

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 29

Tuesday 11 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. LETTER FROM ACTING ADMINISTRATOR - WELFARE NEEDS INQUIRY: Mr Speaker read the following letter from his Honour the Acting Administrator:

Dear Mr Speaker,

On 18 July, 1978, pursuant to a resolution of the Legislative Assembly passed on 15 June, 1978 and acting with the advice of the Executive Council, the Administrator appointed a Board of Inquiry to inquire into, report and make recommendations on the Welfare Needs of the Northern Territory Community pursuant to section 4A of the *Inquiries Act*.

The Board of Inquiry has now presented its Report and I forward it herewith for tabling in the Legislative Assembly pursuant to section 4A(4) of the *Inquiries Act*.

Yours sincerely,

(Sgd) W.E.S. FORSTER
Acting Administrator

3. WELFARE NEEDS OF THE NORTHERN TERRITORY - REPORT: Mr Speaker laid on the Table the report from the Committee of Inquiry appointed under the *Inquiries Act*.

Mr Dondas (Minister for Community Development) moved -

That the Report be adopted

and was granted leave to continue his remarks at a later hour.

4. NOTICES: The following notices were given:

Mr Everingham: To present the following Bills -

Magistrates Bill 1979 (Serial 333)
Justices Bill 1979 (Serial 316); and
Dingo Destruction Act Repeal Bill 1979 (Serial 314).

5. QUESTIONS; Questions without notice were asked.
6. OMBUDSMAN - ANNUAL REPORT: Mr Everingham (Chief Minister) laid on the Table the first annual report of the Northern Territory Ombudsman.

7. APPROPRIATION BILL (No. 1) 1979-80 (Serial 315): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

- . SUSPENSION OF SITTING: The sitting was suspended between 1210 and 1400 hours.

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

8. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister), Order of the Day, Government Business No. 17 was called on.
9. ELECTORAL BILL 1979 (Serial 309): 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Bill, by leave, withdrawn.

10. NOTICE: The following notice was given, by leave -

Mr Everingham: Electoral Bill 1979 (Serial 327).

11. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1623 hours adjourned until tomorrow at 1000 hours.

PAPER: The following paper was deemed to have been presented on 11 September 1979, pursuant to statute:

Regulations 1979:

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

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 30

Wednesday 12 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. MAGISTRATES BILL 1979 (Serial 333): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.
4. JUSTICES BILL 1979 (Serial 316): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.
5. DINGO DESTRUCTION ACT REPEAL BILL 1979 (Serial 314): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.
6. ELECTORAL BILL 1979 (Serial 327): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.
7. PERSONAL EXPLANATION: Mr Steele (Minister for Industrial Development), by leave, made a statement relating to a news item broadcast by the ABC this morning concerning fishing ventures in the Northern Territory.

8. APPROPRIATION BILL (No. 1) 1979-80 (Serial 315): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

- . SUSPENSION OF SITTING: The sitting was suspended between 1146 and 1400 hours.

Debate resumed.

- . QUESTION STOOD OVER: Mr Speaker declared that, since one month had not elapsed from the day on which this Bill was read a first time, in accordance with standing order 152 the question -

That the Bill be now read a second time -

could not be determined.

The question would, therefore, remain on the notice paper to be put after the expiration of one month as required by standing order 152.

9. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1838 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 31

Thursday 13 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. HEALTH AND WELFARE SERVICES - REPORT: Mr Dondas (Minister for Community Development) laid on the Table a copy of the report of the Australian Senate Standing Committee on Social Welfare, "Through a Glass Darkly - Evaluation in Australian Health and Welfare Services".
4. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - THIRTEENTH REPORT: Mr Oliver laid on the Table the thirteenth report of the Standing Committee.
5. INTERPRETATION BILL (No. 2) 1979 (Serial 291): The order of the day having been read for the resumption of the debate on the question
That the Bill be now read a second time -
Debate resumed.
Question put and passed - Bill read a second time.
Mr Everingham (Chief Minister), by leave, moved -
That the question, that the Bill be now read a third time, be moved forthwith.
Question put and passed.
Question -
That the Bill be now read a third time - put and passed.
The Bill was read a third time and passed to be a proposed law.
6. AGED AND INFIRM PERSONS' PROPERTY BILL 1979 (Serial 277): 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 4, by leave, taken together and agreed to.

Clause 5 -

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

Omit from sub-section (2)(b) "resides or is domiciled in the Territory" and substitute the following new sub-paragraphs:

"(i) resides or is domiciled in the Territory; or

(ii) was at the time of commencement of the proceedings resident or domiciled in the Territory".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Insert in sub-clause (1)(b) after "person" the words "or an adopted child of that person".

Clause, as amended, agreed to.

Clause 8 -

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

In sub-clause (1)(a) -

(a) Insert before "personally" the words "in the case of an application under section 7(1)(b), (c) or (2),"; and

(b) omit "or motion".

Omit from sub-clause (2) "application or motion" and substitute "proposal".

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

"(3) The Supreme Court may, in any proceedings, if it is satisfied that special circumstances exist, direct that service of notice under sub-section (1) or (2) need not be effected and may hear or determine any such proceedings as though such service had been effected."

Clause, as amended, agreed to.

Clause 9 -

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

Omit "shall" and substitute "may".

Insert after "application for" the words "or proposal to make".

Clause, as amended, agreed to.

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

Clause 12 -

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

Omit from sub-clause (2) "or motion for" and substitute "for or proposal to make".

Omit from sub-clause (2)(b) "for the protection order" and substitute "or proposal".

Omit sub-clause (3).

Clause, as amended, agreed to.

Clauses 13 to 16, by leave, taken together and agreed to.

Clause 17 -

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

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

"(g) in the name of and on behalf of the protected person, lodge caveats in respect of land under the provisions of the Real Property Act; and "

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19 negatived.

New clause -

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

"19. Where more than one manager has been appointed in respect of a protected estate, all the managers of the estate must concur in every act, matter and thing done in relation to the estate by a manager of the estate."

Clauses 20 to 29, by leave, taken together and agreed to.

Clause 30 negatived.

Clause 31 -

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

Omit "(matters in respect of which Rules of Court may be made under section 30 excepted)".

Clause, as amended, agreed to.

Title agreed to.

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

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

7. HUMAN TISSUE TRANSPLANT BILL 1979 (Serial 292): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

8. ELECTRICITY COMMISSION BILL (No. 2) 1979 (Serial 310): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Tuxworth (Minister for Mines and Energy), by leave, moved -

That the question, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

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

9. POWERS OF ATTORNEY BILL 1979 (Serial 265): 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.

. SUSPENSION OF SITTING: The sitting was suspended between 1200 and 1400 hours.

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 sub-clause (2) "applies" and substitute "extends".

Clause, as amended, agreed to.

Clause 4 -

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

Omit the definition of "registered" and substitute the following definition:

"'registered' means registered in the General Registry Office under the Registration Act."

Clause, as amended, agreed to.

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

Clause 7 -

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

Omit from sub-clause (1) "3 years" and substitute "one year".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

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

Insert before sub-clause (1) the following new sub-clause:

"(1A) This section applies to and in relation to a power created either before or after the commencement of this Act."

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

"(b) if the instrument creating the power is registered at the time of the execution of the instrument first mentioned, the instrument creating the power is registered."

Clause, as amended, agreed to.

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

Clause 13 -

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

Omit "by the donor of the power".

Clause, as amended, agreed to.

Clause 14 -

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

Omit from sub-clause (2) "charged or otherwise disposed of" and substitute "dealt with".

Insert after sub-clause (3) the following new sub-clause:

"(3A) The power of the Supreme Court under sub-section (3) includes the power to appoint the Public Trustee as a substitute donee."

Clause, as amended, agreed to.

Clause 15 agreed to.

Clause 16 -

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

Omit from sub-clause (2)(a) "or".

Insert after sub-clause (2)(a) the following new paragraph:

"(aa) by the legal incapacity of the donee of the power at any time after the execution of the instrument creating the power; or".

Clause, as amended, agreed to.

Clause 17 negatived.

New clause -

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

"17. Subject to section 18, upon the making of a protection order under the Aged and Infirm Persons' Property Act, a power is revoked to the extent to which it authorizes the donee of the power to deal with property the subject of the protection order."

Clause 18 -

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

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

"(c) is not revoked upon the making of a protection order under the Aged and Infirm Persons' Property Act unless the Supreme Court expressly revokes it."

Insert at the end the following new sub-clause:

"(3) Where the donor of a power is a protected person within the meaning of the Aged and Infirm Persons' Property Act, the Supreme Court may revoke or vary the terms of the instrument creating the power in such manner as the Supreme Court thinks fit."

Clause, as amended, agreed to.

Clauses 19 to 21, by leave, taken together and negatived.

New clauses -

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

"19. The donee of a power which has been revoked who acts in pursuance of the power shall not incur any liability by reason of the revocation either to the donor of the power or to any other person -

(a) unless the donee of the power has actual notice of the revocation of the power; or

- (b) if the power has been created by an instrument which has been registered -
 - (i) and the act is an act with respect to a dealing in relation to land (a lease for a period of not more than one year excepted) - unless an instrument revoking the power has been registered; or
 - (ii) in any other case - unless a period of 30 days from the registration of an instrument revoking the power has elapsed.

"20. Where a power has been revoked, a transaction between the donee of the power and another person shall be as valid and effectual, in favour of that latter person, as if the power had not been revoked -

- (a) unless that latter person has actual notice of the revocation of the power; or
- (b) if the power has been created by an instrument which has been registered -
 - (i) and the transaction is a dealing in relation to land (a lease for a period of not more than one year excepted) - unless an instrument revoking the power has been registered; or
 - (ii) in any other case - unless a period of 30 days from the registration of an instrument revoking the power has elapsed."

Clause 22 negatived.

New clause -

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

"21.(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

"(2) Without limiting the generality of sub-section (1), the regulations may make provision for or with respect to -

- (a) the establishment of a register;
- (b) the fees to be paid; and
- (c) the practice and procedure to be followed,

in relation to the registration of instruments under this Act."

Schedule agreed to.

Title agreed to.

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

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

10. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 8 was called on.
11. JURIES BILL 1979 (Serial 293): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Robertson (Minister for Education) moved -

That the committee stages be later taken.

Question put and passed.

12. STOCK (ARTIFICIAL BREEDING) BILL 1979 (Serial 290): 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 4, by leave, taken together and agreed to.

Clause 5 agreed to.

Clause 6 agreed to, after debate.

Clauses 7 to 9, by leave, taken together and agreed to.

Clause 10 -

Debate ensued.

Progress to be reported and leave asked to sit again.

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

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 10 was called on.
14. STATUTE LAW REVISION BILL (No. 2) 1979 (Serial 297): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9 negatived.

Clauses 10 to 34, by leave, taken together and agreed to.

Clause 35 agreed to with a formal amendment.

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

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

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

15. ADJOURNMENT: Mr Tuxworth (Minister for Mines and Energy) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1658 hours adjourned until Tuesday 18 September 1979 at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 13 September 1979, pursuant to statute:

Regulations 1979:

No. 19 Amendments of the Crown Lands Regulations
No. 20 Amendments of the Motor Omnibus Regulations
No. 21 Amendment of the Traffic Regulations

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 32

Tuesday 18 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. DISTINGUISHED VISITORS - SABAH PARLIAMENTARY DELEGATION: Mr Speaker informed the Assembly that a delegation from the Parliament of Sabah, under the leadership of Datuk Lim, Minister of Communications and Works, was present in the Gallery. Mr Speaker formally welcomed the distinguished visitors.
3. NOTICE: The following notice was given:

Mr Isaacs: To move -

That this House censures the Northern Territory Government for giving favoured treatment to John Holland (Constructions) Pty Ltd in the construction of a small ship repair facility in the port of Darwin.

4. CENSURE MOTION - FAVOURED TREATMENT TO JOHN HOLLAND (CONSTRUCTIONS) PTY LTD: Mr Everingham (Chief Minister) having informed the Assembly that the Government would not, in conformity with practice, proceed with further business until the motion of Mr Isaacs had been disposed of, sought leave of the Assembly for the motion to be moved forthwith.

Leave having been granted, Mr Isaacs (Leader of the Opposition) moved -

That this House censures the Northern Territory Government for giving favoured treatment to John Holland (Constructions) Pty Ltd in the construction of a small ship repair facility in the port of Darwin.

Debate ensued.

. SUSPENSION OF SITTING: The sitting was suspended between 1120 and 1400 hours.

Debate resumed.

Question put - The Assembly divided (Mr Speaker MacFarlane in the Chair).

AYES 7	NOES 12
Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Miss D'Rozario	Mr Everingham
Mr Isaacs	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mrs O'Neil	Mr Oliver
Mr Perkins	Mr Perron
	Mrs Padgham-Purich
	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

And so it was resolved in the negative.

5. NOTICES: The following further notices were given -

Mr Everingham: To present the following Bills -

Firearms Bill 1979 (Serial 336); and
Transfer of Powers (Law) Bill 1979 (Serial 335).

Mr Perron: To present the Special Purposes Leases Bill (No. 2) 1979
(Serial 350).

6. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Ministerial Statements were called on.

7. VISIT TO PAPUA NEW GUINEA - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on his visit to Papua New Guinea from 20 to 26 July 1979.

8. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1630 hours adjourned until tomorrow at 1000 hours.

PAPER: The following paper was deemed to have been presented on 18 September 1979, pursuant to statute:

Annual Report:

Northern Territory Port Authority 1977-8

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 33

Wednesday 19 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. NOTICES: The following notices were given:

Mr Everingham: To move -

That this Assembly, pursuant to section 4A of the *Inquiries Act*, resolves that a Board of Inquiry or a person be appointed to inquire into, report on and make recommendations to the Administrator concerning leave of absence for employees in the Northern Territory and in particular:

- (a) minimum standards of leave of absence for employees where such standards are not provided for in awards, agreements, determinations or other industrial instruments;
- (b) the adequacy of existing legislation in the areas of long service leave, annual leave, public holidays and sick leave;
- (c) the adequacy of the Employment (Leave of Absence) Bill 1978 for that purpose;
- (d) the extent to which legislation should be used as a means of prescribing such leave of absence; and
- (e) any other matters which, in the opinion of the Board or person, are sufficiently connected with the provisions of minimum standards of leave of absence for employees.

Mr Everingham: To present the following Bills -

Summary Offences Bill 1979 (Serial 342); and
Statute Law Revision Bill (No. 3) 1979 (Serial 353).

Mr Robertson: To present the Industries Training Bill 1979 (Serial 352).

Mr Tuxworth: To present the following Bills -

Hospitals and Medical Services Bill 1979 (Serial 345);
Pharmacy Bill 1979 (Serial 346); and
Mining Bill 1979 (Serial 351).

Mr Perron: To present the following Bills -

Crown Lands Bill (No. 2) 1979 (Serial 341);
Financial Administration and Audit Bill (No. 2) 1979 (Serial 349); and
Planning Bill (No. 2) 1979 (Serial 356).

Mr Dondas: To present the following Bills -

Local Government Bill (No. 4) 1979 (Serial 329);
Local Government Bill (No. 5) 1979 (Serial 337);
Local Government Bill (No. 6) 1979 (Serial 347); and
Dog Bill 1979 (Serial 348).

Mr Steele: To present the following Bills -

Aviation Bill 1979 (Serial 338);
Fish and Fisheries Bill 1979 (Serial 313);
Traffic Bill (No. 3) 1979 (Serial 344); and
Motor Vehicles Bill (No. 3) 1979 (Serial 343).

3. SUSPENSION OF STANDING ORDERS - INTRODUCE BILLS WITHOUT NOTICE AND TAKE TOGETHER: Mr Perron (Treasurer), by leave, moved -

That so much of standing orders be suspended as would prevent two Bills relating to motor vehicles and motor accidents compensation -

- (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, Mr Speaker declared the question resolved in the affirmative.

4. MOTOR VEHICLES AND MOTOR ACCIDENTS (COMPENSATION) BILLS - MOTOR VEHICLES BILL (No. 4) 1979 (Serial 339) and MOTOR ACCIDENTS (COMPENSATION) BILL (No. 2) 1979 (Serial 340): Mr Perron (Treasurer), pursuant to resolution, presented the Bills which were thereupon read a first time.

Mr Perron moved -

That the Bills be now read a second time.

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

5. QUESTIONS: Questions without notice were asked.

6. REPORT OF THE AUDITOR-GENERAL: Mr Speaker laid on the Table the Auditor-General's report upon the Treasurer's Annual Financial Statements prepared by the Treasurer of the Northern Territory for the year ended 30 June 1979 and upon other accounts.

Mr Everingham (Chief Minister) moved -

1. That this Assembly, in accordance with the provisions of the Legislative Assembly (Powers and Privileges) Ordinance 1977, authorizes the publication of the Report of the Auditor-General, and
2. That the Report be printed.

Question put and passed.

7. REPORT OF AUDITOR-GENERAL, 1978-9: Mr Everingham (Chief Minister) moved -

That the Report be noted.

and was granted leave to continue his remarks at a later hour.

8. NORTHERN TERRITORY HOUSING COMMISSION ANNUAL REPORT 1975-6: Mr Perron (Minister for Lands and Housing) laid on the Table the Commission's annual report for 1975-6.

9. FIREARMS BILL 1979 (Serial 336): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

10. SPECIAL PURPOSES LEASES BILL (No. 2) 1979 (Serial 350): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

11. TRANSFER OF POWERS (LAW) BILL 1979 (Serial 335): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

12. TRAFFIC BILL 1979 (Serial 303): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

. SUSPENSION OF SITTING: The sitting was suspended between 1220 and 1400 hours.

13. CATHOLIC CHURCH IN THE NORTHERN TERRITORY BILL 1979 (Serial 289): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mrs Padgham-Purich)

Clause 1 agreed to.

Clause 2 -

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

Insert in the definition of "bishop" after "includes" the words "an administrator apostolic and".

Clause, as amended, agreed to.

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

The Assembly resumed - The Deputy Chairman reported the Bill 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.

14. HUMAN TISSUE TRANSPLANT BILL 1979 (Serial 292): 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)

(Deputy Chairman - Mrs Padgham-Purich)

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

Clause 4 -

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

Insert in sub-clause (1) in the definition of "child" after "18 years" the words "and is not married".

Clause, as amended, agreed to.

Clauses 5 to 23, by leave, taken together and agreed to.

Clauses 24 to 27, by leave, taken together and negatived.

Clause 28 -

Mr Tuxworth proposed as an amendment -

Omit from sub-clause (1) all words after and including "or to another person -" and substitute the following:

"or to another person, for the sale or supply of tissue from his body or from the body of another person, whether before or after his death or the death of the other person, as the case may be.

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

Debate ensued.

Progress to be reported and leave asked to sit again.

The Assembly resumed - The Deputy Chairman reported accordingly and the report was adopted.

15. JURIES BILL 1979 (Serial 293): The order of the day having been read for consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mrs Padgham-Purich)

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

Clause 6 -

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

Insert in sub-clause (1)(a) in the definition of "capital offence" after "sentence" (last occurring) "and includes murder".

Omit from sub-clause (1)(b) "and".

Insert after paragraph (b) the following new paragraph:

"(ba) by omitting from the definition of 'proper officer' the words 'the Judge' and substituting 'a Judge';".

Insert at the end of sub-clause (1) the following new paragraphs:

"(d) by omitting from the definition of 'the Court' the words 'of the Northern Territory of Australia'; and

(e) by omitting the definition of 'the Judge'."

Clause, as amended, agreed to.

Clause 7 -

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

Omit from proposed section 10(3)(c) "or" and substitute "and".

Clause, as amended, agreed to.

Clause 8 -

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

Omit proposed section 11A and substitute the following proposed section:

"11A. On proof on oath or by affidavit or statutory declaration to the satisfaction of a Judge or the Master that a person summoned to attend as a juror or a person appointed as a talesman -

- (a) has a child not more than 12 years of age living with him for whom he ordinarily cares or assists in caring; and
- (b) is unable, without hardship either to himself or any other person, to make suitable arrangements for the care of the child during the period or part of the period for which he has been summoned to attend,

the Judge or Master may order that the person shall be excused from further attendance on the Court or from attendance on the Court for any period during the sittings of the Court."

Clause, as amended, agreed to.

Clauses 9 to 12, by leave, taken together and agreed to.

Clause 13 negatived.

New clause -

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

"13.(1) Section 67 of the Principal Act is repealed.

"(2) Notwithstanding the repeal effected by sub-section (1), Rules of Court relating to juries and in force immediately before the commencement of this Act continue in force as Rules of Court but may be repealed or amended by Rules of Court made under the Supreme Court Act."

Clause 14 -

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

Insert after the fourth item in the proposed Seventh Schedule the following item:

"the spouse of a Judge".

Mr Everingham proposed as a further amendment -

Omit from the proposed Seventh Schedule the nineteenth item and substitute "an employee within the meaning of the Public Service Act who is in the Department of Law".

Debate ensued.

Consideration of the proposed amendment postponed.

Mrs Lawrie proposed as an amendment -

Insert in the proposed Seventh Schedule under "a member of the Legislative Assembly" the words "the Clerk or any other person declared by the Speaker by notice in the Gazette to be an officer of the Assembly".

Debate ensued.

Question put and negatived.

Postponed amendment proposed by Mr Everingham -

Omit from the proposed Seventh Schedule the nineteenth item and substitute "an employee within the meaning of the Public Service Act who is in the Department of Law".

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 15 and 16, by leave, taken together and agreed to.

New clause -

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

"17. The obligation of the Sheriff under section 21(1) of the Principal Act to prepare jury lists in the year 1979 shall be construed as an obligation to prepare those jury lists not later than 31 December 1979 or such later date as may be fixed by the Minister by notice in the Gazette."

Schedule -

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

Omit from Column 3 opposite "15" in Column 1 "Judge" and substitute "A Judge".

Schedule, as amended, agreed to.

Title agreed to.

The Assembly resumed - The Deputy Chairman reported the Bill and the report was adopted.

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) the order of the day relating to the Human Tissue Transplant Bill 1979 (Serial 292) was called on.
17. HUMAN TISSUE TRANSPLANT BILL 1979 (Serial 292): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mrs Padgham-Purich)

Clause 28 and the amendment proposed by Mr Tuxworth -

Omit from sub-clause (1) all words after and including "or to another person -" and substitute the following:

"or to another person, for the sale or supply of tissue from his body or from the body of another person, whether before or after his death or the death of the other person, as the case may be.

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

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 29 and 30, by leave, taken together and agreed to.

Clause 31 -

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

Omit sub-clause (2).

Omit from sub-clause (4) "or (2)".

Clause, as amended, agreed to.

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

The Assembly resumed - The Deputy Chairman reported the Bill and the report was adopted.

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

18. STOCK (ARTIFICIAL BREEDING) BILL 1979 (Serial 290): The order of the day having been read for the further consideration of the Bill in the committee of the whole Assembly -

The Assembly resolved itself into a committee of the whole.

(In the committee)

(Deputy Chairman - Mrs Padgham-Purich)

Clause 10 -

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

Insert at the end the following new sub-clause:

"(3) A person who enters premises under sub-section (1) or (2) shall report, in writing, to the Minister -

(a) the name, address or location of the premises;

(b) the date of entry;

- (c) any action taken by him under the Act on the premises; and
- (d) any article of which he has taken possession under sub-section (2)(g)."

Clause, as amended, agreed to.

New clause -

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

"10A(1) In this section 'article' means any semen, package or container or document or paper relating to any semen, package or container.

"(2) Where an inspector has taken possession of an article under section 10(2)(g) he shall, as soon as practicable, deliver the article to the Chief Inspector or a person nominated by the Chief Inspector.

"(3) The Chief Inspector or nominated person may retain the article for 60 days after the date of its delivery to him or, if a prosecution with respect to the article is instituted within that time, until the prosecution is disposed of.

"(4) Where that prosecution is instituted within 60 days and the person prosecuted is convicted, the court before which the person is convicted may order that the article be forfeited to the Crown.

"(5) Where a prosecution is not instituted within 60 days or where the court does not order the article to be forfeited to the Crown, the Chief Inspector or other person having possession of the article shall return it to the person from whose possession it was taken or to the premises from which it was taken."

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

The Assembly resumed - The Deputy Chairman reported the Bill and the report was adopted.

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

19. PLANT DISEASES CONTROL BILL 1979 (Serial 304): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

20. POLICE AND POLICE OFFENCES BILL (No. 2) 1979 (Serial 305): 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)

Clause 1 -

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

Omit "Police and Police Offences Act (No. 2) 1979" and substitute "Summary Offences Act 1979".

Clause, as amended, agreed to.

Clause 2 -

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

Omit "Police and Police Offences Act" and substitute "Summary Offences Act".

Omit from proposed section 65A -

(a) "42.5 cm³" and substitute "40 litres or 40,000 cm³"; and

(b) "unfenced".

Clause, as amended, agreed to.

Title -

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

Omit "Police and Police Offences Act" and substitute "Summary Offences Act".

Title, as amended, agreed to.

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

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

21. ABORIGINAL LAND BILL 1979 (Serial 312): 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)

Clause 1 agreed to.

Clause 2 negatived.

New clauses -

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

"2. The Aboriginal Land Act is, in this Act, referred to as the Principal Act.

"3. Section 6(1) of the Principal Act is amended by inserting after 'by virtue of an Act' the words 'or as a member of the personal staff of a Minister, the Leader of the Opposition or the Deputy Leader of the Opposition,'.

"4. The Principal Act is amended by inserting after section 6 the following section:

'6A. A permit issued under section 6 to a person who is required, in the normal performance of his duties, to reside on Aboriginal land shall, unless expressed to the contrary, be deemed to be a permit issued in respect of that person and his spouse and children who normally reside with him.'

"5. Section 7 of the Principal Act is amended by omitting 'Subject to this Part'.

"6. Section 16(1) of the Principal Act is amended -

(a) by inserting after 'by virtue of an Act' the words 'or as a member of the personal staff of a Minister, the Leader of the Opposition or the Deputy Leader of the Opposition,'; and

(b) by omitting 'Aboriginal land' and substituting 'closed seas'.

"7. Section 17 of the Principal Act is amended by omitting 'Subject to this Part'.

"8. The Principal Act is amended by omitting the heading to Part IV and substituting the following:

'PART IV - GENERAL'.

"9. The Principal Act is amended by adding at the end the following sections:

'22A.(1) A member of the Police Force may require a person who is on or is about to enter Aboriginal land or closed seas (other than an open area declared under section 11) to -

(a) produce to him a permit issued to the person under this Act, or

(b) state his name and address,

and for that purpose may stop a person or any motor vehicle, as defined in the Motor Vehicles Act, powered cycle, push-bike, vessel or animal in or on which a person is riding.

'(2) A person who is called upon to do so by a member of the Police Force shall stop and cause any motor vehicle, power cycle, push-bike,

vessel or animal in his control to stop.

Penalty: \$1,000.

"23. A person required under section 22(1) to produce a permit or state his name and address who -

(a) refuses or fails to produce a permit issued to him under this Act that is in his possession; or

(b) refuses or fails to state his name and address, or states a false name or address,

is guilty of an offence.

Penalty: \$1,000.'."

Title agreed to.

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

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

22. LOCAL GOVERNMENT BILL (No. 3) 1979 (Serial 311): 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.

23. ELECTORAL BILL 1979 (Serial 327): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

24. ORDERS OF THE DAY STRUCK FROM NOTICE PAPER: Mr Robertson (Minister for Education), by leave, moved -

That Orders of the Day, Government Business Nos. 26 to 32 inclusive be struck from the Notice Paper.

Question put and passed.

25. ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1942 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 34

Thursday 20 September 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PRIVILEGE MATTER: Mr Robertson (Minister for Education), pursuant to standing order 72, raised a matter of privilege alleging that a fabricated document had been tabled in the Assembly by the Leader of the Opposition on 18 September 1979 in the course of debate on a censure motion and requested Mr Speaker to refer his complaint to the Committee of Privileges.

Mr Speaker advised the Assembly that he would consider the request and report back to the Assembly before the expiration of 24 hours, pursuant to standing order 73.

3. PETITION: Miss D'Rozario presented a petition from 2,662 residents of the Northern Territory expressing concern at the lack of indoor recreation facilities for young people in the northern suburbs of Darwin.

Petition received and read.

4. NOTICE: The following notice was given:

Mr Collins: To present the Workmen's Compensation Bill (No. 5) 1979 (Serial 354).

5. QUESTIONS: Questions without notice were asked.
6. NORTHERN TERRITORY HOUSING COMMISSION - ANNUAL REPORT 1976-7: Mr Perron (Minister for Lands and Housing) laid on the Table the Commission's annual report for the year ended 30 June 1977.
7. URBAN LAND TENURE - MINISTERIAL STATEMENT: Mr Perron (Minister for Lands and Housing), by leave, made a statement on urban land tenure in the Northern Territory, and laid on the Table a report prepared by Mr R. Withnall.

Miss D'Rozario, by leave, moved -

That the Statement and Report be noted

and was granted leave to continue her remarks at a later hour.

8. LEAVE OF ABSENCE INQUIRY: Mr Everingham (Chief Minister), pursuant to notice, moved -

That this Assembly, pursuant to section 4A of the *Inquiries Act*, resolves that a Board of Inquiry or a person be appointed to inquire into, report on and make recommendations to the Administrator concerning leave of absence for employees in the Northern Territory and in particular:

- (a) minimum standards of leave of absence for employees where such standards are not provided for in awards, agreements, determinations or other industrial instruments;
- (b) the adequacy of existing legislation in the areas of long service leave, annual leave, public holidays and sick leave;

- (c) the adequacy of the Employment (Leave of Absence) Bill 1978 for that purpose;
- (d) the extent to which legislation should be used as a means of prescribing such leave of absence; and
- (e) any other matters which, in the opinion of the Board or person, are sufficiently connected with the provisions of minimum standards of leave of absence for employees.

Debate ensued.

Question put and passed.

9. MINING BILL 1979 (Serial 351): Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

10. PLANNING BILL (No. 2) 1979 (Serial 356): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

11. DOG BILL 1979 (Serial 348): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas moved -

That the Bill be now read a second time.

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

. SUSPENSION OF SITTING: The sitting was suspended between 1153 and 1400 hours.

12. REFERRAL OF MATTER TO PRIVILEGE COMMITTEE: Mr Speaker advised the Assembly that he had considered the request of the Minister for Education to refer a matter raised this day to the Committee of Privileges, and had decided that the matter should be referred to the Committee and had informed members of the Committee accordingly.

13. PERSONAL EXPLANATION: Mr Robertson made a personal explanation in relation to an item in the ABC news service this day.

14. FISHERIES BILLS - ABORIGINAL LAND BILL (No. 2) 1979 (Serial 355) and FISH AND FISHERIES BILL 1979 (Serial 313): Mr Steele (Minister for Industrial Development), by leave, presented the Aboriginal Land Bill (No. 2) 1979 (Serial 355) and moved -

. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER.

That so much of standing orders be suspended as would prevent the Fish and Fisheries Bill 1979 and the Aboriginal Land Bill (No. 2) 1979 -

- (a) being 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, Mr Speaker declared the question resolved in the affirmative.

Mr Steele (Minister for Industrial Development), pursuant to notice, presented the Fish and Fisheries Bill 1979 (Serial 313).

Bills read a first time.

Mr Steele moved -

That the Bills be now read a second time.

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

15. STATUTE LAW REVISION BILL (No. 3) 1979 (Serial 353): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

16. PHARMACY BILL 1979 (Serial 346): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

17. CROWN LANDS BILL (No. 2) 1979 (Serial 341): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

18. LOCAL GOVERNMENT BILL (No. 4) 1979 (Serial 329): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas moved -

That the Bill be now read a second time.

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

19. AVIATION BILL 1979 (Serial 338): Mr Steele (Minister for Transport and Works), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

20. SUMMARY OFFENCES BILL 1979 (Serial 342): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

21. HOSPITALS AND MEDICAL SERVICES BILL 1979 (Serial 345): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

22. FINANCIAL ADMINISTRATION AND AUDIT BILL (No. 2) 1979 (Serial 349): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

23. LOCAL GOVERNMENT BILL (No. 5) 1979 (Serial 337): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas moved -

That the Bill be now read a second time.

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

24. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Steele (Minister for Transport and Works), by leave, moved -

That so much of standing orders be suspended as would prevent 2 Bills relating to motor vehicles -

- (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, Mr Speaker declared the question resolved in the affirmative.

25. MOTOR VEHICLES BILLS - MOTOR VEHICLES BILL (No. 3) 1979 (Serial 343) and TRAFFIC BILL (No. 3) 1979 (Serial 344): Mr Steele (Minister for Transport and Works), pursuant to resolution and notice, presented the Bills which were thereupon read a first time.

Mr Steele moved -

That the Bills be now read a second time.

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

26. INDUSTRIES TRAINING BILL 1979 (Serial 352): Mr Robertson (Minister for Education), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Robertson moved -

That the Bill be now read a second time.

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

27. LOCAL GOVERNMENT BILL (No. 6) 1979 (Serial 347): Mr Dondas (Minister for Community Development), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Dondas moved -

That the Bill be now read a second time.

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

28. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 4 was called on.

29. TENANCY BILL (No. 2) 1979 (Serial 328): 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.

POINT OF ORDER: Mrs O'Neil raised as a point of order that one calendar month had not elapsed since the Bill had been introduced and the question could not, therefore, be determined. Mr Speaker ruled that standing order 152 specified "one month" and he ruled that one month was 28 days.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

30. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day, Government Business No. 6 was called on.

31. PAY-ROLL TAX BILL (No. 2) 1979 (Serial 317): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Perron (Treasurer), by leave, moved -

That the question, that the Bill be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bill be now read a third time - put and passed.

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

32. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 10 was called on.

33. ACCIDENTS COMPENSATION BILLS - MOTOR VEHICLES BILL (No. 4) 1979 (Serial 339) and MOTOR ACCIDENTS (COMPENSATION) BILL (No. 2) 1979 (Serial 340): 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 -

. REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister submitted pursuant to standing order 153, declared the Bills to be urgent Bills.

Debate resumed.

Question put and passed - Bills read a second time.

Mr Perron (Treasurer), by leave, moved -

That the question, that the Bills be now read a third time, be moved forthwith.

Question put and passed.

Question -

That the Bills be now read a third time - put and passed.

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

34. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) the order of the day relating to the Planning Bill (No. 2) 1979 was called on.

35. PLANNING BILL (No. 2) 1979 (Serial 356): 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.

. REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Chief Minister submitted pursuant to standing order 153, declared the Bill to be an urgent Bill.

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

36. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 7 was called on.

37. TERRITORY DEVELOPMENT BILL (No. 3) 1979 (Serial 330): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

38. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 8 was called on.
39. MENTAL HEALTH BILL 1979 (Serial 334): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

40. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) the order of the day relating to the Planning Bill (No. 2) 1979 was called on.
41. PLANNING BILL (No. 2) 1979 (Serial 356): 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 8, by leave, taken together and agreed to.

Clause 9 agreed to after debate.

Title agreed to.

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

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

42. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 5 was called on.
43. NORTHERN TERRITORY TOURIST COMMISSION BILL 1979 (Serial 331): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

44. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 3 was called on.
45. APPROPRIATION BILL (No. 1) 1979-80 (Serial 315): The order of the day having been read for determination of the question stood over from 12 September 1979 in accordance with standing order 152

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)

Schedule 2, by leave, taken as a whole and agreed to, after debate.

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

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

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

46. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 1 was called on.
47. TRAFFIC BILL 1979 (Serial 303): 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)

Part heading -

On the motion of Mr Steele the following part heading was inserted in the Bill -

"PART I - PRELIMINARY".

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together and negatived.

New clauses -

On the motion of Mr Steele the following new clauses were inserted in the Bill, after debate -

"2.(1) In Part II of this Act, 'the Principal Act' means the Traffic Act as in force immediately before Part II comes into operation.

"(2) In Part III of this Act, 'the Principal Act' means the Traffic Act as in force immediately before Part III comes into operation.

"3. The several Parts of this Act shall come into operation on such dates as are respectively fixed by the Administrator by notice in the Gazette."

Clause 4 -

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

Omit "this Act" (wherever occurring) and substitute "Part II".

Clause, as amended, agreed to.

Part heading -

On the motion of Mr Steele the following part heading was inserted in the Bill, after debate -

"PART II - BREATHALYZER, &c."

Clause 5 -

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

Omit from paragraph (b) the definition of "breath testing station".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Omit from proposed new section 8C(1) "equal to" and substitute "not less than".

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

Omit sub-section (2) of proposed new section 8D.

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

Omit paragraph (b) of proposed new section 8D(3) and substitute:

"(b) a person, on being required under this section to submit to a breath test -

(i) refuses or fails to submit to the breath test; or

(ii) refuses or fails to provide, in accordance with the directions of a member of the Police Force carrying out the test, a sample of his breath sufficient for the completion of the breath test,".

Omit from proposed new section 8E(2) "carrying out" (first occurring) and "carried out" and substitute "completing" and "completed" respectively.

Omit from proposed new section 8E(2) "written".

Omit from proposed new section 8G(4) "A blood sample" and substitute "Subject to sub-section (5), a blood sample".

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

At the end of proposed new section 8G add the following sub-section:

"(5) The person who takes a blood sample in pursuance of this section may make half of that sample available to the person from whom it was taken."

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

Insert in proposed new section 8H(1)(a), after "who is", the words "unconscious or".

Insert in proposed new section 8H(2)(d), after "accident", the words "and that the sample, if taken, would not be tested".

Omit sub-section (2) of proposed new section 8J.

Omit proposed new section 8N.

Clause, as amended, agreed to.

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

New part -

On the motion of Mr Steele the following new part was added to the Bill -

"PART III - RANDOM BREATH TESTING

"10. Section 5(1) of the Principal Act is amended by inserting after the definition of 'breath test' the following definition:

"'breath testing station' means a place that is set up as a breath testing station under section 8MA;".

"11. Section 8C(1) and (2)(a) of the Principal Act is amended by inserting 'or (1A)' after 'section 8D(1)'.

"12.(1) Section 8D of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

'(1A) A member of the Police Force may, on or before the second anniversary of the commencement of Part III of the Traffic Act 1979, require a person to submit to a breath test or breath analysis if -

- (a) he calls on the person to stop a motor vehicle that is travelling -
 - (i) on the carriageway on which a breath testing station is set up; and
 - (ii) in the direction in which the vehicle that is parked at the breath testing station is facing;
- (b) the person stops such a motor vehicle; or
- (c) it reasonably appears to him that the person may have taken action to avoid being called on to stop such a motor vehicle,

at or near the breath testing station.'

"(2) Section 8D(4) and (6) of the Principal Act is amended by inserting 'or (1A)' after 'sub-section (1)'.

"(3) Section 8D(5) of the Principal Act is amended by inserting ', (1A)' after 'sub-section (1)'.

"13. After section 8M of the Principal Act the following section is inserted:

'8MA. A member of the Police Force may set up a breath testing station at a place on a carriageway of a public street by prominently displaying on, above, behind or beside a vehicle that is correctly parked at that place parallel to the flow of traffic a sign containing the words "Breath Testing Station" in letters that are identifiable to motorists who are passing in the direction in which the vehicle is facing.'

"14. Section 57 of the Principal Act is amended by inserting after paragraph (g) the following paragraph:

"(ga) the establishment and operation of breath testing stations;".

Title agreed to.

The Assembly resumed - The Chairman reported the Bill 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.

48. SPECIAL ADJOURNMENT: Mr Robertson (Minister for Education) moved -
That the Assembly, at its rising adjourn until Tuesday 13 November 1979 or such other time as may be notified by Mr Speaker to all members by letter or telegram.

Question put and passed.

49. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 2 was called on.

50. PLANT DISEASES CONTROL BILL 1979 (Serial 304): 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 -

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

Insert before the definition of "disease" the following definition:

"'Chief Inspector' means the Chief Inspector of Plants and Diseases appointed under section 7(1):".

Insert in the definition of "fruit" after "includes the" the word "flesh,".

Insert in the definition of "owner" after "superintendent" the words "and, in relation to a vehicle, train, aircraft, vessel, carriage or conveyance, the person in charge thereof".

Omit the definition of "plant" and substitute the following definition:

"'plant' means -

(a) any, or any part of, a tree, vine, flower, shrub, vegetable or other vegetation; and

(b) any material, whether alive or dead, used for the propagation of the items referred to in paragraph (a),

and includes sawn or dressed timber;".

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 -

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

Omit from sub-clause (1) "the importation, introduction or possession in" and substitute "the importation or introduction into, or possession in, the Territory or".

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10 -

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

Omit from paragraph (a) "examination or disinfection" and substitute "examination, disinfection or disinfestation".

Clause, as amended, agreed to.

Clause 11 -

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

Omit from sub-clause (2) "sub-section (1)(b) to (e) inclusive" and substitute "sub-section (1)".

Clause, as amended, agreed to.

Clause 12 -

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

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

"(b) furnish to the Chief Inspector such information in relation to that discovery as the Chief Inspector may require."

Omit from sub-clause (3) "notifiable pest or a disease," and substitute "notifiable pest or disease".

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14 -

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

Omit sub-clauses (3) and (4) and substitute the following:

"(3) An inspector may disinfect, disinfest or treat, or cause to be disinfected or treated, any fruit or plant referred to in sub-section (1), or any packaging or goods in or with which that fruit or plant has been packed, that he finds to be or is reasonably likely to be, affected by a pest or disease.

"(4) An inspector may remove or destroy, or cause to be removed or destroyed, or direct the owner of any fruit, plant or premises to remove or destroy, any fruit, plant, packaging or goods that the inspector finds to be affected by any pest or disease, and any packaging or goods in or with which any fruit or plant so affected has been packed."

Clause, as amended, agreed to.

New clause -

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

"14A. Where an inspector enters any land, premises, vehicle, train, aircraft, vessel, carriage or conveyance in pursuance of his powers under section 14 without the permission of the owner thereof, he shall, as soon as practicable after so entering, report in writing to the Minister -

- (a) the name, address or location at which the entry took place;
- (b) the date of entry;
- (c) the action, if any, taken by him under this Act on or in relation to the land, premises, vehicle, train, aircraft, vessel, carriage or conveyance, as the case may be; and
- (d) the articles, if any, removed in pursuance of section 14(4)."

Clause 15 -

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

Omit from sub-clause (1) "from the land".

Clause, as amended, agreed to.

Clause 16 agreed to.

Clause 17 -

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

In sub-clause (2) -

- (a) insert after "land that is" the words "or premises that are"; and
- (b) insert after "that land" the words "or those premises".

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19 negatived.

New clause -

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

"19.(1) The Chief Inspector may, if he is satisfied that -

- (a) an orchard is habitually, or has been for a period of 2 years, neglected or uncultivated; and
- (b) by reason of neglect of the orchard a disease or pest is likely to be spread,

serve on the owner of the orchard a notice to show cause, within 14 days after the service of the notice on him, why the plants specified in the notice should not be destroyed.

"(2) The Chief Inspector shall consider any matter brought to his attention within the period referred to in sub-section (1) by the owner of the orchard on whom a notice under that sub-section has been served, and if he is satisfied that adequate arrangements have been made by that owner to ensure that a disease or pest is not likely to be spread by reason of the state of that orchard, notify the owner accordingly or, if he is not so satisfied, serve on the owner a further notice indicating that the Chief Inspector intends, not earlier than 14 days after the service of that further notice, to destroy the plants specified in the notice referred to in sub-section (1).

"(3) A person served with a notice under sub-section (2) may appeal to a Court of Summary Jurisdiction -

- (a) within 14 days after his being served with the notice; and
- (b) in the prescribed manner and form,

against the decision of the Chief Inspector, and on such an appeal being lodged, the Chief Inspector shall take no action to destroy the relevant plants until the appeal has been determined.

"(4) Where an appeal is not lodged within the period referred to in sub-section (3) or an appeal under that sub-section is determined adversely to the appellant, the Chief Inspector shall cause the plants specified in the notice referred to in sub-section (1) to be destroyed and for that purpose may enter on the land on which the orchard is situated with such workmen, equipment and assistance as is reasonably necessary to destroy the plants.

"(5) All costs incurred by the Chief Inspector in carrying out his functions under sub-section (4) shall be a debt due and payable to the Territory by the owner of the orchard."

Clause 20 -

Debate ensued.

On the motion of Mr Steele consideration of clause 20 was postponed.

Clause 21 agreed to.

Clause 22 -

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

Omit "\$2,000 or imprisonment for 6 months." and substitute "\$5,000 or imprisonment for 12 months."

Clause, as amended, agreed to.

Clauses 23 to 25, by leave, taken together and agreed to.

Clause 26 -

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

Omit from paragraph (b) "not including" and substitute "not exceeding".

Clause, as amended, agreed to.

. SUSPENSION OF SITTING: The sitting was suspended between 1900 and 1917 hours.

Schedule agreed to.

Postponed clause 20 -

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

Omit "Penalty: \$5,000 or imprisonment for 12 months" and substitute "Penalty: \$2,000 or imprisonment for 6 months."

Clause, as amended, agreed to.

Title agreed to.

The Assembly resumed - The Chairman reported the Bill 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.

51. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson (Minister for Education) Order of the Day, Government Business No. 9 was called on.
52. ELECTORAL BILL 1979 (Serial 327): 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 STOOD OVER: Mr Speaker declared that, since one month had not elapsed from the day on which this Bill was read a first time, in accordance with standing order 152, the question

That the Bill be now read a second time -

could not be determined.

The question would, therefore, remain on the notice paper to be put after the expiration of one month as required by standing order 152.

ADJOURNMENT: Mr Steele (Minister for Transport and Works) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 2035 hours adjourned until Tuesday 13 November 1979 or such time as may be notified by Mr Speaker to all members by letter or telegram.

PAPER: The following paper was deemed to have been presented on 20 September 1979, pursuant to statute:

Annual Report:

Public Service Commissioner for the Northern Territory, year ended 31 December 1978.

ATTENDANCE: All members attended the sitting.

F.K.M. THOMPSON
Clerk of the Legislative Assembly

SECOND LEGISLATIVE ASSEMBLY

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