

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 22

Wednesday 7 June 1978

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1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.

SUSPENSION OF SITTING: The sitting was suspended between 1002 and 1100 hours.

2. ORDINANCES PRESENTED: Mr Speaker informed the Assembly that nineteen Bills were passed to be Ordinances during the sittings which ended on 11 May. The last three Ordinances to be printed were delivered on Tuesday 6 June. Nine Ordinances have already received assent, action is believed to be imminent on two leaving a balance of eight which are ready for presentation.

3. DISTINGUISHED VISITORS: Mr Speaker informed the Assembly that Mr R. Suggett and Mr W. Templeton, Members of the Victorian Legislative Assembly, were present in the gallery. Mr Speaker formally welcomed the distinguished visitors.

4. NOTICES: The following notices were given:

Mr Everingham: To present the Succession Duties Repeal Bill 1978 (Serial 117) and the Justices Bill 1978 (Serial 116).

Mr Steele: To present the Motor Vehicles Bill (No. 2) 1978 (Serial 112).

Mr Robertson: To present the Landlord and Tenant (Control of Rents) Bill 1978 (Serial 115).

Mr Isaacs: To present the Long Service Leave Bill 1978 (Serial 119) and the Motor Vehicles Bill (No. 3) 1978 (Serial 120).

5. QUESTIONS: Questions without notice were asked.

6. BORROLOOLA LAND CLAIM - REPORT: Mr Everingham, by leave, tabled the Report to the Minister for Aboriginal Affairs and the Minister for the Northern Territory on the Borroloola land claim.

Mr Isaacs moved -

That the Report be noted

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

7. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 5 was called on.
8. WORKMEN'S COMPENSATION BILL 1978 (Serial 48): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1213 and 1400 hours.

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

9. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 6 was called on.
10. CONTRACTS BILL 1978 (Serial 76): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

New clause -

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

"2A. This Ordinance shall come into operation on 1 July 1978."

Clause 3 agreed to.

Clause 4 negatived.

New clause -

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

"4.(1) The Territory may enter into a contract.

"(2) A minister may on behalf of the Territory enter into a contract if that contract relates to a matter which concerns or is incidental to the administration of a department or of a law in force in the Territory.

"(3) A contract which, if it were made between natural persons would be required to be in writing to be enforceable by either party shall, if the Territory is a party to such a contract, be in writing and may be executed by a minister.

"(4) A contract which, if it were made between natural persons would be required to be under seal to be enforceable by either party shall, if the Territory is a party to such a contract, be sealed with the Public Seal.

"(5) A minister may do all things and execute all documents necessary or desirable to give effect to any contract entered into by the Territory."

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

Title agreed to.

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

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

11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 10 was called on.
12. MINING BILL (No. 3) 1978 (Serial 86): 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.

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 7 was called on.
14. MINING BILL (No. 2) 1978 (Serial 85): 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 moved -

That the committee stages be later taken.

Question put and passed.

15. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 9 was called on.
16. CONSTRUCTION SAFETY BILL 1978 (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 passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

Clauses 2 to 10. by leave, taken together and agreed to.

New clause -

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

"10A. Section 17 of the Principal Ordinance is amended by adding at the end the following sub-section:

'(5) In this section "regulations" includes rules made under section 30.'".

Clauses 11 to 15, by leave, taken together and agreed to.

Title agreed to.

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

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

17. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 11 was called on.
18. CLAIMS BY AND AGAINST THE GOVERNMENT BILL 1978 (Serial 75): 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.

New clause -

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

"(1A) This Ordinance shall come into operation on 1 July 1978."

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4 negatived.

New clause -

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

"4.(1) Subject to this Ordinance, a claim whether in contract, tort or any other cause of action may be brought by or against the Territory by an action in a court of competent jurisdiction as if the Territory had been a resident of the place appointed for the sittings of that court.

"(2) The Supreme Court has jurisdiction in matters between the Territory or a person suing or being sued on behalf of the Territory, and any other person or a person suing or being sued on behalf of that other person."

Clause 5 -

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

Omit "Territory" and substitute "Northern Territory of Australia".

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Title agreed to.

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

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

19. ORDER OF BUSINESS: Mr Robertson moved -

That further orders of the day Government Business proceed in order from the last order taken.

Question put and passed.

20. INSPECTION OF MACHINERY BILL 1978 (Serial 71): 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.

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

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

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

21. CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL 1978 (Serial 77): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

22. CROWN LANDS BILL (No. 2) 1978 (Serial 78): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

On the motion of Mr Perron the following amendment was made:

Omit from proposed sub-section (1A) "Administrator" and substitute "Minister".

On the motion of Mr Perron the following further amendment was made:

Omit from proposed sub-section (1A) "purposes," and substitute "purposes)".

Clause, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

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

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

23. LEAVE OF ABSENCE - MR VALE: Mr Everingham moved -

That leave of absence for three sitting days be granted for medical reasons to Mr Vale.

Question put and passed.

24. ADJOURNMENT: Mr Everingham moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1751 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 7 June 1978, pursuant to statute:

Annual Report:

Northern Territory Public Service Commissioner - 1977

Public Service By-laws 1978:

- No. 5 Public Service (Terms and Conditions of Service) By-laws
- No. 6 Amendments of the Public Service (Salaries and Designations)
By-laws

Recommendation under Section 103(3) of the Crown Lands Ordinance:

Proposed revocation of Reserve Nos. 1040, 1204 and 1498

Regulations 1978:

- No. 6 Amendments of the Special Purposes Leases Regulations.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 23

Thursday 8 June 1978

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

Mr Perron: To present the Registration of Births, Deaths and Marriages Bill 1978 (Serial 114).

Mr Everingham: To present the Ombudsman (Northern Territory) Bill 1978 (Serial 121).
3. QUESTIONS: Questions without notice were asked.
4. SUCCESSION DUTIES REPEAL BILL 1978 (Serial 117): Mr Everingham, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

Debate adjourned and the resumption of the debate made an order of the day for a later hour.
5. MOTOR VEHICLES BILL (No. 2) 1978 (Serial 112): Mr Steele, 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.
6. LANDLORD AND TENANT (CONTROL OF RENTS) BILL 1978 (Serial 115): Mr Robertson, 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.
7. JUSTICES BILL 1978 (Serial 116): Mr Everingham, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

8. TERRITORY MOTOR VEHICLES (LIABILITY) BILL 1978 (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.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

9. JURIES BILL 1978 (Serial 92): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clause 4 agreed to, after debate.

Title agreed to.

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

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

10. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Robertson, order of the day No. 3 (Drugs Bills) was postponed until a later hour.
11. PUBLIC TRUSTEE BILL 1978 (Serial 99): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

12. LOCAL GOVERNMENT BILL (No. 2) 1978 (Serial 83): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

Clauses 4 to 6 each agreed to, after debate.

Clause 7 agreed to.

Title agreed to.

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

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

13. INTERPRETATION BILL 1978 (Serial 79): 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 moved -

That the committee stages be later taken.

Question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1209 and 1400 hours.

14. AMENDMENTS INCORPORATION BILL 1978 (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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

New clause -

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

"2A. This Ordinance shall come into operation on 1 July 1978".

Clause 3 agreed to.

Title agreed to.

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

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

15. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Robertson, order of the day No. 8 (Evidence Bill 1978) was postponed to a later hour.

16. FINANCIAL ADMINISTRATION AND AUDIT BILL 1978 (Serial 97): 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.

17. LAW OFFICERS BILL 1978 (Serial 82): 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.

18. LANDS ACQUISITION BILL 1978 (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.

PERSONAL EXPLANATION: Miss D'Rozario made a personal explanation refuting certain words attributed to her by the member for Port Darwin during this debate.

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

19. CONSUMER PROTECTION BILL 1978 (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.

Debate resumed.

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

20. TRANSFER OF POWERS (SELF-GOVERNMENT) BILL 1978 (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 adjourned and the resumption of the debate made an order of the day for a later hour.

21. SPECIAL ADJOURNMENT: Mr Robertson moved -

That the Assembly, at its rising, adjourn until 1000 hours on Friday 9 June 1978.

Question put and passed.

22. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1652 hours adjourned until 1000 hours on Friday 9 June 1978.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 24

Friday 9 June 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. CONSUMER PROTECTION COUNCIL REPORT: Mr Robertson was granted leave to have incorporated in "Hansard", Consumer Protection Council papers on the activities of door to door salesmen.
4. DARWIN CYCLONE TRACY RELIEF TRUST FUND - MONTHLY REPORT: Mr Everingham laid on the Table the report for April 1978.

Mr Isaacs moved -

That the Report be noted

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

5. WORKMEN'S COMPENSATION BILL 1978 (Serial 60): Mr Isaacs, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Isaacs 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. LONG SERVICE LEAVE BILL 1978 (Serial 119) Mr Isaacs, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Isaacs 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. MOTOR VEHICLES BILL (No. 3) 1978 (Serial 120): Mr Isaacs, pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Isaacs moved -

That the Bill be now read a second time.

Debate ensued.

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

8. UNITING CHURCH IN AUSTRALIA BILL (No. 2) 1977 (Serial 19): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

9. SICK LEAVE BILL 1977 (Serial 25): 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. HOLIDAYS BILL 1977 (Serial 26): 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, Mr MacFarlane in the Chair).

Ayes 7

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

Noes 11

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr MacFarlane
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth

And so it was resolved in the negative.

11. ANNUAL HOLIDAYS BILL, 1978 (Serial 27): 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.

12. CONSUMERS PROTECTION COUNCIL BILL 1978 (Serial 56): 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.

13. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL 1978 (Serial 114): Mr Perron, 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.

14. POSTPONEMENT OF NOTICE: On the motion of Mr Everingham, Notice No. 2 Government Business (Ombudsman Bill 1978) was postponed until the next sitting day.

15. WORKMEN'S COMPENSATION BILL 1978 (Serial 48): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 3 agreed to.

New clause -

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

"3A. Where, at the date of commencement of this Ordinance, a Tribunal consisting of 3 or more members had commenced the hearing of proceedings but -

(a) the hearing had not been completed; or

(b) the proceedings had not been determined,

that Tribunal so constituted may continue the hearing of the proceedings and may determine the proceedings as if sections 5 and 6 of this Ordinance had not come into operation."

Clause 4 agreed to.

Clause 5 negatived, after debate.

New clause -

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

"5.(1) Section 6A(2) of the Principal Ordinance is amended -

(a) by omitting 'Justices Ordinance' and substituting 'Magistrates Ordinance'; and

(b) by omitting 'and the Administrator in Council may appoint such other members of the Tribunal as he thinks fit'.

"(2) Section 6A of the Principal Ordinance is amended by omitting sub-sections (3), (4), (5) and (6) and substituting the following sub-section:

'(3) The Chief Magistrate within the meaning of the Magistrates Ordinance is the President of the Tribunal.'."

Clause 6 -

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

Omit from the proposed new sub-section (3) of section 6 "A member of the Tribunal shall sit alone and may exercise the powers and perform the functions of the Tribunal" and substitute "The powers of the Tribunal shall be exercised and the functions of the Tribunal shall be performed by a member of the Tribunal sitting alone and".

Clause, as amended, agreed to.

Clauses 7 to 10, by leave, taken together and agreed to.

Clause 11 -

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

After "policy" insert "and".

Clause, as amended, agreed to.

Clauses 12 and 13 agreed to.

Clause 14 negatived, after debate.

New clause -

Mr Collins moved -

That the following new clause be inserted in the Bill:

"14. Section 27B of the Principal Ordinance is repealed."

Debate ensued.

Mr Robertson moved -

That the committee report progress.

Question put and passed.

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

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

SUSPENSION OF SITTING: The sitting was suspended between 1225 and 1400 hours.

16. MINING BILL (No. 2) 1978 (Serial 85): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit from the following proposed provisions "Administrator" (wherever occurring) and substitute "Minister":

Section 73A(1), 73B(2)(b), (3), 73C(1), (2), (3), (4), 73D(1).

On the motion of Mr Tuxworth the following further amendment was made:

Omit from proposed section 73B(4) "Administrator's" and substitute "Minister's".

On the motion of Mr Tuxworth the following further amendment was made, after debate:

Omit from proposed section 73D(1) paragraph (c) and substitute the following paragraph:

"(c) impose a fine -

(i) not exceeding \$10,000; and

(ii) for each day during which the contravention or failure to comply continues, not exceeding \$2,000,

either as an alternative or in addition to action under paragraph (a) or (b).".

On the motion of Mr Tuxworth the following further amendment was made:

Omit from proposed section 73D(2) "Commonwealth" and substitute "Territory".

Clause, as amended, agreed to.

New clause -

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

"3A. Section 87A(2) of the Principal Ordinance is amended by omitting 'and from the Australian Atomic Energy Commission constituted under the Atomic Energy Act 1953'.".

Clause 4 agreed to.

Title agreed to.

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

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

17. PAWNBROKERS BILL 1978 (Serial 53): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

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

18. LEGISLATIVE ASSEMBLY (REMUNERATION OF MEMBERS) BILL 1978 (Serial 90): 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 Everingham the following amendment was made:

Omit "Executive Member" and substitute "Minister".

Clause, as amended, agreed to.

Title agreed to.

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

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

19. WEIGHTS AND MEASURES BILLS - WEIGHTS AND MEASURES BILL 1978 (Serial 16) and WEIGHTS AND MEASURES (PACKAGED GOODS) BILL 1978 (Serial 15): 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)

Weights and Measures Bill 1978 (Serial 16)

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

Clause 4 -

On the motion of Mr Robertson the following amendment was made:

Insert in sub-clause (1) after the definition of "Commonwealth Act" the following definition:

"'Commonwealth legal unit of the metric system of measurement' means a metric unit of measurement prescribed by the Commonwealth Regulations;"

On the motion of Mr Robertson the following further amendment was made:

Omit from the definition of "mass" in sub-clause (1) "quantity" and substitute "amount".

On the motion of Mr Robertson the following further amendment was made:

Omit the definition of "metric system of measurement" from sub-clause (1).

On the motion of Mr Robertson the following further amendment was made:

Omit from the definition of "place" in sub-clause (1) ", home".

On the motion of Mr Robertson the following further amendment was made:

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

"'subsidiary standard of measurement' means a subsidiary standard of measurement within the meaning of the Commonwealth Act;".

On the motion of Mr Robertson the following further amendment was made:

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

"'working standard of measurement' means a working standard of measurement within the meaning of the Commonwealth Act.".

On the motion of Mr Robertson the following further amendment was made:

Omit sub-clause (2).

Clause, as amended, agreed to.

Clauses 5 to 11, by leave, taken together and agreed to.

Clause 12 -

On the motion of Mr Robertson the following amendment was made:

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

"(1) An Inspector may, at all times during which business is being conducted, for the purpose of ascertaining whether or not the provisions of this Ordinance and the Regulations are being complied with -

- (a) enter any premises, place or vehicle that is being used in the conduct of that business if he has reasonable cause to believe that in or on the premises, place or vehicle goods are made or sold or are being kept for sale or measuring instruments are kept in use for trade;
- (b) inspect any measuring instruments found in or on the premises, place or vehicle;
- (c) examine any goods kept or exposed for sale or in the course of delivery in or on the premises, place or vehicle and determine the quantity of those goods or cause that quantity to be determined; and

(d) demand and procure any goods so examined upon payment or tender, to the person apparently in charge of the premises, place or vehicle, of the current market value of the goods demanded."

Clause, as amended, agreed to.

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

Clause 15 -

On the motion of Mr Robertson the following amendment was made:

Omit from sub-clause (1) ", within the period prescribed for the making of such an application, in writing".

On the motion of Mr Robertson the following further amendment was made:

Omit from sub-clause (6) "if an inspector is unable to inspect the measuring instrument before the expiration of the current verification certificate" and substitute "if an inspector is unable to inspect the measuring instrument forthwith".

On the motion of Mr Robertson the following further amendment was made:

Insert in sub-clause (7) after "interim verification certificate" the words "shall be deemed to have had and shall have effect from the time of the application made under sub-section (1), and".

Clause, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18 -

On the motion of Mr Robertson the following amendment was made:

Omit sub-clause (3) and substitute:

"(3) Sub-section (1) does not prevent the use of a repaired measuring instrument in pursuance of an interim verification certificate."

Clause, as amended, agreed to.

Clause 19 negatived.

Clause 20 -

On the motion of Mr Robertson the following amendment was made:

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

"(j) subject to sub-sections (3) and (4), sell a measuring instrument for use for trade which is not a verified measuring instrument."

On the motion of Mr Robertson the following further amendment was made:

After sub-clause (2) insert the following new sub-clauses:

"(3) It is not an offence under sub-section (1)(j) to -

- (a) offer or expose for sale;
- (b) keep or have in possession for sale;
- (c) agree to sell; or
- (d) authorize, direct, cause, permit or suffer any of the acts referred to in sub-paragraphs (a) to (c) inclusive,

a measuring instrument of a description referred to in sub-section (1)(j) which is in a state that would enable it to be verified under this Ordinance and the Regulations.

"(4) It is not an offence under sub-section (1)(j) to sell a measuring instrument of a description referred to in sub-section (1)(j) which -

- (a) because of its nature is required to be inspected and tested for verification only after it has been installed at the place where it is to be used for trade; and
- (b) is in a state that would enable it to be verified under this Ordinance and the Regulations."

Clause, as amended, agreed to.

Clause 21 negatived.

New clause -

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

"21. A person shall not -

- (a) when reasonably requested to do so by an Inspector who is acting in the execution of his duty, fail to produce a measuring instrument that is in his possession; or
- (b) when requested by an Inspector who is acting in the execution of his duty to state his name and address, refuse or fail to state his name and address or give a false name or address.

Penalty: For a first offence - \$500.

For a second or subsequent offence - \$1000."

Clause 22 -

On the motion of Mr Robertson the following amendments were made:

Omit "A person" and substitute "Subject to sub-section (2), a person".

Add at the end of the clause the following sub-clause:

"(2) Sub-section (1) does not apply in relation to the performance of a contract made with a person carrying on business in a place outside the Territory if the contract is made in the course of that business and in accordance with the legal units of measurement of that place."

Clause, as amended, agreed to.

Clause 23 agreed to.

Clause 24 negatived.

Clause 25 -

On the motion of Mr Robertson the following amendments were made:

Omit from sub-clause (2) "Subject to sub-section (4),".

Omit sub-clause (4).

Omit from sub-clause (6) "A person" and substitute "Except in accordance with the Regulations or any other law in force in the Territory, a person".

Clause, as amended, agreed to.

Clause 26 -

On the motion of Mr Robertson the following amendment was made:

Insert in paragraph (b), after "loaf", the words "or upon a label attached to the loaf".

Clause, as amended, agreed to.

Clause 27 negatived.

Clauses 28 to 36, by leave, taken together and agreed to.

Clause 37 agreed to.

Schedule agreed to.

Title agreed to.

Weights and Measures (Packaged Goods) Bill 1978 (Serial 15).

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

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

Question put -

That the Bills be now read a third time.

Debate ensued.

Question put and passed.

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

20. DRUGS BILLS - DANGEROUS DRUGS BILL 1978 (Serial 57) and PROHIBITED DRUGS BILL 1978 (Serial 68): 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.

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

21. INTERPRETATION BILL 1978 (Serial 79): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Mr Robertson moved -

That the committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

22. STATUTORY AUTHORITIES AUDIT PROPOSALS BILLS - TOURIST BOARD BILL 1978 (Serial 100), MUSEUMS AND ART GALLERIES BILL 1978 (Serial 101), PORTS BILL 1978 (Serial 102), LOTTERY AND GAMING BILL (No. 3) 1978 (Serial 104) and TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 3) 1978 (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.

Point of Order: Mr Isaacs addressed the Chair on the order of business and Mr Robertson having also addressed the Chair on the same subject -

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 1525 and 1535 hours.

23. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Robertson order of the day Government Business No. 9 - Taxation (Administration) Bill 1978 (Serial 81) - was postponed until a later hour.

24. TERRITORY DEVELOPMENT CORPORATION BILL 1978 (Serial 49): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

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

25. CRIMINAL LAW AND PROCEDURE BILL 1978 (Serial 98): 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.

26. ADJOURNMENT: Mr Everingham moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1738 hours adjourned until 1000 hours on Tuesday 13 June 1978.

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 25

Tuesday 13 June 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. MESSAGE FROM ADMINISTRATOR: The following message from the Administrator was read by Mr Speaker:
Message No. 6

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, pursuant to section 4S of the Northern Territory (Administration) Act 1910, recommend to the Legislation Assembly a bill entitled the Supply Bill (No. 1) 1978-79 to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the year ending on 30 June, 1979.

Dated this thirteenth day of June, 1978

J.A. ENGLAND
Administrator

3. NOTICES: The following notices were given:

Mr Everingham: To move -

That the Assembly extends its congratulations to Dr G.A. Letts, a past member of this House, on the honour conferred on him by The Queen and announced in the Queen's Birthday Honours List.

Mr Everingham: To present the Public Trustee Bill (No. 2) 1978 (Serial 124)

Mr Everingham: To move -

That the Legislative Assembly recommend to His Honour the Administrator of the Northern Territory that he appoint Harry Christian Giese to the office of Ombudsman for the Northern Territory.

Mr Tuxworth: To present the Mining (Gove Peninsula Nabalco Agreement) Bill 1978 (Serial 122).

Mr Perron: To present the Real Property Bill 1978 (Serial 123), and the Companies Bill 1978 (Serial 118).

4. QUESTIONS: Questions without notice were asked.
5. OMBUDSMAN (NORTHERN TERRITORY) BILL 1978 (Serial 125): Mr Everingham, by leave, having amended his notice to read "Serial 125", 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. SUPPLY BILL (No. 1) 1978-79 (Serial 113): Mr Perron presented the Bill the subject of the Administrator's message and the Bill 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.

7. FINANCIAL ARRANGEMENTS BETWEEN FEDERAL GOVERNMENT AND THE NORTHERN TERRITORY - STATEMENT: Mr Everingham, by leave, made a statement on proposed financial arrangements between the Federal Government and the Northern Territory Executive.

Mr Isaacs moved -

That the Statement be noted

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

8. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 3 was called on.
9. FINANCIAL ADMINISTRATION AND AUDIT BILL 1978 (Serial 97): The order of the day having been read for the resumption of the debate on the question-

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

On the motion of Mr Perron the following amendment was made:

Omit the definition of "internal control" and substitute the following definition:

"'internal control' means the methods adopted within a department -

- (a) to safeguard its assets;
- (b) to check the accuracy and reliability of its accounting data;
- (c) to promote operational efficiency;

(d) to encourage adherence to management policies; and

(e) to secure compliance with legislative provisions."

On the motion of Mr Perron the following further amendment was made:

Insert in paragraph (b) of the definition of "losses" after "obsolescence" the word "abandonment".

On the motion of Mr Perron the following further amendment was made:

Add at the end of the definition of "statutory corporation" the words "other than a statutory corporation excluded from the operation of this Ordinance by the regulations or by the Ordinance by which it is constituted."

Clause, as amended, agreed to.

Clauses 4 to 7, by leave, taken together and agreed to.

Clause 8 agreed to, after debate.

Clauses 9 to 11, by leave, taken together and agreed to.

Clause 12 agreed to, after debate.

Clauses 13 and 14 agreed to.

Clause 15 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (1) "will be available from the Consolidated Fund in a financial year that" and substitute "in the Consolidated Fund in a financial year".

Clause, as amended, agreed to.

Clauses 16 to 24, by leave, taken together and agreed to.

Clause 25 agreed to, after debate.

Clauses 26 to 29, by leave, taken together and agreed to.

Clause 30 agreed to, after debate.

Clause 31 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (4) "under sub-section (3)" and substitute "under sub-section (2)".

Clause, as amended, agreed to after debate.

Clause 32 -

On the motion of Mr Perron the following amendment was made:

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

"(c) repaid within 2 months of the expiration of the financial year in which the temporary advance was obtained."

Clause, as amended, agreed to.

Clauses 33 to 54, by leave, taken together and agreed to.

Clause 55 -

Mr Perron invited the defeat of the clause with a view to substituting a new clause.

Debate ensued.

On the motion of Mr Perron, further consideration of the clause was postponed.

Clauses 56, 57 and 58 agreed to.

Clause 59 -

On the motion of Mr Perron the following amendment was made:

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

"(2A) Moneys may be withdrawn from a trust account established under this section only for the purposes for which the trust account is established."

Clause, as amended, agreed to.

Clauses 60, 61 and 62 agreed to.

New clause -

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

"62A. (1) A prescribed statutory corporation may borrow moneys either by overdraft or by loan in such amounts and on such terms and conditions as the Treasurer authorizes.

"(2) A prescribed statutory corporation shall not borrow moneys except in accordance with an authority issued by the Treasurer under sub-section (1).

"(3) Where borrowings by a prescribed statutory corporation are not guaranteed by the Commonwealth of Australia under an agreement between the Commonwealth and the Territory, borrowings arranged in accordance with this section shall be guaranteed by the Territory.

"(4) An authority issued under sub-section (1) may apply generally to a prescribed statutory corporation or to a specific borrowing by a prescribed statutory corporation."

Clauses 63 to 65, by leave, taken together and agreed to, after debate.

Clause 66 -

Question put - That the clause stand as printed.

Debate ensued.

On the motion of Mr Perron, further consideration of the clause was postponed.

Clauses 67 to 70 agreed to.

Clause 71 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (1) "The Treasurer of the Northern Territory" substitute "Treasurer of the Northern Territory".

Clause, as amended, agreed to.

Clause 72 agreed to, after debate.

Clause 73 -

On the motion of Mr Perron, the following amendment was made:

Omit sub-clause (1).

Clause, as amended, agreed to.

Clauses 74 to 79, by leave, taken together and agreed to.

Clause 80 -

On the motion of Mr Perron the following amendment was made:

Omit "the Northern Territory Government Account" substitute "an official bank account".

Clause, as amended, agreed to.

Clause 81 -

On the motion of Mr Perron the following amendments were made:

Omit "the Northern Territory Government Account" (wherever occurring) and substitute "an official bank account".

Add at the end of clause 81 the following sub-clause :

"(4) This section does not apply to prescribed statutory corporations that are authorized under Regulations made under Section 62(2) to the extent of the authorization under those Regulations."

Clause, as amended, agreed to.

Clause 82 agreed to.

Schedule agreed to.

Mr Perron moved -

That the committee report progress.

Question put and passed.

Progress to be reported and leave asked to sit again.

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

10. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 4 was called on.
11. TAXATION (ADMINISTRATION) BILL 1978 (Serial 81): 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 1157 and 1400 hours.

Debate resumed.

PERSONAL EXPLANATION: Mr Isaacs made a personal explanation refuting certain words attributed to him by the member for Barkly during this debate.

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

12. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson the order of the day relating to the Financial Administration and Audit Bill (Serial 97) was called on.
13. FINANCIAL ADMINISTRATION AND AUDIT BILL 1978 (Serial 97): 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)

Postponed clause 55 negatived, after debate.

New clause -

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

"55.(1) The operation of sections 51, 52, 53 and 54 shall not be limited by any provision (including a provision relating to secrecy) contained in any other law (whether made before or after the commencement of this section) except to the extent to which any such other law expressly excludes the operation of this section.

"(2) Notwithstanding anything contained in any other law of the Territory, and notwithstanding the making of an oath or declaration of secrecy, a person shall not be guilty of any offence by reason of anything done by him for the purposes of sections 51, 52, 53 and 54.

"(3) The Auditor-General and every authorized auditor shall preserve secrecy with respect to all matters and things that come to their knowledge in the exercise or performance of their powers, authorities, functions or duties under this Ordinance and shall not, except in the course of their duty, communicate to any person any such matter or thing."

Postponed clause 66 agreed to, after debate.

Title agreed to.

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

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

14. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 2 was called on.
15. TRANSFER OF POWERS (SELF-GOVERNMENT) BILL 1978 (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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit "An Ordinance or regulation in which" and substitute "A provision of -

(a) an Ordinance;

(b) a regulation; or

(c) a law of the State of South Australia in its application to the Northern Territory as a law of the Northern Territory, in which".

Clauses 4 to 8, by leave, taken together and agreed to.

Schedule 1 -

On the motion of Mr Everingham the following amendments, taken together, by leave, were made:

PART I

Omit from the proposed reference to and amendment of the Abattoirs and Slaughtering Ordinance "6, 8" and substitute "6(1), (2), 8(1)".

Omit the proposed reference to and amendment of the Apprentices Ordinance.

Omit from the proposed reference to and amendment of the Brands Ordinance "42AA" and substitute "42AA(4)(c)".

Omit from the proposed reference to and amendment of the Bush Fires Control Ordinance "10, 23, 26" and substitute "10(1), 23(2), 26(2)(c)".

Omit from the proposed reference to and amendment of the Business Names Ordinance "10" and substitute "10(2), (3)".

Omit proposed reference to and amendments of the Caravan Parks Ordinance.

Omit from the proposed reference to and amendment of the Child Welfare Ordinance from and including "6" to and including "96" and substitute "6(1), (2), 10(1), 3(b), (c), 12(1), 13(1)(e), 14(2), 17(1), 19, 31, 33(2), 38(2), 96(2)".

Omit from the proposed reference to and amendment of the Companies Ordinance "69A(2)" and substitute "69A(2)(b), (c)".

Omit from the proposed reference to and amendment of the Control of Roads Ordinance -

(a) "18" and substitute "18(b)"; and

(b) "38A(3), (4), (8)" and "47".

Omit from the proposed reference to and amendment of the Control of Waters Ordinance from and including "9" to and including "17" and substitute "9(2), 11(1), 12, 13(1), (4), 14(1), (2), (3), 14A, 14B, 14C, 14D, 14H(1), (2), 16(1), (2), 16B(2), (3), (5), 16C(1), 16D, 16E, 16F, 16FA, 16FC(1), (2), 16H(1), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), 16J(2), (3), (4), 16K, 17".

Omit from the proposed reference to and amendment of the Criminal Injuries (Compensation) Ordinance "6" and substitute "6(1), (2)".

Omit from the proposed reference to and amendment of the Crown Lands Ordinance from and including "3" to and including "131(1)(f)" and substitute "3, 5 (definition of 'premium'), 6A(1), (4)(a), (5), 7, 8, 10(1), 10B(1), (2), (9), 11, 13(2), 14(2A), 15, 16(1), (2), 19(1), (2)(a), 19A(d), (f), 20(1), 21, 22(1), (2), 22B(1)(b), (2), (3)(b), (c), (4), 23(1)(j), (2), (3)(b), (4), 23A(2)(b), (4)(a), (5), (11), 23AA(1), (2), (3), (4), 23B(2), (3), (4), (5), (6), (7), (8), (9), 24(a), 24A(1), (2), (3), (4), 24B, 24BA(1), (2), (3), (4), 25, 25A, 25B, 25C(1), (3), (4), (5)(b), 25CA(1), 25CB(1), (1A), (1B), (2), 25CC, 25CD(1), (2), 25CE(1), (2), 25CF(1)(a), (5), (6), (7), (9), 25CFA(1), (2), 25CG(1), (3), (5), (7), (8), 25D(1), (3), (3A), (4), 25DAA(1), (2), (4), (5), (6), (7), (8), 26(1), 26(1A), (1B), (2), (3), 26A(1), (2), (3), (5), (6), 27(1), (1A), 28, 29(1)(b), (2), (4), 30(1), (6), 31(1), (1A), (1B), (3), (3)(d), (e), (4), (5), (6), (8), (9), 32(2), (2D), (3B), (3C), (3D), (4), (4A), 32A, 33B(1), 35, 36(1), 37(e), (h), (j), 37A(1), (3), (4), (5), (6), (7), 38(1), 38A(3), (4), (7), (11), (11A), (12)(b), (13)(c), 39(1), (2), (3), (4), 39A(1), 40A(2), (3), (4), 41, 42, 43(1), (2), 44, 46, 47, 47A(1), (2), (3), 48(1), (1A), (3), (4)(e), (5), (6), (8), 48F(1), (2), (3), (4), 58(2), 59(1), 59A(1), (3), (4), (5), (6), (7), (8), 61(2), (3), (4), (5), (6), (9), (15), (16), (17)(b), (18)(c), 64(1)(a), (b), (c), (f), 65(1), (3), (4), (5), (6), (7), 65AA(1), 65A(1), 65B(1), (2), (2)(e), (3), (4), (6), (7), 65C(2), (3), (4), (6A)(b)(ii), (iii), (6B), 67(2), (4), (5), (6), (7), (8), (10), (11), (13), (15), (17), 67A(1), (2), (2A), (3), (4), (5), (6), 67B(1), (2), (3), (5), (7), (8), (9), (10), (12), (14), 68(1), (2), (3), 68C(3A), (3B), (3C), (3D), (4), 68D(3), 68E(1), (2), (4), (5), 68F(2), 68G(2), (7), 68GA(1), (4), (5), (7), 68HB(1), 68J(1)(c), (2), (3), (4), 68K(1)(a), (2), (5)(b), (6), (7), (8)(c), (9), 68L, 68M(b), 72(2), 73(1), (3), (4), (8), 74(1), (2), (3), 74C(b), 74D(2), (4), (6), 74F(2), (5), (6), 74G(b), 75 (definition of 'approved plan'), 76(1), (2)(c), (3), 77(e), 78(1), (2), (2A), (2B), (3), (4), 79(1), (2), (4), (6), 80(b), 82(1), (2), 83(1), (2), 84, 85(1), 86(1), (2), (3), 87, 88(1), 89(1), (2), (3), 97(2), 99(2), 100(1), (2), 100B, 100D, 100F, 100G(1), 100H, 100I, 100K(1), (3), 100KA(1), 100L, 100LA(4), (5), 100M(2), (5), (6), 100N(3), (4), (5), 100O, 100P(1), (2), (3), 101(2), (6), (7), 102A(1), 103(3), (4), (5), (6), 103A(1)(a), (c), (2), 103B(2), 103C(2A)(d), (4), (6), 105(1), (2), (3), 106(3), (6), 106A(1), (3), 106B(1), (2), 106C(1), (2), (4)(b), (5), (6), 106E(1), (4), 107(1), 107A(1), (2), (3), (4)(c), 108(1), 109(1), 109A(1), (1A), (1C), (2)(a), 112A(3), (4), 115(1), 116, 116A(1)(b)(2), (7)(b), (8), (10), 118(1), 120(2), (3), (4), 121(1), 123, 124(2), (3), 125, 129, 131(1)(f)".

Omit from the proposed reference to and amendment of the Darwin Town Area Leases Ordinance -

(a) "28(1)(a), (b), (c)" and substitute "28(1)"; and

(b) "29AB(1), (2)(a), (b)" and insert "29AB(1), (2)".

Omit from the proposed reference to and amendment of the Dingo Destruction Ordinance from and including "3" to and including "20" and substitute "3 (definition of 'District'), 4, 5, 6(1), (2), 10(3), (4), (5), 11, 13(1), 17(b), 18, 20".

Omit from the proposed reference to and amendment of the Disposal of Uncollected Goods Ordinance "19(1)" and substitute "19(1)(b)".

Omit from the proposed reference to and amendment of the Explosives Ordinance from and including "10(2)" "40(1)" and substitute "10(2), 11(6), (7), (8), (10), (11), 12(1), (2), (3), (6), (7), 13(1)(j), (7), 14(1), (2), 16(9), 40(1)".

Omit from the proposed reference to and amendment of the Foot and Mouth Disease Compensation Ordinance "14" and substitute "14(c)".

Omit from the proposed reference to and amendment of the Inspection of Machinery Ordinance from and including "7" to and including "72" and substitute "7(2), 8(1), (2), 52(1), (2), (6), 65(1), (3), (4), 66, 68(2), (3), 72".

Omit from the proposed reference to and amendment of the Licensed Surveyors Ordinance "10A" and substitute "10A(1), (2)".

Omit from the proposed reference to and amendment of the Licensing Ordinance from and including "8" to and including "183B" and substitute "8, 10A(1), (6), 59(1), (2), (3), (4), (5), 141(1), (2), 183A(2)(b), 183B(1)".

Omit from the proposed reference to and amendment of the Local Government Ordinance "288C".

Omit from the proposed reference to and amendment of the Long Service Leave Ordinance "22" and substitute "22(2)".

Insert after proposed reference to and amendment of the Long Service Leave Ordinance the following new reference:

"Magistrates

Sections 8, 9(7), 11(2), 16".

Omit from the proposed reference to and amendment of the Mines Regulation Ordinance -

- (a) "14" and substitute "14(2)(c)"; and
- (b) "41" and substitute "41(2)".

Insert after proposed reference to and amendment of the Mines Regulation Ordinance the following new reference:

"Mines Safety Control

Section 4 (definitions of 'Minerals' and 'open-cut'), 5(3), (4), (5), (6), 6(1), (2), (3), (4), 8(1), 9(7), 10(1), 17(7), 58(1), (4), (7), 59".

Omit from the proposed reference to and amendment of the Mining Ordinance -

- (a) "10(2)" and substitute "10(3)";

- (b) "23(2)" and substitute "23(2)(b), (2)(c)".
- (c) "38B(1), (4)" and substitute "38B(1), (4)(b)";
- (d) "38U(1), (2)" and substitute "38U(1)";
- (e) "56(1)" and substitute "56(1)(a)";
- (f) "73(1)" and substitute "73(1)(d), (f), (g)";
- (g) "106" and substitute "106 (definition of 'minerals')";
- (h) "121" and substitute "121(b)"; and
- (i) "147(1), (2)" and substitute "147(1), (2)(d)".

Omit from the proposed reference to and amendment of the Mining Assistance Ordinance -

- (a) "9" and substitute "9(1)"; and
- (b) "19" and substitute "19(b)".

Omit from the proposed reference to and amendment of the Native and Historical Objects and Areas Preservation Ordinance from and including "4" to and including "9H" and substitute "4, 5, 6(1), (2), 6A(1), (2), 9B, 9G(1), 9H".

After the reference to Native and Historical Objects and Areas Preservation Ordinance insert the following new reference:

"Northern Territory Disasters

Section 6(2)(i), (3), (4), (5)".

Omit from the proposed reference to and amendment of the Noxious Weeds Ordinance from and including "6" to and including "14" and substitute "6, 7(1), (2), (3), 9, 10(1), (2), 12(1), 13, 14(1)".

Omit from the proposed reference to and amendment of the Pearling and Pearl Culture Ordinance from and including "7" to and including "84" and substitute "7(1), (2), 8(1), (2), 10(1), (2), (4), 11(1), (2), 12, 14, 15, 16, 56(1), (2)(a), 60(1), (2), (3), (4), 61(1), (2), 62(1), (2), 63(1), (3), 64(1), (4), 75(1), 84".

Omit from the proposed reference to and amendment of the Petroleum (Prospecting and Mining) Ordinance -

- (a) "21(1), (2), (3)" and substitute "21(1), (2), (3)(c), (d)";
- (b) "26A(1)" and substitute "26A(1), (3)(b)";
- (c) "26B(1)" and substitute "26B(1)(c), (d), (e), (f)";
- (d) "50(1), (2)" and substitute "50(1), (2)(c)";
- (e) "57(1), (2), (3)" and substitute "57(1), (2), (3)(b)";
- (f) "68(1), (2), (4)" and substitute "68(1), (2), (4)(c), (d)";

- (g) "71" and substitute "71(a)";
- (h) "74" and substitute "74(a)";
- (i) "76(1)" and substitute "76(1)(a)";
- (j) "77(1)" and substitute "77(1)(b)";
- (k) "82(1), (2), (3)" and substitute "82(1), (2), (3)(b)";
- (l) "83(1)" and substitute "83(1)(b), (c), (d)"; and
- (m) "114(1), (2), 115(3)".

Omit from the proposed reference to and amendment of the Plant Diseases Control Ordinance from and including "5" to and including "20" and substitute "5, 11(1), (2), 12(b), (c), 13(2), 14, 15, 16, 18, 20(1), (2)".

Omit from the proposed reference to and amendment of the Prices Regulation Ordinance from and including "5" to and including "58" and substitute "5, 6(1), 7(1), 8(5), 10(2), 24(4), 45(c), 58(4)".

Omit from the proposed reference to and amendment of the Public Trustee Ordinance "3" and substitute "3(1)".

Omit the proposed reference to and amendment of the Radiographers Ordinance.

Omit from the proposed reference to and amendment of the Real Property (Unit Titles) Ordinance "7(1)" and substitute "7(1)(b)".

Omit from the proposed reference to and amendment of the Registration Ordinance "5(2)" and substitute "5(1A)".

Omit from the proposed reference to and amendment of the Registration of Births, Deaths and Marriages Ordinance -

- (a) "15(2), 23(1), 33(3)" and substitute "15(2)(c), 23(1)(a), 33(3)(a)"; and
- (b) "53(2)" and substitute "53(2)(b)".

Omit from the proposed reference to and amendment of the Scaffolding Inspection Ordinance from and including "3" to and including "12" and substitute "3, 5, 5A(1), (2), 8(3), (4), (5), 11, 12(1), (2)".

Insert after proposed reference to and amendment of Scaffolding Inspection Ordinance the following new reference:

"Seeds

Section 3 (definition of 'accepted seed certification scheme'), 5(3), 15, 16(1), 17(2), 23(1), 30, 31(2), 36".

Omit from the proposed reference to and amendment of the Social Welfare Ordinance from and including "8" to and including "18" and substitute "8(1), (2), 11(1), (2), 17(1), 18(1)".

Omit from the proposed reference to and amendment of the Soil Conservation and Land Utilization Ordinance from and including "3" to and including "43" and substitute "3 (definitions of 'approved' and 'instrument of approval'), 4(3), 5(1), 6, 22(3), (7), 26(2), 27(1), (2), (3), 28, 30(1), (3), 31, 33, 34, 38(1), 42, 43(1), (3), (4), (5)".

Omit from the proposed reference to and amendment of the Special Purposes Leases Ordinance "4BA(1)" and substitute "5BA(1)".

Omit from the proposed reference to and amendment of the Stock Diseases Ordinance from and including "7" to and including "47" and substitute "7(1), (2), 8(1), 9(1), 11(1), 12, 17, 19, 20, 21, 22, 22F, 23(1), 47(1)".

Omit from the proposed reference to and amendment of the Stock Routes and Travelling Stock Ordinance from and including "5" to and including "63" and substitute "5(1), (2), 6(1), 8(1), (2), 10(1), (2), 12(1), 13(1), 15, 16A, 31, 34(1), (2)(d), (3), 36, 61(b), 62(b), 63(b)".

Omit from the proposed reference to and amendment of the Town Planning Ordinance -

- (a) "17" and substitute "17(e), (h)";
- (b) "19(1), (2), (3)" and substitute "19(1), (2), (3), (4)(a)";
- (c) "40(2), 41(4)" and substitute "40(2)(d), 41(4)(a)"; and
- (d) "71(2), (4)" and substitute "71(2), (3), (4)".

Omit from the proposed reference to and amendment of the Valuation of Land Ordinance "11, 22, 23" and substitute "11(1), 22(2), 23(1)".

Omit from the proposed reference to and amendment of the Veterinary Surgeons Ordinance from and including "6" to and including "13" and substitute "6(2), (3), 7(1), (2), 8(1), 10(1), (4), 11(e), 12(2), 13(2), 14".

Omit from the proposed reference to and amendment of the Water Supplies Development Ordinance from and including "4" to and including "30" and substitute "4 (definitions of 'approved' and 'instrument of approval'), 5(1), 12, 13(1), (2), 14, 17, 19, 20, 24, 25, 26(3A), (7), 30(1)".

Omit from the proposed reference to and amendment of the Workmen's Compensation Ordinance from and including "6" to and including "27" and substitute "6 (definition of 'approved insurer'), 15(1), 16A, 17(1), (2), 17A(2), 17F(2), 18(1), (1A), (2), (9A), (9B), (10), 19(1), 20C(2B), (5), (11)(b), (f), (12), 27(1), (2), (4), (5), (6)".

PART II

Omit from the proposed reference to and amendment of the Caravan Parks Ordinance "2".

Omit from the proposed reference to and amendment of the Companies Ordinance "348(5), 374(2)" and substitute "348(5)(b), (c), 374(2)(b)".

Omit from the proposed reference to and amendment of the Control of Waters Ordinance "16B" and substitute "16B(1)".

Omit from the proposed reference to and amendment of the Coroners Ordinance "7" and substitute "7(1)".

Insert in the proposed reference to and amendment of the Crown Lands Ordinance after 73(5), "103(8),".

Omit from the proposed reference to and amendment of the Explosives Ordinance from and including "10(1)" to and including "32" and substitute "10(1), 16(1), (2), (4)(b), (5), (6), (7), 26, 31, 32(1), (3)".

Omit from the proposed reference to and amendment of the Local Government Ordinance from and including "163(2)" to and including "339A(5)" and substitute "163(2)(c), (4), 175B(3)(d), 201(2), (3), 305(1)(s)".

Omit from the proposed reference to and amendment of the Licensing Ordinance "6" and substitute "6(1)".

Omit from the proposed reference to and amendment of the Long Service Leave Ordinance "18" and substitute "18(3), (6)".

Insert after proposed reference to and amendment of the Long Service Leave Ordinance the following new reference:

"Mines Safety Control

Section 9(2)".

Omit from the proposed reference to and amendment of the Mining Assistance Ordinance "25(1), (2)" and substitute "25(2)".

Omit from the proposed reference to and amendment of the Noxious Weeds Ordinance "5" and substitute "5(1), (2), (3), (4)".

Omit from the proposed reference to and amendment of the Pearling and Pearl Culture Ordinance "9" and substitute "9(1)".

Omit from the proposed reference to and amendment of the Plant Diseases Control Ordinance "9" and substitute "9(1)".

Omit from the proposed reference to and amendment of the Radio-graphers Ordinance "4, 6" and substitute "4(1)(c)".

Insert after reference to and amendment of the Registration Ordinance the following new references:

"Seeds

Section 5(1), (2)

Small Claims

Section 49".

Omit from the proposed reference to and amendment of the Social Welfare Ordinance "12" and substitute "12(1)".

Omit from the proposed reference to and amendment of the Soil Conservation and Land Utilization Ordinance from and including "7" to and including "20B" and substitute "7(4), (6), 9A(a), 14(2A), 17(1), (4), (5), 19(3)(a), (b), 20B(1), (2), (3), (4), (8)".

Omit from the proposed reference to and amendment of the Stock Diseases Ordinance from and including "5, 6" and substitute "5 (definition of 'stock'), 6(1)".

Omit from the proposed reference to and amendment of the Valuation of Land Ordinance "5" and substitute "5(1)".

Omit from the proposed reference to and amendment of the Workmen's Compensation Ordinance from and including "6A" to and including "20C" and substitute "6A(2), (3), (5), 6H(3), 20(1), 20B(1), (2), 20C(2A)".

PART III

Insert before proposed reference to and amendment of the Child Welfare Ordinance the following new reference:

"Agricultural Development Leases

Section 28".

Insert after proposed reference to and amendment of the Companies Ordinance the following new reference:

"Control of Roads

Section 62".

Insert in proposed reference to and amendment of the Crown Lands Ordinance after section 9(14), "9A, 93(1), (2), 131(1)".

Insert after proposed reference to and amendment of the Crown Lands Ordinance the following new reference:

"Darwin Town Area Leases

Section 38".

Insert after proposed reference to and amendment of the Forestry Ordinance the following new reference:

"Licensed Surveyors

Section 20".

Omit from the proposed reference to and amendment of the Local Government Ordinance "26(9)" and substitute "26(a)".

Insert after reference to and amendment of the Local Government Ordinance the following new reference:

"Magistrates

Section 4(3), 6, 9(1), (2), (5), (6), 10(1), (2), (3), (7), 14(1), 15, 17.

Mines Safety Control

Section 56(1)".

Insert after reference to and amendment of the Prices Regulation Ordinance the following new references:

"Road Safety Council

Section 7

Seeds

Section 38(1)".

Insert after reference to and amendment of the Soil Conservation and Land Utilization Ordinance the following new reference:

"Special Purposes Leases

Section 33".

Omit from the proposed reference to and amendment of the Town Planning Ordinance from and including "14(1)" to and including "73" and substitute "14(1), 19(4)(a), 35, 36(1), (2), 37, 38(3)(a), (b), 38A(10), (11), (12), (13), (14), 46(8), 48(3), 51(1), 52(4), 52A(1), 71(3), (5), 73".

PART IV

Omit from the proposed reference to and amendment of the Administration and Probate Ordinance from and including "11" to and including "145" and substitute "11(1), (2), (3), 13(1), 115(1), (2), (3), (4), 119(1), 128(1), (2), 144(1), (4), (5), 145(2)".

Omit from the proposed reference to and amendment of the Associations Incorporation Ordinance from and including "4" to and including "17" and substitute "4 (definitions of 'association' and 'unauthorized name'), 8(2), 17(2), (4), (5)".

Omit from the proposed reference to and amendment of the Business Names Ordinance "9(1)" and substitute "9(1), (2)".

Omit from the proposed reference to and amendment of the Companies Ordinance -

- (a) "26(2)" and substitute "20(2)(c)";
- (b) "74(1)" and substitute "69N(1), 74(1)(e)";
- (c) "74D(2)" and substitute "74D(2), (3)(b)";
- (d) "76(2)" and substitute "76(1) (definition of 'proclaimed State')";
- (e) "177(1), (3), (5)" and substitute "177(1), (3), (5), (6)";
- (f) "186" and substitute "186(1)";

(g) "221(1)" and substitute "221(1)(e)"; and

(h) "339" and substitute "339(b)".

Omit from the proposed reference to and amendment of the Landlord and Tenant (Control of Rents) Ordinance "55" and substitute "55(2)(a)".

Insert after proposed reference to and amendment of the Landlord and Tenant (Control of Rents) Ordinance the following new reference:

"Veterinary Surgeons

Section 24(4)".

PART V

Omit the Part.

PART VI

Omit from the proposed reference to and amendment of the Agricultural Development Leases Ordinance "3 (definition of 'Crown Land')".

Omit from the proposed reference to and amendment of the Control of Roads Ordinance "35(2), 35(3)" and substitute "35(2), (3)".

In the proposed reference to and amendment of the Crown Lands Ordinance -

(a) omit "5 (definition of 'Crown Lands')";

(b) omit "6A(1), 7(a), (b)" and substitute "6A(1), (7)(a), (b)"; and

(c) insert after "86(2)" the following "100M(1), (3), (5), 100N(3), 100P(3)".

Omit from the proposed reference to and amendment of the Darwin Town Area Leases Ordinance "38(1)" and substitute "38(i)".

Insert after "18(d)" in proposed reference to and amendment of the Fire Brigades Ordinance "21".

Omit from the proposed reference to and amendment of the Licensing Ordinance "36(1)(g), 36A(1)(f)".

Omit proposed reference to and amendment of the Motor Vehicles Ordinance.

Insert after proposed reference to and amendment of the Native and Historical Objects and Areas Preservation Ordinance the following new reference:

"Northern Territory Disasters

Section 22(3), 30"

PART VII

Insert after proposed reference to and amendment of the Companies (Unclaimed Assets and Moneys) Ordinance the following new reference:

"Licensing

Section 202"

Insert after proposed reference to and amendment of the Motor Vehicles Ordinance the following new reference:

"Stock Diseases

Section 47(2)".

PART VIII

Insert after proposed reference to and amendment of the Administration and Probate Ordinance the following new reference:

"Building

Section 9A(1)(c), (3)(b):

Insert after 'Commonwealth' the words 'or the Territory'".

Omit from the proposed reference to and amendment of the Control of Roads Ordinance "16(1)" and substitute "16(1), (3)".

Insert in proposed reference to and amendment of the Crown Lands Ordinance after reference to and amendment of sections 49(b) and 67(14) the following new reference:

"Section 100LA(5)(b):

Insert after 'notice' the words 'or such further time as the Minister allows, "".

Omit from the proposed reference to and amendment of the Motor Vehicles Ordinance from and including "6" to and including "134" and substitute "45 (definition of 'uninsured motor vehicle'), 46, 83(1), (2), (3), (4), (5), 84(2), (3), 134".

PART IX

Omit from proposed reference to and amendment of the Agricultural Development Leases Ordinance

"Section 12(1) Crown (wherever Territory"
occurring)

and substitute

"Section 5 (definition of 'Crown Lands')	Crown or Common- wealth in the Northern Territory	Territory
12(1)	Crown (wherever occurring)	Territory
12(2A)	Parliament	Legislative Assembly".

Insert after proposed reference to and amendment of the Apprentices Ordinance the following new reference:

"Building

Section 9(3)(b)	the person who is for the time being holding or per- forming the duties of the office of the Director of Lands, Department of the Interior, in the Northern Territory	The Departmental Head of the Department of the Minister".
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Omit from the proposed reference to and amendment of the Bush Fires Control Ordinance in amendment to section 29 "Administrator" and substitute "Executive Member".

Omit from the proposed reference to and amendment of the Companies (Unclaimed Assets and Moneys) Ordinance in amendment to section 6 "by an employee" and substitute "an employee".

Omit from proposed reference to and amendment of the Control of Roads Ordinance

"Section 16(2)	<u>Lands Acquisition Act 1955-1957</u>	<u>Lands Acquisition Ordinance"</u>
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and substitute

"Section 16(2)	Omit	
16(3)	<u>Lands Acquisition Act 1955-1957</u>	<u>Lands Acquisition Ordinance</u>
17(1), (2), (3), 22(1), (2), (3) and 22A(3)	Administrator's Council	Administrator".

Omit from the proposed reference to and amendment of the Crown Lands Ordinance -

- (a) "Section 5 omit definition
of 'Minister'"

and substitute

Section 5 (definition of 'Crown Lands')	Crown or Common- wealth in the Northern Territory	Territory
(definition of 'Minister')	omit";	

- (b) in amendment to section 25CG(10) "where" and substitute "when";
- (c) in amendment to section 48(5) "with the consent of the Minister" and substitute ", with the consent of the Minister,";
- (d) in amendment to sections 65B(4) and 65C(3) "with the approval of the Minister" and substitute ", with the approval of the Minister,"; and
- (e) in amendment to 78(1)(c) "and with the consent of the Minister" and substitute ", and with the consent of the Minister,".

Insert in proposed reference to and amendment of the Crown Lands Ordinance -

- (a) in amendment to section 24BA(5) after "Crown" the words (wherever occurring);
- (b) in amendment to section 25E(4) "the" before "Administrator in Council";
- (c) in amendment to section 73(7B) after "reasons for that" the word "written"; and
- (d) after amendment to section 82(2)(c)

"Section 94 or the Administra-
tor, as the case
requires,

94(d) or the Adminis-
trator

100LA(6) omit

103(8)(c), Minister Administrator
(d)

103(8)(d) omit (i) before the
(i), (ii) Legislative
Assembly for
not less than
6 sitting days
of the Assembly.

112	Governor-General	Administrator
129	Parliament	Legislative Assembly".

Insert in proposed reference to and amendment of the Darwin Rates Ordinance -

- (a) in amendment to section 23 after "Administrator" the words "(wherever occurring)";
- (b) in amendment to section 24(a), (b), (c) and (e) after "or Commonwealth" the words "(wherever occurring)"; and
- (c) in amendment to sections 35, 41, 45(1), (2), 46(1) and 47 after "Administrator" the words "(wherever occurring)".

Insert in proposed reference to and amendment of the Darwin Town Area Leases Ordinance after amendment to section 29AA(2)

"Section 29AB(1)	that the Minister	
(a)	directs	
29AC(2)	with the consent	
(c)	of the Minister	
29AC(3)	Director of Works	Minister
(b)		
29B(3)	with the consent	
	of the Minister	
29B(4)(a)	which the Minister	
	has directed".	

Insert after proposed reference to and amendment of the Darwin Town Area Leases Ordinance the following new reference:

"Dingo Destruction

Section 9	to the
	Administrator
21A	omit".

Omit from the proposed reference to and amendment of the Evidence Ordinance

"28B	a Minister, the	the Administrator,
	Administrator	a Commonwealth
		or Territory
		minister"

and substitute

"28B	a Minister, the	the Administrator,
	Administrator or	a Commonwealth
	an executive	or Territory
	member	minister or an
		executive member

36

or
(h) an executive member; (h) a minister; or
(i) an executive member."

Omit from the proposed reference to and amendment of the Freehold Titles Ordinance -

- (a) in amendment of section 3 "Director of Lands" and substitute "the Director of Lands";
- (b) in amendment of section 8(1) "sub-section" and substitute "sub-sections"; and
- (c) in amendment of section 9(1) "Administrator" and substitute "the Administrator".

Omit from the proposed reference to and amendment of the Licensed Surveyors Ordinance the amendment to section 20.

Omit from the proposed reference to and amendment of the Licensing Ordinance

"Section 7	<u>Justices Ordinance</u>	<u>Magistrates Ordinance'</u>
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and substitute

"Section 7	Section 10 of the <u>Justices Ordinance</u>	<u>Magistrates Ordinance"</u> .
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Omit from proposed reference to and amendment of the Mining Ordinance -

(a) "32	Her Majesty	Crown"
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and substitute

"32	Her Majesty	the Crown
38U(2)	Administrator's	Minister's";

(b) in amendment to 54D(2) "upon"; and

(c) "187(f)" and substitute "187(j)".

Insert after proposed reference to and amendment of the Motor Vehicles Ordinance the following new references:

"Native and
Historical
Objects
and Areas
Preservation

Section 6A(3)	Administrator's Council	Executive Council
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"Northern
Territory
Disasters

Section 6(2)(c)	omit all words after 'the time being'	responsible for the administration of the <u>Northern Territory (Self- Government) Act</u> 1978
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6(2)(f)	in the opinion of the Administrator
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6(3)	Administrator's	Minister's
------	-----------------	------------

8(1) and (2)	Administrator	Chairman".
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Omit from the proposed reference to and amendment of the Noxious Weeds Ordinance

"12(1)	section 8(1)	section 10(1)"
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and substitute

"12(1)	sub-section (1) of section 8	section 10(1)".
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Insert after proposed reference to and amendment of the Real Property (Unit Titles) Ordinance the following new references:

"Seeds

Section 16(1), (6) and 17(3)	Administrator's	Minister's
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Small Claims

Section 20(6) and 27(6)	Commonwealth	Territory".
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Insert in proposed reference to and amendment of the Soil Conservation and Land Utilization Ordinance in amendment to section 22(2) after "on behalf of the Territory;" the word "and".

Omit from the proposed reference to and amendment of the Special Purposes Leases Ordinance in amendment to section 4(1) "the Queen" and substitute "the Commonwealth".

Omit from the proposed reference to and amendment of the Stock Routes and Travelling Stock Ordinance the reference to "26(11)" and substitute "26(1)".

Insert in proposed reference to and amendment of the Stock Routes and Travelling Stock Ordinance after reference and amendment to section 63A:

"63B(3)	to the Commonwealth".
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Omit the proposed reference to and amendment of the Town Planning Ordinance and substitute -

"Town Planning

Section 7(4)	omit	
21(1) and (2)	Administrator's Council	Administrator
23(2)	, in the opinion of the appropriate authority	
23(3)	omit	
38(a), (b) and 46(7)	Administrator's Council	Administrator
69	the Minister or the Administrator to grant a lease of land of the Crown or the Common- wealth, neither the Minister nor the Administrator shall	the grant of a lease of land of the Crown, the Minister shall not
70(3) and (4)	Administrator's Council	Administrator
71(1) and (2)	or the Common- wealth	
71(5)	omit	(5) Where the Minister and the Board fail to reach agreement in relation to an application made for the purposes of this section, the Minister may refer the appli- cation to the Administrator and the Administrator may give a direction to the Board, and the Board shall comply with that direction:
First Schedule	, the Administrator of the Northern Territory of Australia,	

Administrator
(second occurring)

Minister for".

Schedule, as amended, agreed to.

Schedule 2 agreed to.

Schedule 3 -

On the motion of Mr Everingham the following amendments, taken together, by leave, were made:

PART I

In proposed reference to and amendment of regulations under the Crown Lands Ordinance -

- (a) omit from proposed reference to and amendment of Crown Lands Regulations "95"; and
- (b) omit proposed reference to and amendment of Crown Lands (Recreation Reserves) Regulations.

In proposed reference to and amendment of Darwin Town Area Leases Ordinance omit in proposed reference to and amendment of Darwin Town Area Leases Regulations "8, 9, 10(2)" and substitute "7(1), 8, 9, 10(2), THE SCHEDULE".

Omit from proposed reference to and amendment of Regulations under the Mining Ordinance "36(3), (4), (5)" and substitute "37(3), (4), (5)".

PART V

Omit from the proposed reference to and amendment of Regulations under the Abattoirs and Slaughtering Ordinance "53" and substitute "53(1)(b), (2)".

Omit from the proposed reference to and amendment of Regulations under the Cemeteries Ordinance "7" and substitute "7(1)(b)".

Insert in proposed reference to and amendment of Regulations under the Darwin Town Area Leases Ordinance after "6" the words ", THE SCHEDULE".

Omit from the proposed reference to and amendment of Regulations under the Forestry Ordinance from and including "20" to and including "56" and substitute "20(b), 22(3), (4), (5), 51(2), 56(b)".

Omit from the proposed reference to and amendment of Regulations under the Stock Routes and Travelling Stock Ordinance "33(6)" and substitute "33(6), (8), (9)".

Omit from the proposed reference to and amendment of Regulations under the Supply of Services Ordinance Water Supply (Terms and Conditions of Supply) Regulations "12, 14, 39" and substitute "12, 14, 38, 39, 40".

PART VI

Omit from proposed reference and amendment of Regulations under

the Crown Lands Ordinance regulation 32(1) "member" (wherever occurring) and substitute "Minister".

Insert in proposed reference to and amendment of Sewerage Regulations under the Supply of Services Ordinance regulation 4(1) (definition of "sewerage system") after "Commonwealth" the words "or for the Territory".

PART VII

Insert in proposed reference to and amendment of Regulations under the Control of Waters Ordinance in amendment to Sixth Schedule, Form 2 in Column 3 "Minister".

In proposed reference to and amendment of Regulations under the Crown Lands Ordinance -

- (a) insert after reference to section 13

"32(2)	omit	
61	Administrator's	Minister's";

- (b) insert after reference to section 86(3) and (4)

"88	at the Lands Office, Darwin	
95	Administrator's	Minister's"; and

- (c) omit in amendment to Forms 17 and 19 "signature of the Administrator or person" and substitute "signature of the Administrator or a person".

Insert after proposed reference to and amendment of Regulations under the Crown Lands Ordinance the following new reference:

"Darwin Town Area
Leases
Darwin Town Area
Leases Regulations

THE SCHEDULE	Commonwealth of Australia	Northern Territory of Australia
3(d)	omit	(d) that in this lease the ex- pression 'Minister' shall mean the Minister respon- sible for the <u>Darwin Town Area Leases Ordinance</u>
3(e)	or the Administrator".	

Omit from the proposed reference to and amendment of Regulations under the Fisheries Ordinance "Administrator" and substitute "Administration".

Omit from proposed reference to and amendment of Regulations under the Lottery and Gaming Ordinance -

"1A	Administrator (second occurring)	Minister"
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and substitute

"1A , the Administrator
for the Northern
Territory of
Australia

Administrator Minister".
(second occurring)

Schedule, as amended, agreed to, after debate.

Title agreed to.

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

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 5 was called on.
17. STAMP DUTY BILL 1978 (Serial 91): 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.

PERSONAL EXPLANATION: Mrs O'Neil, by leave, made a personal explanation refuting certain statements attributed to her by the Majority Leader during this debate.

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

18. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 1 was called on.
19. ABORIGINAL LAND BILLS - ABORIGINAL LAND BILL 1978 (Serial 31), CROWN LANDS BILL 1978 (Serial 32), SPECIAL PURPOSES LEASES BILL 1978 (Serial 33), CEMETERIES BILL 1978 (Serial 34), SOCIAL WELFARE BILL 1978 (Serial 35), MINING BILL 1978 (Serial 36), TERRITORY 'PARKS' AND WILDLIFE CONSERVATION BILL (No. 2) 1978 (Serial 37), PETROLEUM (PROSPECTING AND MINING) BILL 1978 (Serial 38), COAL BILL 1978 (Serial 39) and ABORIGINAL SACRED SITES

BILL 1978 (Serial 50): 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)

Aboriginal Land Bill 1978 (Serial 31)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

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

Omit from sub-clause (3) "may be issued orally or" and substitute "shall be".

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

Add at the end thereof, the following sub-clause:

"(8) Notwithstanding the provisions of section 4, the Aboriginal Land Council for the area in which an area of Aboriginal land is situated or the traditional Aboriginal owners of an area of Aboriginal land may, by notice published in a newspaper or broadcast over a radio station, waive the requirement for a permit to enter the Aboriginal land specified by the Land Council or the traditional Aboriginal owners in the notice for the period or periods specified in that notice and the requirements of section 4 shall not apply over that area for that period or those periods."

Clause, as amended, agreed to.

Clause 6 -

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

Omit from sub-clause (1) ", in the opinion of the Administrator in Council,".

Omit "Executive Member" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to, after debate.

Clauses 7 to 10, by leave, taken together and agreed to.

Clause 11 -

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

Omit "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Clause 12 -

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

Omit from sub-clause (1) "Administrator in Council" and substitute "Administrator".

Mr Everingham proposed as an amendment -

Omit from sub-clause (3) "Administrator in Council may" and substitute "Administrator shall".

Debate ensued.

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

Clause 13 -

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

Clause 14 agreed to.

Clause 15 -

Mr Everingham proposed as an amendment:

Omit from sub-clause (3) "may be issued orally or" and substitute "shall be issued".

Debate ensued.

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

Clause 16 -

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

Omit from sub-clause (1) ", in the opinion of the Administrator in Council".

Omit "Executive Member" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 17 agreed to.

Clause 18 negatived, after debate.

New clause -

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

"18.(1) Where a holder of a licence issued under section 15 of the Fisheries Ordinance held that licence prior to the publication of a notice under section 12, he or an employee of his who holds a licence under section 17 of the Fisheries Ordinance may enter and fish the area of closed seas referred to in the notice under section 12.

"(2) Before entering and fishing any closed waters under subsection (1) a person shall notify the Land Council for the area in which the closed waters are situated."

Clauses 19, 20 and 21 taken together and agreed to.

SUSPENSION OF SITTING: The sitting was suspended between 1523 and 1533 hours.

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

Crown Lands Bill 1978 (Serial 32)

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

Clause 6 -

Mr Doolan proposed as an amendment:

Add to proposed section 24(2)(b) the words -

"and to use bores on pastoral leases provided that they comply with any reasonable requirements of the pastoral lessee."

Debate ensued.

Question put - The committee divided (Mr Dondas in the Chair).

AYES 7

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

NOES 11

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

Clause 6 agreed to.

Clause 7 -

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

Omit from new section 24B(1) "Administrator" and substitute "Minister".

Omit from new section 24B(3) "Commonwealth" (twice occurring) and substitute "Crown".

Mr Doolan proposed as an amendment:

Add the following sub-section to proposed section 24B:

"(5)(a) Where -

(i) a lessee has refused or is unwilling to negotiate with respect to the terms and conditions of an agreement for a sub-lease as specified in section 24B(1); or

(ii) the lessee and the incorporated Aboriginal community cannot agree on the terms and conditions of the agreement;

the responsible Minister shall, after consultation with the lessee and the incorporated Aboriginal community arrange for the Aboriginal Land Commissioner to determine the terms and conditions of the agreement for a sub-lease, that, in the opinion of the Aboriginal Land Commissioner should be acceptable to the lessee and the incorporated Aboriginal community;

(b) where the Aboriginal Land Commissioner has determined the terms and conditions of an agreement under paragraph (a) and the incorporated Aboriginal community is willing to enter into that agreement with the lessee, the lessee shall enter that agreement; and

(c) where the responsible Minister is satisfied that a lessee has refused, or is unwilling to enter into an agreement in accordance with paragraph (b) the responsible Minister shall, in the name of, and on behalf of, the lessee, enter into the agreement."

Debate ensued.

Question put - The committee divided (Mr Dondas in the Chair).

AYES 7

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

NOES 10

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

Clause 7 agreed to.

Clause 8 -

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

Omit "not".

Clause, as amended, agreed to.

Clauses 9 to 15, by leave, taken together and agreed to.

Clause 16 negatived, after debate.

Title agreed to.

Special Purposes Leases Bill 1978 (Serial 33)

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

Cemeteries Bill 1978 (Serial 34)

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 "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Title agreed to.

Social Welfare Bill 1978 (Serial 35)

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

Mining Bill 1978 (Serial 36)

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit from proposed sub-section (1A) "the Administrator shall not grant an exploration licence in respect of Aboriginal land unless - " and substitute "the Minister shall not grant an exploration licence in respect of Aboriginal land unless the Administrator has approved the grant and -".

Omit from proposed sub-section (6A) "Administrator" and substitute "Minister".

Omit from proposed sub-section (6B) "Administrator" and substitute "Minister".

Omit from proposed sub-section (6C) "Administrator" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

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

Omit proposed paragraph (ba) and substitute the following paragraph:

"(ba) need not take into account priority of applications where the land the subject of the applications is or includes land described in Schedule 1 to the Aboriginal Land Rights (Northern Territory) Act 1976 and the applications were lodged at the office of the Director of Mines after 15 December 1972 and before a date of which the Minister gives notice in the Gazette for the purpose of terminating the period for which priority need not be taken into account under this paragraph;"

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

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

Insert after proposed sub-section (1) the following sub-section:

"(1A) The provisions of sub-section (1) shall not apply to -

- (a) a person who had marked off and applied for a mining lease on that land before the land became Aboriginal land; or
- (b) a traditional Aboriginal owner of that land."

Add at the end of proposed section 38 the following sub-section:

"(7) Where a mining lease in respect of Aboriginal land may be granted without the consent of the Land Council for the area in which the land is situated, the mining lease shall not be granted unless the applicant for the mining lease has entered into an agreement under seal with the Land Council containing such terms and conditions as are agreed on by the parties having regard to the effect of the grant of the mining lease on Aboriginals, which terms may include a requirement for the payment to the Land Council by the applicant of an amount or amounts specified in, or calculated in accordance with, the agreement."

Clause, as amended, agreed to.

Clause 12 -

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

Omit from paragraph (c) "(2)".

Clause, as amended, agreed to.

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

Territory Parks and Wildlife Conservation Bill (No. 2) 1978 (Serial 37)

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

Petroleum (Prospecting and Mining) Bill 1978 (Serial 38)

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit from proposed sub-section (4) "The Administrator shall not issue a permit to a person in respect of Aboriginal land unless - " and substitute "The Minister shall not issue a permit to a person in respect of Aboriginal land unless the Administrator has approved the issue and - ".

Omit from proposed sub-section (5) "Administrator" and substitute "Minister".

Omit from proposed sub-section (6) "the Administrator may, in his absolute discretion, refuse to grant" and substitute "the Minister may, in his absolute discretion, refuse to issue".

Omit from proposed sub-section (7) "Administrator" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

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

Add at the end of clause 9 the following sub-section:

"(7) If the lands, or a part of the lands, described in Schedule 2 of the Mining Ordinance, being the Ranger Project Area and the Eastern Areas of Groote Eylandt respectively, become Aboriginal land, sub-section (4) shall not apply in relation to those lands or any part thereof."

Clause, as amended, agreed to.

Title agreed to.

Coal Bill 1978 (Serial 39)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

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

Insert in proposed sub-section (5) after "unless" the words "the Administrator has approved the grant and".

Clause, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

Aboriginal Sacred Sites Bill 1978 (Serial 50)

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 "Administrator in Council" (wherever occurring) and substitute "Administrator".

Clause, as amended, agreed to.

Clause 6 -

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

Omit "Executive Member" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 -

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

Omit "Executive Member" (wherever occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 9 -

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

Omit "Executive Member" and substitute "Minister".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

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

Omit "Executive Member" and substitute "Minister".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

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

Omit "Administrator in Council" (twice occurring) and substitute "Administrator".

Clause, as amended, agreed to.

Clause 14 agreed to.

Clause 15 -

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

Omit "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Clause 16 -

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

Omit "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Clause 17 agreed to.

Clause 18 -

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

Omit "Executive Member" and substitute "Minister".

Clause, as amended, agreed to.

Clauses 19 to 23, by leave, taken together and agreed to, after debate.

Clause 24 -

On the motion of Mr Perkins the following amendment was made, after debate:

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

"(4) Access to the register shall be at the discretion of the Authority."

Clause, as amended, agreed to.

New clauses -

Mr Perkins moved that the following new clauses be inserted in the Bill:

"24A. A person who has knowledge of an Aboriginal sacred site, shall, when requested by the Director or any member of the Authority, inform the Director or member of the Authority, the location of the sacred site.

Penalty: 1,000 dollars.

"24B. The owner of any land having knowledge of the existence of a sacred site on his land, shall advise the Authority of its existence and the Authority shall thereupon investigate it."

Debate ensued.

Question put and negatived.

Clause 25 agreed to.

Clause 26 -

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

Insert in sub-clause (1) after "custodian" the words "or custodians".

Omit "Administrator in Council" (wherever occurring) and substitute "Administrator".

Clause, as amended, agreed to.

Clause 27 -

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

Omit "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Clause 28 -

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

Omit "Administrator in Council" (wherever occurring) and substitute "Administrator".

Clause, as amended, agreed to.

Clause 29 agreed to.

Clause 30 -

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

Omit "Administrator in Council" and substitute "Administrator".

Omit "Executive Member" (twice occurring) and substitute "Minister".

Clause, as amended, agreed to.

Clause 31 -

Mr Perkins proposed as an amendment:

In sub-clause (1) omit "Penalty: 1,000 dollars" and substitute:

"Penalty: (a) for a first offence 1,000 dollars or imprisonment for three months or both;

- (b) for a second or subsequent offence 2,000 dollars or imprisonment for six months or both; and
- (c) in the case of the offence continuing a penalty of 100 dollars for each day that the offence continues after the offender is convicted."

Debate ensued.

Question put and negatived.

Mr Perkins proposed as an amendment:

Insert in sub-clause (4) after the word "both" the words "and in the case of the offence continuing a penalty of 100 dollars for each day that the offence continues after the offender is convicted."

Debate ensued.

Question put and negatived.

Mr Perkins proposed as an amendment:

Delete in sub-clause (5) "Penalty: 1,000 dollars" and substitute the following:

- Penalty: (a) for a first offence 1,000 dollars or imprisonment for three months or both;
- (b) for a second or subsequent offence 2,000 dollars or imprisonment for six months or both; and
 - (c) in the case of the offence continuing a penalty of 100 dollars for each day that the offence continues after the offender is convicted."

Question put and negatived.

Clause 31 agreed to.

Clauses 32 to 34, by leave, taken together and agreed to.

Clause 35 -

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

Omit "Administrator in Council" and substitute "Administrator".

Clause, as amended, agreed to.

Title agreed to.

Postponed Bill

Aboriginal Land Bill 1978 (Serial 31)

Postponed clause 12 -

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

Omit from sub-clause (3) "in Council".

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

Insert in sub-clause (3) after "section," the words "and in the event of the Administrator not being prepared to close an area of seas within 56 days of the matter being referred to it, the Administrator shall".

Clause, as amended, agreed to.

Postponed clause 13 -

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

Omit "Administrator in Council" (wherever occurring) and substitute "Administrator".

Clause, as amended, agreed to.

Postponed clause 15 -

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

Omit from sub-clause (3) "may be issued orally or" and substitute "shall be".

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

Add at the end thereof, the following sub-clause:

"(8) Notwithstanding the provisions of section 14, the Aboriginal Land Council for the area in which an area of seas closed under section 12 is situated or the traditional Aboriginal owners of an area of adjacent Aboriginal land may, by notice published in a newspaper or broadcast over a radio station, waive the requirement for a permit to enter the closed seas specified by the Land Council or the traditional Aboriginal owners in the notice for the period or periods specified in that notice and the requirements of section 14 shall not apply over that area for that period or those periods."

Clause, as amended, agreed to.

Title agreed to.

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

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

Debate ensued.

Question put and passed.

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

20. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Question put and passed.

And then the Assembly at 1851 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 26

Wednesday 14 June 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. NORTHERN TERRITORY TRADE MISSION REPORT: Mr Steele laid on the Table the report of the Trade Mission.

Mr Isaacs moved -

That the Report be noted

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

4. CONGRATULATIONS - DR. G.A. LETTS, C.B.E.: Mr Everingham, pursuant to notice, moved -

That the Assembly extends its congratulations to Dr G.A. Letts, a past member of this House, on the honour conferred on him by The Queen and announced in the Queen's Birthday Honours List.

Members having spoken in support and Mr Speaker having associated himself with the motion -

Question put and passed.

5. COMPANIES BILL 1978 (Serial 118): Mr Perron, 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.

6. OMBUDSMAN FOR THE NORTHERN TERRITORY - RECOMMENDED APPOINTMENT: Mr Everingham, pursuant to notice, moved -

That the Legislative Assembly recommend to His Honour the Administrator of the Northern Territory that he appoint Harry Christian Giese to the office of the Ombudsman for the Northern Territory.

Debate ensued.

Question put and passed.

7. MINING (GOVE PENINSULA NABALCO AGREEMENT) BILL 1978 (Serial 122): Mr Tuxworth, 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.

8. CONTROL OF BILL: Mr Perron was granted leave to take control of the Public Trustee Bill (No. 2) 1978 (Serial 124), the subject of Notices - Government Business No. 5.
9. PUBLIC TRUSTEE BILL (No. 2) 1978 (Serial 124): Mr Perron, 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.

10. REAL PROPERTY BILL 1978 (Serial 123): Mr Perron, 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. STATUTORY AUTHORITIES AUDIT PROPOSALS BILLS - TOURIST BOARD BILL 1978 (Serial 100), MUSEUMS AND ART GALLERIES BILL 1978 (Serial 101), PORTS BILL 1978 (Serial 102), LOTTERY AND GAMING BILL (No. 3) 1978 (Serial 104) and TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 3) 1978 (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)

Tourist Board Bill 1978 (Serial 100)

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

Clause 6 agreed to.

New clause -

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

"6A. Section 11(2) of the Principal Ordinance is amended by omitting from paragraph (a) 'or invest'."

Clause 7 agreed to.

Clause 8 negatived, after debate.

Clause 9 -

On the motion of Mr Perron the following amendment was made:

Insert after "Sections" the figure "17,".

Clause, as amended, agreed to.

Clause 10 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (2) "this section" and substitute "section 9".

Clause, as amended, agreed to.

Title agreed to.

Museums and Art Galleries Bill 1978 (Serial 101)

Clauses 1 to 4, by leave, taken together and agreed to.

New clause -

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

"4A. Section 9 of the Principal Ordinance is amended by omitting 'Administrator in Council' and substituting 'Administrator'."

Clause 5 agreed to.

Clause 6 negatived, after debate.

Clause 7 -

On the motion of Mr Perron the following amendment was made:

Insert in sub-clause (1) after "Sections" the figures "23, 24,".

Clause, as amended, agreed to.

Title agreed to.

Ports Bill 1978 (Serial 102)

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

Clause 6 -

On the motion of Mr Perron the following amendment was made:

Omit from paragraph (b) "(3)" and substitute "(4)(c)".

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 negatived, after debate.

New clause -

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

"8. Section 10(1) of the Principal Ordinance is amended by omitting paragraph (c).".

Clause 9 agreed to.

Clause 10 -

On the motion of Mr Perron the following amendments were made:

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

"(1) Section 12 of the Principal Ordinance is repealed.".

Omit from sub-clause (2) "amendment" and substitute "repeal".

Clause, as amended, agreed to.

Clauses 11 to 16, by leave, taken together and agreed to.

Clause 17 -

On the motion of Mr Perron the following amendment was made:

Omit "27D(1)" and substitute "27D(1), (2)".

Clause, as amended, agreed to.

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

Territory Parks and Wildlife Conservation Bill (No. 3) 1978 (Serial 108)

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

New clause -

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

"3A. Section 9 of the Principal Ordinance is amended by omitting the definition of 'Fund'.".

Clause 4 agreed to.

Clause 5 negatived, after debate.

New clause -

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

"5. Section 12 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1)(a)(i) 'Commonwealth' and substituting 'Territory';
- (b) by omitting from sub-sections (3), (6) and (7) 'sub-section (2)' and substituting 'sub-section (1)'; and
- (c) by omitting from sub-section (4) 'sub-section (2)(b)' and substituting 'sub-section (1)'."

Clause 6 agreed to.

Clause 7 negatived, after debate.

New clause -

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

"7. Section 58(1) of the Principal Ordinance is amended by omitting paragraphs (c) and (d) and substituting the following paragraphs:

- '(c) 2 persons appointed by the Administrator from written nominations submitted by Land Councils established under the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth, being persons who are domiciled in the Territory and who are Aborigines within the meaning of that Act; and
- (d) 3 other members appointed by the Administrator.'"

Clause 8 agreed to.

New clauses -

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"8A. Section 60 of the Principal Ordinance is amended by omitting 'prescribed' and substituting 'determined by the Administrator'.

"8B. Section 66 of the Principal Ordinance is amended -

- (a) by adding at the end of sub-section (1)(g) 'and'; and
- (b) by omitting sub-section (1)(h).

"8C. Section 82 of the Principal Ordinance is amended -

- (a) by omitting 'The member' and substituting 'A member'; and
- (b) by omitting 'prescribed by regulations' and substituting 'determined by the Administrator'."

Clause 9 agreed to.

Clause 10 negatived, after debate.

Clause 11 agreed to.

Clause 12 -

On the motion of Mr Perron the following amendments were made:

Omit "12(2)" and substitute "12(1)".

Insert after "22," "25A,".

Omit "58(1)(d),".

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14 -

On the motion of Mr Perron the following amendment was made:

Omit "15(1),".

Clause, as amended, agreed to.

Clause 15 agreed to.

Title agreed to.

Lottery and Gaming Bill (No. 3) 1978 (Serial 104)

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7 -

On the motion of Mr Perron the following amendment was made:

Omit all words from and including "and the following".

Clause, as amended, agreed to.

Clauses 8 to 11, by leave, taken together and agreed to.

Clause 12 -

On the motion of Mr Perron the following amendment was made:

Omit from and including "7" to and including "91" and substitute "7(1), (2), 8 (definition of 'lottery expenses'), 22(b), (c), 23(1)(a)(ii), (b)(ii), (c)(i), (c)(ii), (2), 24(b), (f), (g), 25(5), 26, 27, 28(1), (2), 31(1), (2), (3), (4), 31D(1), (2), 68 (definition of 'Rules of Racing'), 69(a), (b), 71A(1), 71B(2)(b), (4)(a)(ii), 71C(5), (6), 71E(2), (4), 71G(1), (3), 71Q(a), (b), (d), (f), 73(1), (3), 76, 77(1), (2), (3), (4), (5), 78(1), 81(5), 87(2), 88(1), 90(1), (2), (3), 91(1)".

Clause, as amended, agreed to.

Clause 13 -

On the motion of Mr Perron the following amendment was made:

Omit from and including "8" to and including "94U" and substitute "8 (definition of 'approved association'), 17(a), 19(1), (3), (4), (5), 24(a), 25(1), (3), (4), 25A(2)(a), (e), (4), 26(f), 71H, 74, 81(2), (5), 94KD(1A), (2), (2A), (4), 94L, 94U(2)".

Clause, as amended, agreed to.

Clause 14 -

On the motion of Mr Perron the following amendment was made:

Omit from and including "94D" to and including "94AAR" and substitute "94D(2), (3), (4), 94F(1), (2), 94P(5), (6)(e), (7), (8), (9), (10)(b), (10)(c), 94AAR(1), (2)(c), (3), (4), (5)".

Clause, as amended, agreed to.

Clause 15 -

On the motion of Mr Perron the following amendment was made:

Omit "31" and substitute "31(3), (4)".

Clause, as amended, agreed to.

Clause 16 -

On the motion of Mr Perron the following amendment was made:

Omit "94BD(1) and (2)" and substitute "94BD(1), (2) and 94BE".

Clause, as amended, agreed to.

Clause 17 agreed to.

Title agreed to.

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

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

12. SUSPENSION OF STANDING ORDERS: Mr Robertson, by leave, moved -

That so much of standing orders be suspended as would prevent the passage at this sittings through all stages of the Landlord and Tenant (Control of Rents) Bill 1978, the Motor Vehicles Bill (No. 2) 1978, the Succession Duties Repeal Bill 1978 and the Mining (Gove Peninsula Nabalco Agreement) Bill 1978.

The motion having been supported

Question put and passed.

SUSPENSION OF SITTING: The sitting was suspended between 1215 and 1400 hours.

13. CONSUMER PROTECTION BILL 1978 (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.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 4 -

On the motion of Mr Robertson the following amendments were made:

Omit the definition of "Bureau".

Omit from the definition of "Commissioner" the figures "16" and substitute "17".

Insert after the definition of "Council" the following definition:

"employee" has the same meaning as in the Public Service Ordinance;"

On the motion of Mr Robertson the following further amendment was made, after debate:

Omit the definition of "goods".

Clause, as amended, agreed to.

Clause 5 negatived, after debate.

Clause 6 -

On the motion of Mr Robertson the following amendment was made:

Omit from sub-clause (2)(b) "no" and substitute "not".

Clause, as amended, agreed to.

Clauses 7 to 11, by leave, taken together and agreed to.

Clause 12 -

On the motion of Mr Robertson the following amendment was made:

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

"(c) is punished for an offence by imprisonment for one year or longer;".

Clause, as amended, agreed to.

Clauses 13 and 14 agreed to.

New clause -

Mrs O'Neil moved that the following new clause be inserted in the Bill:

"14A. A member of the Council having an interest in any matter before the Council shall declare that interest to the chairman or, in his absence, the deputy chairman and shall not take part in any deliberation or decision of the Council in respect of that matter.".

Debate ensued.

On the motion of Mr Robertson the following amendment to the proposed new clause was made, after debate:

Insert after "interest" the words "other than as a consumer" and omit "deliberation or".

New clause, as amended, agreed to.

Clause 15 -

On the motion of Mr Robertson the following amendments were made:

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

"(1) The Commissioner shall submit annually to the Minister a report on his activities and, on behalf of the Council, a report of the activities of the Council.".

Omit from sub-clause (2) "The chairman" and substitute "The Commissioner or the chairman".

Clause, as amended, agreed to.

Heading to Part III -

On the motion of Mr Robertson the following amendment was made:

Omit "CONSUMER AFFAIRS BUREAU" and substitute "COMMISSIONER OF CONSUMER AFFAIRS".

Heading, as amended, agreed to.

Clause 16 negatived, after debate.

Clause 17 -

On the motion of Mr Robertson the following amendments were made:

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

"(2) The Minister shall appoint an employee to be the Commissioner."

Omit sub-clause (3).

Clause, as amended, agreed to.

Clause 18 -

On the motion of Mr Robertson the following amendments were made:

Omit from sub-clause (1) "Bureau shall be" and substitute "Commissioner are".

Omit from sub-clause (1)(c) "to consider and, if the Commissioner deems it warranted,".

Omit from sub-clause (1)(d) "in respect of such cases".

Omit from sub-clause (1)(e) "Bureau" and substitute "Commissioner".

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

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

- "(k) to perform such other functions that he is permitted or required to perform under any other law in force in the Territory;
- (l) give such assistance to the Council in carrying out its functions as the Council requires;
- (m) make available to the Council and to its members any information that comes into his possession on matters affecting the interests of consumers; and
- (n) attend a meeting of the Council when requested by the chairman of the Council so to do."

Omit from sub-clause (2) "any officer of the Bureau" and substitute "an employee under his direction and control".

On the motion of Mr Robertson the following further amendment was made, after debate:

Add at the end of clause 18 the following sub-clauses:

"(3) The Commissioner, attending a meeting of the Council pursuant to sub-section (1)(n), has no power to vote at that meeting.

"(4) The Commissioner may institute and defend proceedings in a court of competent jurisdiction for or on behalf of a consumer or a class of consumers.

"(5) The Commissioner may indemnify for any award of costs, a consumer or the representative of a class of consumers, who institutes or

defends an action by or against himself alone or as such a representative and may pay the costs incurred by that person in those proceedings.

"(6) Where a dispute arises concerning a consumer the Commissioner may, with the consent of all parties, act as or nominate an arbitrator to the dispute."

Clause, as amended, agreed to.

Clause 19 negatived, after debate.

Clause 20 -

On the motion of Mr Robertson the following amendment was made, after debate:

Insert in sub-clause (2)(b) after "oath" (wherever occurring) "or affirmation".

On the motion of Mr Robertson the following further amendments were made:

Omit from sub-clause (4) "perjury" and substitute "an offence against sub-section (3)(b)".

Omit from sub-clause (5) "or other person requiring the information or answer".

Mrs O'Neil moved as an amendment -

Insert after sub-clause (6) the following new sub-clause:

"(6A) The commissioner may, at any reasonable time, for the purpose of investigation -

- (a) enter any place at which goods are manufactured, prepared or supplied, or services are supplied, or any place at which he has reason to believe that goods are manufactured, prepared or supplied, or services are supplied;
- (b) inspect any goods in any such place;
- (c) in any such place, take any goods, paying a just price for them, or take samples or materials used in their manufacture; or
- (d) in any such place, make such examination as he considers to be necessary or desirable."

Debate ensued.

Question put and negatived.

Clause, as amended, agreed to.

Clause 21 -

On the motion of Mr Robertson the following amendment was made:

Omit from sub-clause (1) all words after "not" and substitute "the use of those goods may by reason of their nature cause death or injury to the body or health of any person, whether directly or indirectly."

On the motion of Mr Robertson the following further amendment was made, after debate:

Omit "the sale" (wherever occurring) and substitute "the supply or sale".

On the motion of Mr Robertson the following further amendment was made:

After sub-clause (3) insert the following sub-clauses:

"(3A) Notice of an order made under sub-section (2) or (3) shall be published in the Gazette."

"(3B) The Minister may by notice in the Gazette suspend, vary or revoke an order or the terms thereof made under this section."

Clause, as amended, agreed to.

Clause 22 -

On the motion of Mr Robertson the following amendment was made:

Omit from sub-clause (1) "person" (twice occurring) and substitute "employee".

On the motion of Mr Robertson the following further amendment was made, after debate:

Add at the end of clause 22 the following sub-clause:

"(3) The protection afforded by sub-section (1) extends to the publication by another person of the contents of a report or statement by the Commissioner or the chairman made pursuant to and in accordance with this Ordinance."

Clause, as amended, agreed to.

Clause 23 -

On the motion of Mr Robertson the following amendments were made:

Omit from sub-clause (1) "officer of the Bureau" and substitute "employee under the direction and control of the Commissioner".

Omit from sub-clause (2) "prohibit" and substitute "operate so as to".

Omit from sub-clause (2)(a) "the Commissioner" (first occurring) and substitute "prohibit the Commissioner".

Omit from sub-clause (2)(b) "any person" and substitute "prohibit any person".

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

"(c) restrict the power of the Commissioner or the chairman to make a report under this Ordinance."

Clause, as amended, agreed to.

Clause 24 -

On the motion of Mr Robertson the following amendment was made:

Omit from sub-clause (2) all the words after "offence" and substitute "against this Ordinance may not be instituted except with the consent of the Crown Solicitor".

Clause, as amended, agreed to.

Clause 25 -

On the motion of Mr Robertson the following amendment was made:

Insert after "offence" the words "against this Ordinance, where no other penalty is provided,".

Clause, as amended, agreed to.

Clauses 26 to 28, by leave, taken together and agreed to.

Title agreed to.

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

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

14. LANDLORD AND TENANT (CONTROL OF RENTS) BILL 1978 (Serial 115): 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 - Mr Ballantyne)

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

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

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

15. CRIMINAL LAW AND PROCEDURE BILL 1978 (Serial 98): 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 sub-clause (3).

Clause, as amended, agreed to.

Clause 4 -

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

Insert after the definition of "judicial proceeding" the following definition:

"'law of the Territory' includes the common law to the extent that it is in force in the Territory;"

Omit the definition of "public servant" and substitute the following definition:

"'public servant' means an employee within the meaning of the Public Service Ordinance;"

Clause, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7 agreed to, after debate.

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 "vehicle or vessel" (wherever occurring) and substitute "vehicle, vessel, aircraft or place".

Omit "to enter premises" and substitute "to enter and search premises".

Clause, as amended, agreed to.

Clauses 11 to 15, by leave, taken together and agreed to.

Clause 16 negatived, after debate.

New clauses -

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

"16. Unless the contrary intention appears, a provision of a law of the Territory relating to offences shall be read as referring to bodies corporate as well as to individuals.

"16A. Where the penalty prescribed in respect of an offence against a law of the Territory is a term of imprisonment only, the court before which the offence is tried may, if it thinks that the justice of the case will be better met by a pecuniary penalty than by imprisonment or in the case of a body corporate, impose a pecuniary penalty not exceeding -

- (a) where the maximum term of imprisonment does not exceed 3 months - 500 dollars; and
- (b) where the maximum term of imprisonment exceeds 3 months - the sum of 500 dollars plus further amounts of 500 dollars in respect of each period of 3 months by which the maximum term of imprisonment exceeds 3 months."

Clause 17 agreed to.

Clause 18 -

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

Omit from sub-section (1) "an Ordinance" (twice occurring) and substitute "a law of the Territory".

Omit from sub-section (1) "the Ordinance" and substitute "a law of the Territory".

After sub-clause (2) insert the following sub-clause:

"(3) In this section, unless the contrary intention appears, 'section' includes a rule, regulation or by-law and 'sub-section' includes a corresponding meaning."

Clause, as amended, agreed to.

Clause 19 -

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

Omit "Unless the contrary intention appears, offences against an Ordinance" and substitute "Subject to the provisions of a law of the Territory which provides for the hearing or determination of offences in a summary manner, offences against a law of the Territory".

Clause, as amended, agreed to.

Clause 20 -

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

Omit "offences against an Ordinance" and substitute "offences against a law of the Territory".

Omit from paragraph (a) "not for a period exceeding 6 months" and substitute "for a period not exceeding 6 months".

Clause, as amended, agreed to.

Clause 21 -

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

Omit "an offence against an Ordinance" and substitute "an offence against a law of the Territory".

Clause, as amended, agreed to.

Clauses 22 to 25, by leave, taken together and agreed to.

Clause 26 -

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

Omit from sub-clause (1) "a law in force in the Territory" (twice occurring) and substitute "a law of the Territory".

Clause, as amended, agreed to.

Clause 27 -

Mr Everingham invited defeat of the clause.

Debate ensued.

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

Clauses 28 to 41, by leave, taken together and agreed to.

Clause 42 -

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

After sub-clause (1)(c) insert the following paragraph:

"(d) if he makes a document, register or record, which is false, knowing it to be false."

Omit from sub-clause (1) "the signature of the false or altered document" and substitute "the signature or the false or altered document".

Clause, as amended, agreed to.

Clauses 43 to 53, by leave, taken together and agreed to.

Clause 54 -

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

Omit sub-clauses (1) and (2) and substitute the following sub-clauses:

"(1) A person shall not, without lawful excuse -

(a) trespass or go upon any prohibited land of the Territory; or

(b) trespass or enter upon any premises of the Territory.

Penalty: 200 dollars.

"(2) In this section -

'premises of the Territory' means a building, part of a building or other permanent structure of any kind occupied by the Territory or by a statutory corporation;

'prohibited land of the Territory' means -

(a) unalienated Crown land;

(b) land occupied by the Territory; or

(c) land occupied by a statutory corporation,

upon which is posted a notice in the English language to the effect that trespassing upon the land is prohibited, but does not include premises of the Territory."

Omit from sub-clause (3) "It is a defence to a charge under this section" and substitute "It is a defence to a charge under sub-section (1)(a)".

Clause, as amended, agreed to.

Postponed clause 27

Clause 27 negatived, after debate.

Title agreed to.

The Assembly resumed - Mr 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 an Ordinance.

16. JUSTICES BILL 1978 (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 ensued.

REQUEST FOR URGENCY: Mr Speaker, having considered a request from the Majority Leader, submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

17. HOME FINANCE TRUSTEE BILLS - HOUSING BILL 1978 (Serial 109) and HOUSING LOANS BILL 1978 (Serial 110): 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)

Housing Bill 1978 (Serial 109)

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

Clause 6 negatived, after debate.

Clause 7 -

On the motion of Mr Perron the following amendments were made:

Omit proposed new section 12E and substitute:

"12E. The Commission may accept an offer by the Treasurer to advance moneys for the provision of dwellings by the Commission on terms agreed upon between the Treasurer and the Commission."

Omit from proposed new section 12G all words after "Commission" (second occurring).

Omit from proposed new section 12H "12E,".

Omit proposed new sections 12K and 12L.

Clause, as amended, agreed to, after debate.

New clause -

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

"7A.(1) Divisions 3 and 4 of Part II and the heading to Part III of the Principal Ordinance are repealed.

(2) The repeal effected by sub-section (1) does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Commission and the Commission has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

(3) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance."

Clause 8 -

On the motion of Mr Perron the following amendment was made, after debate:

Omit from the heading to the proposed new Part in clause 8 "PART IIIA" and substitute "PART III".

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10 negatived, after debate.

New clauses -

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"10. Section 31(2A) of the Principal Ordinance is amended by omitting '17(1)(a)' and substituting '12E(1)(a)'.

"10A. Section 33(a)(ii) of the Principal Ordinance is amended by omitting '17B' and substituting '12G'."

Clause 11 agreed to.

Clause 12 -

On the motion of Mr Perron the following amendments were made:

Omit from new section 33K "section 33P" and substitute "section 64 of the Financial Administration and Audit Ordinance".

Omit from proposed new section 33M all words after "Treasurer".

Omit proposed new section 33P.

Clause, as amended, agreed to.

Clauses 13 to 15 agreed to.

Clause 16 -

Question - That the clause stand as printed.

Debate ensued.

SUSPENSION OF SITTING: The sitting was suspended between 1715 and 1722 hours.

Mr Perron moved -

That the committee report progress.

Question put and passed.

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

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

18. LAW OFFICERS BILL 1978 (Serial 82): The order of the day having been read for the resumption of the debate on the question -

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 4 -

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

In sub-clause (2) insert "by or" before the word "in" (twice occurring).

Clause, as amended, agreed to.

Clause 5 -

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

Omit "be a minister under section of the Northern Territory (Self-Government) Act 1910, and who is given the designation of 'Attorney-General' pursuant to section of that Act" and substitute "a Ministerial office under section 36 of the Northern Territory (Self-Government) Act 1978, and who is given the designation of 'Attorney-General' pursuant to section 34 of that Act".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

At the beginning of clause 7 insert "Subject to sub-section (2)".

After clause 7 insert the following new sub-clause:

"(2) Sub-section (1) does not apply to the Legal Practitioners Ordinance".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

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

Omit paragraph (h) and substitute the following paragraph:

"(h) the Crown Solicitor for the Commonwealth by arrangement, as agent on behalf of clients of the Crown Solicitor for the Commonwealth".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

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

Omit "an acting appointment" and substitute "a person appointed to act in that position".

Clause, as amended, agreed to.

Clause 12 -

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

Omit "signature of the Solicitor-General and of" and substitute "signatures of the Attorney-General, the Solicitor-General and".

Clause, as amended, agreed to.

Title agreed to.

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

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

19. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 9 was called on.
20. TERRITORY DEVELOPMENT CORPORATION BILL 1978 (Serial 49): The order of the day having been read for the resumption of the debate on the question -
That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

Clause 2 negatived, after debate.

New clause -

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

"2. This Ordinance shall come into operation on 1 July 1978."

Clause 3 agreed to.

Clause 4 -

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

Omit the definition of "goods".

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

"'industry' means a trade, business, branch of productive labour or other activity carried on in the Territory that has for its object -

(a) the production of food, marketable products or things; or

(b) the provision of services;"

Omit the definition of "production".

Clause, as amended, agreed to.

Clauses 5 to 19, by leave, taken together and agreed to.

Clause 20 negatived, after debate.

New clause -

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

"20. Where an application for assistance specifies, or the applicant for assistance otherwise indicates, that the assistance may be provided partly or wholly by the delivery or transfer to the applicant of land, machinery, material or buildings (whether new or secondhand), the Corporation may purchase or may acquire from the Territory such land, machinery, material or buildings and deliver or transfer it or them to the applicant upon the basis that the delivery and transfer to the applicant constitutes a loan upon specified terms and conditions of such an amount of money as is determined by the Corporation to be the value of the land, machinery, material or buildings at the date of the delivery or transfer."

Clauses 21 to 27, by leave, taken together and agreed to.

Schedule agreed to.

Title agreed to.

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

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

21. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 11 was called on.
22. MOTOR VEHICLES BILL (No. 2) 1978 (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.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 4 -

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

Omit "owned by the Territory that is unregistered" and substitute "that is owned by the Territory and that is unregistered".

Clause, as amended, agreed to.

Clauses 5 and 6 agreed to.

Title agreed to.

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

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

23. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 15 was called on.
24. DRUGS BILLS - DANGEROUS DRUGS BILL 1978 (Serial 57) and PROHIBITED DRUGS BILL 1978 (Serial 68): 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.

STATEMENT BY MR SPEAKER: Mr Speaker made the following statement -

The honourable member for Fannie Bay in her speech on the second readings of these Bills on Friday 9 June 1978 asked me to consider the application of standing order 111 on the warrant proposals in this legislation. Although in favour of the provisions, the honourable member claimed that an amendment she had moved to the Principal Ordinance in the last six months, and which was negatived, was much the same as the amendment now proposed and queried whether the amendment could proceed. I would draw the honourable member's attention to the Minutes of Proceedings for Wednesday 30 November 1977 and Thursday 1 December 1977. In both the Prohibited Drugs Bill and the Dangerous Drugs Bill the honourable Member moved similar amendments in these terms:

"Omit from sub-clause 4 unless otherwise requested by the applicant send that warrant within seven days of its issue to the Commissioner of Police" and substitute "send that warrant or a copy thereof forthwith after its issue to the Commissioner of Police".

On a recommitment of the Dangerous Drugs Bill the honourable member succeeded in having the word "forthwith" omitted and the words "as soon as practicable" substituted. The honourable member for Fannie Bay has at this sittings stated the Opposition's wording in November said "a reasonable time". I have not been able to find those words in the amendments proposed by the honourable member. If the "Same Question" rule, that is Standing Order 111, is to be invoked, one of the criteria to be considered is that the second question to be proposed is the same in substance as the earlier question. "The same in substance" I take to mean as identical in expression or effect. It would be a matter of opinion whether the words "within seven days", "forthwith" or "as soon as practicable" have the same effect. My opinion is that they do not and therefore the amendment proposed in the Bill now before the Assembly does not conflict with Standing Order 111. For further enlightenment on the Same Question Rule I invite honourable members attention to the Report of the Second Conference of Presiding Officers and Clerks of the Parliaments of Australia and the Pacific region which is available in the office of the Clerk.

Debate resumed.

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Dangerous Drugs Bill 1978 (Serial 57)

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5 -

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

In proposed new paragraph (b) omit "that person" and substitute "a person".

Omit from proposed new paragraph (ba) sub-paragraphs (iii) and (iv) and substitute the following:

"(iii) entitles a person to receive; or

(iv) is evidence that a person is entitled to receive,".

Omit from proposed new paragraph (bb) "that that member" and substitute "being a thing that that member".

Clause, as amended, agreed to.

Clause 6 negatived, after debate.

New clause -

Mr Tuxworth moved that the following new clause be inserted in the Bill:

"6. Section 29 of the Principal Ordinance is repealed and the following section substituted:

'29.(1) Upon conviction of a person for an offence any dangerous drug in respect of which the conviction is made is forfeited to the Crown.

'(2) Where a person is convicted of an offence, the court may order that any money, money's worth, security, acknowledgement, note or other thing that relates to that offence be forfeited to the Crown.

'(3) Where moneys that are forfeited under sub-section (2) are in the possession or control of, or held at the direction of, a person other than the convicted person, that other person shall, upon production to him a copy of the order made under that sub-section, pay the moneys forthwith to the Crown.

Penalty: 500 dollars or imprisonment for 6 months, or both.

'(4) Upon payment being made in accordance with sub-section (3), the liability to the convicted person or to any other person of the person making the payment is, to the extent of that payment, discharged.

'(5) Anything forfeited to the Crown under this section shall be dealt with in such manner as the Administrator directs.

'(6) Where a Judge or a Justice makes an order under sub-section (2) the Judge or Justice shall make and sign a minute or memorandum of the order.

'(7) A minute or memorandum referred to in sub-section (6) may be registered in a court of competent jurisdiction.

'(8) Upon registration under sub-section (7), the minute or memorandum becomes a record of the court with the same force and effect as a judgment of that court, and the like proceedings (including proceedings in bankruptcy) may be taken upon the minute or memorandum as if the order had been a judgment of the court in favour of the Crown as plaintiff and the owner of the forfeited money, money's worth, security, acknowledgement, note or other thing as defendant.

'(9) For the purposes of this section, any money, money's worth, security, acknowledgement, note or other thing shall be taken to relate to an offence -

- (a) if it is an article seized pursuant to section 28(1)(c);
- (b) if it was used in the commission of the offence;
- (c) if it was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a dangerous drug; or
- (d) if it entitles any person or is evidence that any person is entitled to receive any money or money's worth as the proceeds or part of the proceeds of the sale of a dangerous drug,

whether or not the money, money's worth, security, acknowledgement, note or other thing is or was at any time owned by or in the possession or control of the convicted person.'".

Debate ensued.

On the motion of Mr Everingham the following amendments were made to the proposed new clause:

In proposed new section 29(1) after "dangerous drug" insert the words "
", opium or psychotropic substance".

In proposed new section 29(9)(c) and 29(9)(d) after "dangerous drug" insert the words "
", opium or a psychotropic substance".

New clause, as amended, agreed to.

Clause 7 agreed to.

Title agreed to.

Prohibited Drugs Bill 1978 (Serial 68)

Clauses 1 and 2 agreed to.

Clause 3 -

Question -

That the clause stand as printed.

Debate ensued.

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

Clauses 4 to 7, by leave, taken together and agreed to.

Clause 8 -

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

In proposed new paragraph (b) omit "that person" and substitute "a person".

Omit from proposed new paragraph (ba) sub-paragraphs (iii) and (iv) and substitute the following:

"(iii) entitles a person to receive; or

(iv) is evidence that a person is entitled to receive,".

Omit from proposed new paragraph (bb) "that that member" and substitute "being a thing that that member".

Clause, as amended, agreed to.

Clause 9 negatived, after debate.

New clause -

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

"9. Section 17 of the Principal Ordinance is repealed and the following section substituted:

'17.(1) Upon conviction of a person for an offence any prohibited drug or cannabis in respect of which the conviction is made is forfeited to the Crown.

'(2) Where a person is convicted of an offence, the court may order that any money, money's worth, security, acknowledgement, note or other thing that relates to that offence be forfeited to the Crown.

'(3) Where moneys that are forfeited under sub-section (2) are in the possession or control of, or held at the direction of, a person other than the convicted person, that other person shall, upon production to him of a copy of the order made under that sub-section, pay the moneys forthwith to the Crown.

Penalty: 500 dollars or imprisonment for 6 months, or both.

'(4) Upon payment being made in accordance with sub-section (3), the liability to the convicted person or to any other person of the person making the payment is, to the extent of that payment, discharged.

'(5) Anything forfeited to the Crown under this section shall be dealt with in such manner as the Administrator directs.

'(6) Where a Judge or a Justice makes an order under sub-section (2) the Judge or Justice shall make and sign a minute or memorandum of the order.

'(7) A minute or memorandum referred to in sub-section (6) may be registered in a court of competent jurisdiction.

'(8) Upon registration under sub-section (7), the minute or memorandum becomes a record of the court with the same force and effect as a judgment of that court, and the like proceedings (including proceedings in bankruptcy) may be taken upon the minute or memorandum as if the order had been a judgment of the court in favour of the Crown as plaintiff and the owner of the forfeited money, money's worth, security, acknowledgement, note or other thing as defendant.

'(9) For the purposes of this section, any money, money's worth, security, acknowledgement, note or other thing shall be taken to relate to an offence -

- (a) if it is an article seized pursuant to section 16(1)(c);
- (b) if it was used in the commission of the offence;
- (c) if it was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis; or
- (d) if it entitles a person, or is evidence that a person is entitled, to receive any money or money's worth as the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis,

whether or not the money, money's worth, security, acknowledgement, note or other thing is or was at any time owned by or in the possession or control of the convicted person.'".

Clause 10 agreed to.

Clause 11 -

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

Omit from paragraph (b) "' , 6(2) or 10(3)'" and substitute "' , 6(2), 10(1)(a) or 10(3)'".

Clause, as amended, agreed to.

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

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

25. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1916 hours adjourned until tomorrow at 1000 hours.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 27

Thursday 15 June 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. NOTICE: The following notice was given:

Mr Steele: To move -

That this Assembly, pursuant to section 4A of the Inquiries Ordinance, resolves that a board of inquiry or a person be appointed to inquire into, report and make recommendations to the Administrator concerning feral animals in the Northern Territory and in particular matters relating to -

- (a) the effect on the environment including the extent and nature of soil erosion, destruction of flora and competition in range with native animals, fish and wildfowl;
- (b) the extent of infection of disease and the role of feral animals as a vector in relation to disease eradication, control or quarantine against the entry of other exotic diseases;
- (c) the effect on present and potential agricultural or pastoral development in the Northern Territory;
- (d) the costs and benefits of eradication or control;
- (e) the present and potential economic value of feral animals for domestic or external meat consumption, pet meat, hides, artifacts or by-products, tourism and breeding stock;
- (f) the need for research and the potential of feral animals in research programs; and
- (g) the policies, legislation, resources and facilities required to implement recommendations.

3. QUESTIONS: Questions without notice were asked.
4. SELF-GOVERNMENT CELEBRATIONS - STATEMENT: Mr Everingham, by leave, made a statement on planning to celebrate self-government for the Northern Territory on 1 July 1978.
5. SUCCESSION DUTIES REPEAL BILL 1978 (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)

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

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

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

6. OMBUDSMAN (NORTHERN TERRITORY) BILL 1978 (Serial 125): 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 Majority Leader, submitted pursuant to standing order 152, declared the Bill to be an urgent Bill.

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 6, by leave, taken together and agreed to.

Clause 7 -

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

Omit from proposed new clause 14A(1) "prior to the commencement of this Ordinance".

Clause, as amended, agreed to.

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

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

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

7. SUPPLY BILL (No. 1) 1978-79 (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.

The Assembly resolved itself into a committee of the whole.

(In the committee)

SUSPENSION OF STANDING ORDERS: Mr Perron moved -

That standing orders 158 and 159 be suspended to facilitate consideration of the Supply Bill (No. 1) 1978-79.

The motion having been supported

Question put and passed.

The Schedule -

Allocation for Department of the Chief Minister agreed to.

Allocation for Department of Law agreed to.

Allocation for Department of Transport and Works agreed to.

Allocation for Department of Industrial Development agreed to.

Allocation for Department of the Treasury agreed to.

Advance to the Treasurer agreed to.

Allocation to Department of Lands and Housing agreed to.

Allocation to Department of Mines and Energy agreed to.

Allocation to Department of Community Development agreed to.

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

The Assembly resumed - Mr 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 an Ordinance.

8. WELFARE NEEDS IN THE NORTHERN TERRITORY - PROPOSED INQUIRY: The order of the day having been read for the resumption of the debate on the motion of Mr Robertson -

That this Assembly, pursuant to section 4A of the Inquiries Ordinance resolve that a Board of Inquiry be appointed to inquire into, report on and make recommendations concerning all aspects of the welfare needs of the Northern Territory community and the policies, legislation and resources to meet those needs and in particular matters relating to -

1. Juvenile crime and the disposition of juvenile offenders.
2. The care and treatment of juveniles, including the areas of adoption, child care and protection.
3. The administration and development of welfare programs and services by all levels of government, voluntary agencies and other community groups or services. Consideration should be given to the varying needs of the Northern Territory's multi-cultural population and the desirability of involving communities in developing welfare programs and services.
4. The human, administrative and fiscal resources required to implement satisfactory policies and programs.
5. The changes that should be made to the law to implement any recommendations of the Inquiry and to achieve a greater involvement of parents in the care and protection of juveniles.

For the purposes of carrying out the Inquiry, the Board of Inquiry may refer any matter to a committee for consideration and report back to the Board.

In framing its recommendations, the Board of Inquiry may have regard to the recommendations of the Law Reform Commission or other relevant bodies which deal with all or any of the matters of the Inquiry.

Debate resumed.

SUSPENSION OF SITTING: The sitting was suspended between 1212 and 1400 hours.

Debate continued.

Question put and passed.

9. TAXATION (ADMINISTRATION) BILL 1978 (Serial 81): 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 -

On the motion of Mr Perron the following amendment was made:

Omit all words from and including "a date" and substitute "1 July 1978."

Clause, as amended, agreed to.

Clause 3 -

On the motion of Mr Perron the following amendment was made:

Insert in sub-clause (3)(b) after "Ordinance is" the words "by that law".

Clause, as amended, agreed to.

Clause 4 -

On the motion of Mr Perron the following amendments were made:

Omit the definition of "conveyance" and insert the following definitions:

"'conveyance' means a lease, a transfer or assignment of a lease, an agreement for a transfer or assignment of a lease, or a transfer, or an agreement for a transfer, of an estate or interest in land in the Territory and includes -

(a) an assignment, exchange, appointment, settlement, foreclosure or declaration of trust; and

(b) a decree, judgment or order of a court,

whereby an estate or interest in land in the Territory is transferred to or vested in or accrues to a person;

'court' includes a tribunal or other similar body;".

After the definition of "Crown lease" insert the following definition:

"'debenture' includes debenture stock, bonds, notes and any other securities, whether constituting a charge on the assets of a body corporate or not, of a body corporate, whether incorporated in the Territory or not;".

In the definition of "duty" insert after "is declared" the words "by that law".

Omit the definition of "hire-purchase agreement" and substitute the following definition:

"'hire-purchase agreement' means a hire-purchase agreement within the meaning of the Hire-Purchase Ordinance";".

After the definition of "hirer" insert the following definition:

"'hiring arrangement' includes an arrangement under which goods are or may be used at or during any time by a person other than the owner of those goods where -

- (a) the arrangement is entered into in the Territory;
- (b) the goods are supplied or delivered or agreed to be supplied or delivered in the Territory; or
- (c) the goods may be used in the Territory,

but does not include -

- (d) an arrangement made under a hire-purchase agreement;
- (e) an arrangement relating to the use of an electricity, gas or water meter, a motion picture film or a book; or
- (f) an arrangement made under a lease where the rental or other consideration in respect of which duty is chargeable also includes rental or other consideration for goods;"

Add at the end of the definition of "insurer" the words "and includes a person who receives or takes credit for a premium or consideration for any insurance".

After the definition of "insurer" insert the following definition:

"'judge' includes a magistrate or any other person acting judicially;"

After the definition of "lease" insert the following definition:

"'lender' means the person from whom goods are hired under a hiring arrangement;"

At the end of the definition of "life insurer" add the words "and includes a person who receives or takes credit for a premium or consideration for any life insurance".

After the definition of "life policy" insert the following definitions:

"'loan' includes -

- (a) an advance of money;
- (b) money paid for or on account of or on behalf of or at the request of a person;
- (c) a forbearance to require payment of money owing on an account; and
- (d) a transaction (whatever its terms or form) which in substance effects a loan of money;

'loan instrument' means an instrument constituting or evidencing the terms of a loan;

'loan security' means mortgage, bond, debenture or loan instrument;".

After the definition of "mining agreement" insert the following definition:

"'mortgage' means a security by way of mortgage or charge -

- (a) for the payment of a definite and certain sum of money advanced or lent at the time or previously due or owing, or forborne to be paid, being payable; or
- (b) for the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current together with a sum already advanced or due, or without, as the case may be,

and includes -

- (c) a security by way of mortgage or charge given in consideration of the conveyance or transfer of an estate or interest in real or personal property;
- (d) a transfer or conveyance of an estate or interest in real or personal property in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where the transfer or conveyance is made for the benefit of creditors generally, or for the benefit of creditors specified, who accept the provision made for payment of their debts in full satisfaction of those debts;
- (e) a defeasance, declaration, or other instrument for defeating or making redeemable or explaining or qualifying a conveyance, transfer, assignment or disposition of an estate or interest in real or personal property, apparently absolute but intended only as a security;
- (f) an agreement, contract or covenant (being an agreement, contract or covenant relating to documents of title or accompanied with the deposit of documents of title or instruments creating a charge on real or personal property) for making a mortgage or any other security, transfer or conveyance of an estate or interest in real or personal property comprised in those documents, or for pledging or charging that property as a security; and
- (g) an instrument of mortgage (including an instrument of mortgage referred to in paragraph (c), (d), (e) or (f)) for the purpose of securing the repayment of debentures or an instrument of trust protecting the interests of the holders of debentures;".

On the motion of Mr Perron the following further amendment was made, after debate:

Insert after paragraph (a) of the definition of "motor vehicle certificate of registration" the following new paragraphs:

- "(aa) a motor vehicle certificate of registration issued following a transfer -
- (i) to a person who is the spouse, parent or child of the person in whose name the vehicle was last registered (whether in the Territory or elsewhere) before the issue of the motor vehicle certificate of registration; or
 - (ii) to the spouse, parent or child jointly with that person.
- if the transfer is wholly by way of gift;
- (ab) a motor vehicle certificate of registration in respect of a motor vehicle used exclusively -
- (i) for the carriage of goods between the States or between the States and the Territory; or
 - (ii) for agricultural or pastoral purposes not being a vehicle designed primarily and principally for the transport of persons;
- (ac) a motor vehicle certificate of registration issued to a person to give effect to -
- (i) a change in that person's name; or
 - (ii) a change in the name of the business carried on by that person;
- (ad) a motor vehicle certificate of registration issued to a person -
- (i) who is the executor or administrator of, or the person administering, the estate of a deceased person for the purpose of transferring the vehicle to a person beneficially entitled to the vehicle;
 - (ii) who is the executor or administrator of, or the person administering, the estate of a deceased person for the purpose of sale in the course of winding up the estate of a deceased person; or
 - (iii) who is beneficially entitled to the vehicle under the estate of a deceased person;"

On the motion of Mr Perron the following further amendments were made:

Omit the definition of "premium received".

After the definition of "purchase price" insert the following definition:

"'re-appraisement', in relation to a lease, includes appraisal, calculation, determination, re-calculation and re-determination of the rent, premium, fine, foregift or consideration other than rent reserved by the lease;"

After the definition of "recipient" insert the following definition:

"'registered lender' means a person who is registered under Division 14 of Part III;"

In the definition of "return" omit "or 67" and substitute ", 67, 72B(6) or 72F".

Omit from the definition of "tax" the words "declared to apply" and substitute "by that Ordinance declared to apply and includes duty payable on an instrument in relation to which a return is by this Ordinance required to be lodged".

Add at the end the following definition:

"'user' means the person to whom goods are hired under a hiring arrangement."

Clause, as amended, agreed to.

Clauses 5 to 9, by leave, taken together and agreed to.

Clause 10 -

On the motion of Mr Perron the following amendments were made:

Omit "avoids" (wherever occurring) and substitute "evades".

Omit from sub-clause (3) "avoided" and substitute "evaded".

Clause, as amended, agreed to.

Clause 11 -

On the motion of Mr Perron the following amendment was made:

Add at the end the following sub-sections:

"(2) The Commissioner may superimpose or place on or near a stamp impressed in accordance with this section handwriting to indicate the amount of tax or duty paid.

"(3) Handwriting superimposed or placed in pursuance of sub-section (2) shall constitute a part of the impressed stamp as though the handwriting were itself impressed."

Clause, as amended, agreed to.

Clauses 12 to 17, by leave, taken together and agreed to.

Clause 18 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (2)(b) "the impression of".

Clause, as amended, agreed to.

Clauses 19 to 23, by leave, taken together and agreed to.

Clause 24 -

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

Omit from sub-clause (1)(c)(ii) "duty" and substitute "tax".

Omit from sub-clause (c) "or duty".

Clause, as amended, agreed to.

Clause 25 -

On the motion of Mr Perron the following amendment was made:

Omit "or duty" wherever occurring.

Clause, as amended, agreed to.

Clause 26 -

On the motion of Mr Perron the following amendment was made:

Omit "or duty" wherever occurring.

Clause, as amended, agreed to.

Clauses 27 to 31, by leave, taken together and agreed to.

Clause 32 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (1)(a) "duty" and substitute "tax".

Clause, as amended, agreed to.

Clauses 33 to 41, by leave, taken together and agreed to.

Clause 42 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (1)(a) "duty" and substitute "tax".

Clause, as amended, agreed to.

Clauses 43 to 54, by leave, taken together and agreed to.

New clause -

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

"54A.(1) Where the rent reserved by a lease granted after the commencement of this Ordinance is subject to re-appraisalment in any way whatsoever during the term of the lease so that the total rent payable during that term is not ascertainable at the commencement of the lease, duty is in the first instance payable upon the total rent appropriate

to the full term of the lease calculated as if the rent payable during the remainder of the term following re-appraisalment, or where provision is made for more than one re-appraisalment following the first of those re-appraisalments, were -

- (a) where the rent payable prior to re-appraisalment or the first re-appraisalment, as the case may be, was at a fixed rate - at that rate; or
- (b) where the rent payable prior to re-appraisalment or the first re-appraisalment, as the case may be, was at varying rates - at the higher or highest of those rates.

"(2) Whenever rent is re-appraised or a re-appraised rent is further re-appraised and, by any such re-appraisalment, the rent is increased to a rate in excess of the rate in respect of which duty was paid in pursuance of sub-section (1), the lessee or, where the lease has been transferred or assigned by the lessee, the transferee or assignee for the time being of the lease shall, within one month after the increases becoming effective, produce to the Commissioner a duly stamped part of the lease together with a statutory declaration setting out the amount and particulars of the increase and shall pay to the Commissioner additional duty in respect of the additional total rent thereby payable -

- (a) where there is no provision for a further re-appraisalment - for the remainder of the term of the lease; or
- (b) where there is provision for a further re-appraisalment - for that part of the remainder of the term of the lease expiring upon that further re-appraisalment.

Penalty: 200 dollars.

"(3) Whenever rent is re-appraised or a re-appraised rent is further re-appraised and, by any such re-appraisalment, the rent is reduced to a rate that, had the reduced rate been applicable to the calculation of duty in pursuance of sub-section (1), duty would have been less than the duty actually paid, the Commissioner shall, upon application in writing made to him within 3 months after the re-appraisalment and production to him of a duly stamped part of the lease together with a statutory declaration setting out the amount and particulars of the reduction, refund to the lessee or, where the lease has been transferred or assigned by the lessee, to the transferee or assignee an amount equivalent to the difference between the duty actually paid and the duty which would have been payable if that reduced rent had been applicable.

"(4) As far as possible, this section applies to and in respect of a premium, fine, foregift or consideration other than rent reserved by a lease in like manner as they apply to and in respect of rent reserved by a lease.

"(5) A lease upon which part only of the duty has been paid in accordance with this section may be marked 'interim stamp only' and a lease upon which no part of the duty is immediately ascertainable may, subject to the payment of duty of 6 dollars, be stamped accordingly and marked 'interim stamp only' and a lease so marked shall be admissible in evidence.

"(6) Where the total rent, premium, fine, foregift and consideration other than rent reserved by the lease have been ascertained and the full amount of duty payable and any fine have been assessed and paid the lease shall be marked 'duly stamped'."

Clause 55 agreed to.

Clauses 56 to 60, by leave, taken together and negatived, after debate.

Clauses 61 to 63, by leave, taken together and agreed to.

Clause 64 -

On the motion of Mr Perron the following amendment was made, after debate:

Omit "adhesive stamp" and substitute "an approved means".

Clause, as amended, agreed to.

New clause -

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

"64A. A person claiming an exemption from paying duty on a motor vehicle certificate of registration shall, with his application for registration, lodge with the Registrar a declaration stating the grounds on which the exemption is claimed."

Clauses 65 to 72, by leave, taken together and agreed to.

New Divisions -

On the motion of Mr Perron the following new Divisions were inserted in the Bill:

In Part III after Division 12 add the following new Divisions:

"Division 13 - Tax Tickets

"72A. A tax ticket issued under section 94W of the Lottery and Gaming Ordinance shall bear the impression of a stamp or printing or perforation in accordance with an approved style to denote that duty has been paid on that ticket.

"Division 14 - Hiring Arrangements

"72B.(1) Subject to sub-section (4), a lender shall make an instrument at the time the first or only payment is made under a hiring arrangement.

"(2) An instrument made out under sub-section (1) shall clearly and truly set out -

(a) the full name and address of the lender;

(b) the full name and address of the user;

- (c) a description of the goods sufficient to indicate their nature; and
- (d) the total amount payable under the hiring arrangement, or the amount calculated under section 72J.

"(3) A lender shall, upon making an instrument under sub-section (1) -

- (a) mark it with the words 'Original Instrument' on its front or first page;
- (b) lodge it as a hiring arrangement with the Commissioner for assessment;
- (c) pay the amount of duty assessed; and
- (d) retain the instrument for a period of 12 months or such further time as the Commissioner may specify.

"(4) This section does not apply to and in relation to a registered lender or to a hiring arrangement in respect of which the Commissioner has under section 72J required the lender to pay duty as though he were a registered lender.

"(5) Where the lender is a person resident outside the Territory, sub-sections (1), (2) and (3) apply to that person in respect of a hiring arrangement -

- (a) if the hiring arrangement is entered into in the Territory; or
- (b) if the goods are supplied or delivered, or agreed to be supplied or delivered in the Territory, and stamp duty or duty of a like nature has not been paid or is not payable in accordance with the provisions of a law of the Commonwealth, a State or of a Territory (other than the Territory) on the hiring arrangement.

"(6) In the case of a hiring arrangement where the lender is a person resident outside the Territory or is not bound by the provisions of this Ordinance, the user, if he is resident or domiciled in the Territory, shall, unless duty has been paid on the hiring arrangement in accordance with the provisions of this Ordinance or in accordance with the provisions imposing duty of a like nature by a law of the Commonwealth or of a State -

- (a) furnish to the Commissioner a return setting out the information contained in sub-section (2); and
- (b) pay the same duty as if the return were a hiring arrangement.

"(7) A return under sub-section (3) shall -

- (a) be in accordance with an approved form; and
- (b) be furnished and the duty paid within 2 months of the date the first or only payment is made in accordance with the hiring arrangement.

"(8) A person shall not fail, refuse or neglect to comply with this section.

Penalty: 200 dollars.

"72C. For the purpose of this Division, the Commissioner shall keep a register to be called 'Register of Lenders'.

"72D.(1) A lender liable to payment of duty under section 72B may apply to the Commissioner in writing in accordance with an approved form for registration in the Register kept under this Division.

"(2) The Commissioner may, upon receiving an application from a lender under sub-section (1), register the lender by entering the name of the lender in the Register.

"(3) The Commissioner shall give notice of the registration by instrument served on the lender.

"(4) The Commissioner shall revoke the registration of a lender under this Division by removing his name from the Register upon receiving notification of the winding-up of the lender, or upon receiving a request from the hirer to revoke the registration.

"72E.(1) A registered lender shall, at the time the first or only payment is received in accordance with a hiring arrangement, make a record of such particulars relating to the hiring arrangement as the Commissioner may, by notice in writing given to him, require.

"(2) A person making a record in accordance with sub-section (1) shall retain that record for a period of 2 years.

"72F.(1) A registered lender shall, within 21 days after the expiration of each month of each year -

- (a) furnish to the Commissioner a return of all hiring arrangements effected in that month by the lender in respect of which duty is imposed; and
- (b) pay the tax payable in respect of those arrangements.

Penalty: 50 dollars.

"(2) A return under this section shall be in accordance with an approved form and shall contain such particulars as are required by the form.

"72G.(1) Where tax has been paid in respect of a hiring arrangement in accordance with section 72F(1)(b), an instrument evidencing the terms and conditions of that hiring arrangement is not chargeable with duty as a hiring arrangement.

"(2) A registered lender shall, when he makes out an instrument that, but for the provisions of sub-section (1) would be chargeable with duty as a hiring arrangement, endorse on that instrument the words 'Stamp Duty' followed by his name and signature.

Penalty: 50 dollars.

"(3) An instrument endorsed in accordance with sub-section (2) shall be deemed to be duly stamped.

"72H. A person, not being a registered lender, shall not endorse on an instrument that is chargeable with duty as a hiring arrangement anything suggesting or implying that the instrument is duly stamped under this Division.

Penalty: 200 dollars.

"72J. (1) Where the Commissioner is satisfied that it is not reasonably practicable to calculate the total amount payable under a hiring arrangement, he may -

- (a) calculate the total amount payable in such manner or on such basis as he thinks fit and the amount so calculated shall be deemed to be the total amount payable for the purposes of this Ordinance and the Ordinance imposing the duty; or
- (b) require the lender to pay duty in respect of that hiring arrangement as though he were a registered lender and for that purpose the provisions of this Division relating to a registered lender apply as far as they are able to apply.

"(2) Where the Commissioner is satisfied that the total amount received or payable under a hiring arrangement includes an amount attributable to the cost of servicing the goods by the lender, the total amount received or payable under the hiring arrangement shall be reduced by such amount as in his opinion is properly attributable to the cost of providing that service and that reduced amount shall be deemed to be the total amount received or payable for the purposes of this Ordinance and the Ordinance imposing the duty.

"72K. A registered lender may, by an instrument served on the user under a hiring arrangement in respect of which duty is imposed, require the user to pay to the lender as a separate debt an amount designated as the duty and equal to the amount of the duty, and the lender may recover the amount designated as the duty from the user.

"72L. The payment of duty on an instrument to which this Division applies shall be denoted by impressed stamp.

"Division 15 - Miscellaneous Instruments

"72M.(1) Subject to section 72N(1), instruments, other than those referred to in Divisions 2 to 14 (inclusive) of this Part, on which duty is imposed shall be lodged with the Commissioner for assessment.

"(2) An instrument lodged under this section shall be accompanied by an approved form containing such particulars as are required by the form.

"72N.(1) Where duty on an instrument is a fixed amount it need not be submitted for assessment under section 72M(1), but the duty may be denoted by adhesive stamp.

"(2) Otherwise than as provided in sub-section (1), duty on an instrument to which this Division applies shall be denoted by impressed stamp.

"720. Duty on an instrument to which this Division applies is payable by the parties to the instrument, or any one or more of them."

Clauses 73 to 77, by leave, taken together and agreed to.

New clause -

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

"77A.(1) A person who is required by this Ordinance to furnish a declaration to the Commissioner shall not furnish a declaration that is false or misleading in a material particular.

Penalty: 1000 dollars.

"(2) It is a defence to a prosecution for an offence against this section if the defendant proves that the false or misleading declaration was furnished through ignorance or inadvertence.

"(3) Upon the conviction of a person for an offence against this section, the court may, in addition to the penalty prescribed by this section and without affecting the person's liability to pay the amount of duty or tax properly payable, order that person to pay to the Commissioner an amount not exceeding an amount equal to double the amount of duty or tax that would have been avoided if the declaration had been accepted as correct."

Clauses 78 to 87, by leave, taken together and agreed to.

Clause 88 -

On the motion of Mr Perron the following amendment was made:

Insert after "the date" the words "on which he is informed".

Clause, as amended, agreed to.

Clauses 89 to 106, by leave, taken together and agreed to.

New clauses -

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"106A.(1) On the production as evidence in any court of civil judicature of an instrument on which duty or tax is payable, the officer whose duty it is to read the instrument shall call the attention of the judge to any omission or insufficiency of the duty or tax thereon and, if the instrument is one which may legally be stamped after execution, it may, on payment to that officer of the amount of the unpaid duty or tax and the fine payable by law, be received in evidence, saving all just exceptions on other grounds.

"(2) Where sub-section (1) applies, the officer shall detain and immediately transmit to the Commissioner the instrument, together with the duty or tax and fine so paid thereon, and the payment shall be denoted on the instrument accordingly.

"106B. In proceedings in court, secondary evidence of a document may, saving all just exceptions on other grounds, be admitted notwithstanding that the document is subject to duty or tax and has not been duly stamped, if the amount of the duty or tax or the amount of the deficiency of the duty or tax and any fine imposed by this Ordinance are paid to an officer of the court and if the document is one which may legally be stamped after execution.

"106C. Subject to sections 106A and 106B, an instrument -

- (a) executed in the Territory; or
- (b) relating (wheresoever executed) to property situate or to a matter or thing done or to be done in a part of the Territory,

and which is liable to duty or tax in the Territory shall not, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law or equity for any purpose whatsoever, unless it is duly stamped.

"106D(1). An instrument executed out of the Territory, and which, by the law of the country in which it was executed, is inadmissible in evidence in that country by reason of its not having been stamped, shall not be for that reason inadmissible in evidence in the Territory, unless it is proved that the instrument is, by the statute law of that country, expressly made void if made or executed without being stamped.

"(2) Nothing in this section renders valid an instrument executed out of the Territory that is void by the law of the place in which it was executed for a reason other than that it was not duly stamped."

Clauses 107 to 109, by leave, taken together and agreed to.

Clause 110 -

On the motion of Mr Perron the following amendment was made:

Omit "and 7" and substitute ", 7, 11 and 14".

Clause, as amended, agreed to.

Clauses 111 to 113, by leave, taken together and agreed to.

Schedule agreed to.

Title agreed to.

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

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

10. STAMP DUTY BILL 1978 (Serial 91): 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, after debate.

New clause -

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

"2. This Ordinance shall come into operation on 1 July 1978."

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6 -

On the motion of Mr Perron the following amendments were made:

Sub-clause (9) is omitted and the following sub-clause substituted:

"(9) Stamp duty on a lease or an instrument of transfer of an estate in fee simple in land or of a lease, that is executed before the commencement of this Ordinance or for which an agreement in writing has been executed before the commencement of this Ordinance and which lease, agreement or transfer, as the case may be, has been lodged with the Commissioner of Taxes for stamping or noting before the expiration of 3 months from the date of commencement of this Ordinance shall be assessed on the lease or the transfer, as the case may be, at the rate that would have applied to that lease or that transfer if the Taxation (Administration) Ordinance 1978 and this Ordinance had not come into force."

Sub-clause (11) is amended by -

- (a) adding at the end of paragraph (a) "in accordance with this Ordinance"; and
- (b) omitting from paragraph (b) "effectuating" and substituting "the purpose of effecting".

The following sub-clause is added at the end of clause 6:

"(13) The Regulations may exempt a person from the whole or a part of the operation of this Ordinance."

Clause, as amended, agreed to.

Clause 7 negatived, after debate.

New clauses -

On the motion of Mr Perron the following new clauses were inserted in the Bill:

"7. Where an amount of stamp duty payable on a hiring arrangement or a hire-purchase agreement is an amount that is not a multiple of 5 cents, the amount of stamp duty payable is the next lower amount that is a multiple of 5 cents.

"8. Where a conveyance or transfer of an estate in fee simple in land or of a Crown lease of land for a term exceeding 5 years is executed in pursuance of an agreement or a number of agreements which, in the opinion of the Commissioner, constitute one transaction the value of or consideration paid for (whichever is the higher) any chattels included in the agreements or the transaction shall be included in the amount upon which duty is assessed.

"9. The Administrator may make Regulations not inconsistent with this Ordinance prescribing all matters required or permitted to be prescribed by this Ordinance, or necessary or convenient to be prescribed for the carrying out or giving effect to this Ordinance."

Schedule 1 -

On the motion of Mr Perron the following amendments were made:

Omit "Conveyance of any Property" (wherever occurring) and substitute "Conveyance of Real Property".

ITEM 2

Omit and substitute the following Item:

"2. Mining agreements \$5.00".

Schedule 1 - Items 3 and 4 agreed to.

Schedule 1 - Item 5 -

On the motion of Mr Perron the following amendments were made:

Omit from the heading of Class of Instruments "any" and substitute "Real".

Omit from the Class of Instruments in sub-item (1) "on sale" and substitute "(not being the grant of a lease)".

Omit from the Rate of Stamp Duty in sub-item (1) "sale" and substitute "conveyance or transfer".

Omit the words "Exceeds \$100 but does not exceed \$50 000 - for every \$100 and also for any remaining fractional part of \$100 of that amount or value\$1.00" (second occurring)..

Insert in the Class of Instruments in sub-item (2) after "transfer," the words "(not being the grant of a sub-lease)".

On the motion of Mr Perron the following amendment was made, after debate:

Omit from sub-item (3) all words after "transfer" and substitute "of a lease (not being a Crown lease or the grant of a sub-lease)".

Item, as amended, agreed to.

Items 6 to 8, by leave, taken together and agreed to.

Item 9 -

On the motion of Mr Perron the following amendment was made:

Omit "Hire Arrangement" and substitute "Hiring Arrangement".

Item, as amended, agreed to.

Item 10 -

On the motion of Mr Perron the following amendment was made:

Omit the Class of Instruments provision and substitute the following:

"Hire-Purchase Agreement".

Item, as amended, agreed to.

Item 11 agreed to.

Item 12 -

On the motion of Mr Perron the following amendments were made:

Omit from the Class of Instruments "or promise of an agreement for lease or hire of any property not being a ship or vessel" and substitute ", an agreement for lease, sub-lease, under-lease or the grant of a sub-lease or under-lease of an estate in fee simple in land or a Crown lease for a term exceeding 5 years of land in the Territory".

Omit the Rate of Stamp Duty provision from sub-item (2) and substitute the following:

"On an amount assessed by the Commissioner to be the equivalent of one year's rent on average within the terms of the lease or agreement (whether the lease or agreement runs for longer than one year or not) for every \$100 and also for any remaining fractional part of \$100 so assessed\$1.00."

Item, as amended, agreed to.

Item 13 agreed to.

Item 14 -

On the motion of Mr Perron the following amendments were made:

Omit the Class of Instruments provision and substitute the following:

"Loan Security".

Omit from the Rate of Stamp Duty provision the following:

"Where the amount or
maximum amount exceeds
\$15 000 - for the
first \$15 000 and in
addition, for every
\$100 and also for
any remaining
fractional part of
\$100 in excess of
the first \$15 000 ...\$0.25"

and substitute the following:

"Where the amount or
maximum amount exceeds
\$15 000 -
for the first
\$15 000\$5.00
and in addition
for every \$100
and also for
any remaining
fractional part
of \$100 in excess
of the first
\$15 000\$0.25".

Item, as amended, agreed to.

Item 15 -

On the motion of Mr Perron the following amendment was made:

Omit "Mortgage" and substitute "Transfer or Assignment of a Mortgage".

Item, as amended, agreed to.

Item 16 -

On the motion of Mr Perron the following amendment was made:

Omit "value" and substitute "market value".

Item, as amended, agreed to.

Item 17 -

On the motion of Mr Perron the following amendments were made:

Omit from sub-item (1) "\$100 or premium" and substitute "\$100 of premium".

Omit from sub-item (3) the Class of Instruments provision and substitute the following:

"(3) Upon every policy and every renewal of a policy of insurance against liability for injury to third persons or property of persons (whether included in any other policy of insurance or not) for which a premium is payable".

Item, as amended, agreed to.

Item 18 -

On the motion of Mr Perron the following amendment was made:

Insert in sub-item (1) after "fractional part" the word and figures "of \$100".

Item, as amended, agreed to.

Item 19 agreed to.

Item 20 -

On the motion of Mr Perron the following amendment was made:

Omit Item 20 and substitute the following Item:

"20. Transfer of Marketable Securities

- | | |
|--|--|
| (a) Upon the sale of any marketable security on an Australian Stock Exchange negotiated by or on behalf of a broker in the Territory | for every \$100 and also any fractional part of \$100 of the consideration paid or the unencumbered value (whichever is the greater) .. \$0.15 |
| (b) Upon the purchase of any marketable security on an Australian Stock Exchange negotiated by or on behalf of a broker in the Territory | for every \$100 and also any fractional part of \$100 of the consideration paid or the unencumbered value (whichever is the greater) .. \$0.15 |
| (c) Upon the sale of any marketable security not dutiable by virtue of paragraph (a) | (i) for every sale involving 2000 units of marketable security or less \$2.00 |

for every sale involving more than 2000 units of marketable

security
for the first
2000 units \$2.00

and in addition
for every 100
units and also
any remaining
fractional part
of 100 units
in excess of
2000 units \$0.10

or

(ii) for every \$100
and also any
fractional part
of \$100 of the
consideration or
the unencumbered
value (whichever
is the greater) .. \$0.15

whichever of (i) or
(ii) is the less

(d) Upon the purchase
of any marketable
security not
dutiable by virtue
of paragraph (b)

(i) for every sale
involving 2000
units of marketable
security or
less \$2.00

for every sale
involving more
than 2000 units
of marketable
security
for the first
2000 units \$2.00

and in addition
for every 100
units and also
any remaining
fractional part
of 100 units in
excess of 2000
units \$0.10

or

(ii) for every \$100 and
also any fractional
part of \$100 of the
consideration or
the unencumbered
value (whichever is
the greater) \$0.15

whichever of (i) or
(ii) is the less".

Item, as amended, agreed to, after debate.

Schedule 1, as amended, agreed to.

Schedule 2 -

Items 1 to 3, by leave, taken together and agreed to after debate.

Item 4 negatived, after debate.

Items 5 to 10, by leave, taken together and agreed to, after debate.

Item 11 negatived, after debate.

Item 12 -

On the motion of Mr Perron the following amendment was made:

Item 12 is amended by -

(a) omitting "he is a member is closed)" and substituting "he is not able to operate as a broker because the Stock Exchange on which he purchased the shares is closed)"; and

(b) omitting at the end thereof "; or".

Item, as amended, agreed to.

New item -

On the motion of Mr Perron the following new item was inserted in the Schedule:

"12A. The sale of a marketable security made by a broker on his own account or behalf, being a sale of a marketable security that had previously been purchased by him on the date of the sale or within 2 clear days (not including a day on which he is unable to operate as a broker because the Stock Exchange on which he sold the shares is closed) before the day of the sale."

Items 13 to 20, by leave, taken together and agreed to.

Item 21 -

On the motion of Mr Perron the following amendment was made:

Omit Item 21 and substitute the following item:

"21. Transfer of a marketable security made solely for the purpose of -

(a) qualifying the transferee as the director of a company to act and vote, as directed, on behalf of another company; or

(b) re-transferring the marketable security from that director

to the other company, being another company that -

- (i) controls the appointment or removal of all or a majority of the board of directors of that first-mentioned company;
- (ii) controls more than one-half of the voting power in that first-mentioned company; or
- (iii) beneficially owns more than one-half of the paid-up capital of that first-mentioned company."

Item, as amended, agreed to.

Items 22 to 34, by leave, taken together and agreed to.

Item 35 -

On the motion of Mr Perron the following amendment was made:

Omit Item 35.

Items 36 and 37, by leave, taken together and agreed to.

Schedule 2, as amended, agreed to, after debate.

Title agreed to.

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

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

- 11. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 9 was called on.
- 12. INTERPRETATION BILL 1978 (Serial 79): The order of the day having been read for the consideration of the Bill in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 agreed to.

Clause 2 negatived, after debate.

New clause -

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

"2.(1) The Ordinances set out in Parts 1, 2 and 3 of the Schedule are repealed.

"(2) The laws of the State of South Australia set out in Part 4 of the Schedule cease to have effect in the Northern Territory as laws of the Northern Territory.

"(3) Where there is, in an Ordinance, or a law of the State of South Australia in its application to the Northern Territory, made before the commencement of this Ordinance, a word, expression or provision as to which there is no provision in this Ordinance which is appropriate to its interpretation, application or effect but as to which a provision of a law in force before the commencement of this Ordinance would, but for the repeal effected by this section, have continued to be appropriate to its interpretation, application or effect, the provision in that last-mentioned law continues to apply to the word, expression or provision in that first-mentioned law, notwithstanding the repeal effected by this section.

"(4) Notwithstanding the repeal effected by this section, in the interpretation, application or effect of a word, expression or provision in an Ordinance, or law of the State of South Australia in its application to the Northern Territory, to or in relation to anything done or suffered before the commencement of this Ordinance, reference shall be made to the law as in force or deemed before the commencement of this Ordinance to be in force at the time when that thing was done or suffered and not to this Ordinance, and that law continues to have effect for that purpose."

Clause 3 -

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

Omit from sub-clause (1) "every" (wherever occurring) and substitute "each".

Clause, as amended, agreed to.

Clause 4 negatived after debate.

New clause -

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

"4. This Ordinance applies, so far as it is applicable -

(a) to and in respect of instruments of a legislative or administrative character made under laws to which this Ordinance applies, and to and in respect of the interpretation, application and effect of such instruments, as if those instruments were Acts; and

(b) without limiting its general application -

(i) to and in respect of references to such instruments of a legislative or administrative character as if they were references to Acts; and

(ii) to and in respect of references to Acts as if they were references to such instruments."

Clause 5 -

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

Omit from sub-clause (1) "(including rules, regulations or by-laws)" and substitute "of a legislative or administrative character, being an instrument".

Omit from sub-clause (2) "of the last preceding" and substitute "of the day immediately preceding that day".

Clause, as amended, agreed to.

Clause 6 -

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

Omit from sub-clauses (1) and (2) "on the day" and substitute "immediately on the expiration of the day immediately preceding the day".

Omit from sub-clause (3) "by proclamation or by notice in the Gazette, the proclamation or notice" and substitute "by an instrument of a legislative or administrative character, the instrument".

Clause, as amended, agreed to.

Clause 7 negatived, after debate.

New clause -

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

"7.(1) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which assent was given to the Act shall be evidence of that date.

"(2) The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which the assent to the Act was notified in the Gazette shall be evidence of that date.

"(3) The dates appearing on a copy of regulations printed by the Government Printer and purporting to be -

(a) the date on which the regulations were made; and

(b) the date on which the regulations were notified in the Gazette,

shall be evidence of those dates."

Clause 8 -

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

Omit from sub-clause (1) "(including rules, regulations or by-laws) then, before the first-mentioned provision concerned" and substitute "then, before the first-mentioned provision".

Omit from sub-clause (2)(a) "or the provision second therein mentioned as amended, as the case may be,".

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10 -

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

Omit "Parliament" and substitute "Legislative Assembly".

Clause, as amended, agreed to.

Clause 11 -

On the motion by Mr Everingham the following amendment was made:

Omit "The repeal" and substitute "Subject to section 51(8), the repeal".

Clause, as amended, agreed to.

Clause 12 negatived, after debate.

New clause -

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

"12. The repeal of an Act or part of an Act does not -

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Act or the part of the Act so repealed, or anything duly done or suffered under the Act or the part of the Act so repealed;
- (c) affect a right, privilege, obligation or liability acquired, accrued or incurred under an Act or the part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that right, privilege, obligation or liability; or
- (d) affect a penalty, forfeiture or punishment incurred in respect of an offence against the Act or part of the Act so repealed, or an investigation, legal proceeding or remedy in respect of that penalty, forfeiture or punishment,

and the investigation, legal proceeding or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been made."

Clause 13 agreed to.

Clause 14 -

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

Insert after "an Act" the words ", or a regulation,".

Clause, as amended, agreed to.

Clause 15 -

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

Insert after "an Act" the words ", or a regulation,".

Clause, as amended, agreed to.

Clause 16 negatived, after debate.

New clause -

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

"16. Where an Act or part of an Act expires, sections 11, 12, 14 and 15 apply in respect of that expiration as though the Act or part had been repealed."

Clauses 17 to 21, by leave, taken together and negatived.

New clauses -

On the motion by Mr Everingham the following new clauses were inserted in the Bill:

"17. In an Act -

'committed for trial', in relation to a person, means committed to prison with a view to being tried before a judge and jury, or admitted to bail upon a recognizance to appear and be tried before a judge and jury;

'court of competent jurisdiction' means a court having jurisdiction to entertain the legal proceedings referred to in the Act in which the expression occurs and, where the legal proceeding relates to the recovery of money, whether on a liquidated or unliquidated claim, not having as an upper limit to its jurisdiction an amount which is less than the claim;

'court of summary jurisdiction' means 2 Justices of the Peace or a magistrate sitting as a court for the making of summary orders or the summary punishment of offenders;

'indictment' includes information;

'Justice of the Peace' means, subject to section 28A, a Justice of the Peace for the Northern Territory;

'Local Court' means a court established by or under the Local Courts Ordinance;

'statutory declaration' means a statutory declaration made by virtue of the Oaths Ordinance or the Statutory Declarations Act 1959 of the Commonwealth.

"18. In any Act -

'Act' means an Act passed by the Legislative Assembly and assented to under the Northern Territory (Self-Government) Act 1978, and includes -

- (a) a Northern Territory Ordinance;
- (b) an Ordinance or Act of the State of South Australia in its application to the Territory; and
- (c) a part of an Act;

'Acting Administrator' means a person appointed under the Northern Territory (Self-Government) Act 1978 to act in the office of Administrator;

'Administrator' means the Administrator of the Territory, and includes an Acting Administrator;

'Attorney-General' means the Attorney-General of the Northern Territory;

'Auditor-General' means the Auditor-General for the Territory appointed under the Financial Administration and Audit Ordinance;

'commencement' in relation to an Act, means the time from which the Act takes effect;

'Commonwealth' means the Commonwealth of Australia;

'Consolidated Fund' means the Consolidated Fund established under the Financial Administration and Audit Ordinance;

'department' means a department of the Public Service of the Northern Territory;

'Executive Council' means the Executive Council of the Northern Territory of Australia;

'financial year' means the period of 12 months ending on 30 June;

'Gazette', 'Government Gazette', 'Northern Territory Government Gazette' or 'Gazette of the Northern Territory' means the Government Gazette of the Territory;

'Government Printer' includes any person printing with the authority of the Territory;

'Imperial Act' means an Act passed by the Parliament of the United Kingdom;

'instrument of a legislative or administrative character' includes written regulations, rules, by-laws, orders, determinations, proclamations, awards, documents and authorities made, granted or issued under a power conferred by an Act;

'legal practitioner' means a legal practitioner within the meaning of the Legal Practitioners Ordinance;

'Legislative Assembly' means the Legislative Assembly of the Northern Territory of Australia;

'medical practitioner' means a registered medical practitioner within the meaning of the Medical Practitioners Registration Ordinance;

'minister' means a person holding a ministerial office and 'Minister' means -

- (a) the minister for the time being administering the Act in which, or in respect of which, the expression is used; or
- (b) if, for the time being, different ministers are administering that Act in different respects, each of those ministers to the extent that he is administering it in the relevant respect,

and includes a minister for the time being acting for and on behalf of that minister;

'ministerial office' means ministerial office within the meaning of the Northern Territory (Self-Government) Act 1978;

'Northern Territory Government Account' means the Northern Territory Government Account opened under the Financial Administration and Audit Ordinance;

'Ordinance' includes an Act and an Ordinance or Act of the State of South Australia in its application to the Northern Territory;

'prescribed' means prescribed by the Act in which the word is used or by an instrument of a legislative or administrative character made under that Act;

'proclamation' means proclamation by the Administrator published in the Gazette;

'regulations' means regulations, rules or by-laws made under an Act;

'Speaker' means the Speaker of the Legislative Assembly;

'statutory corporation' means a corporation, commission or authority incorporated by name for a public purpose by a law of the Territory, and does not include a municipal authority;

'the Territory' means, according to the context, the body politic established by the Northern Territory (Self-Government) Act 1978 as the Northern Territory of Australia or the geographical area constituting the Northern Territory of Australia;

'Treasurer' means the Treasurer of the Northern Territory;

'Valuer-General' means the Valuer-General within the meaning of the Valuation of Land Ordinance.

"19. In any Act -

'calendar year' means the period of 12 months commencing on 1 January;

'estate' includes any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity;

'infant' means a person who has not attained the age of 18 years;

'land' includes all messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein;

'month' means a calendar month;

'person' and 'party' include a body politic and a body corporate.

"20.(1) Words, expressions and provisions contained in an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act shall have the same interpretation, application and effect as in that Act.

"(2) In any instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a reference to 'the Act' shall be read as a reference to that Act.

"21. In an Act, an expression 'by', 'under' or 'in pursuance of' that Act means by, under or in pursuance of, as the case may be, that Act or an instrument of a legislative or administrative character made, granted or issued under or in pursuance of that Act.

"21A. Words, expressions and provisions contained in an Act amending another Act shall have the same interpretation, application and effect as in that Act being amended."

Clauses 22 and 23 agreed to.

Clause 24 -

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

Omit "by enclosing the document or thing in a package and properly addressing and posting the package" and substitute "by properly addressing and posting it".

Clause, as amended, agreed to.

Clause 25 agreed to.

Clause 26 -

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

Omit "on" and substitute "in".

Clause, as amended, agreed to.

Clause 27 agreed to.

New clauses -

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

"27A.(1) A reference in an Act to a time of day expressed as 4 digits in hours is a reference to the time after midnight that is the number of hours (if any) equal to the number constituted by the first and second of those digits and the number of minutes (if any) less than an hour equal to the number constituted by the third and fourth of those digits.

"(2) For the purposes of sub-section (1), where the first of 2 digits constituting a number of hours or a number of minutes is 0, that number of hours or number of minutes, as the case may be, shall be taken to be the number constituted by the second of those 2 digits.

"27B.(1) In the reckoning of age of a person for the purposes of any Act, the person shall be taken to have attained a particular age on the relevant anniversary of his birth.

"(2) Subject to sub-section (3), where in an Act any reference is made to the anniversary of the birth of a person, that reference shall be read as a reference to the day on which the anniversary occurs.

"(3) Where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of the birth of that person shall be deemed to be 28 February in that subsequent year."

Clause 28 agreed to.

New clauses -

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

"28A.(1) Where by, under or for the purposes of an Act a power is conferred on or a function or duty may be performed by a Justice of the Peace, that power may be exercised, or the function or duty may be performed, outside the Territory by a person who is a Justice of the Peace, a judge or a magistrate for the place in which it is exercised or performed.

"(2) Where by, under or for the purposes of an Act a power is conferred on or a function or duty may be performed by a Commissioner for Oaths or a Commissioner for Declarations, that power may be exercised, or that function or duty may be performed, outside the Territory by a person who is authorized to take and attest instruments of the nature of a statutory declaration in the place in which it is exercised or performed.

"28B. In an Act, the words 'oath' and 'affidavit' shall, in the case of a person allowed by law to affirm, declare or promise instead of swearing, be read as including affirmation, declaration and promise, and the word 'swear', in the case of such a person, shall be read as including affirmation, declaration and promise."

Clause 29 -

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

Omit "by and with" and substitute "by and in accordance with".

Clause, as amended, agreed to.

New clause -

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

"29A.(1) A reference in an Act to an Administrative Arrangements Order shall be read as a reference to an order made by the Administrator and published in the Gazette, being an order by which the administration of a provision of an Act, or the responsibility for an area of government, is allotted to a specified minister or to a specified department.

"(2) A reference in an Act to the minister or department administering a provision of an Act or having responsibility for an area of government shall be read as a reference to the minister or department, as the case may be, to whom or to which the administration of that provision or the responsibility for that area is allotted by an Administrative Arrangements Order."

Clause 30 -

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

Omit from paragraph (a) "to such minister" as is specified by order of the Administrator, or to the Minister to whom the administration of that provision is allotted by order of the Administrator, and is deemed to include a minister or member of the Executive Council" and substitute "to the minister to whom the administration of the provision is allotted by an Administrative Arrangements Order, and is deemed to include a minister".

Omit from paragraph (b) "such Department as is specified by order of the Administrator or to the Department to which the administration of the provision is allotted by order of the Administrator" and substitute "the department to which the administration of the provision is allotted by an Administrative Arrangements Order".

Clause, as amended, agreed to.

Clause 31 -

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

Insert after "another department" the words "by an Administrative Arrangements Order".

Omit from paragraph (a) "or member of the Executive Council".

Clause, as amended, agreed to.

Clause 32 -

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

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

Add at the end of sub-clause (2) the following word and paragraph:

"; or

- (c) if there is no person, officer, office or body for the time being having that power or function, no minister administering that provision and no department with functions that include the administration of matters to which the provision relates, the Administrator."

Clause, as amended, agreed to.

Clause 33 -

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

Omit "lapse" and substitute "cease to have effect".

Clause, as amended, agreed to.

New clause -

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

"33A. Where -

- (a) a minister is acting for an on behalf of another minister; or
- (b) any other person is acting in or performing the duties of an office, position or designation during the absence or inability of the person for the time being holding or occupying the office, position or designation,

and, for any reason, that second-mentioned minister or that person second-mentioned in paragraph (b) ceases to hold or occupy his office, position or designation, that first-mentioned minister or the person first-mentioned in paragraph (b) may continue to act or to perform those duties until his power or authority to do so is lawfully revoked or until the expiration of one year after the person ceased to hold or occupy his office, position or designation, whichever first occurs."

Clause 34 -

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

Omit from sub-clause (2) "an office," and substitute "an office or the occupier of a".

Clause, as amended, agreed to.

New clause -

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

"34A. Where an Act confers a power to make, grant or issue an instrument of a legislative or administrative character, the power may be exercised in whole or in part and subject to such conditions, qualifications and limitations, if any, as are specified in the instrument."

Clause 35 -

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

Omit "(including rules, regulations or by-laws)" and substitute "of a legislative or administrative character".

Clause, as amended, agreed to.

Clause 36 -

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

Omit from sub-clause (1) all the words from and including "and to appoint".

Insert after sub-clause (1) the following sub-clause:

"(1A) Where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to appoint another person temporarily in the place of -

(a) any person removed or suspended from that office, position, designation or place; or

(b) any person who is or is expected to be absent from duty or from the Territory or unable to perform his duties."

Clause, as amended, agreed to.

New clause -

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

"36A.(1) Where an instrument of a legislative or administrative character revokes an action and simultaneously substitutes another action, that second-mentioned action shall be deemed to have effect after the revocation to the intent that the second-mentioned action shall not be held to be ineffective by reason that the revocation had not commenced its effect before the second-mentioned action commenced its effect.

"(2) Where a series of actions has effect simultaneously, it shall be deemed to have effect in such sequence as is indicated or as the nature of the case requires."

Clause 37 -

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

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

"(1) Subject to this section, where, by, under or in pursuance of an Act or an instrument of a legislative or administrative character made, granted or issued under or in pursuance of an Act, a power or function is conferred on a minister or other person (whether by reference to an office or otherwise), the power may be exercised or the

function performed by a person who, with the approval of the minister administering the provision conferring the power, or of a person authorized by that minister to give that approval, has the authority of that person."

Clause, as amended, agreed to.

New clause -

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

"37A. Where an Act provides that a document or thing may be served on a person, it may be served on a person authorized by that person to accept service."

Clauses 38 to 41, by leave, taken together and agreed to.

Clause 42 negatived, after debate.

New clause -

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

"42. An Imperial Act, a Commonwealth Act or an Act of a State or another Territory of Australia may be cited by a reference to the place by the Parliament of which the Act was passed together with such mode of reference as is sufficient in Acts passed by that Parliament and, where it is so cited and that Act is subsequently amended, the reference shall, from the date of the amendment, be deemed to be to that Act as so amended."

Clauses 43 to 45, by leave, taken together and agreed to.

Clause 46 -

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

Omit from sub-clause (1) "secular" and substitute "calendar".

Clause, as amended, agreed to.

New clause -

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

"46A.(1) In this section, 'regulations' does not include -

- (a) rules of court which relate only to dates of sittings of a court;
- (b) by-laws made by the Public Service Commissioner under the Public Service Ordinance; or
- (c) any other rules, regulations or by-laws that expressly provide that this section does not apply.

"(2) Regulations made in each calendar year shall be numbered in regular arithmetical series, beginning with the number one, as nearly as may be in the order in which they are made.

"(3) Any regulations may, without prejudice to any other mode of citation, be cited by the number so given and the calendar year in which they were made."

Clause 47 agreed to.

Clause 48 -

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

Omit "Northern Territory Act 1910" and substitute "Northern Territory (Self-Government) Act 1978".

Omit "Parliament" and substitute "Legislative Assembly".

Clause, as amended, agreed to.

New clause - .

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

"48A.(1) The provisions of every Act shall be taken to have effect in and in relation to the internal waters of the Territory and in and in relation to the coastal sea as if the coastal sea was part of the Territory.

"(2) Any reference in any Act to the Territory shall be read as including a reference to the internal waters of the Territory and to the coastal sea.

"(3) Nothing in sub-section (1) or (2) shall be taken as limiting the operation of any Act.

"(4) In this section, 'coastal sea' means -

- (a) the territorial sea of Australia adjacent to the Territory;
and
- (b) the sea on the landward side of the territorial sea of Australia adjacent to the Territory,

and includes the airspace over, and the sea-bed and subsoil beneath, any such sea.

"(5) The provisions of this section shall be read and construed subject to, and in accordance with, the Seas and Submerged Lands Act 1973 of the Commonwealth."

Clause 49 -

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

Omit "(including rules, regulations or by-laws)" and substitute "of a legislative or administrative character".

Clause, as amended, agreed to.

Clause 50 -

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

Omit "Northern Territory Act 1910" and substitute "Northern Territory (Self-Government) Act 1978".

Clause, as amended, agreed to.

Clause 51 -

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

Omit from sub-clause (1)(c) "on the first sitting day" and substitute "within 3 sitting days".

Omit from sub-clause (3)(c) "on the first sitting day" and substitute "within 3 sitting days".

Omit from sub-clause (4) "ask the person signing them to confirm that he wishes the by-laws or rules to be notified in the Gazette in the form in which they were signed" and substitute "return them to the person signing them with amendments that he recommends".

Insert after sub-clause (4) the following sub-clauses:

"(4A) Where a minister returns rules or by-laws in pursuance of sub-section (4), the person making the rules or by-laws shall consider those amendments and the rules or by-laws, with or without amendments, shall be again forwarded to the minister, and sub-section (3) applies accordingly.

"(4B) Where regulations, rules or by-laws are required by an Act to be published or notified in the Gazette, it is sufficient compliance with that requirement if notice of the making of the regulations, rules or by-laws, and of the place where copies of them may be purchased is published in the Gazette."

After sub-clause (8) add the following sub-clause:

"(9) This section applies notwithstanding any provision contained in any other law, whether made before or after the commencement of this Ordinance, and any such other provision that is inconsistent with this section is, to the extent of the inconsistency, ineffective."

Clause, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54 negatived, after debate.

New clause -

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

"54. Where an Act confers upon an authority power to make, grant or issue any instrument of a legislative or administrative character, then any instrument so made, granted or issued may apply, adopt or incorporate, with or without modification -

- (a) the provisions of any Territory or Commonwealth Act, or of any instrument of a legislative or administrative character made under such an Act, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned instrument takes effect,

but instruments of a legislative or administrative character shall not, except as provided by this section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time."

Clause 55 -

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

Omit from sub-clause (1) "by the Northern Territory Act 1910 or by a Territory Act" and substitute "by the Northern Territory (Self-Government) Act 1978 or by an Act within the meaning of this Ordinance".

Add at the end of sub-clause (4)(a) ", order, determination, proclamation or award".

Insert in sub-clause (4)(c) after "document" the words "or instrument".

Clause, as amended, agreed to.

Division 3 of Part VII -

Clauses 56 to 62, by leave, taken together and negatived.

New clauses -

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

"56. Strict compliance with the forms prescribed by or under an Act is not necessary and substantial compliance, or such compliance as the circumstances of a particular case allow, is sufficient.

"57. Where moneys are due in pursuance of an Act, the moneys are recoverable in a court having, in the Territory, civil jurisdiction to the extent of the amount due."

Clauses 63 and 64, by leave, taken together and agreed to.

Schedule -

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

Omit "Interpretation Ordinance 1978" and substitute "Interpretation (Amendment) Ordinance 1978".

Add at the end of the Schedule the following Parts:

"Part 2 - Repeal of Regulations Publication Ordinance

Regulations Publication Ordinance 1940

Regulations Publication Ordinance 1952

"Part 3 - Repeal of Administrator's Council Ordinance

Administrator's Council Ordinance 1959

Administrator's Council Ordinance 1963

Administrator's Council Ordinance 1976

"Part 4 - Repeal of State Acts

The Act entitled "An Act for shortening and explaining the Language used in Acts of Parliament, and for other Purposes", being Act No. 9 of 1872.

The Language of Acts Amendment Act, 1900".

Schedule, as amended, agreed to.

Title agreed to.

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

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

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 8 was called on.
14. HOME FINANCE TRUSTEE BILLS - HOUSING BILL 1978 (Serial 109) and HOUSING LOANS BILL 1978 (Serial 110): The order of the day having been read for further consideration of the Bills in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Housing Bill 1978 (Serial 109)

Clause 16 -

On the motion of Mr Perron the following amendment was made:

Omit "13AA(2), 3" and substitute "13AA(2), 32(3)".

Clause, as amended, agreed to.

Clause 17 -

On the motion of Mr Perron the following amendment was made:

Omit "33B(b)" and substitute "33B(1)(b)".

Clause, as amended, agreed to.

Clause 18 agreed to.

Further consideration of Clause 10, by leave -

Clause 10 negatived after debate.

New clause -

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

"10. Section 31 of the Principal Ordinance is amended by omitting sub-section (2A)".

Title agreed to.

Housing Loans Bill 1978 (Serial 110)

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

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

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

15. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 7 was called on.
16. PAY-ROLL TAX BILL 1978 (Serial 84): 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, after debate.

New clause -

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

"2. This Ordinance shall come into operation on 1 July 1978."

Clause 3 -

On the motion of Mr Perron the following amendments were made:

Insert after the definition of "agent" the following definition:

"'Australian Capital Territory' includes the Jervis Bay Territory;"

Insert in the definition of "corresponding law" after "a law" the words "of the Commonwealth or".

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

"'employer' means any person who pays or is liable to pay any wages and includes the Territory and any body or authority constituted under a law of the Commonwealth, a Territory or a State unless being an authority constituted under a law of the Commonwealth by which it is immune from the operation of this Ordinance;"

Omit from the definition of "tax" the words and figures "section 10" and substitute "section 6 and tax referred to in section 11".

In the definition of "taxable wages" -

(a) omit "12" and substitute "8"; and

(b) omit "13" and substitute "9".

Omit the definition of "the commencing date".

Mr Perron moved as an amendment -

Omit the definition of "the commencing period".

Debate ensued.

On the motion of Mr Perron further consideration of clause 3 was postponed.

Clause 4 agreed to.

Clause 5 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (4)(a) "Act" and substitute "Ordinance".

Clause, as amended, agreed to.

Clause 6 -

On the motion of Mr Perron the following amendments were made:

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

"(1) Subject to, and in accordance with the provisions of, this Ordinance, tax is payable at the rate of 5% of the wages in respect of all wages that are paid or payable by an employer on or after the date of commencement of this Ordinance (whether in respect of services performed or rendered before, on or after that date) and -

- (a) are wages that are paid or payable in the Territory, not being wages so paid or payable in respect of services performed or rendered wholly in the Australian Capital Territory or wholly in one of the States; or
- (b) are wages that are paid or payable elsewhere than in the Territory in respect of services performed or rendered wholly in the Territory."

Omit from sub-clause (2)(a) "commencing date" and substitute "date of commencement of this Ordinance".

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

"(3) For the purposes of sub-section (1)(a), wages that are payable to a person by his employer but have not been paid (not being wages that under the terms of employment, are payable in the Territory, in the Australian Capital Territory or in a State) shall be deemed -

- (a) where those wages are payable in respect of services performed or rendered wholly in the Territory - to be wages payable to that person in the Territory;
- (b) where those wages are not payable in respect of services performed or rendered wholly in the Territory, wholly in the Australian Capital Territory, or wholly in one of the States, and the wages last paid or payable to that person by that employer were included or required to be included in a return under this Ordinance - to be wages payable to that person in the Territory; or
- (c) where those wages are not deemed, by paragraph (a) or (b) or by any provision in a corresponding law that corresponds with either of those paragraphs, to be wages payable to that person in the Territory, in the Australian Capital Territory or in a State - to be wages payable to that person by that employer at the place where that person last performed or rendered any services for that employer before those wages became payable."

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 -

Mr Perron moved as an amendment -

Omit from sub-clause (6) "in which the determination is made" and substitute "specified in the determination (being a month or period ending not later than the end of the financial year in which the determination is made)".

Debate ensued.

On the motion of Mr Perron further consideration of clause 8 was postponed.

Clause 9 -

On the motion of Mr Perron the following amendment was made, after debate:

Omit at the end of paragraph (e) "and" and add at the end of clause 9 the following paragraphs:

"(g) to members of his official staff by -

(i) a representative (other than a diplomatic or consular representative) in Australia of the government of any other part of Her Majesty's dominions or of any other country; or

(ii) a Trade Commissioner representing in Australia any other part of Her Majesty's dominions; or

(h) by the Australian-American Educational Foundation.".

Clause, as amended, agreed to.

Clause 10 -

On the motion of Mr Perron the following amendments were made:

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

"(b) in the case of an employer who was an employer in Australia during part only of that financial year - do not exceed the prescribed amount referred to in sub-section (5) in respect of that financial year,".

Omit from sub-clause (2) "9" and substitute "8".

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

"(b) in the case of an employer who was an employer in Australia during part only of that financial year - are less than the prescribed amount referred to in sub-section (5) in respect of that financial year,".

Omit sub-clauses (4), (5) and (6) and substitute the following sub-clauses

"(4) For the purposes of the application of sub-sections (1) and (2) in relation to a financial year during the whole of which the employer was an employer in Australia, the prescribed amount is the amount ascertained by deducting from \$60 000 an amount of \$2 for each amount of \$3 included in the amount by which the amount of total wages paid by the

employer in respect of the financial year exceeds \$60 000.

"(5) For the purposes of the application of sub-sections (1) and (2) in relation to a financial year during part only of which the employer was an employer in Australia the prescribed amount is the amount that would be the prescribed amount referred to in sub-section (4) in respect of the financial year if the employer had been an employer in Australia during the whole of the financial year and if each reference in sub-section (4) to \$60 000 were a reference to the amount that bears to \$60 000 the same proportion as the part of the year during which the employer was an employer in Australia bears to the whole of that financial year.

"(6) For the purposes of sub-section (2)(d)(ii), the amount of the calculated deductions applicable to an employer in respect of a financial year is an amount that bears to the prescribed amount referred to in respect of that financial year in whichever of sub-sections (4) and (5) is applicable to the employer in respect of that year the same proportion as the total amount of wages included or required to be included in returns furnished by that employer under this Ordinance relating to months or other periods ending in that financial year bears to the total amount of wages included or required to be included in returns furnished by that employer under this Ordinance and under a corresponding law or corresponding laws relating to months or other periods ending in that financial year."

After sub-clause (8) add the following sub-clauses:

"(9) A reference in sub-section (4) to the total wages paid by an employer in respect of a financial year or a period shall be read as a reference to the wages included or required to be included in returns relating to the financial year or period furnished or required to be furnished by the employer under this Ordinance and under a corresponding law or corresponding laws.

"(10) In this section, 'tax' means tax referred to in section 6."

Clause, as amended, agreed to.

Clause 11 -

On the motion of Mr Perron the following amendment was made:

Omit from the definition of "prescribed amount under section 10" in sub-clause (3) "section 10(6) or (7)" and substitute "sub-sections 10(4) or (5)".

Clause, as amended, agreed to.

Clause 12 -

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

Omit from sub-clause (1) "\$1000" and substitute \$1150".

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

"(2) A person who, immediately before the commencement of this Ordinance, was registered or deemed to be registered as an employer under the Pay-roll Tax (Territories) Assessment Act 1971 and, but for this sub-section, would be required by sub-section (1) to apply for registration as an employer shall be deemed to be registered as an employer under this Ordinance but, where he is required, by a notice in writing served on him by the Commissioner, to apply to the Commissioner within the time specified in the notice, for registration as an employer, he shall cease to be deemed, under this sub-section, to be registered upon the expiration of that time."

Clause, as amended, agreed to.

Clause 13 -

On the motion of Mr Perron the following amendment was made, after debate:

Omit from sub-clause (3) "Commonwealth Act" and substitute "Pay-roll Tax (Territories) Assessment Act 1971".

Clause, as amended, agreed to.

Clause 14 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (4) "Commonwealth Act" and substitute "Pay-roll Tax (Territories) Assessment Act 1971".

Clause, as amended, agreed to.

Clauses 15 to 29, by leave, taken together and agreed to.

Clause 30 -

On the motion of Mr Perron the following amendment was made, after debate:

Omit from sub-clause (3) "Act" and substitute "Ordinance".

Clause, as amended, agreed to.

Clauses 31 to 33, by leave, taken together and agreed to.

New part -

On the motion of Mr Perron the following new part was inserted in the Bill:

"PART VA - OBJECTIONS AND APPEALS

"33A.(1) A person who is dissatisfied with any decision, determination or assessment made by the Commissioner under this Ordinance, by which his liability to pay pay-roll or further tax is affected may, within 60 days after service of notice of the decision, determination or assessment, as the case may be, post to or lodge with, the Commissioner an objection in writing stating in detail the grounds on which he relies.

"(2) Notwithstanding sub-section (1), where an assessment is an amended assessment, the person objecting to the assessment shall have

no further right of objection than he would have had if the amended assessment had not been made except to the extent to which, by reason of the amended assessment, a fresh liability in respect of any particular is imposed on him or an existing liability in respect of any particular is increased.

"(3) The Commissioner shall consider the objection, and may either disallow it, or allow it, either wholly or in part.

"(4) If the person's liability or assessment has been reduced by the Commissioner after considering the objection, the Commissioner shall refund to the person any amounts paid by him in excess.

"(5) The Commissioner shall serve on the objector written notice of his decision on the objection.

"33B.(1) A person who is dissatisfied with a decision of the Commissioner on an objection made by that person may, within 30 days after service on him of notice of that decision or within such further time as the Commissioner may allow, appeal to the Supreme Court.

"(2) On appeal -

- (a) the objector shall be limited to the grounds stated in his objection; and
- (b) the burden of proving that any assessment objected to is excessive lies on the objector.

"(3) If the person's liability or assessment has been reduced on objection, the reduced liability or assessment shall be the liability or assessment appealed against.

"33C.(1) The fact that an appeal is pending with respect to any liability or assessment shall not in the meantime interfere with or affect the liability or assessment the subject of that appeal, and the tax may be recovered as if no appeal were pending.

"(2) If the liability or assessment is altered on appeal, a due adjustment shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short paid shall be recoverable as arrears."

Clause 34 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (3) "45" and substitute "37".

Clause, as amended, agreed to.

Clauses 35 to 40, by leave, taken together and agreed to.

Clause 41 -

On the motion of Mr Perron the following amendment was made:

Add at the end of clause 41 "under this Ordinance."

Clause, as amended, agreed to.

Clause 42 agreed to.

Clause 43 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (2) -

(a) "or a Deputy Commissioner"; and

(b) "or Deputy Commissioner, as the case may be".

Clause, as amended, agreed to.

Clauses 44 to 51, by leave, taken together and agreed to.

Clause 52 -

On the motion of Mr Perron the following amendment was made:

Omit from sub-clause (2)(c) "62" and substitute "53".

Clause, as amended, agreed to.

Clauses 53 to 61, by leave, taken together and agreed to.

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

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

17. MINES REGULATION BILL 1978 (Serial 126): Mr Tuxworth, by leave, 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.

18. SPECIAL ADJOURNMENT: Mr Robertson moved

That the Assembly, at its rising, adjourn until 1000 hours on Friday 16 June 1978.

Question put and passed.

19. ADJOURNMENT: Mr Everingham moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1803 hours adjourned until 1000 hours on Friday 16 June 1978.

ATTENDANCE: All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 28

Friday 16 June 1978

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. QUESTIONS: Questions without notice were asked.
3. LANDS ACQUISITION BILL - PAPER FROM LAW REFORM COMMISSION: Mr Perron laid on the Table a paper from the Law Reform Commission on the Lands Acquisition Bill presently before the Assembly.

Miss D'Rozario moved -

That the Paper be noted

and asked leave to continue her remarks at a later hour.

Leave denied.

4. EXTENSION OF ARNHEM HIGHWAY - PAPER: Mr Tuxworth laid on the Table a draft Environmental Impact Statement prepared by Pan-Continental Mining Limited on the extension of the Arnhem Highway.

Mr Collins moved -

That the Paper be noted

and asked leave to continue his remarks at a later hour.

Leave denied.

Question - That the Paper be noted.

Question put -

The Assembly divided - Mr Speaker in the Chair.

AYES 7

Mr Collins
Mr Doolan
Miss D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

NOES 12

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr MacFarlane
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

And so it was resolved in the negative.

5. FERAL ANIMALS IN THE NORTHERN TERRITORY - PROPOSED INQUIRY: Mr Steele, pursuant to notice, moved -

That this Assembly, pursuant to section 4A of the Inquiries Ordinance, resolve that a board of inquiry or a person be appointed to inquire into, report and make recommendations to the Administrator concerning feral animals in the Northern Territory and in particular matters relating to -

- (a) the effect on the environment including the extent and nature of soil erosion, destruction of flora and competition in range with native animals, fish and wildfowl;
- (b) the extent of infection of disease and the role of feral animals as a vector in relation to disease eradication, control or quarantine against the entry of other exotic diseases;
- (c) the effect on present and potential agricultural or pastoral development in the Northern Territory;
- (d) the costs and benefits of eradication or control;
- (e) the present and potential economic value of feral animals for domestic or external meat consumption, pet meat, hides, artifacts or by-products, tourism and breeding stock;
- (f) the need for research and the potential of feral animals in research programs; and
- (g) the policies, legislation, resources and facilities required to implement recommendations.

Debate ensued.

Question put and passed.

6. PAY-ROLL TAX BILL 1978 (Serial 84): The order of the day having been read for 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)

Postponed clause 3 and the amendment proposed by Mr Perron:

Omit the definition of "the commencing period".

Amendment agreed to, after debate.

On the motion of Mr Perron the following amendment was made:

Omit sub-clause (3).

Clause, as amended, agreed to.

Postponed clause 8 and the amendment proposed by Mr Perron:

Omit from sub-clause (6) "in which the determination is made" and substitute "specified in the determination (being a month or period ending not later than the end of the financial year in which the determination is made)".

Amendment agreed to, after debate.

Clause, as amended, agreed to.

Title agreed to.

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

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

7. PROPOSED LIQUOR LEGISLATION - STATEMENT: Mr Tuxworth, by leave, made a statement on the policy intended to be adopted in a Liquor Bill to be introduced into the Legislative Assembly, and laid on the Table a preliminary draft of the Liquor Bill 1978.
8. MENTAL HEALTH IN THE NORTHERN TERRITORY - PAPER: Mr Tuxworth, by leave, made a statement on mental health in the Northern Territory and laid on the Table a preliminary draft of the Mental Health Bill 1978.
9. PURCHASE OF LAND BY DARWIN CITY CORPORATION - STATEMENT: Mr Robertson, by leave, made a statement relating to the purchase of land in Darwin by the Corporation of the City of Darwin.

Mrs Lawrie, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

10. POSTPONEMENT OF ORDER OF THE DAY: On the motion of Mr Robertson, order of the day Government Business No. 2 was postponed until a later hour.
11. RADIATION SAFETY CONTROL BILL 1978 (Serial 87): 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: This sitting was suspended between 1211 and 1400 hours.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 and 2 agreed to.

Clause 3 -

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

Omit the definition of "irradiating apparatus" and substitute the following definition:

"'irradiating apparatus' means an instrument or apparatus that is capable of emitting radiation not originating from a radioactive substance in or on the instrument or apparatus, but does not include -

- (a) an instrument or apparatus from which the dose rate to an organ or tissue of a person when situated at a distance 0.1 of a metre from the external surface of the instrument or apparatus does not exceed 0.1 millirem per hour;
- (b) an instrument or apparatus in which electrons are accelerated to an energy not exceeding 5000 electron volts; or
- (c) a television receiver from which the dose rate to an organ or tissue of a person when situated at a distance of 5 centimetres from the external surface of the receiver does not exceed 0.5 of a millirem per hour;"

After the definition of "maximum permissible concentration" insert the following definition:

"'Minister' has the same meaning as in the Public Health Ordinance;"

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 -

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

Omit from sub-clause (1) "it is kept in such quantities as do" and substitute "its radioactivity does".

Clause, as amended, agreed to.

Clauses 6 to 9, by leave, taken together and agreed to.

Clause 10 negatived, after debate.

New clause -

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

After clause 9 insert the following new clause:

"10. This Part does not apply -

- (a) in the case of a person lawfully possessing, using or operating

irradiating apparatus under and in accordance with the Radio-graphers Ordinance - to or in relation to that apparatus;

- (b) in the case of a patient undergoing treatment which involves the possession of a radioactive substance - to or in relation to that treatment; or
- (c) in the case of the owner of an animal undergoing treatment which involves the retention in or on the animal of a radioactive substance - to or in relation to that treatment."

Clause 11 negatived, after debate.

Clause 12 agreed to.

Clause 13 -

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

Omit from sub-clause (1)(b) ", in accordance with Part VI,".

Omit from sub-clause (3)(a) all words immediately following "in force for" and substitute "such period, not exceeding 12 months, as is specified in the licence;".

Omit from sub-clause (3)(b) "without" and substitute "on".

Clause, as amended, agreed to.

Clauses 14 and 15, by leave, taken together and agreed to.

Clause 16 -

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

Omit from sub-clause (1)(b)(i) "or" (last occurring) and substitute "and".

Clause, as amended, agreed to.

Clauses 17 to 20, by leave, taken together and agreed to.

Clause 21 -

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

Omit from paragraph (a) "as,".

Omit from paragraph (c) "instrument" and substitute "instruments".

Clause, as amended, agreed to.

Clause 22 -

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

Omit "A person" and substitute "A radiation worker".

Omit "substance" (second occurring) and substitute "substance,".

Clause, as amended, agreed to.

Clause 23 agreed to.

Clause 24 -

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

Omit from paragraph (a) "prescribed in Schedule 3" and substitute "permissible dose".

Omit from paragraph (b) "concentrations" and substitute "a concentration".

Omit from paragraph (b) "concentrations prescribed in Schedule 1" and substitute "permissible concentration".

Clause, as amended, agreed to.

Clause 25 -

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

Omit from sub-clause (1) "prescribed in Schedule 3".

Clause, as amended, agreed to.

Clauses 26 to 33, by leave, taken together and agreed to.

Clause 34 -

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

Omit from sub-clause (2) "certificate or registration" and substitute "certificate of registration".

Clause, as amended, agreed to.

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

Clause 37 negatived, after debate.

New clause -

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

"37. A person shall not transport a radioactive substance unless -

- (a) it is an exempted substance;
- (b) it is contained in a package that complies with this Part and with Schedule 6 and is transported in a manner prescribed in this Part; or
- (c) it is transported in accordance with the requirements of Safety Series No. 6 Regulations for the Safe Transport of Radioactive Materials 1973 Revised Edition published by the International Atomic Energy Agency.

Penalty: 1000 dollars or imprisonment for 12 months."

Clauses 38 to 47, by leave, taken together and agreed to.

Clause 48 -

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

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

Clause, as amended, agreed to.

Clause 49 -

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

Omit "periodically" and substitute ", at least once a month,".

Clause, as amended, agreed to.

Clauses 50 to 56, by leave, taken together and agreed to.

Clause 57 -

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

Add at the end "including prescribing fees for the issue and renewal of licences under Part III and the registration of irradiating apparatus under Part IV".

Clause, as amended, agreed to.

Schedule 1 -

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

Omit from heading "Sections 3, 18 and 24" and substitute "Sections 3, 20 and 24".

Omit from the First Column "Cl36" and substitute "Cl 36".

Omit from Third Column opposite "Cl36" (now changed to "Cl 36") "2x10-3" and substitute "9x10-4".

Omit from First Column "Cu6464" and substitute "Cu64".

Omit from First Column "Ir192" and substitute "Ir190".

Omit from First Column "Ir199" and substitute "Ir192".

Schedule, as amended, agreed to.

Schedule 2 -

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

Omit from heading "Sections 44 and 54" and substitute "Sections 45 and 54".

Omit from heading to Figure 5 ", rectangular".

Omit from heading to Figure 5 "dashed" and substitute "broken".

Omit from heading to Figure 5 "utilized" and substitute "used".

Schedule, as amended, agreed to.

Schedule 3 agreed to.

Schedule 4 -

Omit from heading "Section 39" and substitute "Sections 39 and 40".

Omit "Column 1" (wherever occurring) and substitute "First Column".

Omit "Column 2" (wherever occurring) and substitute "Second Column".

Omit from the First Column "Cadmium 100" and substitute "Cadmium 109".

Omit from the First Column "Lanthanam" and substitute "Lanthanum".

Omit from the First Column "Niobium 93" and substitute "Niobium 95".

Omit from the First Column "Osmium183" and substitute "Osmium 185".

Omit from the First Column "Radon 221" and substitute "Radon 222".

Omit from the First Column "Silver 100m" and substitute "Silver 110m".

Omit from the First Column "Sulphur" and substitute "Sulphur".

Omit from the First Column "Ytterbium 173" and substitute "Ytterbium 175".

Schedule, as amended, agreed to.

Schedule 5 -

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

Omit from heading "SUBSTANCE" and substitute "SUBSTANCES".

Omit from GROUP I "Uranium (235)" and substitute "Uranium (233)".

Omit from GROUP II "Strontium (30)" and substitute "Strontium (90)".

Omit from GROUP II "Cirium" and substitute "Cerium".

Omit from GROUP II "Rhenium (185)" and substitute "Rhenium (183)".

Omit from GROUP III "Tin (115)" and substitute "Tin (113)".

Schedule, as amended, agreed to.

Schedule 6 -

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

Omit from heading "Sections 35 and 36" and substitute "Sections 37 and 38".

Schedule, as amended, agreed to.

Title agreed to.

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

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

12. MINING (GOVE PENINSULA NABALCO AGREEMENT) BILL 1978 (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)

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

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

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

13. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 2 was called on.
14. DRUGS BILLS - DANGEROUS DRUGS BILL 1978 (Serial 57) and PROHIBITED DRUGS BILL 1978 (Serial 68): The order of the day having been read for further consideration of the Bills in the committee of the whole Assembly.

The Assembly resolved itself into a committee of the whole.

(In the committee)

PROHIBITED DRUGS BILL 1978 (Serial 68)

Postponed clause 3 -

On the motion of Mr Tuxworth the following amendment was made, after debate:

Add at the end of proposed new section 6 the following new sub-section:

"(3) Where a person is charged with an offence of supplying cannabis to another person contrary to section 6(2)(b) and the magistrate is satisfied that the offence charged is of a minor or trivial nature, the magistrate may, in lieu of committing that person for trial on indictment in respect of that alleged offence, determine the charge in a summary way in accordance with the Justices Ordinance as though the maximum penalty for the offence charged does not, under this Ordinance, exceed 10 years."

Clause, as amended, agreed to.

Further consideration of clauses 9 and 11, by leave -

Clause 9 -

On the motion of Mr Tuxworth the following amendment was made, after debate:

Add at the end of new section 17 of the Principal Ordinance the following sub-sections:

"(10) Where a person is charged with an offence, any other person claiming ownership of or an interest in any money, money's worth, security, acknowledgement, note or other thing that may be the subject of an order under this section may, by leave of the court at the trial of the person charged, appear and show cause why that money, money's worth, security, acknowledgement, note or other thing should not be forfeited.

"(11) Upon hearing a person under sub-section (10), the court may order that the money, money's worth, security, acknowledgement, note or other thing be released or returned to that or any other person.

"(12) Where an order is made under sub-section (2) after a person has appeared before the court by leave of the court under sub-section (10), that person may appeal to the Supreme Court from the order as if he was a defendant."

Clause, as amended, agreed to.

Clause 11 -

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

Add at the end the following new sub-clause:

"(2) Section 21 of the Principal Ordinance is amended by adding at the end the following sub-section:

"(3) Where a magistrate decides, under section 6(3), to determine a matter in summary way, sub-section (2) shall be read as though that sub-section had no application to section 6(2)(b).'"

Clause, as amended, agreed to.

Title agreed to.

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

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

15. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson order of the day Government Business No. 5 was called on.
16. WORKMEN'S COMPENSATION BILL 1978 (Serial 48): 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)

Proposed new clause 14 - amendment proposed by Mr Collins:

"14. Section 27B of the Principal Ordinance is repealed."

New clause agreed to, after debate.

Clause 15 agreed to.

Clause 16 -

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

Insert after paragraph (a) the following paragraph:

"(aa) by inserting after paragraph (1A)(c) the following paragraph:

'(ca) where the workman is an Aboriginal native of Australia, then -

- (i) if no compensation is payable under paragraph (b), but compensation is payable under paragraph (c) in respect of a woman or girl who is his tribal wife, and there is at least one additional woman or girl who has attained the age of 16 years and was at the date of the injury his tribal wife - \$10 per week for each such additional tribal wife while she is wholly or mainly dependent on his earnings during his incapacity; or
- (ii) if compensation is payable under paragraph (b), and there is at least one woman or girl who has attained the age of 16 years and was at the date of the injury his tribal wife - \$10 per week for each such tribal wife while she is wholly or mainly dependent on his earnings during his incapacity;".

Clause, as amended, agreed to.

Title agreed to.

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

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

17. MINES REGULATION BILL 1978 (Serial 126): The order of the day having been read for the resumption of the debate on the question:-

That the Bill be now read a second time.

Debate resumed.

SUSPENSION OF STANDING ORDERS: Mr Tuxworth, by leave, moved -

That so much of standing orders be suspended as would prevent the passage through all stages at this sittings of the Mines Regulation Bill 1978.

The member having been supported -

Question put and passed.

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)

Clause 1 agreed to.

Claues 2 negatived, after debate.

Clauses 3 and 4, by leave, taken together and agreed to.

Title agreed to.

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

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

18. PECUNIARY INTERESTS OF MEMBERS: The order of the day having been read for the resumption of the debate on the motion of Mr Everingham -

That this Assembly hereby directs each Honourable Member to deliver to the Clerk for transmission to Mr Speaker on or before the first of August each year, a signed statement of the Member's financial affairs setting out:

- (a) the nature and value of assets as at thirtieth of June, including any money owing and any beneficial interest in any trust arrangement to and of
 - (i) the Member; and
 - (ii) the Member's spouse and each child below the age of 18 years;
- (b) the nature and amounts of liabilities of the Member and his or her spouse jointly and each child below the age of 18 years as at the thirtieth of June;
- (c) in respect of each Member and his or her spouse and children below the age of 18 years, each source of income and expenditure exceeding two thousand dollars during the twelve months to thirtieth of June;
- (d) the details of each transaction in excess of two thousand dollars, involving the acquisition or disposal of an asset of the Member, his or her spouse, and each child below the age of 18 years, which has taken place during the twelve months to thirtieth of June;
- (e) the nature of the involvement of the Member and of his or her spouse during the twelve months to thirtieth of June in any company whether public or private and whether as a shareholder or otherwise.

That Mr Speaker keep all statements delivered in a register and may, at his discretion, at all reasonable times make the register available to any bona fide enquirer and shall advise the House of those persons to whom the register is made available.

That Mr Speaker shall report to the Assembly at each sittings following the due date for delivery of statements on the compliance by Members with these directions.

Mr Everingham moved -

That the motion be amended by deleting all words after "That" and substituting "this Assembly hereby directs each Honourable Member to deliver to the Clerk on or before the first of August in each year, a statutory declaration containing a statement of the Member's financial affairs setting out:

- (a) the nature and value of assets including money due otherwise than by way of salary as at thirtieth of June of that year held by
 - (i) the Member; and
 - (ii) the Member's spouse and each child below the age of 18 years;
- (b) the particulars of any trust in which the Member or his or her spouse and each child below the age of 18 years has an interest including the names of all trustees and the nature and value of the assets of the trust;

- (c) the location of any land in which the Member or his or her spouse and each child below the age of 18 years has an interest and the nature of that interest and the value attributed to it by the Member;
- (d) the nature and amounts of the several or joint liabilities of each Member and his or her spouse and each child below the age of 18 years as at the thirtieth of June;
- (e) in respect of each Member and his or her spouse and children below the age of 18 years, each item of expenditure and source of income (not being an expenditure or source of income incidental to the performance to the Member's duty as a Member but including any sponsored travel) exceeding two thousand dollars during the twelve months to thirtieth of June and the amount of such expenditure and income;
- (f) the nature of the involvement of the Member and of his or her spouse during the twelve months to thirtieth of June in any company whether public or private and whether as a shareholder or otherwise;
- (g) that any changes to the information disclosed by a Member pursuant to parts (a), (b), (c) or (d) of this resolution involving assets or money in excess of two thousand dollars be notified to the Clerk within three calendar months of such change.

That the Clerk keep all statements delivered in a register and may, at his discretion, at all reasonable times make the register available to any bona fide inquirer, after informing the Member whose statements have been requested to be disclosed to an inquirer of the name of that inquirer and his interest in such statements.

That any Member shall, within thirty (30) days of becoming a Minister of the Territory or Leader of the Opposition, resign from the directorship of any public company and not accept appointment as a director of a public company while holding office as a Minister of the Territory or as Leader of the Opposition.

That each Member who is a Minister or the Leader of the Opposition require each person employed by him as a staff member solely responsible to him as employer to provide to that Member on or before the first day of August in each year, a statutory declaration containing a statement of their financial affairs including information of the kind required by paragraphs (a), (b), (c), (d), (e), (f) and (g) of this resolution".

Debate ensued.

PERSONAL EXPLANATION: Mrs O'Neil made a personal explanation refuting the implication placed by the member for Barkly on her remarks in this debate.

Question -

That the amendment be agreed to - put and passed.

Motion, as amended, agreed to.

19. FINANCIAL ARRANGEMENTS BETWEEN THE FEDERAL GOVERNMENT AND THE NORTHERN TERRITORY - STATEMENT: The order of the day having been read for the debate on the motion of Mr Isaacs -

That the Statement be noted.

Mr Everingham, by leave, made a supplementary statement on the funding of the Electricity Commission.

Debate ensued.

PERSONAL EXPLANATION: Miss D'Rozario made a personal explanation refuting words attributed to her by the Majority Leader in this debate.

Question put and passed.

20. SPECIAL ADJOURNMENT: Mr Robertson moved -

That the Assembly, at its rising, adjourn until 1000 hours on Tuesday 1 August 1978 or such earlier date and time notified to members by Mr Speaker.

Question put and passed.

21. NORTHERN TERRITORY TRADE MISSION REPORT - MARCH, APRIL 1978: The order of the day having been read for the debate on the motion of Mr Isaacs -

That the Report be noted.

Leave granted to permit Mr Doolan to speak first, and for Mr Isaacs to continue his remarks at a later hour.

Debate ensued.

Question put and passed.

23. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1842 hours adjourned until 1000 hours on Tuesday 1 August 1978 or such earlier date and time notified by Mr Speaker.

ATTENDANCE: All members attended the sitting.

F.K.M. THOMPSON
Clerk of the Assembly

SECOND LEGISLATIVE ASSEMBLY

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