

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 21

Tuesday 18 August 1981

1. The Assembly met at 10.00 a.m., pursuant to resolution. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. PETITIONS:
The following petitions were presented -
Mr Everingham (Jingili) presented a petition from 294 citizens of the Northern Territory protesting at the number of needless abortions being performed in the Territory.
Petition received and read.
Mr Everingham (Jingili) presented a petition from 1,146 citizens of and visitors to the Northern Territory expressing concern at the destruction of rain forest in the Darwin area.
Petition received and read.
Mr Everingham (Jingili) presented a petition from 1,170 citizens of and visitors to the Northern Territory expressing concern at burning off in Darwin's hinterland.
Petition received and read.
3. NOTICE:
The following notice was given:
Mr Everingham: To move - That this Assembly authorizes the broadcasting of its proceedings to the office of the Co-ordinator General on the same conditions as set down in resolutions of the former Assembly relating to broadcasting to other government offices.
4. QUESTIONS:
Question without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
5. CRIMINAL CODE - DRAFT BILL - MINISTERIAL STATEMENT - STATEMENT NOTED:
Mr Everingham (Chief Minister), by leave, made a statement relating to a further draft Criminal Code Bill.
Mr Everingham moved - That the Assembly take note of the statement.
Debate ensued.
Question - put and passed.
6. HEALTH CHARGES AND OTHER HEALTH MATTERS - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Tuxworth (Minister for Health), by leave, made a statement relating to the proposed implementation of new health charges and other health matters.
Mr Tuxworth moved - That the Assembly take note of the statement.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
7. HOSPITALS AND MEDICAL SERVICES AMENDMENT BILL 1981 (Serial 121):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

New clause -

On the motion of Mr Tuxworth the following new clause was added to the Bill -

"3. NEW SECTION

"The Hospitals and Medical Services Act is amended by inserting after section 6A the following:

'6B. CHARGES AT CENTRES OTHER THAN HOSPITALS

'(1) Other than premises declared to be a hospital, the Minister may declare, by notice in the Gazette, premises at which medical services are, or are to be, provided as -

(a) an urban health centre; or

(b) such other centre as he sees fit and specifies in the declaration.

'(2) The Minister may declare a charge for a medical service provided at premises the subject of a declaration under sub-section (1).'.",

Title agreed to.

Bill to be reported with an amendment.

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

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

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

8. MARINE BILL 1981 (Serial 105):

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

Debate resumed.

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

9. PAROLE ORDERS (TRANSFER) BILL 1981 (Serial 68):

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

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 6 -

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

Omit from sub-clause (2) "sub-section (1)(a) to an order, judgment or other document" and substitute "sub-section (1)(a) to an order, judgment or other document".

Clause, as amended, agreed to.

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

Bill to be reported with an amendment.

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

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

10. ASSOCIATIONS INCORPORATION AMENDMENT BILL 1981 (Serial 103):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

11. WEIGHTS AND MEASURES (PACKAGED GOODS) AMENDMENT BILL 1981 (Serial 93):

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 Perron (Minister for Community Development), the Bill was read a third time and passed to be a proposed law.

12. PORTS AMENDMENT BILL (No. 2) 1981 (Serial 94):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

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

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

13. PAY-ROLL TAX AMENDMENT BILL 1981 (Serial 95):

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 Perron (Treasurer and Minister for Industrial Development), the Bill was read a third time and passed to be a proposed law.

14. CRIMINAL LAW AND PROCEDURE AMENDMENT BILL 1981 (Serial 102):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 3 -

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

Omit from proposed section 56(8) "failed to comply with a condition of the remission order" and substitute "contravened, or failed to comply with a condition of, the remission order".

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with an amendment.

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

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

15. LIQUEFIED PETROLEUM GAS (SUBSIDY) BILL 1981 (Serial 70):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 3 -

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

Omit from the definition of "natural gas area" in sub-clause (1) "sub-section 3A(a)" and substitute "sub-section 3A(1)".

Clause, as amended, agreed to.

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

Bill to be reported with an amendment.

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

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

16. ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 5.26 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 18 August 1981, pursuant to statute:

Annual Reports:

Department of the Legislative Assembly, 1980-81

N.T. Education Advisory Council, 1980

N.T. Police Force, 1979-80

Public Trustee for the Northern Territory, 1981

Public Service By-laws 1981:

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

No. 2 Public Service (Salaries and Designations) By-laws

Recommendations under S.103 of Crown Lands Act:

Proposed revocation of Reserve No. 889

Proposed revocation of Reserve No. 1265

Proposed revocation of Reserve No. 1376

Regulations 1981:

- No. 10 Amendments of Local Court Rules
- No. 12 Local Court Appeal Rules
- No. 13 Mines Safety Control Regulations
- No. 14 Amendments of Water Supply (Terms and Conditions of Supply) Regulations
- No. 15 Amendment of Inspection of Machinery Regulations
- No. 16 Amendment of Stock Routes and Travelling Stock Regulations
- No. 17 Amendment to Stock Diseases Regulations
- No. 18 Stock (Artificial Breeding) Regulations
- No. 19 Construction Safety Rules
- No. 20 Construction Safety (Australian Standards) Rules
- No. 21 Electricity Safety Rules

Rules:

Amendments of the Totalizator Rules

ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 22

Wednesday 19 August 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. NOTICES:
The following notices were given -
Mr Everingham: To present the Statute Law Revision Bill (No. 4) 1981 (Serial 128).
Mr Tuxworth: To present the Public Health Amendment Bill 1981 (Serial 130), the Abattoirs and Slaughtering Amendment Bill 1981 (Serial 131), the Caravan Parks Amendment Bill 1981 (Serial 132), the Food and Drugs Amendment Bill 1981 (Serial 133), and the Food Standards Amendment Bill 1981 (Serial 134).
Mr Isaacs: To present the Anti-discrimination Bill 1981 (Serial 141).
3. DISTINGUISHED VISITOR - Dr G.S. MAHAJANI:
Mr Speaker informed the Assembly that Dr G.A. Mahajani, a distinguished former state parliamentarian and academic from India, was present in the gallery. Mr Speaker extended a warm welcome to the distinguished visitor.
4. QUESTIONS:
Questions without notice were asked.
5. DIRECTION OF ADMINISTRATOR:
Mr Perron (Treasurer and Minister for Industrial Development) laid on the Table a direction of the Administrator dated 25 June 1981.
6. DIRECTION OF TREASURER:
Mr Perron (Treasurer and Minister for Industrial Development) laid on the Table a direction, made by the Minister for Primary Production and Tourism on behalf of the Treasurer, dated 18 June 1981.
7. SITE OF NEW POWER STATION, DARWIN - MINISTERIAL STATEMENT - STATEMENT NOTED:
Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement relating to the selection of a site for a coal-fired power station for Darwin.
Mr Tuxworth moved - That the Assembly take note of the statement.
Debate ensued.
Question - put and passed.
8. BROADCASTING OF PROCEEDINGS TO OFFICE OF CO-ORDINATOR GENERAL:
Mr Everingham (Chief Minister), pursuant to notice, moved - That this Assembly authorizes the broadcasting of its proceedings to the office of the Co-ordinator General on the same conditions as set down in resolutions of the former Assembly relating to broadcasting to other government offices.
Question - put and passed.
9. EXOTIC DISEASES (ANIMALS) COMPENSATION BILL 1981 (Serial 60):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Question - put and passed - Bill read a second time.
The Assembly resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole and agreed to.
Bill to be reported without amendment.

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

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

10. ELECTRICITY COMMISSION AMENDMENT BILL 1981 (Serial 61):

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.

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

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

And so it was resolved in the affirmative.

Bill read a second time.

The Assembly resolved itself into a committee of the whole.

In the committee

Clause 1 agreed to.

Clause 2 agreed to, after debate.

Title agreed to.

Bill to be reported without amendment.

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

Question - That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

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

Suspension of sitting: The sitting was suspended between 12.12 p.m. and 2.00 p.m.

11. STOCK DISEASES AMENDMENT BILL 1981 (Serial 67):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

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

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

12. BUILDING SOCIETIES BILL 1981 (Serial 88):

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

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

13. DOUGLAS RIVER AGRICULTURAL AREA ACQUISITION BILL 1981 (Serial 89):

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

14. STOCK DISEASES AMENDMENT BILL (No. 3) 1981 (Serial 104):

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

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 6 negatived.

New clause -

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

"6. POWERS OF AN INSPECTOR

"Section 42(1) of the Principal Act is amended -

(a) by omitting from paragraph (u) 'and' (last occurring); and

(b) by adding after paragraph (v) the following:

'; and

(w) order the owner or person in charge of stock of a specified species or class to apply such identifying marks and devices as are specified by the Chief Inspector under section 41(c).'.".

Title agreed to.

Bill to be reported with an amendment.

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

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

15. LEAVE OF ABSENCE:

Mr Leo (Nhulunbuy) moved - That leave of absence for this day be granted to the Member for Victoria River (Mr Doolan) on the ground of ill-health.

Question - put and passed.

16. LEAVE BILLS - ANNUAL LEAVE BILL 1981 (Serial 106), LONG SERVICE LEAVE BILL 1981 (Serial 107), and PUBLIC HOLIDAYS BILL 1981 (Serial 108):

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

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

The Assembly resolved itself into a committee of the whole.

In the committee

Annual Leave Bill 1981 (Serial 106)

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

Clause 3 -

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

Insert "(No. 68 of 1974)" after "Annual Holidays Ordinance 1974".

Clause, as amended, agreed to.

Clause 4 -

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

Omit from sub-clause (1)(d) "who receives or is entitled to receive payment or payments in substitution for annual leave".

Clause, as amended, agreed to.

Clause 5 -

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

Omit from sub-clause (1) from the definition of "award" the words ", in relation to an employee,".

Omit from sub-clause (1) from the definition of "employee" the words, "or for labour only".

Omit from sub-clause (1) from paragraph (b) of the definition of "normal daily number of hours of work" the words "long service" and substitute "annual leave".

Omit from sub-clause (1) the definition of "ordinary rate of pay" and substitute the following:

"'ordinary pay', in relation to an employee, means remuneration for the employee's normal weekly number of hours of work calculated at the ordinary time rate of pay of the employee and 'ordinary rate of pay' has a corresponding meaning;

'ordinary time rate of pay' means -

- (a) in the case of an employee who is remunerated in relation to an ordinary time rate of pay fixed by the terms of employment of the employee the time rate of pay so fixed; or
- (b) in the case of an employee -
 - (i) who is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner; or
 - (ii) where no ordinary time rate of pay is so fixed for an employee's work under the terms of the employment, the average time rate of pay earned by the employee during the period actually worked by the employee in the service of the employer during the period of 12 months immediately preceding the date when the employee enters on leave or preceding the termination of the employment of the employee or the death of the employee, as the case may be;"

Clause, as amended, agreed to.

Clause 6 -

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

Omit sub-clause (4) and substitute the following:

"(4) Subject to sections 10 and 11, an employer shall not pay to an employee and an employee shall not accept any amount

in lieu of leave to which the employee is or may become entitled under this Act."

Omit sub-clause (6) and substitute the following:

"(6) If, during the period of an employee's annual leave, a public holiday is observed on a day that would have been an ordinary working day for the employee, there shall be added to the period of the employee's annual leave time equal to the ordinary time that the employee would have worked if that day had not been a public holiday."

Omit from sub-clause (7) "excuse" and substitute "cause".

Omit from sub-clause (9) "employer" (last occurring) and substitute "employee".

Clause, as amended, agreed to.

Clause 7 -

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

Omit the heading "QUALIFYING EMPLOYMENT" and substitute "QUALIFYING SERVICE".

Omit from sub-clause (1) "employment" (first occurring) and substitute "service".

Omit from sub-clause (2) "employment" (first occurring) and substitute "service".

Omit from sub-clause (4) "employee" (second occurring) and substitute "employer".

Omit from sub-clause (4) "employer" and substitute "employee".

Omit from sub-clause (4) "employee" (third occurring) and substitute "employee's".

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

Omit from sub-clause (8)(a) "has, whether before or after the commencement of this Act,".

Omit from sub-clause (8) "employment" (twice occurring) and substitute "service".

Clause, as amended, agreed to.

Clauses 8 and 9, by leave, taken together and agreed to.

Clause 10 -

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

Omit from sub-clause (1)(a) "employee" (second occurring) and substitute "employer".

Omit from sub-clause (2) "termination of employment -" and substitute "termination of employment shall be -".

Omit from sub-clause (2)(a) "employment" (twice occurring) and substitute "service".

Omit from sub-clause (2)(b) "at the ordinary rate" and substitute "at his ordinary rate".

Omit from sub-clause (2)(b) "employment" (twice occurring) and substitute "service".

Omit from sub-clause (2)(c) "at the employee's ordinary rate" and substitute "at his ordinary rate".

Omit from sub-clause (2)(c) "employment" and substitute "service".

Omit from sub-clause (2)(c) "3.07 hours" and substitute "3.08 hours".
Insert after sub-clause (2)(c) the following:

"(3) Where an employee's hours worked in a week are less than 40 the number of hours referred to in sub-section (2)(c) shall be calculated in accordance with the following formula:

$$\frac{4 \times B}{52}$$

where B is the average or normal number of hours worked per week."

Clause, as amended, agreed to.

Clause 11 -

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

Omit "the employee" (twice occurring) and "former employee" and substitute "the deceased employee" respectively.

Clause, as amended, agreed to.

Clause 12 -

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

Omit from sub-clause (1) "plant or a section or sections of the plant" and "plant or that section or those sections" and substitute "operation or establishment or sections of that operation or establishment" respectively.

Insert in sub-clause (4) after "employee takes" the word "as".

Clause, as amended, agreed to.

Clauses 13 and 14, by leave, taken together and agreed to.

Clause 15 negatived.

New clause -

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

"15. EXEMPTIONS

"The Minister may, subject to such conditions as he thinks fit, by instrument in writing, exempt an employer or class of employers from the operation of this Act or of a provision of this Act in respect of an employee, or a class of employees, specified by the Minister if the Minister is satisfied that the employee or class of employees is entitled to benefits in the nature of annual leave under a scheme conducted by or on behalf of the employer or class of employers not less favourable than those provided by this Act".

Clause 16 -

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

Omit from sub-clause (1)(a) "and occupation".

Clause, as amended, agreed to.

Clause 17 -

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

Insert in sub-clause (3) after "shall" the words "if requested so to do by the Minister,".

Clause, as amended, agreed to.

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

Long Service Leave Bill 1981 (Serial 107)

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

Clause 3 -

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

Omit "Long Service Ordinance" (wherever occurring) and substitute "Long Service Leave Ordinance".

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 6 -

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

Omit from sub-clause (3) "the application" and substitute "the operation".

Clause, as amended, agreed to.

Clause 7 -

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

Omit from sub-clause (1) from the definition of "award" the words ", in relation to an employee,".

Omit from sub-clause (1) from the definition of "employee" the words, "or for labour only or substantially for labour only".

Insert in sub-clause (1) in paragraph (b) of the definition of "normal daily number of hours of work" after "long service" the word "leave".

Insert in sub-clause (1) in paragraph (b) of the definition of "normal weekly hours of work" after "long service" the word "leave".

Omit from sub-clause (1) the definition of "ordinary rate of pay" and substitute the following:

"'ordinary pay', in relation to an employee, means remuneration for the employee's normal weekly number of hours of work calculated at the ordinary time rate of pay of the employee and 'ordinary rate of pay' has a corresponding meaning;

'ordinary time rate of pay' means -

(a) in the case of an employee who is remunerated in relation to an ordinary time rate of pay fixed by the terms of employment of the employee the time rate of pay so fixed; or

(b) in the case of an employee -

(i) who is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner; or

(ii) where no ordinary time rate of pay is so fixed for an employee's work under the terms of the employment,

the average time rate of pay earned by the employee during the period actually worked by the employee in the service of the employer during the period of 12 months immediately preceding the date when the employee enters on leave or preceding the termination of the employment of the employee or the death of the employee, as the case may be;".

Clause, as amended, agreed to.

Clause 8 -

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

Omit from sub-clause (1) "Subject to this Act, an employee" and substitute "Subject to this Act, notwithstanding section 10(1), an employee".

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

Omit from sub-clause (1) "employee" (second occurring) and substitute "employer".

Mr Leo moved as an amendment -

Sub-clause (3) is amended by omitting "of 10 years," and substituting ", for each completed 10 year period of that further period".

Debate ensued.

On the motion of Mr Everingham, further consideration of the proposed amendment was postponed.

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

Omit from sub-clause (6)(a) "or on and after" and substitute "or commencing on and from".

Omit from sub-clause (8) "any further".

Further consideration of the clause was postponed.

Clause 9 agreed to.

Clause 10 -

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

Sub-clause (1) is amended by omitting "or on termination of his employment by his employer for serious and wilful misconduct".

Mr Leo moved as a further amendment -

Sub-clause (2) is amended by omitting "7" and substituting "5".

Debate ensued.

Amendment negatived.

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

Insert in sub-clause (2), after "employee" (second occurring) "of that employer".

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

Mr Leo moved as a further amendment -

Insert after sub-clause (2) the following:

"(2A) Where an employee who has been employed for a period in excess of 10 years ceases to be an employee otherwise than on termination of his employment by his employer for serious and wilful misconduct, the employer shall pay to the employee an amount equal to the pay that would be payable to the employee at his ordinary rate of pay for a period equal to three-tenths of one month for each completed year of service of that employment in excess of 10 years in respect of which the employee would not otherwise be entitled under this section."

Debate ensued.

Further consideration of the proposed amendment was postponed.

Further consideration of the clause was postponed.

Clause 11 -

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

Omit sub-clause (1).

Omit from sub-clause (2)(b) "legal".

Clause, as amended, agreed to.

Clause 12 -

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

Omit the heading "QUALIFYING EMPLOYMENT" and substitute "QUALIFYING SERVICE".

Omit from sub-clause (3) "employed" and substitute "re-employed".

Omit from sub-clause (4) the words "service from".

Omit from sub-clause (4)(c) "that a" and substitute "of a".

Omit sub-clause (4)(e) and substitute the following:

"(e) for any other reason and the employee was re-employed by that employer within 2 months of the interruption or determination."

Clause, as amended, agreed to.

Clause 13 negatived.

New clause -

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

"13. EXEMPTIONS

"The Minister may, subject to such conditions as he thinks fit, by instrument in writing, exempt an employer or class of employers from the operation of this Act or of a provision of this Act in respect of an employee, or class of employees specified by the Minister, if the Minister is satisfied that the employee or class of employees is entitled to benefits in the nature of long service leave under a scheme conducted by or on behalf of the employer or class of employers not less favourable than those provided by this Act."

Clause 14 -

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

Omit from sub-clause (1)(a) "and occupation".

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

"(b) the date on which the employee commences employment with the employer, the wages, the periods of prior qualifying service, and the salary or commission paid to such an employee;"

Insert in sub-clause (1)(e) after "occasion" the words "of 2 months more".

Clause, as amended, agreed to.

Clause 15 -

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

Insert in sub-clause (3) after "shall" the words "if requested so to do by the Minister,".

Clause, as amended, agreed to.

Clauses 16 and 17, by leave, taken together and agreed to.

Clause 18 -

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

Insert in sub-clause (2) after "to that other person" the words "in connection with the employment of that other person".

Clause, as amended, agreed to.

Clause 19 agreed to.

Postponed clauses -

On the motion of Mr Everingham, further consideration of postponed clauses 8 and 10 was further postponed until after consideration of the Public Holidays Bill 1981 (Serial 108).

Public Holidays Bill 1981 (Serial 108)

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

Clause 4 -

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

Omit from sub-clause (1) from the definition of "award" the words
", in relation to an employee,".

Omit from sub-clause (1) from the definition of "employee" the
words "or for labour only".

Omit from sub-clause (1) the definition of "ordinary rate of pay"
and substitute the following:

"'ordinary pay', in relation to an employee, means remuneration for
the employee's normal weekly number of hours of work calculat-
ed at the ordinary time rate of pay of the employee and 'or-
dinary rate of pay' has a corresponding meaning;

'ordinary time rate of pay' means -

(a) in the case of an employee who is remunerated in relation
to an ordinary time rate of pay fixed by the terms of
employment of the employee, the time rate of pay so fixed;
or

(b) in the case of an employee -

(i) who is remunerated otherwise than in relation to an
ordinary time rate of pay so fixed, or partly in
relation to an ordinary time rate of pay so fixed and
partly in relation to any other manner; or

(ii) where no ordinary time rate of pay is so fixed for
an employee's work under the terms of the employment,

the average time rate of pay earned by the employee during
the period actually worked by the employee in the service
of the employer during the period of 12 months immediat-
ely preceding the date when the employee enters on leave
or preceding the termination of the employment of the
employee or the death of the employee, as the case may
be;".

Omit from sub-clause (1) the definition of "public holiday" and
substitute the following:

"'public holiday' means a day that is declared to be a public
holiday and bank holiday under this Act;".

Clause, as amended, agreed to.

Clauses 5 to 8, by leave, taken together and agreed to.

Clause 9 -

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

Omit "14 days" and substitute "28 days".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

Mr Leo moved as an amendment -

Insert in sub-clause (2) after "that public holiday" the words "other than where that employee would not, in the ordinary course of his employment, be required to work on that public holiday but for that direction".

Amendment negatived after debate.

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

Omit from sub-clause (3) "ordinary rate of pay" and substitute "ordinary pay".

Mr Leo moved as a further amendment -

Omit from sub-clause (3) "\$300 per week - the employee shall be paid for each hour so worked at twice" and substitute "125% of the average weekly earnings per employed male unit in the Territory as shown from time to time in Catalogue No. 6302.0 issued by the Australian Bureau of Statistics established under the Australian Bureau of Statistics Act 1975 of the Commonwealth - the employee shall be paid for each hour so worked at two and a half times".

Amendment negatived after debate.

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

Omit from sub-clause (3) "ordinary rate of pay" (second occurring) and substitute "ordinary time rate of pay".

Clause, as amended, agreed to.

Clause 12 negatived.

New clause -

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

"12. EXEMPTIONS

"The Minister may, subject to such conditions as he thinks fit, by instrument in writing, exempt an employer or a class of employers from the operation of this Act or of a provision of this Act in respect of an employee or class of employees specified by the Minister, if the Minister is satisfied that the employee or class of employees is entitled to benefits in the nature of payment for work on a public holiday under a scheme conducted by or on behalf of the employer or a class of employers not less favourable than those provided by this Act."

Clause 13 -

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

Omit from sub-clause (1)(a) "and occupation".

Clause, as amended, agreed to.

Clause 14 -

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

Insert in sub-clause (3) after "shall" the words "if requested so to do by the Minister,".

Clause, as amended, agreed to.

Clauses 15 to 17, by leave, taken together and agreed to.

Schedule 1 agreed to.

Schedule 2 -

Mr Leo moved as an amendment -

SCHEDULE 2

Insert after "The second Monday in June" the following:

"Show Day, on such days and in such part or parts of the Territory, as determined by the Minister by notice in the Gazette".

Amendment negated after debate.
Schedule, as printed, agreed to.
Title agreed to.

Long Service Leave Bill 1981 (Serial 107)

Postponed clause 8 and the amendment proposed by Mr Leo -

Sub-clause (3) is amended by omitting "of 10 years," and substituting ", for each completed 10 year period of that further period".

Amendment, by leave, withdrawn.

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

Omit from sub-section (3) the word "a" (first occurring) and substitute the word "any".

Clause, as amended, agreed to.

Postponed clause 10 and the amendment proposed by Mr Leo -

Insert after sub-clause (2) the following:

"(2A) Where an employee who has been employed for a period in excess of 10 years ceases to be an employee otherwise than on termination of his employment by his employer for serious and wilful misconduct, the employer shall pay to the employee an amount equal to the pay that would be payable to the employee at his ordinary rate of pay for a period equal to three-tenths of one month for each completed year of service of that employment in excess of 10 years in respect of which the employee would not otherwise be entitled under this section."

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Title agreed to.

Bills to be reported with amendments.

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

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

17. STOCK FOODS BILL 1981 (Serial 109):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

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

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

18. ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 6.36 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 19 August 1981, pursuant to statute:

Annual Report

Department of Transport and Works, 1979-80

Financial Statement:

Municipality of Alice Springs, 1979-80

ATTENDANCE:

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 23

Thursday 20 August 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. NOTICE:
The following notice was given:
Mr Dondas: To present the Control of Waters Amendment Bill 1981 (Serial 144).
3. QUESTIONS:
Questions without notice were asked.
4. PROPOSAL FOR NORTHERN TERRITORY UNIVERSITY - MINISTERIAL STATEMENT - STATEMENT NOTED:
Mr Robertson (Minister for Education), by leave, made a statement relating to the T.E.C. report on the government proposal to establish a Northern Territory university.
Mr Robertson moved - That the Assembly take note of the statement.
Debate ensued.
Extension of time: On the motion of Mr Isaacs, Mr B. Collins was granted an extension of time.
Point of order: Mr B. Collins raised as a point of order that Mr Everingham was quoting from the restricted, uncorrected version of *Hansard*.
Mr Speaker upheld the point of order and ruled that Members could not quote from the restricted, uncorrected record of debates.
Question - put and passed.
5. ANTI-DISCRIMINATION BILL 1981 (Serial 141):
Mr ISAACS (Millner), pursuant to notice, presented a Bill for an Act to render unlawful certain discriminatory actions taken on the grounds of personal characteristics, to provide for the carrying out of research into discrimination on other grounds, and for related purposes.
Bill read a first time.
Mr Isaacs moved - That the Bill be now read a second time.
Debate adjourned (Mr Everingham) and the resumption of the debate made an order of the day for a later hour.

Suspension of sitting: The sitting was suspended between 12.08 p.m. and 2.00 p.m.
6. STATEMENT BY SPEAKER - QUOTING FROM UNCORRECTED HANSARD:
Mr Speaker made the following statement confirming his ruling earlier this day that Members could not quote from the uncorrected Hansard record of debates.

I have given considerable thought to my action in forbidding quoting from the uncorrected *Hansard*.
My ruling is correct. Quoting from the uncorrected *Hansard* means accepting *Hansard*'s version of what Members say without question.
The provision of correction sheets in every uncorrected *Hansard* given to honourable Members indicates that the *Hansard* editors anticipate making mistakes interpreting honourable Members' speeches.
I might add that it has always been the practice in this legislature that quoting from daily *Hansard* was forbidden although there is no mention of it in Standing Orders.

7. CONSUMER PROTECTION AMENDMENT BILL 1981 (Serial 31):

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 negatived.

8. TRAFFIC AMENDMENT BILL 1981 (Serial 35):

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 negatived.

9. CRIMES COMPENSATION BILL 1981 (Serial 59):

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 negatived.

10. STATUTE LAW REVISION BILL (No. 4) 1981 (Serial 128):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to revise and correct the law of the Territory in minor respects.

Bill read a first time.

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

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

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

Mr Tuxworth (Minister for Health) moved - That so much of standing orders be suspended as would prevent five Bills relating to health surveyors -

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

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

12. HEALTH SURVEYORS BILLS - PUBLIC HEALTH AMENDMENT BILL 1981 (Serial 130), ABATTOIRS AND SLAUGHTERING AMENDMENT BILL 1981 (Serial 131), CARAVAN PARKS AMENDMENT BILL 1981 (Serial 132), FOOD AND DRUGS AMENDMENT BILL 1981 (Serial 133) and FOOD STANDARDS AMENDMENT BILL 1981 (Serial 134):

Mr Tuxworth (Minister for Health), pursuant to notice and resolution, presented Bills for Acts to amend the *Public Health Act*, the *Abattoirs and Slaughtering Act*, the *Caravan Parks Act*, the *Food and Drugs Act*, and the *Food Standards Act*.

Bills read a first time.

Mr Tuxworth moved - That the Bills 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.

13. LIMITATION BILL 1981 (Serial 110):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

14. LEAVE OF ABSENCE:

Mr Leo (Nhulunbuy) moved - That leave of absence for this day be granted to the Member for Victoria River (Mr Doolan) on the ground of ill-health.

Question - put and passed.

15. LEAVE OF ABSENCE:

Mr Everingham (Chief Minister) moved - That leave of absence for Tuesday 25 August 1981 be granted to the Member for Jingili (Mr Everingham) who would be attending meetings with Land Councils in Alice Springs on that day.

Question - put and passed.

16. TRAFFIC AMENDMENT BILL (No. 2) 1981 (Serial 111):

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

17. MOTOR VEHICLES AMENDMENT BILL 1981 (Serial 112):

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

18. LIQUOR AMENDMENT BILL 1981 (Serial 113):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

19. TEACHING SERVICE AMENDMENT BILL 1981 (Serial 116):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

20. STATUTE LAW REVISION BILL (No. 3) 1981 (Serial 117):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Schedule -

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

Omit from that part of the Schedule under the provision heading "Control of Roads Act" the following:

" 'contravention' 'contravention of'".

Omit from that part of the Schedule under the provision heading "Legislative Assembly (Powers and Privileges) Act" the word and figures "Section 19(2)(e)" and substitute "Section 19(2)(a)".

Omit from that part of the Schedule under the provision heading "Marketable Securities Act" the words "'the provisions of'" and substitute "'the provisions of'" (twice occurring)".

Omit from that part of the Schedule under the provision heading "Married Women's Property Act" the following:

"Section 22 'the provisions of'".

Omit from that part of the Schedule under the provision heading "Money-lenders Act" the words and figures "'sub-section (1), (2), (3) and (4)'" and substitute "'sub-section (1), (2), (3) or (4)'".

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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

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

21. CHIROPRACTIC BILL 1980 (Serial 37):

Mr Tuxworth (Minister for Health), by leave, withdrew the Bill.

22. TREASON AND FELONY FORFEITURE AMENDMENT BILL 1981 (Serial 120):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

23. ADJOURNMENT

Mr Steele (Minister for Primary Production and Tourism) moved - That the Assembly do now adjourn.

Debate ensued.

Statement by Speaker: Mr Speaker re-iterated his ruling of 1 August 1978 that, unless there were exceptional circumstances, speeches should not be read.

Debate resumed.

Question - put and passed.

And then the Assembly at 6.21 p.m. adjourned until Tuesday 25 August 1981 at 10.00 a.m.

ATTENDANCE:

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 24

Tuesday 25 August 1981

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

2. 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, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the *Appropriation Act 1981-82* to provide for the appropriation of certain sums out of the Consolidated Fund for the service of the year ending on 30 June 1982.

Dated this twenty-first day of August 1981.

(sgd) E.E. JOHNSTON
Administrator

3. NOTICES:

The following notices were given:

Mr Perron, on behalf of Mr Everingham: To present the Land and Business Agents Amendment Bill 1981 (Serial 125), the Territory Parks and Wildlife Conservation Amendment Bill 1981 (Serial 129), the Essential Goods and Services Bill 1981 (Serial 137), the Local Courts Amendment Bill 1981 (Serial 139), and the Justices Amendment Bill 1981 (Serial 140).

Mr Tuxworth: To present the Energy Pipelines Bill 1981 (Serial 142), the Food and Drugs Amendment Bill (No. 2) 1981 (Serial 127), the Petroleum (Prospecting and Mining) Amendment Bill (No. 2) 1981 (Serial 146), and the Petroleum (Prospecting and Mining) Amendment Bill (No. 3) 1981 (Serial 150).

Mr Dondas: To present the Motor Vehicles Amendment Bill (No. 2) 1981 (Serial 135), and the Traffic Amendment Bill (No. 3) 1981 (Serial 136).

Mr Perron: To present the Territory Insurance Office Amendment Bill 1981 (Serial 115).

4. QUESTIONS:

Questions without notice were asked.

Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.

5. APPROPRIATION BILL 1981-82 (Serial 151) - BUDGET SPEECH:

Mr Perron (Treasurer and Minister for Industrial Development) presented a Bill for an Act to appropriate certain sums out of the Consolidated Fund for the service of the year ending 30 June 1982, the subject of His Honour the Administrator's Message No. 6.

Bill read a first time.

Mr Perron moved - That the Bill be now read a second time - and delivered the budget speech.

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

6. DISTINGUISHED VISITOR - Mr S.E. CALDER:

Mr Speaker informed the Assembly that Mr S.E. Calder, the former Member for the Northern Territory in the House of Representatives, was present in the Gallery. Mr Speaker extended a warm welcome to the distinguished visitor.

7. UNCORRECTED HANSARD DISTRIBUTION - STATEMENT:

Mr Speaker made the following statement in relation to distribution of uncorrected copies of Hansard:

I have considered the request of the honourable Member for Nightcliff that the distribution of copies of the daily *Hansard* to ministerial and departmental officers and others be delayed until Members have had an opportunity to correct errors,

Despite the fact that the daily *Hansard* is distributed on the clear understanding that it is uncorrected, there is merit in the request.

I have therefore given instructions that copies of the daily *Hansard* are not to be made available to persons other than Members before 1 p.m. each sitting day. This will allow Members 2 hours in which to notify errors and one hour for the preparation of an amendment sheet.

The system will not be possible for the *Hansard* on the last sitting day of each sittings. A full distribution will be made as soon as the *Hansards* are received and copies of amendments notified will be distributed to all recipients of the daily *Hansard*.

8. CONTROL OF WATERS AMENDMENT BILL 1981 (Serial 144):

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

Mr Dondas 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.

9. STAMP DUTY AMENDMENT BILL 1981 (Serial 148):

Mr Perron (Treasurer and Minister for Industrial Development), pursuant to standing order 194, presented a Bill for an Act to amend the *Stamp Duty Act*.

Bill read a first time.

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

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

10. TAXATION (ADMINISTRATION) AMENDMENT BILL 1981 (Serial 149):

Mr Perron (Treasurer and Minister for Industrial Development), pursuant to standing order 194, presented a Bill for an Act to amend the *Taxation (Administration) Act*.

Bill read a first time.

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

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

11. BUSINESS FRANCHISE (TOBACCO) BILL 1981 (Serial 143):

Mr Perron (Treasurer and Minister for Industrial Development), pursuant to standing order 194, presented a Bill for an Act to provide for the licensing of tobacco wholesalers and retailers.

Bill read a first time.

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

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

12. LIQUOR AMENDMENT BILL (No. 2) 1981 (Serial 145):

Mr Tuxworth (Minister for Health), pursuant to standing order 194, presented a Bill for an Act to amend the *Liquor Act*.

Bill read a first time.

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

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

Suspension of sitting: The sitting was suspended between 11.49 a.m. and 2.00 p.m.

13. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - FIRST REPORT - PAPER NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Harris - That the Assembly take note of the paper -
Debate resumed.
Question - put and passed.
14. BRUCELLOSIS AND TUBERCULOSIS - STATEMENT - STATEMENT NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Steele - That the Assembly take note of the statement -
Debate resumed.
Question - put and passed.
15. HEALTH CHARGES AND OTHER HEALTH MATTERS - MINISTERIAL STATEMENT - STATEMENT NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Tuxworth - That the Assembly take note of the statement -
Debate resumed.
Question - put and passed.
16. NATIONAL TRUST OF AUSTRALIA (NORTHERN TERRITORY) - ANNUAL REPORT, 1979-80 - PAPER NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Perron - That the Assembly take note of the paper -
Question - put and passed.
17. ABORIGINAL INFANT MORTALITY RATE - MINISTERIAL STATEMENT - STATEMENT NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Tuxworth - That the Assembly take note of the statement -
Debate resumed.
Question - put and passed.
18. ADJOURNMENT:
Mr Robertson (Minister for Education) moved - That the Assembly do now adjourn.
Question - put and passed.
And then the Assembly at 4.10 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been tabled on 25 August 1981, pursuant to statute:

Annual Reports:

Darwin Community College, 1978

Darwin Community College, 1979

Regulations 1981:

No. 22 Amendments of the Petroleum (Prospecting and Mining) Regulations

No. 23 Teaching Service Regulations

No. 24 Amendment of the Motor Vehicle (Fees and Charges) Regulations

ATTENDANCE:

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 25

Wednesday 26 August 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. NOTICES:
The following notices were given:
Mr Perron: To present the Local Government Amendment Bill 1981 (Serial 124) and the Motor Accidents (Compensation) Amendment Bill 1981 (Serial 152).
3. QUESTIONS:
Questions without notice were asked.
4. N.T. OMBUDSMAN - THIRD ANNUAL REPORT, 1980-81 - MOTION TO TAKE NOTE OF PAPER:
Mr Everingham (Chief Minister), presented the annual report of the N.T. Ombudsman for the year 1980-81.
Mr Everingham moved - That the Assembly take note of the paper.
Leave granted for Mr Everingham to continue his speech when the debate is resumed.
Debate adjourned (Mr Isaacs) and the resumption of the debate made an order of the day for a later hour.
5. HOUSING COMMISSION RENTS AND HOME LOANS SCHEME - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF STATEMENT:
Mr Robertson (Minister for Lands and Housing), by leave, made a statement in relation to Housing Commission rents and the Home Loans Scheme.
Mr Robertson moved - That the Assembly take note of the paper.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
6. LAND AND BUSINESS AGENTS AMENDMENT BILL 1981 (Serial 125):
Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Land and Business Agents Act*.
Bill read a first time.
Mr Everingham moved - That the Bill be now read a second time.
Debate adjourned (Mr Isaacs) and the resumption of the debate made an order of the day for a later hour.
7. MOTOR VEHICLES AMENDMENT BILL (No. 2) 1981 (Serial 135):
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 Leo) and the resumption of the debate made an order of the day for a later hour.
8. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1981 (Serial 129):
Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Territory Parks and Wildlife Conservation Act*.
Bill read a first time.
Mr Everingham moved - That the Bill be now read a second time.
Debate adjourned (Mr Leo) and the resumption of the debate made an order of the day for a later hour.
9. ENERGY PIPELINES BILL 1981 (Serial 142):
Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to make provision for the construction, operation and maintenance

nance of pipelines for the conveyance of energy-producing hydrocarbons, and for related purposes.

Bill read a first time.

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

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

10. PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL (No. 3) 1981 (Serial 150):
Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Petroleum (Prospecting and Mining) Act*.

Bill read a first time.

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

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

11. 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, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the *Essential Goods and Services Bill* to control and manage prescribed goods and services during periods of shortage, and for related purposes.

Dated this seventeenth day of August 1981.

(Sgd) E.E. JOHNSTON
Administrator

12. ESSENTIAL GOODS AND SERVICES BILL 1981 (Serial 137):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to control and manage prescribed goods or services during periods of shortage, and for related purposes, the subject of His Honour the Administrator's Message No. 7.

Bill read a first time.

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

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

13. TERRITORY INSURANCE OFFICE AMENDMENT BILL 1981 (Serial 115):

Mr Perron (Treasurer and Minister for Industrial Development), pursuant to notice, presented a Bill for an Act to amend the *Territory Insurance Office Act*.

Bill read a first time.

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

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

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

Mr Everingham (Chief Minister) moved - That so much of standing orders be suspended as would prevent two Bills relating to Assistant Clerks of Courts -

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

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

15. ASSISTANT CLERKS OF COURTS BILLS - LOCAL COURTS AMENDMENT BILL 1981 (Serial 139) and JUSTICES AMENDMENT BILL 1981 (Serial 140):

Mr Everingham (Chief Minister), pursuant to notice and resolution, presented a Bill for an Act to amend the *Local Courts Act* and a Bill for an Act to amend the *Justices Act*.

Bill read a first time.

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

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

16. TRAFFIC AMENDMENT BILL (No. 3) 1981 (Serial 136):

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

17. FOOD AND DRUGS AMENDMENT BILL (No. 2) 1981 (Serial 127):

Mr Tuxworth (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Food and Drugs Act*.

Bill read a first time.

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

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

18. PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL (No. 2) 1981 (Serial 146):

Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Petroleum (Prospecting and Mining) Act*.

Bill read a first time.

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

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

19. MARINE BILL 1981 (Serial 105):

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

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

The Assembly resolved itself into a committee of the whole.

In the committee

The Chairman notified amendments accepted as formal.

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

Clause 3 -

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

Omit from sub-clause (1) "Part 1 of the Schedule" and substitute "Part I of Schedule 1".

Omit from sub-clause (2) "Part 2 of the Schedule are repealed." and substitute "Part II of Schedule 1 are repealed to the extent therein indicated."

Clause, as amended, agreed to.

Clause 4 -

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

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

"(1) Those sections of the Marine Board and Navigation Act, 1881 of the State of South Australia which continue to apply to the Territory are amended in their application to the Territory, as set out in Schedule 2."

Omit from sub-clause (4) "A pilotage certificate" and substitute "A pilotage certificate issued under the Ports Act".

Clause, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit from the definition of "certificated person" in sub-clause (1) "or other document" and "or having effect".

On the motion of Mr Dondas the following further amendments were made -

Omit from sub-clause (1) the definition of "coastal waters".

Omit from sub-clause (1) the definition of "interstate voyage" and substitute the following:

"'interstate voyage' means a voyage (other than an overseas voyage) in the course of which the vessel concerned travels between -

(a) a port in a State and a port in another State;

(b) a port in the Territory, or another Territory of Australia, and a port in a State; or

(c) a port in the Territory and a port in another Territory of Australia,

whether or not the vessel travels between 2 or more ports in any one State or Territory in the course of the voyage;".

Omit from sub-clause (1) the definition of "Northern Territory waters" and substitute the following:

"'Northern Territory waters' means -

(a) those waters of the sea that are within the jurisdiction of the Territory; and

(b) any other navigable waters that are within the Territory;".

Omit from sub-clause (1) the definition of "shipping service".

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

"(a) transporting by water goods or passengers for fee or reward or carrying out a commercial marine operation;".

Clause, as amended, agreed to.

Clause 8 -

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

Omit from sub-clause (2) "authorize in writing" and substitute ", by instrument in writing, require".

Clause, as amended, agreed to.

Clauses 9 to 24, by leave, taken together and agreed to.

Clause 25 -

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

Omit from sub-clause (3) "under" and substitute "referred to in".

Clause, as amended, agreed to.

Clauses 26 to 48, by leave, taken together and agreed to, after debate.

Clause 49 -

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

Omit from sub-clause (2) "A seaman's lien," and substitute "Subject to sub-section (4), a seaman's lien,".

Clause, as amended, agreed to.

Clause 50 agreed to.

Clause 51 -

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

Omit "vessel of a length exceeding 25 metres" and substitute "vessel of 25 metres or more in length".

Clause, as amended, agreed to.

Clause 52 agreed to, after debate.

Clauses 53 and 54, by leave, taken together and agreed to.

Clause 55 -

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

Omit from sub-clause (1)(b) "at any place or" and substitute "at any place on shore or".

Omit from sub-clause (2) "left on shore" and substitute "left behind".

Clause, as amended, agreed to.

Clause 56 agreed to.

Clause 57 agreed to, after debate.

Clauses 58 to 60, by leave, taken together and agreed to.

Clause 61 -

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

Omit from sub-clause (2)(b)(ii) "ship" and substitute "vessel".

Clause, as amended, agreed to.

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

Clause 68 -

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

Omit from sub-clause (1) "A seaman belonging to a vessel shall not, while on board a vessel -" and substitute "It is a disciplinary offence for a seaman belonging to a vessel, while on board that vessel, to -".

Clause, as amended, agreed to.

Clause 69 agreed to.

Clause 70 -

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

Omit from sub-clause (2) "Official Long Book" and substitute "Official Log Book or Vessel Record Book".

Clause, as amended, agreed to.

Clauses 71 and 72, by leave, taken together and agreed to.

Clause 73 -

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

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

"(3) The person holding an inquiry under sub-section (1) shall, if not a shipping inspector, have, for the purposes of holding the inquiry, the powers conferred on a shipping inspector by section 8(3) as if he were a shipping inspector."

Clause, as amended, agreed to.

Clause 74 agreed to.

Clause 75 -

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

Omit from sub-clause (2)(b) "or hire-and-drive vessel".

Clause, as amended, agreed to.

Clause 76 agreed to.

Clause 77 -

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

Omit from sub-clause (1) ", or in a situation which, in his opinion, is or may be dangerous, at any time".

Clause, as amended, agreed to.

Clauses 78 to 83, by leave, taken together and agreed to.

Clause 84 -

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

Omit "granted" and substitute "issued".

Clause, as amended, agreed to.

Clauses 85 to 88, by leave, taken together and agreed to.

Clause 89 -

On the motion of Mr Dondas the following amendments, taken together, by leave, were agreed to, after debate -

Omit from sub-clause (1) "under this section".

Omit from sub-clause (2)(a) "it has been suspended;" and substitute "it has been suspended; and".

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

Omit sub-clause (2)(c).

Clause, as amended, agreed to.

Clauses 90 and 91, by leave, taken together and agreed to.

Clause 92 -

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

Omit from sub-clause (2) "under Division 2".

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

Clauses 93 and 94, by leave, taken together and agreed to.

Clause 95 -

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

Omit "included in" (twice occurring) and substitute "referred to in".

Clause, as amended, agreed to.

Clause 96 agreed to.

Clause 97 -

Mr Dondas moved, as an amendment -

Omit from sub-clause (2) "a vessel" and substitute "an unsafe ship".

Debate ensued.

Further consideration of clause 97 and the proposed amendment postponed.

Suspension of sitting: The sitting was suspended from 12.02 p.m. to 2.00 p.m.

Clause 98 -

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

Omit "included in" and substitute "referred to in".

Clause, as amended, agreed to.

Clauses 99 to 101, by leave, taken together and agreed to.

Clause 102 -

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

Omit from sub-clause (3) "A master" and substitute "The master of a vessel".

Clause, as amended, agreed to.

Clauses 103 to 107, by leave, taken together and agreed to.

Clause 108 negatived.

New clause -

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

"108. APPLICATION OF DIVISION

"Notwithstanding section 75, except for vessels to which Division 11 of Part IV of the Navigation Act applies, this Division applies to all vessels in Northern Territory waters which are navigable by sea-going vessels."

Clauses 109 to 119, by leave, taken together and agreed to.

Clause 120 -

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

Omit from sub-clause (4) "The procedure" and substitute "Unless otherwise prescribed, the procedure".

Clause, as amended, agreed to.

Clauses 121 to 128, by leave, taken together and agreed to.

Clause 129 -

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

Omit ", a fishing vessel or an air-cushioned vehicle." and substitute "or a fishing vessel."

Clause, as amended, agreed to.

Clause 130 -

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

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

"(b) leaves a port or place in the Territory -

(i) to provide a shipping service wholly within Northern Territory waters; or

(ii) to undertake other commercial marine operations in Northern Territory waters, including salvaging, constructing, lifting, dredging and the exploration or exploitation of the resources of the seabed; or"

Omit from sub-clause (2)(c) "other than fishing, in connection with" and substitute "other than fishing, by taking on board passengers or cargo for the purposes of".

Clause, as amended, agreed to.

Clauses 121 to 137, by leave, taken together and agreed to.

Clause 138 -

Mr Dondas moved, as an amendment -

Omit from sub-clause (1) "by notice served on the holder of a licence -" and substitute "by 6 months notice served on the holder of a general licence -".

Debate ensued.

Further consideration of clause 138 and the proposed amendment postponed.

Clauses 139 to 146, by leave, taken together and agreed to.

Clause 147 -

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

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

"(2) The Director may, by instrument in writing, authorize a person to carry out on his behalf any work necessary for the exercise of the Director's powers and the performance of the Director's functions under sub-section (1)."

Clause, as amended, agreed to.

Clauses 148 to 152, by leave, taken together and agreed to.

Clause 153 -

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

Omit "duties" and substitute "functions".

Clause, as amended, agreed to.

Clauses 154 to 160, by leave, taken together and agreed to.

Clause 161 -

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

Omit from sub-clause (1) "for the Port of Darwin" and substitute "for any pilotage area within the Port of Darwin".

Clause, as amended, agreed to.

Clauses 162 to 168, by leave, taken together and agreed to.

Clause 169 -

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

Omit "vessel" and substitute "ship"

Clause, as amended, agreed to.

Clauses 170 to 174, by leave, taken together and agreed to.

Clause 175 -

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

Omit "of the vessel".

Clause, as amended, agreed to.

Clause 176 agreed to.

Clause 177 -

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

Insert in sub-clause (1) after "wilfully or negligently" the words "or while under the influence of alcohol or a drug".

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

Omit from sub-clause (1)(a)(ii) "a ship" and substitute "the ship".

Clause, as amended, agreed to.

Clauses 178 and 179, by leave, taken together and agreed to.

Clause 180 -

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

Omit from sub-clause (1) "A person appointed to hold an inquiry under section 178" and substitute "A person appointed under section 179".

Omit from sub-clause (4) "under section 179" and substitute "under section 178".

Clause, as amended, agreed to.

Clauses 181 to 183, by leave, taken together and agreed to.

Clause 184 -

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

Omit from sub-clause (1) "for pilotage services provided by it." and substitute "in connection with the pilotage of vessels within its pilotage area."

Clause, as amended, agreed to.

Clause 185 agreed to.

Clause 186 -

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

Omit from sub-clause (4) "in pursuance of" and substitute "in compliance with".

Clause, as amended, agreed to.

Clauses 187 to 193, by leave, taken together and agreed to.

Clause 194 -

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

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

"(ha) the number of passengers that may be carried in a vessel;".

Clause, as amended, agreed to.

Clause 195 -

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

Omit "210" and substitute "211".

Clause, as amended, agreed to.

Clause 196 agreed to.

Clause 197 -

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

Omit from paragraph (b) "certificates of survey;" and substitute "certificates of survey; and".

Omit from paragraph (c) "certificates of survey; and" and substitute "certificates of survey.".

Omit paragraph (d).

Clause, as amended, agreed to.

Clauses 198 to 200, by leave, taken together and agreed to.

Clause 201 -

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

Omit from paragraph (j) "regarding the disposal" and substitute "regarding the protection and disposal".

Clause, as amended, agreed to.

Clause 202 negatived.

New clause -

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

"202. ASSESSORS, PROCEDURES AT FORMAL INVESTIGATION

"The powers of the Administrator under section 194 include the power to make regulations -

(a) prescribing the method of selection and qualification and the number of assessors to be appointed to assist the Tribunal or a person holding a formal investigation; and

(b) prescribing the procedure to be adopted in relation to a formal investigation.".

Clause 203 -

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

Omit from paragraph (k) "ships" and substitute "vessels".

Clause, as amended, agreed to.

Clause 204 agreed to.

Clause 205 -

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

Insert in paragraph (b) after "appliances that" the words "shall be complied with by a vessel".

Insert in paragraph (c) after "load lines and for" the words "the issue of".

Clause, as amended, agreed to.

Clause 206 -

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

Omit all words after "to make regulations" and substitute "for and in relation to the application of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, set out in Schedule 3 of the Navigation Act, to vessels in Northern Territory waters."

Clause, as amended, agreed to.

Clauses 207 to 209, by leave, taken together and agreed to.

Clause 210 -

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

Omit from paragraph (f) "the inspection" and substitute "the survey and inspection".

Clause, as amended, agreed to.

Schedule -

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

Omit the Schedule and substitute the following:

"SCHEDULE 1

REPEAL

PART I - ACTS OF SOUTH AUSTRALIA

Section 3(1)

Number and year of Act	Title	Extent to which Act ceases to apply as laws of the Territory
No. 237 of 1881	Marine Board and Navigation Act, 1881	Sections 6 to 241 (inclusive) and 281 to 402 (inclusive) and the Schedules
No. 541 of 1891	Marine Board and Navigation Act Amendment Act, 1891	The whole Act
No. 563 of 1893	An Act to amend the 'Marine Board and Navigation Act, 1881'	The whole Act
No. 614 of 1894	Marine Board and Navigation Act Amendment Act, 1894	The whole Act
No. 691 of 1897	The Marine Board and Navigation Act Amendment Act, 1897	The whole Act
No. 814 of 1902	The Marine Board and Navigation Act Amendment Act, 1902	The whole Act
No. 917 of 1906	The Marine Board and Navigation Act Further Amendment Act, 1906	The whole Act

PART II - NORTHERN TERRITORY ORDINANCES

Section 3(2)

Number and year of Ordinance	Extent of repeal
<u>Marine Ordinance 1911</u> (No. 5 of 1911)	Sections 4 and 6
<u>Marine Ordinance 1939</u> (No. 1 of 1939)	The whole Ordinance
<u>Marine Ordinance 1948</u> (No. 10 of 1948)	The whole Ordinance
<u>Marine Ordinance 1952</u> (No. 11 of 1952)	The whole Ordinance
<u>Marine Ordinance 1956</u> (No. 12 of 1956)	The whole Ordinance
<u>Marine Board and Navigation Ordinance 1964</u> (No. 70 of 1964)	The whole Ordinance

"SCHEDULE 2

Amendments to Marine Board and Navigation Act, 1881 of the State of South Australia in its application to the Territory as a law of the Territory

Section 4(1)

Section	Amendment	
	omit	substitute
244	'province' '100 dollars'	'Territory' '\$1,000'
245	'200 dollars'	'\$2,000'
246	'200 dollars'	'\$2,000'
248	'any Collector or principal officer of Customs, Special Magistrate, Justice,'	'any Magistrate, Justice of the Peace,'
250	'200 dollars'	'\$2,000'
251	'province'	'Territory'
252	'province' '200 dollars' (twice occurring)	'Territory' '\$2,000'
253	'10 dollars'	'\$100'
254	'Custom House or Board Office'	'Police Station'
255	'10 dollars'	'\$100'
257	'province'	'Territory'
258	'province' (twice occurring)	'Territory'

Section	Amendment	
	omit	substitute
259	'province' (twice occurring)	'Territory'
261	'province' (twice occurring)	'Territory'
262	'Parliament'	'Legislative Assembly'
263	'600 dollars (wherever occurring) 'Special Magistrate' 'or by the Court of Vice- Admiralty of the province,'	'\$6,000' 'Magistrate'
265	'Special Magistrate or 2 Justices'	'Magistrate or 2 Justices of the Peace'
266	'10 dollars'	'\$100'
268	'or to the Court of Vice- Admiralty of the province;' '100 dollars'	'\$200'
270	'2,000 dollars' (twice occurring)	'\$20,000'
272	'2,000 dollars' (twice occurring)	'\$20,000'
275	'province' (twice occurring)	'Territory'
277	'province' '100 dollars' (twice occurring)	'Territory' '\$1,000'
278	'province' (twice occurring)	'Territory'
279	'any Supreme Court or of the Court of Vice- Admiralty of the province' 'or in the Court of Vice- Admiralty of the province;'	'the Supreme Court'
280	'province' (first occurring) '600 dollars' 'or the Court of Vice- Admiralty of the province'	'Territory' '\$6,000'

Schedule, as amended, agreed to.

Postponed clause 97 and the amendment moved by Mr Dondas -

Omit from sub-clause (2) "a vessel" and substitute "an unsafe ship".

Amendment, by leave, withdrawn.

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

Omit from sub-clause (1) "an unsafe ship" (first occurring) and substitute "a vessel".

Clause, as amended, agreed to.

Postponed clause 138 and the amendment moved by Mr Dondas -

Omit from sub-clause (1) "by notice served on the holder of a licence -" and substitute "by 6 months notice served on the holder of a general licence -".

Amendment agreed to, after further debate.

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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

Question - That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

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

20. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Minister for Education) order of the day No. 3, Government Business, was called on.

21. NORTHERN TERRITORY DISASTERS AMENDMENT BILL 1981 (Serial 122):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8 -

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

Omit from proposed section 23A(1) "the counter disaster measures necessary to combat its effects are beyond the existing governmental, statutory or municipal services in the area" and substitute "extraordinary measures are necessary or advisable for the protection of life or property".

Omit from proposed section 23A(2) "7 days" and substitute "2 days".

Insert after paragraph (b) of proposed section 23B the following:

"(ba) require the owner or person in possession of any personal property to surrender it or place it under the control and discretion of the person making the requisition;

"(bb) if in his opinion it is necessary to do so for the conduct of counter disaster operations, close to traffic any road within the meaning of the Control of Roads Act or close any other place open to or used by the public;

"(bc) remove from any place, a vehicle that is impeding counter disaster operations, and to facilitate its removal may use such force as is reasonably necessary to break into that vehicle;"

Insert after proposed section 23B the following:

"(2) A person who suffers a loss or damage to his property by reason of the exercise of the powers under sub-section (1) shall be entitled to receive fair and reasonable compensation from the Territory for such loss or damage."

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

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

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

22. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Minister for Education) order of the day No. 2, Government Business, was called on.

23. CRIMINAL CODE - DRAFT BILL - STATEMENT -STATEMENT NOTED:

The order of the day having been read for the resumption of the debate on the motion of Mr Everingham (4 March 1981) - That the Assembly take note of the statement -

Debate resumed.

Extension of time: On the motion of Mr B. Collins, Mr Isaacs was granted an extension of time.

Debate continued.

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

Debate continued.

Question - put and passed.

24. LEAVE OF ABSENCE:

Mr Everingham (Chief Minister) moved - That leave of absence for Thursday 27 August 1981 be granted to the Member for Jingili (Mr Everingham).

Question - put and passed.

25. ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 7.21 p.m. adjourned until tomorrow at 10.00 a.m.

PAPER:

The following paper was deemed to have been presented on 26 August 1981, pursuant to statute:

Annual Report:

Araluen Arts and Cultural Trust, 30 June 1980.

ATTENDANCE: All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 26

Thursday 27 August 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. QUESTIONS:
Questions without notice were asked.
3. LITTER CONTROL -REPORT, APRIL 1981 - MOTION TO TAKE NOTE OF PAPER:
Mr Perron (Minister for Community Development) presented a report on a proposal by the Litter Control Committee for litter control in the Northern Territory.
Mr Perron moved - That the Assembly take note of the paper.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
4. PETROL SNIFFING - MINISTERIAL STATEMENT - MOTION TO TAKE NOTE OF STATEMENT:
Mr Tuxworth (Minister for Health), by leave, made a statement on the practice of petrol sniffing.
Mr Tuxworth moved - That the Assembly take note of the statement.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
5. LOCAL GOVERNMENT AMENDMENT BILL 1981 (Serial 124):
Mr Perron (Minister for Community Development), pursuant to notice, presented a Bill for an Act to amend the *Local Government Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
6. FISH AND FISHERIES AMENDMENT BILL 1981 (Serial 126):
Mr Robertson (Minister for Education), by leave, on behalf of Mr Everingham (Chief Minister), presented a Bill for an Act to amend the *Fish and Fisheries Act*.
Bill read a first time.
Mr Robertson moved - That the Bill be now read a second time.
Debate adjourned (Mr Isaacs) and the resumption of the debate made an order of the day for a later hour.
7. MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL 1981 (Serial 152):
Mr Perron (Treasurer and Minister for Industrial Development), pursuant to standing order 194, presented a Bill for an Act to amend the *Motor Accidents (Compensation) Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Mr Isaacs) and the resumption of the debate made an order of the day for a later hour.
8. APPROPRIATION BILL 1981-82 (Serial 151) - BUDGET DEBATE:
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Debate adjourned (Mr Steele) and the resumption of the debate made an order of the day for a later hour.
9. STAMP DUTY AMENDMENT BILL 1981 (Serial 148):
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 -

Request for urgency: Mr Speaker, having considered a request by Mr Everingham submitted pursuant to standing order 153, declared the Stamp Duty Amendment Bill 1981 (Serial 148), the Taxation (Administration) Amendment Bill 1981 (Serial 149) and the Business Franchise (Tobacco) Bill 1981 (Serial 143) to be urgent Bills.

Motion of dissent: Mr Isaacs moved - That the Speaker's ruling be dissented from.

Mr Perron having spoken and Mrs O'Neil having taken a point of order - Mrs O'Neil seconded the motion.

Debate ensued.

Closure: Mr Robertson (Minister for Education) moved - That the question be put.

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

AYES, 10	NOES, 7
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr Doolan
Mr Harris	Miss D'Rozario
Mr MacFarlane	Mr Isaacs
Mrs Padgham-Purich	Mrs Lawrie
Mr Perron	Mr Leo
Mr Robertson	Mrs O'Neil
Mr Steele	
Mr Tuxworth	
Mr Vale	

And so it was resolved in the affirmative.

Question - put and negatived.

Question - That the Bill be now read a second time.

Debate ensued.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 4 agreed to, after debate.

Clause 5 agreed to.

Clause 6 agreed to, after debate.

Clause 7 agreed to.

Title agreed to.

Bill to be reported without amendment.

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

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

Suspension of sitting: The sitting was suspended between 12.16 p.m. and 2.00 p.m.

10. TAXATION (ADMINISTRATION) AMENDMENT BILL 1981 (Serial 149):

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

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

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

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

11. BUSINESS FRANCHISE (TOBACCO) BILL 1981 (Serial 143):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

Clauses 1 to 13, by leave, taken together and agreed to.

Clause 14 agreed to, after debate.

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

Bill to be reported without amendment.

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

Question - That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

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

12. CONTROL OF WATERS AMENDMENT BILL 1981 (Serial 144):

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 -

Declaration of urgency: Mr Speaker, having considered a request by Mr Everingham submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

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

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

13. ENVIRONMENT COMMITTEE ACTIVITIES - STATEMENT - MOTION TO TAKE NOTE OF STATEMENT:

Mr Harris (Port Darwin), by leave, made a statement relating to activities of the Sessional Committee on the Environment.

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

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

14. SPECIAL ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly, at its rising, adjourn until 10.00 a.m. on Tuesday 10 November 1981 or such time as set by Mr Speaker under Sessional Order.

Question put and passed.

15. ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly do now adjourn. Debate ensued.

Question - put and passed.

And then the Assembly at 4.21 p.m. adjourned until Tuesday 10 November 1981 or such time as set by Mr Speaker under Sessional Order.

PAPER:

The following paper was deemed to have been presented on 27 August 1981, pursuant to statute -

Annual Report:

Department of Mines and Energy, 1980-81

ATTENDANCE:

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

F.K.M. THOMPSON

Clerk of the Legislative Assembly

THIRD LEGISLATIVE ASSEMBLY

FIRST SESSION

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