:

Mr B. Collins (Leader of the Opposition), by leave, informed the Assembly that the shadow ministry and opposition office holders would remain unchanged as previously notified to the Assembly on 26 February 1985.

8. PUBLICATIONS COMMITTEE AND SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - PAPER TABLED - CHANGE OF MEMBERSHIP:

Mr Speaker informed Members that he had received a letter from Hon D. Dale (Member for Wanguri) asking to be discharged from further attendance on the Assembly's Publication and Subordinate Legislation and Tabled Papers Committees.

Mr Hanrahan (Leader of Government Business), by leave, moved - That -

(1) Mr Dale be discharged from further attendance on the Publications Committee and that Mr Poole be appointed a member of the Committee in his place; and

(2) Mr Dale be discharged from further attendance on the Subordinate Legislation and Tabled Papers Committee and that Mr Setter be appointed a member of the Committee in his place.

Question - put and passed.

9. QUESTIONS:

Questions were asked of ministers.

10. SUSPENSION OF STANDING ORDERS TO MOVE MOTION - MOTION NEGATIVED:

Mr B. Collins (Leader of the Opposition) moved - That so much of Standing Orders be suspended as would prevent Mr B. Collins from asking further questions without notice.

Question put.

The Assembly divided (Deputy Speaker, Mr R.W.S. Vale, in the Chair) -

AYES, 6

Mr Bell
Mr B. Collins
Mr Ede
Mr Lanhupuy
Mr Leo
Mr Smith

NOES, 18

Mr D.W. Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr Manzie
Mr McCarthy
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter
Mr Tuxworth
Mr Vale

And so it was negatived.

11. COMMONWEALTH FRINGE BENEFITS TAX, IMPACT ON NORTHERN TERRITORY - MOTION:

Mr Coulter (Treasurer), by leave, moved -

(1) That this Assembly -

- ° noting that the Fringe Benefits Tax imposes a cost on employment conditions which are often entrenched and legally payable in awards and determinations of the Conciliation and Arbitration Commission; and

- ° noting that the Tax is discriminatory against rural and remote Australia;

calls on the Commonwealth Government in particular with respect to the Northern Territory, not to proceed with the Fringe Benefits Tax recently passed by both Houses of the Commonwealth Parliament because of its impact upon the Northern Territory which includes -

- (a) the consequent erosion of entrenched employment conditions in the public and private sectors of the Northern Territory;
 - (b) the inequitable effect of its imposition on the Northern Territory when compared with the States;
 - (c) the damage it will cause to the economy of the Northern Territory both in its public and private sectors;
 - (d) the additional difficulties which will be faced by the Northern Territory Government in the provision of essential services to remote localities; and
 - (e) the inequitable impact of the tax on the cost of living in the Northern Territory when compared with the States.
- (2) That the terms of this resolution be transmitted to the Prime Minister forthwith.

Debate ensued.

Suspension of sitting: The sitting was suspended between 11.41 a.m. and 2.00 p.m.

Debate resumed.

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

12. MR J.A. ENGLAND, C.M.G. - LETTER OF THANKS - PAPER TABLED:
Mr Speaker laid on the Table a letter from Mrs Polly England and family, thanking the Assembly for forwarding to them bound copies of a Tribute to the memory of her late husband.
13. THE MOST REV. BISHOP J.P. O'LOUGHLIN, M.S.C., D.D., C.M.G. - LETTER OF THANKS - PAPER TABLED:
Mr Speaker laid on the Table a letter from Bishop Peter De Campo, Bishop of Port Pirie, thanking the Assembly for a bound copy of the Motion of Condolence on the death of Bishop O'Loughlin comprising Extracts from Minutes and Parliamentary Debates of the Assembly passed at the special sitting of the Assembly on Friday 22 November 1985.
14. NATIONAL CRIME AUTHORITY ANNUAL REPORT, 1984-85 - PAPER TABLED - STATEMENT:
Mr Hatton (Chief Minister) laid on the Table the National Crime Authority Annual Report 1984-85.
Mr Hatton made a statement relating to the report.

15. REMUNERATION TRIBUNAL - RECOMMENDATION No.1 of 1986 - JUDGES, RECOMMENDATION No.2 of 1986 - MAGISTRATES, DETERMINATION No.1 of 1986 - MEMBERS OF THE LEGISLATIVE ASSEMBLY - PAPERS TABLED - STATEMENT:

Mr Hatton (Chief Minister) laid on the Table Remuneration Tribunal Recommendations Nos.1 and 2 of 1986 relating to respectively salaries and allowances of Judges of the Supreme Court of the Northern Territory and salaries and allowances of magistrates in the Northern Territory; and Remuneration Tribunal Determination No.1 of 1986 relating to remuneration and allowances of Members of the Legislative Assembly.

Mr Hatton made a statement relating to the Remuneration Tribunal Determination No.1 of 1986 as it affected allowances of Members.

16. REMUNERATION TRIBUNAL DETERMINATION No.1 OF 1986 - MOTION TO DISAPPROVE PARTS:

Mr Hatton (Chief Minister), by leave, moved - That this Assembly disapprove paragraph 1.2 of the Remuneration Tribunal Determination No.1 of 1986 and the words, "specified in clause 1.2", contained in paragraph 11.0 of the same Determination.

Debate ensued.

Question - Put and passed.

17. MESSAGE FROM THE ADMINISTRATOR:

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

Message No.5

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, in pursuance of 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 1987.

Dated this tenth day of June 1986.

(Sgd) E.E. JOHNSTON
Administrator.

18. SUPPLY BILL 1986-87 (Serial 189):

Mr Coulter (Treasurer) presented a Bill for an Act to make interim provisions for the appropriation of money out of the Consolidated Fund for the service of the year ending 30 June 1987, the subject of Message No.5 from His Honour the Administrator, dated 10 June 1986.

Bill read a first time.

Suspension of Standing Orders: Mr Coulter (Treasurer) moved - That so much of Standing Orders be suspended as would prevent the determination of the motion for the second reading of this Bill before the lapse of one month from today.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

Mr Coulter 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.

19. LOCAL GOVERNMENT AMENDMENT BILL 1986 (Serial 193):

Mr Dale (Minister for Community Development), by leave, presented a Bill for an Act to amend the *Local Government Act*.

Bill read a first time.

Mr Dale 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.

20. SPECIAL ADJOURNMENT:

Mr Hanrahan (Leader of Government Business) moved - That the Assembly at its rising adjourn to a day and hour to be fixed by the Speaker which day and hour shall be notified to each member in writing.

Question - put and passed.

21. ORDER OF THE DAY POSTPONED:

On the motion of Mr Hanrahan (Leader of Government Business), Government Business, Order of the Day No.1, was postponed until the next sitting day.

22. MOTOR VEHICLES AMENDMENT BILL 1986 (Serial 184):

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.

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

Clause 4 -

Omit from the proposed definition of "pastoral vehicle permit" in paragraph (b) "section 137AB(1)" and insert in its stead "section 137B(1)".

Bill, as amended, agreed to.

Bill to be reported with amendment.

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

Mr Dondas (Minister for Transport and Works) moved - That the third reading of the Bill be later taken.

Question - put and passed.

23. UNIT TITLES AMENDMENT BILL 1986 (Serial 169), REAL PROPERTY (UNIT TITLES) AMENDMENT BILL 1986 (Serial 170):

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

Debate resumed.

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

Mr Dondas (Minister for Transport and Works) moved - That the committee stages be later taken.

Question - put and passed.

24. SESSIONAL COMMITTEE ON THE ENVIRONMENT, FIRST REPORT - PAPER TABLED - PRINT:

Mr D.W. Collins (Member for Sadadeen) laid on the Table and read the First Report of the Sessional Committee on the Environment.

Mr D.W. Collins moved - That the report be printed.

Question - put and passed.

Mr D.W. Collins moved - That the Assembly take note of the paper.

Debate ensued.

Question - put and passed.

25. REAL PROPERTY AMENDMENT BILL 1986 (Serial 179):

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 Manzie (Attorney-General) moved - That the committee stages be later taken.

Question - put and passed.

26. ESSENTIAL GOODS AND SERVICES AMENDMENT BILL 1986 (Serial 171):

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 Hatton (Chief Minister) moved - That the committee stages be later taken.

Question - put and passed.

27. FRINGE BENEFITS TAX - STATEMENT:

Mr B. Collins (Leader of the Opposition), by leave, made a statement relating to the postponement of the motion on fringe benefits tax moved earlier this day.

28. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Hanrahan (Leader of Government Business) the order of the day, Government Business, relating to the Fringe Benefits Tax was called on.

29. FRINGE BENEFITS TAX IMPACT ON NORTHERN TERRITORY - MOTION:

The order of the day having been read for the resumption of the debate on the motion of Mr Hatton (11 June 1986) -

(1) That this Assembly -

- ° noting that the Fringe Benefits Tax imposes a cost on employment conditions which are often entrenched and legally payable in awards and determinations of the Conciliation and Arbitration Commission; and

- ° noting that the Tax is discriminatory against rural and remote Australia;

calls on the Commonwealth Government in particular with respect to the Northern Territory, not to proceed with the Fringe Benefits Tax recently passed by both Houses of the Commonwealth Parliament because of its impact upon the Northern Territory which includes -

- (a) the consequent erosion of entrenched employment conditions in the public and private sectors of the Northern Territory;

- (b) the inequitable effect of its imposition on the Northern Territory when compared with the States;
 - (c) the damage it will cause to the economy of the Northern Territory both in its public and private sectors;
 - (d) the additional difficulties which will be faced by the Northern Territory Government in the provision of essential services to remote localities; and
 - (e) the inequitable impact of the tax on the cost of living in the Northern Territory when compared with the States.
- (2) That the terms of this resolution be transmitted to the Prime Minister forthwith.

Question - put and passed.

30. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And then the Assembly at 7.31 p.m. adjourned until a day and hour to be fixed by the Speaker which day and hour shall be notified to each Member in writing.

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PAPERS:

The following papers were deemed to have been presented on 11 June 1986:

Agreements and Determinations:

Senior Prison Officers Arbitral Tribunal Determination No.3 -
Amendment, 28 April 1986

Annual Reports:

Jabiru Town Development Authority, 1984-85
Museums and Art Galleries Board, 1984-85
Northern Territory Tourist Commission - Operations Division, 1983-84
Police Force of the Northern Territory, Northern Territory Emergency
Service, Fire Service of the Northern Territory, 1984-85
Remuneration Tribunal, 1986 Review

Regulations 1985:

No.40 Territory Parks and Wildlife Conservation By-laws

Regulations 1986:

No. 4 Amendments of the Rules of the Supreme Court of the Northern
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No. 6 Amendment of the Nursing Regulations
No. 7 Apprenticeship Regulations
No. 8 Amendments of the Motor Vehicles Regulations
No. 9 Amendment of the Motor Vehicles (Fees and Charges) Regulations
No.10 Amendments of the Rules of the Supreme Court of the Northern
Territory of Australia
No.11 Amendment to the Mines Safety Control Regulations
No.12 Amendment of the Associations Incorporation Regulations

- No.13 Commission of Inquiry (Chamberlain Convictions) Regulations
- No.14 Amendment of the By-laws of the Municipality of Darwin
- No.15 Palmerston (Traffic) By-laws
- No.16 Palmerston (Work in Public Places) By-laws

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ATTENDANCE:

All Members attended the sitting.

H.G. SMITH

Clerk of the Legislative Assembly.

FOURTH LEGISLATIVE ASSEMBLY

SECOND SESSION

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SECOND SESSION

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PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

FOURTH ASSEMBLY

THIRD SESSION

No. 1

Tuesday 17 June 1986

-
1. The Third Session of the Fourth Legislative Assembly of the Northern Territory was begun and held at Parliament House, Darwin, on Tuesday, the seventeenth day of June, One thousand nine hundred and sixty six. Members of the Assembly met at 11.00 a.m., pursuant to notice of His Honour the Administrator of the Northern Territory dated 12 June 1986, pursuant to the Notice set out hereunder which was read at the Table by the Clerk:

COMMONWEALTH OF AUSTRALIA

Northern Territory (Self-Government) Act 1978

NOTICE OF PROROGUING THE LEGISLATIVE ASSEMBLY IN FIXING
THE TIME FOR THE NEXT SESSION OF THE LEGISLATIVE ASSEMBLY

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, in pursuance of section 22(1) of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, by this notice -

- (a) prorogue the Legislative Assembly of the Northern Territory of Australia; and
- (b) appoint the hour of 11 o'clock in the morning of Tuesday 17 June 1986 as the time for the holding of the next session of the Legislative Assembly of the Northern Territory of Australia which shall be held in the Legislative Assembly Chambers, Darwin.

Dated this twelfth day of June, 1986

(Sgd) E.E. JOHNSTON
Administrator.

2. RESIGNATION OF SPEAKER - PAPER TABLED:

The Clerk tabled a letter from His Honour the Administrator notifying members of the resignation of the Speaker, Hon. R.M. Steele, having effect from 16 June 1986.

It read as follows:

"I desire to inform the Legislative Assembly of the Northern Territory that I have today received a letter from Mr Roger Michael Steele, MLA, tendering his resignation as Speaker of the Legislative Assembly of the Northern Territory."

3. ELECTION OF SPEAKER:

The Clerk of the Assembly presiding, Mr Hatton (Chief Minister) proposed to the Assembly for its Speaker the member for Braitling, Mr Vale, and moved - That the member for Braitling do take the Chair as Speaker.

Mr Coulter (Treasurer) seconded the motion and Mr Vale (Braitling) informed the Assembly that he accepted nomination.

Mr B. Collins (Leader of the Opposition) proposed to the Assembly for its Speaker the member for Nhulunbuy, Mr Leo, and moved - That the member for Nhulunbuy do take the Chair as Speaker.

Mr Smith (Millner) seconded the motion and Mr Leo (Nhulunbuy) informed the Assembly that he accepted nomination.

The time for proposals having expired -

Bells rung and ballot conducted - Scrutineers Mr Firmin and Mr Ede.

The Clerk of the Assembly announced the result of the ballot as Mr Vale (Braitling) 18 votes, Mr Leo (Nhulunbuy) 6 votes, and declared the member for Braitling elected as Speaker in accordance with Standing Orders.

Members having offered congratulations to Mr Speaker - Mr Speaker thanked the Assembly for the honour it had conferred upon him, and thereupon sat in the Chair.

4. ATTENDANCE OF ADMINISTRATOR:

Mr Speaker informed the Assembly that His Honour the Administrator would attend within the precincts immediately and that he proposed to present himself there as the choice of the Assembly as Speaker. Mr Speaker invited all honourable members to accompany him.

Suspension of sitting: The sitting was suspended between 11.10 a.m. and 11.21 a.m.

Mr Speaker and members of the Assembly were received by His Honour the Administrator within the precincts.

Mr Speaker presented himself as the choice of the Legislative Assembly as its Speaker to His Honour who congratulated him upon his election and handed to Mr Speaker and authorization to administer oaths and affirmations to members.

Mr Speaker and members returned to the Chamber.

5. AUTHORIZATION TO ADMINISTER OATHS AND AFFIRMATIONS - PAPER TABLED:

Mr Speaker informed the Assembly that he had presented himself to His Honour the Administrator and had received from His Honour the following Authorization, which was laid upon the Table and read by the Clerk:

His Honour the Administrator of the Northern Territory of Australia.

To: The Honourable Roger William Stanley Vale.

Greeting:

WHEREAS, by section 13 of the *Northern Territory (Self-Government) Act 1978* it is amongst other things enacted that every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Administrator, or some person authorized by him, an Oath or Affirmation of Allegiance in the form set out in Schedule 2 to the *Northern Territory (Self-Government) Act 1978* and an Oath or Affirmation of Office in the form set out in Schedule 3 to that Act:

NOW THEREFORE I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, do hereby command and authorize you from time to time, in the Legislative Assembly Chamber, Darwin to administer the said Oaths or Affirmations of Allegiance and of Office to such Members of the Legislative Assembly as have not already taken and subscribed the same since their election to the Assembly.

Given under my hand and the Public Seal of the Northern Territory of Australia, this seventeenth day of June, One thousand nine hundred and eighty six.

(L.S.)

(Sgd) E.E. JOHNSTON
Administrator.

6. SPEECH FROM THE CHAIR - HIS HONOUR THE ADMINISTRATOR:

Mr Speaker informed the Assembly that His Honour the Administrator would attend the assembly immediately to declare the causes of his calling the Assembly together.

His Honour the Administrator entering the Chamber, Mr Speaker left the Chair and His Honour delivered from the Chair, a speech declaring the causes of his calling the Assembly together.

His Honour the Administrator then left the Chamber.

7. Mr Speaker (the Honourable R.W.S. Vale) took the Chair, and read prayers.

8. ELECTRICITY COMMISSION AMENDMENT BILL 1986 (Serial 191):

Mr Hatton (Chief Minister), by leave, presented a Bill for an Act to amend the *Electricity Commission Act*.

Bill read a first time.

Ordered - That the second reading of the Bill be made an order of the day for a later hour.

9. CHAIRMAN OF COMMITTEES - APPOINTMENT:

Mr Hatton (Chief Minister) proposed to the Assembly for its Chairman of Committees the Member for Wagaman, Mr Finch, and moved - That the Member for Wagaman, Mr Finch, be appointed Chairman of Committees of this Assembly.

Mr Coulter (Treasurer) seconded the motion, and Mr Finch informed the Assembly that he accepted nomination.

Mr B. Collins (Leader of the Opposition) proposed to the Assembly for its Chairman of Committees the Member for Arnhem, Mr Lanhupuy, and moved -

That the Member for Arnhem, Mr Lanhupuy, be appointed Chairman of Committees of this Assembly.

Mr Smith (Millner) seconded the motion and Mr Lanhupuy informed the Assembly that he accepted nomination.

There being two nominations, Mr Speaker ordered that a ballot be conducted.

Bells rung and ballot conducted - Scrutineers Mr Firmin and Mr Leo.

Mr Speaker announced the result of the ballot as Mr Finch 18 votes, Mr Lanhupuy 6 votes, and declared Mr Finch elected as Chairman of Committees in accordance with Standing Orders.

Members congratulated Mr Finch who made his acknowledgements to the Assembly.

10. ADMINISTRATOR'S SPEECH - PAPER TABLED:

Mr Speaker informed the Assembly that he had received a copy of His Honour the Administrator's speech.

11. ADDRESS-IN-REPLY:

Mr Hatton (Chief Minister) moved - That the following Address-in-Reply be agreed to:

To His Honour the Administrator of the Northern Territory of Australia.

MAY IT PLEASE YOUR HONOUR - We, the Legislative Assembly of the Northern Territory, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Honour for the Speech which you have been pleased to address to the Assembly.

Ordered - That Mr Hatton have leave to continue his remarks and the resumption of the debate be made an order of the day for a later hour.

Suspension of sitting: The sitting was suspended between 12.04 p.m. and 2.30 p.m.

12. ADJOURNMENT OF ASSEMBLY - SESSIONAL ORDER:

Mr Hanrahan (Leader of Government Business), by leave, moved - That, during the present session of the Assembly, Mr Speaker may, at his discretion and notwithstanding any previous resolution of the Assembly, appoint a day and/or time for the holding of a sitting of the Assembly, which day and/or time shall be notified to each member in writing.

Question - put and passed.

13. LEAVE OF ABSENCE - SESSIONAL ORDER:

Mr Hanrahan (Leader of Government Business), by leave, moved - That, unless otherwise ordered, if on any occasion during this session of the Assembly, the interval between the termination of one sitting day and the commencement of the next sitting day is two months or more, all members shall be deemed to have been granted leave of absence for such interval between the sitting days.

Question - put and passed.

14. SESSIONAL COMMITTEE ON THE ENVIRONMENT - APPOINTMENT:

Mr Hanrahan (Leader of Government Business), by leave, moved - That, during the present session of the Assembly -

1. A committee to be known as the Sessional Committee on the Environment be appointed comprising, unless otherwise ordered, Mr D.W. Collins, Mr Bell, Mr Lanhupuy, Mrs Padgham-Purich and Mr Poole;
2. The Committee be empowered, unless otherwise ordered, to inquire into and from time report upon and make recommendations on all matters relating to uranium mining and processing activities and their effects on the environment within the Alligator Rivers Region;
3. The Committee be empowered to send for persons, papers and records, to sit in public or in private session notwithstanding any adjournment of the Assembly, to adjourn from place to place and have leave to report from time to time its proceedings and the evidence taken and make such interim recommendations as it may deem fit, and to publish information pertaining to its activities from time to time;
4. The Committee be empowered to publish from day to day such papers and evidence as may be ordered by it, and a daily **Hansard** be published of such proceedings as take place in public;
5. The Committee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees appointed in previous sessions and Assemblies; and
6. The foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the Standing Orders.

Question - put and passed.

15. NEW PARLIAMENT HOUSE COMMITTEE - SESSIONAL COMMITTEE - APPOINTMENT:

Mr Hanrahan (Leader of Government Business), by leave, moved - That, during the present session of the Assembly -

1. A committee to be known as the New Parliament House Committee be appointed comprising, unless otherwise ordered, Mr Speaker, Mr Finch, Mr Leo, Mr Smith; and Mr Tuxworth;
2. The Committee be appointed to act for and represent the Legislative Assembly, as the client for the New Parliament House, in all matters concerned with the planning, design and construction of the New Parliament House and all matters incidental thereto;
3. The Committee reconsider and, as necessary, amend the Parliament House Competition brief which, when revised, shall be used as the basis for the design and construction of the New Parliament House, unless otherwise ordered by the Assembly or unless the Committee resolves to reconsider any section of the revised brief;

4. The Committee also consider and report on any matter relating to the planning, design and construction of the New Parliament House and matters incidental thereto as may be referred to it by;
 - a) the Minister for Transport and Works; and
 - b) resolution of the Legislative Assembly;
5. The Committee be empowered, with the approval of the Speaker, to employ necessary staff and be provided with such facilities and resources as it may from time to time require;
6. The Committee report and make recommendations to the Assembly on these matters from time to time;
7. The Committee have power to send for persons, papers and records, to sit in public or in private session, notwithstanding any adjournment of the Assembly, to adjourn from place to place, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit;
8. The Committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily **Hansard** be published of such proceedings as take place in public;
9. The Committee be empowered to consider the minutes of proceedings, evidence taken and records of similar committees established in previous sessions and Assemblies; and
10. The foregoing provisions of this resolution, so far as they are inconsistent with standing orders, have effect notwithstanding anything contained in the Standing Orders.

Question - put and passed.

16. SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT - APPOINTMENT:

Mr Hanrahan (Leader of Government Business), by leave, moved - That, whereas this Assembly is of the opinion that when the Northern Territory of Australia becomes a new state it should do so as a member of the Federation on terms resulting in equality with the other States with its people having the same constitutional rights, privileges, entitlements and responsibilities as the people of the existing States;

And whereas insofar as it is constitutionally possible the equality should apply as on the date of the grant of statehood to the new state,

1. A select committee be established to inquire into, report and make recommendations to the Legislative Assembly on:
 - a) The constitutional issues arising between the Northern Territory of Australia and the Commonwealth of Australia, and the Northern Territory of Australia and the States of Australia concerning the entry of the Northern Territory of Australia into the Federation as a new state including but without limiting the generality of the foregoing:

- (i) The representation of the new state in both Houses of the Commonwealth Parliament;
 - (ii) Legislative power;
 - (iii) Executive powers; and
 - (iv) Judicial powers;
- b) The framework of a new state constitution and the principles upon which it should be drawn;
- c) The method to be adopted to have a draft new state constitution approved by or on behalf of the people of the Northern Territory of Australia; and
- d) The steps required or desirable to be taken by the Northern Territory of Australia, the Commonwealth and the States for the grant of statehood to the Northern Territory of Australia as a new state within the Federation.
2. Unless otherwise ordered, the Committee consist of the Chief Minister, the Leader of the Opposition, Mr Lanhupuy, Mr Palmer, Mr Smith and Mr Tuxworth;
 3. In the unavoidable absence of the Chief Minister, a member of the government nominated by the Chief Minister may attend any meeting of the Committee and participate in its proceedings as a Member of the Committee;
 4. The Chairman of the Committee may, from time to time, appoint a member of the Committee to be the Deputy Chairman of the Committee, and that member so appointed shall act as Chairman of the Committee, at any time when there is no chairman or when the Chairman is not present at a meeting of the Committee;
 5. In the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote;
 6. The Committee have power to appoint sub-committees and to refer to any such sub-committee any matter which the Committee is empowered to examine;
 7. Four members of the Committee constitute a quorum of the Committee and two members of a sub-committee constitute a quorum of the sub-committee;
 8. The Committee or any sub-committee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly;
 9. The Committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the Committee, a daily **Hansard** shall be published of such proceedings of the Committee as take place in public;

10. The Committee have leave to report from time to time, and that any member of the Committee have power to add a protest or dissent to any report;
11. The Committee report to the Assembly twelve months from the date of this resolution;
12. Unless otherwise ordered by the Committee, all documents received by the Committee during its inquiry shall remain in the custody of the Assembly: provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained;
13. Members of the public and representatives of the news media may attend and report any public session of the Committee, unless otherwise ordered by the Committee;
14. The Committee may authorize the televising of public hearings of the Committee under such rules as it considers appropriate;
15. The Committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the Committee;
16. Nothing in these terms of reference or in the Standing Orders shall be taken to limit or control the duties, powers or functions of any minister of the Territory who is also a member of the Select Committee;
17. The Committee be empowered to consider the minutes of proceedings, evidence taken and records of a similar Committee established in the previous session of the Assembly; and
18. The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Mr Leo (Nhulunbuy), by leave, moved as an amendment - That the words "Leader of the Opposition" be omitted and the words "Member for Stuart" be inserted in their stead.

Amendment agreed to.

Motion, as amended, agreed to.

17. COMMITTEE OF PUBLIC ACCOUNTS - SESSIONAL ORDER - MOTION TO APPOINTMENT:
Mr Hatton (Chief Minister), by leave, moved -

1. That the following provisional Standing Order, to operate on a trial basis as a Sessional Order, be agreed to:

21 A PUBLIC ACCOUNTS COMMITTEE

- (1) A Standing Committee of Public Accounts to consist of five Members shall be appointed at the commencement of each Assembly.

- (2) The duties of the Committee shall be -
- (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report transmitted to the Legislative Assembly by the Auditor-General, pursuant to the *Financial Administration and Audit Act*;
 - (b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the monies to which they relate, to which the Committee is of the opinion that the attention of Parliament should be drawn;
 - (c) to report to the Legislative Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public monies;
 - (d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Territory -
 - (i) which is referred to it by a resolution of the Assembly; or
 - (ii) which is referred to it by the Administrator or a Minister; and
 - (e) to examine the reports of the Auditor-General laid before the Legislative Assembly with the accounts of a Public Authority of the Northern Territory (including any documents annexed or appended to those reports).
- (3) The Committee shall examine only those accounts of receipts and expenditure of the Northern Territory and reports of the Auditor-General for financial years commencing after 30 June 1986: provided that this shall not prevent the consideration by the Committee of matters included in reports of the Auditor-General for the year ending 30 June 1986 which have or may have a continuing effect on the form of the public accounts; or the method of keeping them; or the method of receipt, control, issue or payment of public monies.
- (4) Prior to determining whether to undertake an inquiry into any matter which may have arisen in connection with the public accounts of the Territory, pursuant to paragraph (2)(a) and (e), with the concurrence of the Committee, the Chairman is empowered to write to the Chief Executive Officer of the relevant Department or Public Authority for a report on the matter.

- (5) The Committee shall take care not to inquire into any matters which are being examined by a Select Committee of the Assembly especially appointed to inquire into such matters and any question arising in connection therewith may be referred to the Assembly for determination.
- (6) The Committee shall elect a Government Member as Chairman.
- (7) The Chairman of the Committee may, from time to time, appoint a Member of the Committee to be the Deputy Chairman of the Committee, and the Member so appointed shall act as Chairman of the Committee at any time when there is no Chairman or when the Chairman is not present at a meeting of the Committee.
- (8) In the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote.
- (9) The Committee shall have power to appoint sub-committees and to refer to any such sub-committee any matter which the Committee is empowered to examine.
- (10) Three Members of the Committee shall constitute a quorum of the Committee and two Members of a sub-committee shall constitute a quorum of the sub-committee.
- (11) The Committee or any sub-committee shall have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (12) The Committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the Committee, a daily **Hansard** shall be published of such proceedings of the Committee as take place in public.
- (13) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (14) The Committee shall have leave to report from time to time and to report its proceedings and evidence taken; and any Member of the Committee shall have power to add a protest or dissent to any Report.
- (15) Unless otherwise ordered by the Committee, all documents received by the Committee during its inquiry shall remain in the custody of the Assembly: provided that, on the application of a Department or person, any document, if not likely to be further required, may, at the Speaker's discretion, be returned to the Department or person from whom it was obtained.

- (16) The Committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the Committee.
- (17) The foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

2. That, unless otherwise ordered, the Committee consist of -

Mr Perron
Mr Tuxworth
Mr Palmer
Mr Smith
Mr Leo.

Ordered - That Mr Hatton (Chief Minister) have leave to continue his remarks and the resumption of the debate be made an order of the day for a later hour.

18. DEPUTY CHAIRMAN OF COMMITTEES - WARRANT AND REVOCATION OF PREVIOUS WARRANT:

Mr Speaker laid on the Table the following warrant:

WARRANT

Pursuant to provisions of Standing Order 12, I hereby nominate Mr D.W. Collins, Mr Lanhupuy, Mrs Padgham-Purich, Mr Perron and Mr Setter to act as Deputy Chairmen of Committees when requested so to do by the Chairman of Committees.

All previous warrants nominating Deputy Chairmen of Committees are hereby revoked.

Given under my hand this seventeenth day of June nineteen hundred and eighty six.

(Sgd) R.W.S. Vale
Speaker.

19. RESTORATION OF LAPSED BILLS, GOVERNMENT BUSINESS, TO NOTICE PAPER:

Mr Hanrahan (Leader of Government Business), by leave, moved - That the following Bills be restored to the notice paper and consideration of each resumed at the stage it had reached in the last session:

- ° Supply Bill 1986-87 (Serial 189);
- ° Companies Bills -
 - National Companies and Securities Commission (Northern Territory Provisions) Bill 1986 (Serial 176);
 - Companies (Application of Laws) Bill 1986 (Serial 181);
 - Securities Industry (Application of Laws) Bill 1986 (Serial 177);
 - Companies (Acquisition of Shares) (Application of Laws) Bill 1986 (Serial 174);

- Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill 1986 (Serial 175);
- Companies (Administration) Bill 1986 (Serial 173); and
- Companies and Securities (Consequential Amendments) Bill 1986 (Serial 180);
- Motor Vehicles Amendment Bill 1986 (Serial 184);
- Unit Titles Amendment Bill 1986 (Serial 169), and Real Property (Unit Titles) Amendment Bill 1986 (Serial 170);
- Real Property Amendment Bill 1986 (Serial 179);
- Local Government Amendment Bill 1986 (Serial 193); and
- Essential Goods and Services Amendment Bill 1986 (Serial 171).

Question - put and passed.

20. RESTORATION OF MOTIONS, GOVERNMENT BUSINESS, TO NOTICE PAPER:

Mr Leo (Nhulunbuy), by leave, moved - That the following motions relating to a statement and papers be restored to the notice paper and consideration resumed at the stage of debate reached in the last session:

- Correctional Services Review, 1984 - Report - take note;
- Two Airline Policy - Ministerial Statement - take note; and
- Auditor-General's Report, 1984-85 - take note.

Question - put and passed.

21. RESTORATION OF BILLS, GENERAL BUSINESS, TO NOTICE PAPER:

Mr B. Collins (Leader of the Opposition), by leave, moved - That the following Bills be restored to the notice paper and consideration of both be resumed at the stage reached in the last session:

- Aboriginal Sacred Sites Amendment Bill 1986 (Serial 156);
- Electoral Amendment Bill 1986 (Serial 178).

Question - put and passed.

22. LEAVE OF ABSENCE:

Mr Firmin (Ludmilla) moved - That leave of absence for this sittings be granted to Mr Steele, who is absent interstate on parliamentary business.
Debate ensued.

Question - Put and passed.

23. NOTICES:

The following notices were given:

Mr Hanrahan: To present the Northern Territory Tourist Commission Amendment Bill 1986 (Serial 202) and Motor Accidents (Compensation) Amendment Bill 1986 (Serial 194).

Mr Coulter: To present the Credit Unions Amendment Bill 1986 (Serial 187).

Mr Dondas: To present the Motor Vehicles Amendment Bill (No.2) 1986 (Serial 192) and Traffic Amendment Bill 1986 (Serial 201).

Mr Dale: To present the Local Government Grants Commission Bill 1986 (Serial 199).

Mr Manzie: To present the Supreme Court Amendment Bill 1986 (Serial 188), Coroners Amendment Bill 1986 (Serial 185) and Criminal Law (Regulatory Offences) Bill 1986 (Serial 190).

Mr McCarthy: To present the Biological Control Bill 1986 (Serial 186).

24. COMMISSIONER OF MOTOR VEHICLE DEALERS, SIXTH REPORT - PAPER TABLED - PRINTING:

Mr Dale (Minister for Community Development) laid on the Table the Sixth Report of the Commissioner of Motor Vehicle Dealers for the year ended 31 December 1985.

Mr Dale moved - That the report be printed.

Question - put and passed.

25. COMMISSIONER OF CONSUMER AFFAIRS, ANNUAL REPORT 1984-85 - PAPER TABLED - PRINTING:

Mr Dale (Minister for Community Development) laid on the Table the annual report of the Commissioner of Consumer Affairs for the year ended 30 June 1985.

Mr Dale moved - That the report be printed.

Question - put and passed.

26. ABORIGINAL DEVELOPMENT - TRANSFORMATION AND TRADITION, REPORT BY PROFESSOR D. TURNER - PAPER TABLED - MOTION TO NOTE PAPER:

Mr Dale (Minister for Community Development) laid on the Table a report by Professor D. Turner entitled "Transformation and Tradition a report on Aboriginal Development in/on the Northern Territory of Australia".

Mr Dale moved - That the Assembly take note of the paper.

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

27. SUPPLY BILL 1986-87 (Serial 189):

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 Coulter (Treasurer) the Bill was read a third time and passed to be a proposed law.

28. ALTERATION OF ORDER OF BUSINESS:

Mr Hanrahan (Leader of Government Business) moved - That the order of the day relating to the Companies Bills (Serials 176, 181, 177, 174, 175, 173, and 180) be made an order of the day for the next sitting day.

Question - put and passed.

29. MOTOR VEHICLES AMENDMENT BILL 1986 (Serial 184):

The order of the day having been read for the third reading of the Bill -

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

30. UNIT TITLES AMENDMENT BILL 1986 (Serial 169), REAL PROPERTY (UNIT TITLES) AMENDMENT BILL 1986 (Serial 170):

The order of the day having been read for the consideration of the Bills in the Committee of the Whole Assembly -

The Assembly resolved itself into Committee of the Whole.

In the Committee

Unit Titles Amendment Bill 1986 (Serial 169):

Clauses 1 to 19, by leave, taken together and agreed to.

Clause 20 -

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

Omit from proposed section 26B(2) "not less than 20 units in each stage of the condominium development" and insert in its stead "not less than 24 units".

Clause, as amended, agreed to.

Clauses 21 to 33, by leave, taken together and agreed to.

Clause 34 -

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

Omit from proposed section 53(1) all words after "expenditure exceeding" and insert in their stead "the amount determined under section 36(1)".

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

Omit from proposed section 53(2) "calculated in accordance with" and insert in its stead "referred to in".

Clause, as amended, agreed to.

Clauses 35 and 36, by leave, taken together and agreed to.

Clause 37 -

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

Omit from proposed section 59(1) "Within 28 days" and insert in its stead "Within 3 months".

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

Omit from proposed section 59(1) "28 days period" and insert in its stead "3 month period".

Clause, as amended, agreed to.

Clause 38 negatived, after debate.

New clause -

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

"38A. POLLS

"Section 67 of the Principal Act is amended by omitting subsection (1) and substituting the following:

'(1) Where a resolution, including a special or unanimous resolution, is required, a poll may be demanded by any person present and entitled to vote.'."

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

"38B. VOTING BY CHAIRMAN

"Section 70 of the Principal Act is amended by omitting 'or an ordinary resolution' and substituting 'on an ordinary resolution'."

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

Question - That the Bill be reported with amendments.

Debate ensued.

Question - put and passed.

Real Property (Unit Titles) Amendment Bill 1986 (Serial 170):

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

Bill to be reported without amendment.

The Assembly resumed - the Chairman (Mr Finch) reported accordingly and the reports were adopted.

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

31. REAL PROPERTY AMENDMENT BILL 1986 (Serial 179):

The order of the day having been read for the consideration of the Bill in the Committee of the Whole Assembly -

Leave granted for third reading to be moved forthwith.

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

32. SUSPENSION OF STANDING ORDERS - PASSED BILL THROUGH ALL STAGES:

Mr Dale (Minister for Community Development) moved - That so much of Standing Orders be suspended as would prevent the **Local Government Amendment Bill 1986 (Serial 193)** passing through all stages at this sittings.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

33. LOCAL GOVERNMENT AMENDMENT BILL 1986 (Serial 193):

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 Dale (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.

34. ESSENTIAL GOODS AND SERVICES AMENDMENT BILL 1986 (Serial 171):

The order of the day having been read for the consideration of the Bill in the Committee of the Whole Assembly -

In the Committee

Bill, by leave, taken as a whole.

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

CLAUSE 4

Insert before proposed subsection (2) the following:

(1A) As soon as practicable after he publishes a direction, prohibition or requisition in the **Gazette** the Minister shall take whatever other steps he considers reasonable in the circumstances to ensure that the direction, prohibition or requisition is brought to the notice of the public.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

35. ADJOURNMENT:

Mr Hanrahan (Leader of Government Business) moved - That the assembly do now adjourn.

Debate ensued.

And Mr Hanrahan having spoken in reply, leave was granted for debate to continue.

Question - put and passed.

And then the Assembly at 7.34 p.m. adjourned until tomorrow at 10.00 a.m.

=====

PAPERS:

The following papers were deemed to have been presented on 17 June 1986:

Annual Reports:

National Trust of Australia (Northern Territory) 1984-85

Northern Territory Treasury 1984-85

Financial Statements:

Lajamanu Community Government Council, 1984-85
Legislative Assembly Members' Superannuation Trust, 1984-85
Milikapiti Community Government Council, 1984-85
Pularumpi Community Government Council, 1984-85

Regulations 1986

No.17 - Darwin Institute of Technology (Student Discipline) By-laws 1986

=====

ATTENDANCE:

All Members attended the sitting, except Mr Steele who had been granted leave of absence.

H.G. SMITH

Clerk of the Legislative Assembly

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 2

Wednesday 18 June 1986

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

2. NOTICES:

The following notices were given:

Mr Hanrahan: To present the Work Health Bill 1986 (Serial 203).

Mr Coulter: To present the Superannuation Bill 1986 (Serial 195).

Mr Harris: To present the Food Bill 1986 (Serial 198) and Therapeutic Goods and Cosmetics Bill 1986 (Serial 197).

3. QUESTIONS:

Questions were asked of ministers.

Distinguished visitors:

Mr Speaker informed the Assembly of the presence in the Gallery of Mr John Sharland, British Consul-General for Western Australia and Mrs Sharland, Senator Glen Sheil, Senator Bernie Kilgariff, Mr Alan Cadman and Mrs Kathy Sullivan, Members of the House of Representatives. Mr Speaker on behalf of all members extended a warm welcome to the distinguished visitors.

Further questions were asked.

4. SUSPENSION OF STANDING ORDERS - MOVE MOTION WITHOUT NOTICE - MOTION NEGATIVED:

Mr B. Collins (Leader of the Opposition) moved - That so much of Standing Orders be suspended as would prevent Mr B. Collins moving a motion to permit him to ask a further question without notice.

Question - put.

The Assembly divided (The Speaker, Hon. R.W.S. Vale, in the Chair) -

AYES, 5

Mr Bell
Mr B. Collins
Mr Ede
Mr Leo
Mr Smith

NOES, 18

Mr D.W. Collins
Mr Coulter
Mr Dale
Mr Dondas
Mr Finch
Mr Firmin
Mr Hanrahan
Mr Harris
Mr Hatton
Mr Manzie
Mr McCarthy
Mrs Padgham-Purich
Mr Palmer
Mr Perron
Mr Poole
Mr Setter
Mr Tuxworth
Mr Vale

And so it was negatived.

5. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Hanrahan (Leader of Government Business), intervening business was postponed until after the consideration of Government Business Notices, order of the day No.1 relating to the Address-in-Reply.

6. NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT BILL 1986 (Serial 202):

Mr Hanrahan (Minister for Tourism), pursuant to notice, presented a Bill for an Act to amend the *Northern Territory Tourist Commission Act*.

Bill read a first time.

Mr Hanrahan 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.

7. MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL 1986 (Serial 194):

Mr Hanrahan (Minister for Business, Technology and Communications), pursuant to notice, presented a Bill for an Act to amend the *Motor Accidents (Compensation) Act*.

Bill read a first time.

Mr Hanrahan 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. CREDIT UNIONS AMENDMENT BILL 1986 (Serial 187):

Mr Coulter (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Credit Unions Act*.

Bill read a first time.

Mr Coulter 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.

9. TRAFFIC AMENDMENT BILL 1986 (Serial 201):

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

Bill read a first time.

Mr Dondas 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.

10. MOTOR VEHICLES AMENDMENT BILL (No.2) 1986 (Serial 192):

Mr Dondas (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 Dondas 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.

11. SUPREME COURT AMENDMENT BILL 1986 (Serial 188):

Mr Manzie (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Supreme Court Act*.

Bill read a first time.

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

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

17. LEAVE OF ABSENCE:

Mr Leo (Nhulunbuy) moved - That leave of absence for this day be granted to Mr Lanhupuy, who is attending a function in his electorate.

Question - put and passed.

18. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:

Mr Speaker informed the Assembly that Mr Bell (MacDonnell) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely "the lack of appropriate laws in the Northern Territory which would ensure that such buildings as the recently demolished Turner House and other important features of Territory heritage are adequately protected".

The proposed discussion having received the necessary support -

Mr Bell addressed the Assembly.

Discussion ensued.

Discussion concluded.

19. BIOLOGICAL CONTROL BILL 1986 (Serial 186):

Mr McCarthy (Minister for Primary Production), pursuant to notice, presented a Bill for an Act to make provision for the biological control of pests in the Northern Territory, and for related purposes.

Bill read a first time.

Mr McCarthy 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.

20. FURTHER NOTICE:

The following further notice was given:

Mr McCarthy: To present the Territory Parks and Wildlife Conservation Amendment Bill 1986 (Serial 196).

21. LEAVE OF ABSENCE:

Mr Firmin (Ludmilla) moved - That leave of absence for the remainder of these sittings be granted to the Member for Flynn to attend the Tourism Ministers Conference in Hobart.

Question - put and passed.

22. ALICE SPRINGS TO DARWIN RAILWAY - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

Mr Hatton (Chief Minister), made a statement relating to the building of the railway line from Alice Springs to Darwin.

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

Debate ensued.

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

23. COMPANIES BILLS - NATIONAL COMPANIES AND SECURITIES COMMISSION (NORTHERN TERRITORY PROVISIONS) BILL 1986 (Serial 176); COMPANIES (APPLICATION OF LAWS) BILL 1986 (Serial 181); SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL 1986 (Serial 177); COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL 1986 (Serial 174); COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL 1986 (Serial 175); COMPANIES (ADMINISTRATION) BILL 1986 (Serial 173); and COMPANIES AND SECURITIES (CONSEQUENTIAL AMENDMENTS) BILL 1986 (Serial 180):

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

Debate resumed.

Mr Perron (Fannie Bay), by leave, made a statement relating thereto.

Debate continued.

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

The Assembly resolved itself into a Committee of the Whole.

In the Committee

National Companies and Securities Commission (Northern Territory Provisions) Bill 1986 (Serial 176):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Clause 3 -

Omit from subclause (1) the definition of "investment contract".

Insert after subclause (3) the following:

"(4) In this Act, unless the contrary intention appears, where a word or phrase is given a particular meaning other parts of speech and grammatical forms of that word or phrase have corresponding meanings."

Clause 12 -

Insert in subclause (3)(b) after "Commonwealth Act" the words "or the person for the time being occupying a position in the Public Service of the Northern Territory, of a State or of the Commonwealth, being a position that is specified in the instrument of delegation".

Omit subclause (5)(b) and insert in its stead the following:

"(b) the person for the time being occupying a position in the Public Service of the Northern Territory, of a State or of the Commonwealth, being a position that is specified in the instrument by which the authority is given."

Clause 15 -

Insert in the footnote to subclause (1) after "months" the words "or both".

Clause 16 -

Omit from subclause (1) "this section" and insert in its stead "section 15 of this Act".

Clause 17 -

Omit from subclause (1) "this section" and insert in its stead "section 15 of this Act".

Insert in the footnote to subclause (3) after "months" the words "or both".

Clause 19 -

Omit "as soon as practicable" and insert in its stead "within 15 sitting days of that Assembly".

Clause 21 -

Insert in subclause (4) after "of" the word "this".

Bill, as amended, agreed to.

Bill to be reported with amendments.

Companies (Application of Laws) Bill 1986 (Serial 181):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Clause 6 -

Omit "2 and 3" and inserts in its stead "2, 3 and 4".

Clause 8 -

Omit from subclause (1)(d) "and".

Omit from subclause (1)(e) "provisions," and insert in its stead "provisions; and

(f) the submission to the Commission of documents for examination by the Commission,".

Insert after subclause (1) the following:

"1A Where -

(a) by virtue of section 265A of the *Companies (Northern Territory) Code*, a company is to be deemed, for the purposes of that Code, to lodge a document with the Commission at a particular time; and

(b) a fee would, if the company had lodged the document with the Commission at that time, have been payable to the Commissioner for Corporate Affairs under subsection (1) for or in respect of the lodgement,

then -

- (c) the company shall pay to the Commissioner for Corporate Affairs, for and on behalf of the Territory, a fee (in this subsection referred to as the relevant fee) of an amount equal to the amount of the fee referred to in paragraph (b); and
- (d) as from that time, the relevant fee is a debt due to the Territory and may be recovered by the Commissioner for Corporate Affairs in a court of competent jurisdiction."

Clause 10 -

Omit from subclause (1) "2 and 3" and insert in its stead "2, 3 and 4".

Clause 13 -

Omit from the heading "AMENDING" and insert in its stead "OF AMENDED".

Clause 14 -

Insert in subclause 1(e) after "fees" the words "in force".

Insert in subclause 1(f) after "regulations" the words "prescribing fees".

Clause 16 -

Omit subclauses (3) and (4).

Clause 18 -

Omit from subclause (3) "7(6)", "7(11)(b)" and "7(8)" and insert in their stead "7(7)", "7(12)(b)" and "7(9)" respectively.

Clause 19 -

Insert after "all" the words "persons (except the Registrar of Companies, a Deputy Registrar of Companies or a member of the Companies Auditors Board),".

Insert after "same" the word "status,".

New clauses -

Insert after clause 20 the following:

"20A. PROCEEDINGS BY OR AGAINST REGISTRAR TO BE PROCEEDINGS BY OR AGAINST COMMISSION

"(1) Where, before the commencement of this Act, a proceeding under the *Companies Act* had been commenced by or against the Registrar of Companies, the proceeding may be continued by or against the Commission.

12. CRIMINAL LAW (REGULATORY OFFENCES) BILL 1986 (Serial 190):

Mr Manzie (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for regulatory offences in certain legislation consequent to the *Criminal Code Act*.

Bill read a first time.

Mr Manzie 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. CORONERS AMENDMENT BILL 1986 (Serial 185):

Mr Manzie (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Coroners Act*.

Bill read a first time.

Mr Manzie 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.

14. LOCAL GOVERNMENT GRANTS COMMISSION BILL 1986 (Serial 199):

Mr Dale (Minister for Community Development), pursuant to notice, presented a Bill for an Act to establish a Local Government Grants Commission to make recommendations concerning the distribution of financial assistance to local government bodies and for related purposes.

Bill read a first time.

Mr Dale 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.

15. NOTICE POSTPONED:

On the motion of Mr Hanrahan (Leader of Government Business), Notice No.10 Government Business was postponed until a later hour.

16. ADDRESS-IN-REPLY - MOTION:

The order of the day having been read for debate on the motion of Mr Hatton - That the following Address be agreed to:

MAY IT PLEASE YOUR HONOUR:

We, the Legislative Assembly of the Northern Territory, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Honour for the Speech which you have been pleased to address to the Assembly.

Debate ensued.

Mr B. Collins (Leader of the Opposition) seconded the motion and reserved his right to speak at a later hour.

Suspension of sitting: The sitting was suspended between 12.26 p.m. and 2.15 p.m.

Debate resumed.

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

"(2) Where, but for the enactment of this Act, a proceeding under the *Companies Act* could have been commenced by or against the Registrar of Companies, the proceeding may be commenced by or against the Commission.

"20B. PROPERTY VESTED IN REGISTRAR VESTS IN COMMISSION

"Where, immediately before the commencement of this Act, property was vested in the Registrar of Companies by reason of the operation of section 310 of the *Companies Act*, the property vests by force of this section in the Commission and sections 462, 463 and 464 of *Companies (Northern Territory) Code* apply in relation to the property in like manner as they would apply if the property had vested in the Commission pursuant to section 461 of that Code."

Clause 23 -

Omit subclause (3).

Clause 25 -

Omit from subclause (1) the words commencing with ", until the expiration ..." and inserting in their stead the following:

" -

- (a) if it would otherwise have been registrable under that Code or under the *Companies Code* of a participating State or Territory, be deemed to be registered under the *Companies (Northern Territory) Code*; or
- (b) if it would not otherwise have been so registrable, be deemed to be registered under the *Companies (Northern Territory) Code* with effect in and in respect of the Northern Territory only,

until the expiration of the period of 6 months after the date on which it was registered."

Omit from subclause (2) the words commencing with ", until the expiration ..." and inserting in their stead the following:

" -

- (a) if it would be otherwise have been registrable under the Code or under the *Companies Code* of a participating State or Territory, be deemed to be a statement that has been registered under Division 1 of Part IV of the *Companies (Northern Territory) Code* as required by section 170(1) of that Code; or
- (b) if it would not otherwise have been so registrable, be deemed to have been so registered under the *Companies (Northern Territory) Code* with effect in and in respect of the Northern Territory only,

until the expiration of the period of 6 months after the date on which it was registered.".

Clause 28 -

Omit "or the Commissioner for Corporate Affairs".

Omit "a State or of another" and insert in its stead "the".

Clause 29 -

Omit from subclause (4) "25(18)" (twice occurring) and insert in its stead "22(18) or (19), as the case may be,".

Omit from subclause (5) "copy" and insert in its stead "company".

Clause 31 -

Omit from subclause (2) "applies" and insert in its stead "applied".

Clause 33 -

Insert in subclause (1) after "Territory" the words "to which subsection (2) applies".

Insert in subclause (2) after "commenced" the words "pursuant to an order of the Supreme Court of the Northern Territory".

Clause 34 -

Omit from subclause (1) "For" and in subclauses (1) and (2) "section 27 of" and insert in their stead "Subject to subsection (4), for" and "subdivision B of Division 2 of Part II" respectively.

Clause 36 -

Omit from subclause (1) "State or" (twice occurring).

Clause 39 -

Omit from subclause (1) "a recognized company under the *Companies Act* or was" and "that Act" and insert in the stead of the latter "the *Companies Act*".

SCHEDULE 1 -

Clause 1 -

Insert before paragraph (a) the following:

"(aa) for 'law of a State or of another Territory' and 'law of a State or another Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law in force in a State or another Territory';".

Insert in paragraph (e) after "occurring" the words "except where occurring in conjunction with, commencement of,".

Add at the end the following:

- "(g) for 'law of a participating State or of a participating Territory' and 'law of a participating State or participating Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law in force in a participating State or in a participating Territory';
- (h) for 'law of the participating State or participating Territory' and 'law of the participating State or of the participating Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law in force in the participating State or in the participating Territory';
- (j) for 'law of that State or Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law in force in that State or Territory';
- (k) for 'law, or a previous law, of a State or of another Territory' and 'law, or a previous law, of a State or another Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law, or a previous law, in force in another State or in a Territory';
- (m) for 'law, or of the previous law, of that State or Territory' in the Commonwealth Act (wherever occurring) there were substituted 'law, or of the previous law, in force in that State or Territory'."

Clause 2 -

Omit paragraph (d).

Omit paragraph (h).

Clause 4 -

Omit clause 4 and substitute the following:

"4. In section 12 of the Commonwealth Act -

- (a) for 'relevant Act' (wherever occurring) there were substituted 'relevant Code'; and
- (b) for subsection (1)(b)(ii) there was substituted the following:
 - '(ii) a contravention of, or failure to comply with a provision of the *Companies Act* as in force at any time or of a previous law in force in a participating State or in a participating Territory that corresponded with that Act; or'."

New clause -

Insert after clause 5 the following:

"5A. In section 16A of the Commonwealth Act for 'relevant Act' (wherever occurring) there were substituted 'relevant Code'.

"5B. In sections 18(7)(iv), 20(8)(a) and 20(8)(b) of the Commonwealth Act after 'Companies Auditors and Liquidators Disciplinary Board' there were inserted 'constituted under the *Companies (Administration) Act*'.".

Clause 8 -

Omit the clause.

Clause 9 -

Omit clause 9 and insert in its stead the following:

"9. In section 30A of the Commonwealth Act -

(a) in the interpretation of 'Board' after 'Disciplinary Board' there were inserted 'constituted under the *Companies (Administration) Act*'; and

(b) in the interpretation of 'Chairman' for the words 'section 7 of the *Companies Auditors and Liquidators Disciplinary Board Ordinance 1982*' there were substituted 'section 13 of the *Companies (Administration) Act*'.

"9A. In section 30D(8) of the Commonwealth Act for 'Commonwealth' there were substituted 'Crown'.

"9B. In section 30D(11) of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'.

"9C. Section 30L of the Commonwealth Act were repealed.

"9D. In section 30Q(3) and (4) of the Commonwealth Act for 'Commonwealth' (twice occurring) there were substituted 'Crown'.

"9E. In section 30S of the Commonwealth Act, after '*Act 1983*' there were inserted 'of the Commonwealth'.

"9F. In section 31(2)(a)(iib) of the Commonwealth Act after '*1985*' there were inserted 'of the Commonwealth'.

Clause 10 -

Omit the clause.

Clause 11 -

Insert after "another Act" (twice occurring) and after "an Act" (twice occurring)", an Ordinance".

New clauses -

Insert after clause 12 the following:

"12A. In section 66A of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'.

"12B. In section 73(4A) of the Commonwealth Act after 'Act 1983' there were inserted 'of the Commonwealth'."

New clause -

Insert after clause 24 the following:

"24A. In section 166(6) of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'."

New clause -

Insert after clause 27 the following:

"27A. In section 200(4B) of the Commonwealth Act, for 'Parts IV and V of the *Instruments Ordinance* 1933' there were substituted 'Parts III and IV of the *Instruments Act*'."

Clause 29 -

Omit the clause.

Clause 30 -

Omit the clause and insert in its stead the following:

"30. In section 211 of the Commonwealth Act -

(a) in subsection (1) -

(i) in paragraph (a) for '*Instruments Ordinance* 1933' there were substituted the '*Instruments Act*'; and

(ii) for 'Ordinance' there were substituted 'Act';

(b) in subsection (2) -

(i) in paragraph (a) for 'Part III of the *Instruments Ordinance* 1933' there were substituted 'Part II of the *Instruments Act*'; and

(ii) for 'Part III of that Ordinance' there were substituted 'Part II of that Act';

(c) in subsection (3) -

(i) in paragraph (a) for 'Part IV of the *Instruments Ordinance 1933*' there were substituted 'Part III of the *Instruments Act*'; and

(ii) for 'Part IV of that Ordinance' there were substituted 'Part III of that Act';

(d) in subsection (4) -

(i) in paragraph (a) for 'Part V of the *Instruments Ordinance 1933*' there were substituted 'Part IV of the *Instruments Act*'; and

(ii) for 'section 26, sub-section 29(1) and sections 33 and 34 of that Ordinance have effect in relation to the wool lien, as if the wool lien had been duly registered under Part V of that Ordinance' were substituted 'sections 27, 30(1), 34 and 35 of that Act have effect in relation to the wool lien, as if the wool lien had been duly registered under Part IV of that Act';

(e) in subsection (5) -

(i) in paragraph (a) for 'Part V of the *Instruments Ordinance 1933*' there were substituted 'Part IV of the *Instruments Act*'; and

(ii) for 'sub-section 29(1) and sections 33 and 34 of that Ordinance have effect in relation to the stock mortgage, as if the stock mortgage had been duly registered under Part V of that Ordinance' there were substituted 'sections 30(1), 34 and 35 of that Act have effect in relation to the stock mortgage, as if the stock mortgage had been duly registered under Part IV of that Act'; and

(f) in subsection (7), after '*Act (No. 1) 1984*' there were inserted 'of the Commonwealth'."

New clauses -

Insert after clause 31 the following:

"31A. For section 215A of the Commonwealth Act there were substituted the following:

'215A. (1) Notwithstanding section 18 of the *Companies (Application of Laws) Act* -

(a) Division 7 of Part IV of the *Companies Act*; and

(b) any other provisions of that Act that are necessary for the effectual operation of that Division,

continue in force, as if that section had not been enacted, in relation to -

(c) any charge created by a corporation before the commencement of the *Companies (Application of Laws) Act*; and

(d) any charge to which property acquired by a corporation before the commencement of that Act was subject when the property was so acquired,

and the provisions of this Division do not apply in relation to any such charge.

(2) Subsection (1) operates in substitution for section 27 of the *Companies (Application of Laws) Act*.'.

"31B. In section 215C(9), (10) and (11) of the Commonwealth Act after '*Act 1983*' there were inserted 'of the Commonwealth'.

"31C. In section 222(1A) of the Commonwealth Act after '*Act 1983*' there were inserted 'of the Commonwealth'.

"31D. In section 227A(5) of the Commonwealth Act -

(a) for 'relevant Act' there were substituted 'relevant enactment'; and

(b) after '*Act 1983*' there were inserted 'of the Commonwealth'.

"31E. In section 227A(6) of the Commonwealth Act -

(a) for 'relevant Act' (wherever occurring) there were substituted 'relevant enactment'; and

(b) for 'relevant Acts' there were substituted 'relevant enactments'.

"31F. For section 227A(7)(b) of the Commonwealth Act there were substituted the following:

(b) each of the following laws is a relevant enactment:

(i) this Code, the *Companies (Acquisition of Shares) (Northern Territory) Code* and the *Securities Industry (Northern Territory) Code*;

(ii) the *Companies Act* and any corresponding previous enactment;

(iii) a law in force in another State or in a Territory that corresponds with a Code referred to in subparagraph (i); and

(iv) an Act or enactment of another State or of a Territory that corresponds with the whole or any part of an Act or enactment referred to in subparagraph (ii); and'.

"31G. In section 232(4C) of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'."

Clause 33 -

Omit the clause and insert in its stead the following:

"33. In section 238(11) of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'.

"33A. In section 241(6) of the Commonwealth Act after 'Act 1983' there were inserted 'of the Commonwealth'.

"33B. In section 260(8A) of the Commonwealth Act -

(a) for 'made by' there were substituted 'effected by'; and

(b) after '1985' there were inserted 'of the Commonwealth'.

"33C. In section 261(22) of the Commonwealth Act after 'Act 1983' there were inserted 'of the Commonwealth'.

"33D. In section 263(4) and (5) of the Commonwealth Act, after 'Act 1985' there were inserted 'of the Commonwealth'."

New clauses -

Insert after clause 35 the following:

"35A. In section 269(13) and (14) of the Commonwealth Act after 'Act 1983' and 'Act 1985' respectively there were inserted 'of the Commonwealth'.

"35B. In section 270(3A)(c)(i) and (14) of the Commonwealth Act after 'Act 1983' there were inserted 'of the Commonwealth'.

"35C. In section 275A(5) of the Commonwealth Act, after 'Act 1985' there were inserted 'of the Commonwealth'."

New clause -

Insert after clause 36 the following:

"36A. In section 279(6B) of the Commonwealth Act, after 'Act 1985' there were inserted 'of the Commonwealth'."

Clause 43 -

Omit from clause 43(b) the expression "(10)" and insert in its stead "(19)".

Clause 51 -

Omit from clause 51 and insert in its stead the following:

"51. In section 324A of the Commonwealth Act -

- (a) in subsection (5) after 'Act 1983' there were inserted 'of the Commonwealth';
- (b) in subsection (6) -
 - (i) for 'made by' there were substituted 'effected by'; and
 - (ii) after 'Act 1985' there were inserted 'of the Commonwealth'."

New clause -

Insert after clause 51 the following:

"51A. In section 456 of the Commonwealth Act for 'registrar' (wherever occurring) there were substituted 'Master'."

New clause -

Insert after clause 60 the following:

"60A. In section 467 of the Commonwealth Act for 'Registrar' there were inserted 'Master'."

New clause -

Insert after clause 61 the following:

"61A. In section 516(6A) of the Commonwealth Act, after 'Act 1985' there were inserted 'of the Commonwealth'."

New clauses -

Insert after clause 62 the following:

"62A. After section 552(16) of the Commonwealth Act there were inserted the following:

'(17) The provisions of this section do not apply to offers of shares in a society within the meaning of the *Building Societies Act*, a credit union or foreign credit union within the meaning of the *Credit Unions Act*, or a society registered under the *Co-operative Societies Act*.'

"62B. In section 562(4A) of the Commonwealth Act after 'Act 1985' there were inserted 'of the Commonwealth'."

"62C. In section 570A of the Commonwealth Act -

- (a) in subsection (1) after 'Act 1983' there were inserted 'of the Commonwealth';

(b) in subsection (2)(b) for '*Act 1980*' there were substituted '*(Northern Territory) Code*'; and

(c) in subsection (7) -

(i) for 'provision of this Act' there were substituted 'provision of this Code'; and

(ii) for 'any other Act' there were substituted 'any other Code or any Act'.

"62D. In section 571(7) of the Commonwealth Act after '*Act 1985*' there were inserted 'of the Commonwealth'."

SCHEDULE 2 -

Clause 3 -

Insert in clause 3 after "occurring" the words "except in regulation 17".

Clause 27 -

Omit from clause 27 "*section 169 of the Companies (Northern Territory) Code*" and insert in its stead "*section 79 of the Companies Amendment Act 1974*".

Bill, as amended, agreed to.

Bill to be reported with amendments.

Securities Industry (Application of Laws) Bill 1986 (Serial 177):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Clause 8 -

Omit from subclause (1)(d) "and".

Omit from subclause (1)(e) "provisions," and insert in its stead "provisions; and

(f) the submission to the Commission of documents for examination by the Commission,".

Clause 13 -

Omit from the heading "AMENDING" and insert in its stead "OF AMENDED".

New clause -

Insert after clause 15 the following:

"16. EXEMPTIONS FROM 'PRESCRIBED INTEREST'

"(1) Where the Ministerial Council approves an exemption of a right or interest, or a right or interest included in a class or kind of rights or interests, to be an exempt right or interest or a class or kind of exempt rights or interests for the purposes of paragraph (g) of the definition of "prescribed interest" in section 4(1) of the *Securities Industry (Northern Territory) Code*, the Administrator may make regulations declaring that right or interest, or a right or interest included in the class or kind of rights or interests, to be an exempt right or interest or a class or kind of exempt rights or interests for the purposes of that paragraph.

"(2) Regulations under subsection (1) shall be read and construed as one with the *Securities Industry (Northern Territory) Regulations*."

SCHEDULE 1 -

Clause 1 -

Omit paragraph (a) and insert in its stead the following:

"(a) for '*Companies Act 1981*' in the Commonwealth Act, wherever occurring, there were substituted '*Companies (Northern Territory) Code*';

"(aa) for 'law of a State or of another Territory' there were substituted 'law in force in a State or in another Territory';

"(ab) for 'law of a participating State or participating Territory' in the Commonwealth Act, wherever occurring, there were substituted 'law in force in a participating State or in a participating Territory';

"(ac) for 'law of that State or Territory' in the Commonwealth Act, wherever occurring, there were substituted 'law in force in that State or Territory';".

Clause 3 -

Omit the clause and insert in its stead the following:

"3. In section 4 of the Commonwealth Act -

(a) in subsection (1A) for '*Act 1980*' there were substituted '*(Northern Territory) Code*'; and

(b) in subsection (7) for 'that Act' there were substituted 'that Code'."

New clauses -

Insert after clause 3 the following:

"3A. In section 5(12) of the Commonwealth Act after 'Act 1980' there were inserted 'of the Commonwealth as amended and in force for the time being'.

"3B. In section 8 of the Commonwealth Act -

(a) for 'relevant Act', wherever occurring, there were substituted 'relevant Code'; and

(b) in subsection (1A) -

(i) for paragraph (a) there were substituted the following:

'(a) for the purpose of the performance of a function or the exercise of a power by the Commission under a Code that is a relevant Code for the purposes of the *Companies and Securities (Interpretation and Miscellaneous Provision) (Application of Laws) Act* or under a law of a participating State or of a participating Territory that corresponds with such a relevant Code; or'; and

(ii) for paragraph (b)(i) there were substituted the following:

'(i) a contravention of, or failure to comply with, a provision of a relevant Code or corresponding law referred to in paragraph (a); or'".

Clause 4 -

Omit the clause and insert in its stead the following:

"4. In section 9 of the Commonwealth Act -

(a) in subsection (1) for 'Australian Federal Police' there were substituted 'Northern Territory Police Force'; and

(b) in subsection (2) for 'of a participating State or of a' there were substituted 'in force in a participating State or'".

Clause 5 -

Omit "and (e)" and insert in its stead ", (e) and (7)".

New clause -

Insert after clause 5 the following:

"5A. In section 13 of the Commonwealth Act for 'relevant Act', wherever occurring, there were substituted 'relevant Code'".

Clause 11 -

Omit from proposed section 30(4)(c) in paragraph (a)(ii) "Commonwealth;" and insert in its stead "Commonwealth.';".

Insert in proposed section 30(5)(b) in paragraph (c) -

- (a) after "Council," the words "the Minister"; and
- (b) after "Attorney-General" in subparagraph (i) the words "of the Northern Territory".

New clause -

Insert after clause 12 the following:

"12A. In section 43(1), section 44, section 45(1) and section 46 of the Commonwealth Act for 'After the expiration of 3 months after the date of commencement of this Act, a person' there were substituted 'A person'."

New clauses -

Insert after clause 14 the following:

"14A. In section 75 of the Commonwealth Act -

- (a) in subsection (2)(e) for 'of a participating State or a' there were substituted 'in force in a participating State or';
- (b) in subsection (3)(e) for '*Business Names Ordinance 1963*' there were substituted '*Business Names Act*';
- (c) in subsection (3)(f) for 'of a participating State or of a' there were substituted 'in force in a participating State or';
- (d) in subsection (19) for 'of a participating State or of a' there were substituted 'in force in a participating State or'; and
- (e) in subsection (20) for 'of a participating State or of a' there were substituted 'in force in a participating State or'.

"14B. In section 76(9) of the Commonwealth Act for 'of a participating State or of a' there were substituted 'in force in a participating State or'.

"14C. In section 81 of the Commonwealth Act -

- (a) in subsection (1) for 'is not, in the absence of malice on his part, liable to any action for defamation at the suit of any person' there were substituted 'has qualified privilege in proceedings for defamation';
- (b) in subsection (2) for 'is not, in the absence of malice on his part, liable to any action for defamation at the suit of any person' there were substituted 'has qualified privilege in proceedings for defamation';
- (c) in subsection (2)(a) for 'of a participating State or of a' there were substituted 'in force in a participating State or'."

Clause 16 -

Omit "(1A), (1B), (1C), (1D)," and insert in its stead "(1)".

New Clause -

Insert after clause 16 the following:

"16A. In section 141A of the Commonwealth Act -

- (a) in subsection (1) after '*Act 1983*' there were inserted 'of the Commonwealth';
- (b) in subsection (2)(b) for '*Act 1980*' there were substituted '(Northern Territory) Code'; and
- (c) in subsection (7) -
 - (i) for 'provision of this Act' there were substituted 'provision of this Code'; and
 - (ii) for 'any other Act' there were substituted 'any other Code or any Act'."

Clause 17 -

Omit the clause and insert in its stead the following:

"17. In section 142 of the Commonwealth Act -

- (a) in subsection (6) for 'information' there were substituted 'complaint'; and
- (b) in subsection (7) after '*1985*' there were inserted 'of the Commonwealth'.

"17A. In section 143(1) of the Commonwealth Act after '*1985*' there were inserted 'of the Commonwealth'.

"17B. Section 150 of the Commonwealth Act were repealed."

SCHEDULE 2 -

Omit from paragraph (c) "and".

Omit from paragraph (d) '"Northern Territory".' and insert in its stead '"Northern Territory";'.

Insert after paragraph (d) the following:

- "(e) for 'Securities Industry Regulations', wherever occurring, there were substituted 'Securities Industry (Northern Territory) Regulations'; and

- (f) for '*Companies Act 1981*', wherever occurring, there were substituted '*Companies (Northern Territory) Code*'."

SCHEDULE 4 -

Omit "9" (twice occurring) and insert in its stead "10".

SCHEDULE 5 -

Omit "10" (twice occurring) and insert in its stead "11".

SCHEDULE 6 -

Omit "11" (twice occurring) and insert in its stead "12".

Bill, as amended, agreed to.
Bill to be reported with amendments.

Companies (Acquisition of Shares) (Application of Laws) Bill 1986 (Serial 174):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Clause 5 -

Omit the heading and subclause (1) and insert in their stead the following:

"5. EXCLUSION OF CERTAIN PROVISIONS OF *COMPANIES ACT*

"(1) The provisions applying by reason of section 4 (except as provided by section 17) operate to the exclusion of Part VIB of, and the Tenth Schedule to, the *Companies Act*."

Clause 7 -

Omit the clause and insert in its stead the following:

"7. INCORPORATION IN *COMPANIES (NORTHERN TERRITORY) CODE*

"(1) The provisions applying by reason of section 4 are incorporated with, and shall be read as one with, the *Companies (Northern Territory) Code*.

"(2) The provisions applying by reason of section 6 are incorporated with, and shall be read as one with, regulations applying under the *Companies (Northern Territory) Code*."

Clause 9 -

In subclause (1) -

- (a) omit from paragraph (c) "National";

- (b) omit from paragraph (d) "the Ministerial Council or" and "and";
- (c) omit from paragraph (e) ", the Ministerial Council or" and "provisions." and insert in the stead of the latter "provisions; and"; and
- (d) insert after paragraph (e) the following:
- "(f) the submission to the Commission of documents for examination by the Commission,".

Omit from subclause (3) "the Ministerial Council or" (twice occurring).

Clause 17 -

Omit from subclause (1) "(other than sections 1 and 2)".

Omit from subclause (3)(c) "that commencement" and insert in its stead "the commencement of this Act".

SCHEDULE 1 -

Clause 1 -

Insert after paragraph (a) the following:

"(aa) for 'law of a State or of another Territory' and 'law of a State or another Territory' in the Commonwealth Act, wherever occurring, there were substituted 'law in force in a State or in another Territory';".

New clauses -

Insert after clause 2 the following:

"2A. After section 6 of the Commonwealth Act there were inserted the following:

'6A. In this Code -

- (a) a reference to a previous law, or provision of a previous law, or previous enactment, of the Territory of of a State corresponding to, or to a provision of, this Code includes a reference to, or to a provision of, the *Companies Act*; and
- (b) a reference to a previous law, or provision of a previous law, or previous enactment of the Territory or of a State corresponding to, or to a provision of, this Code includes a reference to, or to a provision of, that law of that State corresponding to the *Companies Act*.

"2B. In section 8A of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'.

"2C. In section 18(2C) of the Commonwealth Act after '1985' there were inserted 'of the Commonwealth'.

"2D. In section 38(4) of the Commonwealth Act -

- (a) in paragraph (a)(ii) for 'law of the place' there were substituted 'law in force in the place'; and
- (b) in paragraph (c) for 'law of a place' there were substituted 'law in force in a place'."

New clause -

Insert after clause 3 the following:

"3A. In section 49(6) of the Commonwealth Act for 'of that Act', wherever occurring, there were substituted 'of that Code'."

Clause 4 -

Omit the clause and insert in its stead the following:

"4. In section 53 of the Commonwealth Act -

- (a) in subsection (5) for 'section 5 of this Act' there were substituted 'section 5 of the *Companies (Acquisition of Shares) (Application of Laws) Act*';
- (b) in subsection (5)(b) for 'that Act' there were substituted 'that Code'; and
- (c) in subsection (6) after '1985' there were inserted 'of the Commonwealth'."

Clause 6 -

Omit ", 63".

New clauses -

Insert after clause 6 the following:

"7. In clause 2(e) of Part B of the Schedule to the Commonwealth Act for 'of that Act' there were substituted 'of that Code'.

"8. In clause 3 of Part B of the Schedule to the Commonwealth Act for 'that Act', wherever occurring, there were substituted 'that Code'.

"9. In clause 3(e) of Part D of the Schedule to the Commonwealth Act for the words 'of that Act' there were substituted the words 'of that Code';

"10. In clause 3 of Part D of the Schedule to the Commonwealth Act for 'that Act', wherever occurring, there were substituted 'that Code'."

SCHEDULE 4 -

Omit "so as" and insert in its stead "as so".

SCHEDULE 5 -

Clause 2 -

Insert after "1986" the word "commences".

Bill, as amended, agreed to.

Bill to be reported with amendments.

**Companies and Securities (Interpretation and Miscellaneous Provisions)
(Application of Laws) Bill 1986 (Serial 175):**

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Clause 6 -

Insert after "the Crown" the words "in right of the Northern Territory".

Clause 11 -

Insert in subclause (2) after "regulation," the word "clause,".

SCHEDULE 1 -

Clause 1 -

Insert after "respectively" the words "and for 'law of a State or of another Territory' (wherever occurring) there were substituted 'law in force in a State or in another Territory'".

New clause -

Insert after clause 1 the following:

"1A. (1) In section 5B(2) of the Commonwealth Act -

- (a) in paragraph (a), after 'Printer' there were inserted 'of the Northern Territory and all matters not forming part of, but set out in the document containing, the text of the relevant Act (within the meaning of the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980* of the Commonwealth as amended and in force for the time being) as printed by the Australian Government Printer, being the relevant Act corresponding to the relevant Code.';
- (b) in paragraphs (b), (c), (d) and (f) for 'enacted' (wherever occurring) there were substituted 'made'; and

(c) in paragraph (j) after 'House of Representatives' there were inserted 'or the Legislative Assembly of the Northern Territory'.

"(2) After section 5B(2) of the Commonwealth Act there was inserted the following:

'(2A) In subsection (2) -

"'Minister' means a Minister of State of the Commonwealth or a Minister of the Northern Territory;

"'Parliament' means the Parliament of the Commonwealth or the Legislative Assembly of the Northern Territory;"".

Clause 3 -

Insert after paragraph (h) after "Code" the words "or the corresponding law in force in a State or in another Territory or in another country".

Insert after paragraph (j) the following:

"(ja) for the definition of 'Crown' there were substituted the following:

'Crown' means the Crown in right of the Northern Territory;".

Insert in paragraph (p) after "Commonwealth" the words "as amended and in force for the time being".

Insert in paragraph (zb) after "Code" the words "or relevant Act".

New clause -

Insert after clause 4 the following:

"4A. In section 11A(4) of the Commonwealth Act -

(a) for 'made by' there were substituted 'effected by';

(b) after '1985' there were inserted 'of the Commonwealth'.".

New clause -

Insert after clause 5 the following:

"5A. In section 14A of the Commonwealth Act for 'Act 1981' there were substituted '(Northern Territory) Code'.".

Clause 10 -

Omit the clause and insert in its stead the following:

"10. In section 33 of the Commonwealth Act -

- (a) for 'another Act; (twice occurring) there were substituted 'an Act'; and
- (b) for 'that other Act' (twice occurring) there were substituted 'that Act'."

Clause 13 -

Insert before "*Territory*" the word "*Northern*".

Clause 14 -

Omit the clause and insert in its stead the following:

"14. In section 40 of the Commonwealth Act -

- (a) in subsection (1) for 'This Act' there were substituted 'This Code' and before 'made' there were inserted 'applying,'; and
- (b) in subsection (2) before 'was made' there were inserted 'applies or'."

New clause -

Insert after clause 14 the following:

"15. For section 41 of the Commonwealth Act there were substituted the following:

'41. EVIDENCE OF LAWS OF STATES AND OF OTHER TERRITORIES

'(1) Where a provision of a law of a State or of another Territory, being a law by reason of which provisions of a relevant Act of the Commonwealth or regulations in force for the time being under a relevant Act of the Commonwealth apply as laws of that State or Territory, provides that a document published in accordance with that provision is *prima facie* evidence of the provisions of that Act or those regulations as so applying on a particular date, a document that is, or purports to be, a copy of a document so published is *prima facie* evidence of the provisions of that Act or those regulations as so applying on that date.

'(2) In subsection (1), "relevant Act of the Commonwealth" means -

- (a) the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980* of the Commonwealth;
- (b) the *Companies (Acquisition of Shares) Act 1980* of the Commonwealth;
- (c) the *Securities Industry Act 1980* of the Commonwealth; or

(d) the *Companies Act 1981* of the Commonwealth,

as amended and in force for the time being.'."

Bill, as amended, agreed to.

Bill to be reported with amendments.

Companies (Administration) Bill 1986 (Serial 173):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

New clauses -

Insert after clause 7 the following:

"7A. PROCEEDINGS FOR OFFENCES

"(1) The Commissioner may, with the written consent of the Attorney-General, take proceedings for an offence.

"(2) Nothing in subsection (1) applies to or affects the power of the Commissioner to take proceedings subject to and in accordance with the *Business Names Act*, the *Companies (Northern Territory) Code*, the *Securities Industry (Northern Territory) Code*, the *Companies (Acquisition of Shares) (Northern Territory) Code* or the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Northern Territory) Code*.

"7B. DELEGATION

"(1) Except where otherwise provided by this or any other Act, the Commissioner may, by instrument in writing, delegate all or any of the Commissioner's powers, authorities, functions or duties (except this power of delegation) under this or any other Act to any person and those powers, authorities, functions or duties may be exercised or performed by that person accordingly.

"(2) An act or thing done in the performance of a function or the exercise of a power by a person to whom that function or that power has been delegated by the Commissioner under subsection (1) has the same force and effect as if it had been done by the Commissioner.

"(3) Where a person purports to perform a function or exercise a power conferred on the Commissioner by or under an Act or law, it is presumed, unless the contrary is proved, that the person is duly authorized as a delegate of the Commissioner.

"(4) The exercise or performance of any power, authority, function or duty by a delegate pursuant to subsection (1) shall not affect the exercise or performance of that power, authority, function or duty by the Commissioner."

Clause 19 -

Omit clause 19(3) and insert in its stead the following:

"(3) Notwithstanding the repeal of sections 8 and 9 of the *Companies Act* by section 21, the Companies Auditors Board established by those sections continues in existence for such period as is necessary for that Board to complete any proceedings or business that it had commenced but not completed before the repeal of those sections, and that Board has, for the purposes of completing that proceeding or business, all the powers that it would have had if those sections had not been repealed."

New clause -

Insert after section 20 the following:

"21. REPEAL

"Sections 8 and 9 of the *Companies Act* are repealed."

Bill, as amended, agreed to.

Bill to be reported with amendments.

Companies and Securities (Consequential Amendments) Bill 1986
(Serial 180):

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

SCHEDULE - PART I

Associations Incorporation Act

Omit -

- (a) "*Incorporations*" and insert in its stead "*Incorporation*";
- (b) "*Commissioner of Corporate*" and insert in its stead "*Commissioner for Corporate*"; and
- (c) "*Section 25(2)*" and insert in its stead "*Section 25C(2)*".

Insert after the item relating to section 4(1) the words "from the definition of 'unauthorized name' the words 'Minister has, under section 22 of the *Companies Act*, directed the Registrar'" and "Ministerial Council has, under section 38 of the *Companies (Northern Territory) Code* directed the National Companies and Securities Commission" in the columns headed "omit" and "substitute" respectively.

Co-operative Societies Act

Insert after the heading the following:

"Section 5(1)	'Registrar-General appointed under the <i>Registration Act</i> '	'Commissioner for Corporate Affairs appointed under the <i>Companies</i> (<i>Administration</i>) <i>Act</i> '".
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Omit "Section 59(a)" and insert in its stead "Section 59(2)".

Pay-roll Tax Act

Omit "Section 3" and insert in its stead "Section 3(1)".

Public Trustee Act

Omit "'*Companies Act*'" and "'*Companies (Northern Territory) Code*
'" and insert in their stead "'Registrar of Companies by a provision
of the *Companies Act*'" and "'Commissioner for Corporate Affairs by a
provision of the *Companies (Northern Territory) Code*'" respectively.

Unit Titles Act

Omit "'*Companies Ordinance*'" and insert in its stead "'*Companies
Ordinance*' (wherever occurring)".

Bill, as amended, agreed to.
Bill to be reported with amendments.

The Assembly resumed - the Chairman (Mr Finch) reported accordingly and the reports were adopted.

On the motion of Mr Manzie (Attorney-General), the Bills were read a third time and passed to be proposed laws.

24. BUSINESS POSTPONED:

On the motion of Mr Hatton (Chief Minister), Government Business, Order of the Day No.3 was postponed until a later hour.

25. COMMITTEE OF PUBLIC ACCOUNTS - SESSIONAL ORDER - APPOINTMENT:

The order of the day having been read for the resumption of the debate on the motion of Mr Hatton -

1. That the following provisional Standing Order, to operate on a trial basis as a Sessional Order, be agreed to:

21A. PUBLIC ACCOUNTS COMMITTEE

- (1) A Standing Committee of Public Accounts to consist of five Members shall be appointed at the commencement of each Assembly.
- (2) The duties of the Committee shall be -

- (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report transmitted to the Legislative Assembly by the Auditor-General, pursuant to the *Financial Administration and Audit Act*;
 - (b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the moneys to which they relate, to which the Committee is of the opinion that the attention of Parliament should be drawn;
 - (c) to report to the Legislative Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public moneys;
 - (d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Territory -
 - (i) which is referred to it by a resolution of the Assembly; or
 - (ii) which is referred to it by the Administrator or a Minister; and
 - (e) to examine the reports of the Auditor-General laid before the Legislative Assembly with the accounts of a Public Authority of the Northern Territory (including any documents annexed or appended to those reports).
- (3) The Committee shall examine only those accounts of receipts and expenditure of the Northern Territory and reports of the Auditor-General for financial years commencing after 30 June 1986: provided that this shall not prevent the consideration by the Committee of matters included in reports of the Auditor-General for the year ending 30 June 1986 which have or may have a continuing effect on the form of the public accounts; or the method of keeping them; or the method of receipt, control, issue or payment of public moneys.
- (4) Prior to determining whether to undertake an inquiry into any matter which may have arisen in connection with the public accounts of the Territory, pursuant to paragraph (2)(a) and (e), with the concurrence of the Committee, the Chairman is empowered to write to the Chief Executive Officer of the relevant Department or Public Authority for a report on the matter.

- (5) The Committee shall take care not to inquire into any matters which are being examined by a Select Committee of the Assembly especially appointed to inquire into such matters and any question arising in connection therewith may be referred to the Assembly for determination.
- (6) The Committee shall elect a Government Member as Chairman.
- (7) The Chairman of the Committee may, from time to time, appoint a Member of the Committee to be the Deputy Chairman of the Committee, and the Member so appointed shall act as Chairman of the Committee at any time when there is no Chairman or when the Chairman is not present at a meeting of the Committee.
- (8) In the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote.
- (9) The Committee shall have power to appoint sub-committees and to refer to any such sub-committee any matter which the Committee is empowered to examine.
- (10) Three Members of the Committee shall constitute a quorum of the Committee and two Members of a sub-committee shall constitute a quorum of the sub-committee.
- (11) The Committee or any sub-committee shall have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (12) The Committee shall be empowered to print from day to day such papers and evidence as may be ordered by it. Unless otherwise ordered by the Committee, a daily **Hansard** shall be published of such proceedings of the Committee as take place in public.
- (13) The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (14) The Committee shall have leave to report from time to time and to report its proceedings and evidence taken; and any Member of the Committee shall have power to add a protest or dissent to any Report.
- (15) Unless otherwise ordered by the Committee, all documents received by the Committee during its inquiry shall remain in the custody of the Assembly: provided that, on the application of a Department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the Department or person from whom it was obtained.

(16) The Committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the Committee.

(17) The foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

2. That, unless otherwise ordered, the Committee consist of -

Mr Perron
Mr Tuxworth
Mr Palmer
Mr Smith
Mr Leo

Debate ensued.

Mr Smith (Millner) moved the following amendment - after paragraph (2)(e) of proposed Standing Order 21A, insert:

"(f) consider and report to the Legislative Assembly how, if at all, the administration of Government programmes and policies may be carried out more efficiently, effectively and economically.".

Debate ensued.

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

Mr Ede (Stuart) moved the following amendment - omit paragraph (3) of the proposed Standing Order 21A.

Debate ensued.

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

Mr Leo (Nhulunbuy) moved the following amendment - paragraph (7) of proposed Standing Order 21A, omit "appoint a Member of the Committee" and insert in its stead "appoint an Opposition Member of the Committee".

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

Mr B. Collins (Leader of the Opposition) moved the following amendment - paragraph (14) of proposed Standing Order 21A, after "the Committee" (first occurring) insert "shall report annually and".

Debate ensued.

Question - put and passed.

Amendment agreed to.

Motion, as amended, agreed to.

26. ADJOURNMENT:

Mr Hatton (Chief Minister) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 10.30 p.m. adjourned until tomorrow at 10.00 a.m.

=====

ATTENDANCE:

All Members attended the sitting except Mr Steele and Mr Lanhupuy who were granted leave of absence.

H.G. SMITH

Clerk of the Legislative Assembly

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 3

Thursday 19 June 1986

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

2. MESSAGE FROM THE ADMINISTRATOR:

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

Message No.6

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to promote occupational health and safety in the Territory to prevent industrial injuries and diseases, to promote the rehabilitation and maximum recovery from incapacity of injured workers, to provide financial compensation to workers incapacitated from industrial injuries or diseases and to the dependants of workers who die as the results of such injuries or diseases, to establish certain bodies and a fund for the proper administration of the Act, and for related purposes.

Dated this seventeenth day of June, 1986.

(Sgd) E.E. JOHNSTON
Administrator

3. MESSAGE FROM THE ADMINISTRATOR:

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

Message No.7

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to provide superannuation benefits for persons employed by the Territory and by certain public authorities, to make provision for certain dependants of those persons and for related purposes.

Dated this seventeenth day of June, 1986.

(Sgd) E.E. JOHNSTON
Administrator

4. PETITION:

Mr Dondas presented a petition from 72 residents of the Electorate of Casuarina relating to maximum heights of structures in the Brinkin area.

Petition read.

5. QUESTIONS:

Questions were asked of ministers.

Absence of Leader of Government Business:

Mr Coulter (Deputy Chief Minister) announced that, in the absence of the Leader of Government Business, Mr Coulter would answer questions relating to Mr Hanrahan's ministerial portfolios.

Further questions were asked of ministers.

6. REVIEW OF AUSTRALIA'S DEFENCE CAPABILITIES, MR P. DIBB - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

Mr Hatton (Chief Minister) made a statement relating to the Review of Australia's Defence Capabilities by Mr P. Dibb.

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

Debate ensued.

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

7. ULURU (AYERS ROCK - MT OLGA) NATIONAL PARK, MANAGEMENT - MINISTERIAL STATEMENT - PAPERS TABLED - MOTION TO NOTE STATEMENT:

Mr McCarthy (Minister for Conservation) made a statement on the management of the Uluru (Ayers Rock - Mt Olga) National Park.

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

Papers Tabled: Mr McCarthy, by leave, laid on the Table the following papers relating thereto -

- ° Letter - Prime Minister to Hon. I.L. Tuxworth, 2 September 1985
- ° Letter - Hon. I.L. Tuxworth to Prime Minister, 12 November 1985
- ° Letter - Hon. B. Cohen to Hon. I.L. Tuxworth, 24 December 1985
- ° Letter - Prime Minister to Hon. I.L. Tuxworth, 21 January 1986
- ° Letter - Hon. I.L. Tuxworth to Prime Minister, 27 March 1986
- ° Letter - Hon. B. Cohen to Hon. I.L. Tuxworth, 1 April 1986
- ° Letter - Hon. B. Cohen, Minister for Arts, Heritage & Environment to Hon. I.L. Tuxworth, 18 April 1986
- ° Letter - Mr W.A. Thomas to Chairman of Uluru Katatjuta Board of Management, 22 April 1986
- ° Letter - Mr W.A. Thomas, Director of Conservation to Prof J.D. Ovington, 22 April 1986
- ° Letter - Chairman, Uluru Katatjuta Board of Management to Director, Conservation Commission of Northern Territory, 23 April 1986
- ° Letter - Hon. I.L. Tuxworth to Hon. B. Cohen, M.P., 24 April 1986
- ° Letter - Mr W.A. Thomas to Chairman of Uluru Katatjuta Board of Management, 27 April 1986
- ° Letter - Prof J.D. Ovington to Mr W.A. Thomas, 12 May 1986
- ° Letter - Mr W.A. Thomas to Prof J.D. Ovington, 21 May 1986
- ° Memorandum of agreement - National Parks and Wildlife Conservation Act 1975
- ° Telexes (2) - Hon. I.L. Tuxworth to Prime Minister, 7 February 1986
- ° Telex - Hon. I.L. Tuxworth to Hon. B. Cohen, 16 April 1986
- ° Telex - Hon. I.L. Tuxworth to Hon. B. Cohen, 24 April 1986
- ° Telex - Hon. B. Cohen to Hon. I.L. Tuxworth, 28 April 1986
- ° Telex Director, Conservation Commission Northern Territory to Director, Australian Parks and Wildlife Services, 9 May 1986
- ° Telex - Hon. I.L. Tuxworth to Prime Minister, undated

Debate continued.

Suspension of sitting: The sitting was suspended between 11.53 a.m. and 2.00 p.m.

Debate resumed.

Debate adjourned (Mrs Padgham-Purich) and the resumption of the debate made an order of the day for a later hour.

8. WORK HEALTH BILL 1986 (Serial 203):

Mr Hatton (Chief Minister) on behalf of and at the request of Mr Hanrahan (Minister for Business, Technology and Communications), pursuant to notice, presented a Bill for an Act to promote occupational health and safety in the Territory to prevent industrial injuries and diseases, to promote the rehabilitation and maximum recovery from incapacity of injured workers, to provide financial compensation to workers incapacitated from industrial injuries or diseases and to the dependants of workers who die as the results of such injuries or diseases, to establish certain bodies and a fund for the proper administration of the Act, and for related purposes.

Bill read a first time.

Mr Hatton 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.

9. BUSINESS OF ASSEMBLY - STATEMENT:

Mr B. Collins (Leader of the Opposition), by leave, made a statement relating to the possible incorporation in Hansard of Minister's second reading speeches to Bills.

Mr Hatton (Chief Minister), by leave, made a statement in reply.

10. SUPERANNUATION BILL 1986 (Serial 195):

Mr Coulter (Treasurer), pursuant to notice, presented a Bill for an Act to provide superannuation benefits for persons employed by the Territory and by certain public authorities, to make provision for certain dependants of those persons, and for related purposes.

Bill read a first time.

Mr Coulter 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.

11. THERAPEUTIC GOODS AND COSMETICS BILL 1986 (Serial 197):

Mr Harris (Minister for Health), pursuant to notice, presented a Bill for an Act to regulate the manufacture, distribution, labelling and advertising of therapeutic goods and certain articles of food, to make provision in relation to standards for therapeutic goods and cosmetics and goods for veterinary use only, and for related purposes.

Bill read a first time.

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

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

12. FOOD BILL 1986 (Serial 198):

Mr Harris (Minister for Health), pursuant to notice, presented a Bill for an Act relating to the preparation and sale of food and standards of food for sale and other matters.

Bill read a first time.

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

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

13. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1986 (Serial 196):

Mr McCarthy (Minister for 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 McCarthy moved - That the Bill be now read a second time.

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

14. SPECIAL ADJOURNMENT:

Mr Dondas (Minister for Transport and Works), by leave, moved - That the Assembly at its rising adjourn until Tuesday, 19 August 1986 at 10.00 a.m. or such other time and date as may be set by Mr Speaker, pursuant to sessional order.

Question - put and passed.

15. ELECTRICITY COMMISSION AMENDMENT BILL 1986 (Serial 191):

The order of the day having been read for the second reading of the Bill - Mr Coulter (Treasurer), by leave, moved - That the Bill be now read a second time.

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

16. TRAFFIC AMENDMENT BILL 1986 (Serial 201):

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

Debate resumed.

Suspension of Standing Orders: Mr Dondas (Minister for Transport and Works) moved - That so much of Standing Orders be suspended as would prevent the Traffic Amendment Bill 1986 (Serial 201) passing through all stages at this sitting.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

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

Leave granted for third reading to be moved forthwith.

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

17. DISTINGUISHED VISITOR:

Mr Speaker informed the Assembly of the presence in the Gallery of Hon. W. Wentworth, a former member of the House of Representatives and minister of the Crown.

Mr Speaker on behalf of all Members extended a warm welcome to the distinguished visitor.

18. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES:

Mr Manzie (Attorney-General) moved - That so much of Standing Orders be suspended as would prevent the Supreme Court Amendment Bill 1986 (Serial 188) passing through all stages at this sittings.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

19. SUPREME COURT AMENDMENT BILL 1986 (Serial 188):

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

20. SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES:

Mr Dale (Minister for Community Development) moved - That so much of Standing Orders be suspended as would prevent the Local Government Grants Commission Bill 1986 (Serial 199) passing through all stages at this sitting.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

21. LOCAL GOVERNMENT GRANTS COMMISSION BILL 1986 (Serial 199):

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: Mr Leo (Nhulunbuy) moved - That an extension of time be granted to Mr Bell.

Question - put and negatived.

Main 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 8, by leave, taken together and agreed to.

Clause 9 -

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

Omit from subclause (3) "section 5(1)(b)" and insert in its stead "section 5(1)(b) or (c)".

Clause, as amended, agreed to.

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

Clause 12 -

Mr Leo moved as an amendment - omit from subclause (3) "may" and insert in its stead "shall".

Debate ensued.

Mr Harris (Minister for Health) moved - That the question be now put.

Question - that the question be now put - put and passed.

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

Clause, as printed, agreed to.

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

Bill to be reported with an amendment.

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

Mr Dale (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.

22. ADDRESS-IN-REPLY - MOTION:

The order of the day having been read for the resumption of the debate on the motion of Mr Hatton (Chief Minister) - That the following Address be agreed to:

MAY IT PLEASE YOUR HONOUR:

We, the Legislative Assembly of the Northern Territory, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Honour for the Speech which you have been pleased to address to the Assembly.

Debate resumed.

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

23. LIQUOR AMENDMENT BILL 1986 (Serial 204):

Mr B. Collins (Leader of the Opposition), by leave, presented a Bill for an Act to amend the *Liquor Act*.

Bill read a first time.

Suspension of Standing Orders: Mr B. Collins (Leader of the Opposition) moved - That so much of Standing Orders be suspended as would prevent the Liquor Amendment Bill 1986 (Serial 204) passing through all stages at this sitting.

Question - put and passed - support being indicated by an absolute majority of the whole number of Members and no dissentient voice.

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

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr B. Collins (Leader of the Opposition), by leave, the Bill was read a third time and passed to be a proposed law.

24. ADJOURNMENT:

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

Debate ensued.

Paper tabled: Mr Ede (Stuart), by leave, laid on the Table a petition which did not conform with Standing Orders relating to facilities for intellectually disabled and retarded people in Alice Springs.

Debate ensued.

Question - put and passed.

And then the Assembly at 10.00 p.m. adjourned until Tuesday 19 August 1986 at 10.00 a.m. or such other time and date as may be set by Mr Speaker, pursuant to sessional order.

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PAPERS:

The following papers were deemed to have been presented on 19 June 1986:

Annual Report:

Northern Territory Tourist Commission, 1984-85

Financial Administration and Audit Act:

Increase of Treasurer's Advance - Administrator, 19 May 1985 (S.15(1))

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ATTENDANCE:

All Members attended the sitting except Mr Steele and Mr Hanrahan who were granted leave of absence.

H.G.SMITH

Clerk of the Legislative Assembly

FOURTH LEGISLATIVE ASSEMBLY

THIRD SESSION

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