

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 12

Tuesday 27 February 1979

-
1. The Assembly met at 1000 hours pursuant to Sessional Order passed on 23 November 1978 - Mr Speaker MacFarlane took the Chair.
 2. MOTION OF CONDOLENCE - Mr. R.J. KENTISH: Mr Everingham (Chief Minister) referred to the death on 20 December 1978 of Mr. R.J. Kentish and moved -

That this Assembly expresses its deep regret at the death of Rupert James Kentish, a former member for the electorate of Arnhem in the Legislative Council and in the Legislative Assembly between 1968 and 1977, places on record its appreciation of his meritorious public service and tenders its profound sympathy to his widow and family in their bereavement.

Mr Isaacs having seconded the motion and Mrs Lawrie having addressed the Assembly in support thereof, Mr Speaker associated himself with the motion.

All members having risen in their places in silence -

Question passed.

3. MOTION OF CONDOLENCE - Mr H. BRENNAN, A.O., MEDAL OF FREEDOM (US): Mr Everingham (Chief Minister) referred to the death on 1 January 1979 of Mr H. Brennan and moved -

That this Assembly expresses its deep regret at the death of Harold Brennan, A.O., Medal of Freedom (US), a former member of the Legislative Council for the electorates of Batchelor, Elsey and Victoria River between 1955 and 1969, and places on record its appreciation of his meritorious public service.

Mrs Lawrie having seconded the motion and Mr Isaacs having addressed the Assembly in support thereof, Mr Speaker associated himself with the motion.

All members having risen in their places in silence -

Question passed.

4. RESIGNATION OF CHAIRMAN OF COMMITTEES: Mr Speaker informed the Assembly that Hon. N. Dondas, by letter dated 2 January 1979, had resigned from the office of Chairman of Committees.

Mr Speaker called for nominations for the office of Chairman of Committees.

5. ELECTION OF CHAIRMAN OF COMMITTEES: Mr Everingham proposed to the Assembly for its Chairman of Committees the Member for Nhulunbuy, Mr Ballantyne, and moved -

That he be so appointed.

Mr Perron seconded the motion and Mr Ballantyne informed the Assembly that he accepted nomination.

Mr Isaacs proposed to the Assembly for its Chairman of Committees the Member for Sanderson, Miss D'Rozario, and moved -

That she be so appointed.

Mr Perkins seconded the motion and Miss D'Rozario informed the Assembly that she accepted nomination.

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

Bells rung and ballot conducted.

Mr Speaker announced the result of the ballot as Mr Ballantyne 11 votes and Miss D'Rozario 6 votes, and declared Mr Ballantyne elected to the office of Chairman of Committees.

6. LETTER FROM THE ADMINISTRATOR - ADDRESS IN REPLY: Mr Speaker read the following letter from His Honour the Administrator:

"I have been advised by His Excellency the Governor-General that the Message of Loyalty from the Members of the Legislative Assembly of the Northern Territory has been forwarded to London for Her Majesty the Queen's pleasure.

Yours sincerely,

(Sgd) J.A. ENGLAND
Administrator".

7. LETTER FROM BUCKINGHAM PALACE - ADDRESS IN REPLY: Mr Speaker read the following letter for Buckingham Palace:

"I am commanded by the Queen to ask you to convey to the Legislative Assembly of the Northern Territory, gathered together recently, for their kind message of loyalty.

Her Majesty received this message with much pleasure.

Yours sincerely,

(Sgd) ROBERT FELLOWES".

8. LETTER FROM THE ADMINISTRATOR - APPOINTMENT OF OMBUDSMAN: Mr Speaker read the following letter from His Honour the Administrator:

"Acting with the advice of the Executive Council and having received the recommendation notified in your letter of 30 November 1978, I have appointed Mr Russell Henderson Watts to hold the office of Ombudsman for the Northern Territory pursuant to section 4(3) of the Ombudsman (Northern Territory) Act.

Section 4(7) of the Act requires me to cause the instrument of appointment to be laid before the Legislative Assembly within three sittings days after the making of the instrument.

Accordingly I forward herewith copies of the instrument and request you to arrange for tabling within the time stipulated.

Yours sincerely;

(Sgd) J.A. ENGLAND
Administrator".

THE NORTHERN TERRITORY OF AUSTRALIA

Ombudsman (Northern Territory) Act

APPOINTMENT OF OMBUDSMAN

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, pursuant to section 4 of the Ombudsman (Northern Territory) Act, having received the recommendation of the Legislative Assembly, appoint Russell Henderson Watts to hold the office of Ombudsman for the period of 5 years commencing on and from 9 December 1978.

Dated this first day of December, 1978.

(SGD) J.A. ENGLAND
Administrator

By His Honour's Command
(SGD) P.A.E. EVERINGHAM
Chief Minister".

9. ADMINISTRATIVE ARRANGEMENTS - STATEMENT: Mr Everingham (Chief Minister), by leave, made a statement on administrative arrangements for the Northern Territory as published in the Northern Territory Government Gazette No. S2 of 2 January 1979.
10. PETITIONS: Mrs O'Neil presented a Petition from 375 residents of Darwin relating to the proposed relocation of the Mindil Beach Caravan Park on the old golf course site on East Point Road.

Petition received and read.

Mr Oliver presented a Petition from 73 residents of the Alice Springs area relating to the objectionable odour emanating from the Alice Springs abattoir.

Petition received and read.

Mrs Lawrie presented a Petition from 1,957 residents of the Alice Springs area relating to the proposed establishment of a casino in the area and expressing their desire for a referendum on the proposal.

Petition received and read.

Mr Oliver presented a Petition from 942 residents of the Alice Springs area expressing support for the proposed establishment of international hotels with gaming facilities in Darwin and Alice Springs.

Petition received and read.

11. NOTICES: The following notices were given:

Mr Everingham: To present the following Bills -

Criminal Law and Procedure Bill 1979 (Serial 225);
Financial Administration and Audit Bill 1979 (Serial 239);
Public Service Bill 1979 (Serial 240);
Territory Parks and Wildlife Conservation Bill 1979 (Serial 241);
Trustee Bill 1979 (Serial 247);

Police and Police Offences Bill 1979 (Serial 257); and
Criminal Law Consolidation Bill 1979 (Serial 258).

Mr Perron: To present the Housing Bill 1979 (Serial 236).

Mr Tuxworth: To present the following Bills -

Liquor Bill 1979 (Serial 267);
Electrical Workers and Contractors Bill 1979 (Serial 249); and
Uranium Mining (Environment Control) Bill 1979 (Serial 250).

Mr Robertson: To present the Cemeteries Bill 1979 (Serial 255).

Mr Steele: To present the following Bills -

Motor Vehicles Bill 1979 (Serial 266);
Fisheries Bill 1979 (Serial 242);
Ports Bill 1979 (Serial 246); and
Road Maintenance (Interstate Enforcement) Bill 1979 (Serial 252).

12. QUESTIONS: Questions without notice were asked.

. PERSONAL EXPLANATION: Mr Isaacs, by leave, made a personal explanation relating to remarks made by the Chief Minister in his answer to a question during this sitting.

13. DIRECTION OF ADMINISTRATOR AND DIRECTIONS OF TREASURER: Mr Perron (Treasurer) laid on the Table copies of Directions of the Treasurer dated 29 December 1978 and 2 February 1979, and a direction of the Administrator dated 12 February 1979, under the Financial Administration and Audit Act.

14. TRANSPORT POLICY - MINISTERIAL STATEMENT: Mr Steele (Minister for Transport and Works), by leave, made a statement on transport policy.

Mr Steele, by leave, moved -

That the Statement be noted.

Debate ensued.

. SUSPENSION OF SITTING: The sitting was suspended between 1159 and 1400 hours.

Question put and passed.

15. LEAVE OF ABSENCE - Mr J.K.R. DOOLAN: Mrs O'Neil moved -

That leave of absence for these sittings be granted to the Member for Victoria River, Mr J.K.R. Doolan, for medical reasons.

Question put and passed.

16. LEAVE OF ABSENCE - Mr R.W.S. VALE: Mr Everingham moved -

That leave of absence for these sittings be granted to the Member for Stuart, Mr. R.W.S. Vale, for medical reasons.

Question put and passed.

17. ADMINISTRATION AND PROBATE BILL (No. 2) 1978 (Serial 214): 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.

18. ADOPTION OF CHILDREN BILL 1978 (Serial 202): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Everingham moved -

That the committee stages be later taken.

Question put and passed.

19. ADJOURNMENT: Mr Everingham (Chief Minister) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1619 hours adjourned until tomorrow at 1000 hours.

PAPERS: The following papers were deemed to have been presented on 27 February 1979, pursuant to statute:

Annual Report:

Darwin Community College, 1974

Public Service By-laws 1978:

No. 13 Amendment of the Public Service (Conditions of Appointment and Promotion) By-laws

No. 14 Amendments of the Public Service (Terms and Conditions of Service) By-laws

Public Service By-laws 1979:

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

Regulations 1978:

No. 34 Amendment of the Crown Lands Regulations

- No. 35 Electricity By-laws
- No. 36 Construction Safety Rules
- No. 37 Construction Safety (Australian Standards) Rules
- No. 38 Electrical Workers and Contractors Regulations
- No. 39 Amendments of the Electricity (Fees and Charges) Regulations
- No. 40 Amendments of the Mining Regulations
- No. 41 Amendments of the Motor Vehicles (Registration Labels and Miscellaneous) Regulations
- No. 42 Amendments of the Petroleum (Prospecting and Mining) Regulations
- No. 43 Amendments of the Pharmacy Regulations
- No. 44 Amendments of the Hospitals and Medical Services (Charges) Regulations
- No. 45 Amendments of the Public Health (Nuisance Prevention) Regulations
- No. 46 Amendments of the Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations
- No. 47 Amendments of the Public Health (Noxious Trades) Regulations
- No. 48 Amendments of the Public Health (Night-Soil, Garbage, Cesspits, Wells and Water) Regulations
- No. 49 Amendments of the Public Health (Infectious and Notifiable Diseases) Regulations
- No. 50 Amendments of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations
- No. 51 Amendments of the Mines (Radiation Protection) Regulations
- No. 52 Construction Safety Regulations
- No. 53 Town Planning Regulations

Regulations 1979:

- No. 1 Amendments of the Lottery and Gaming Regulations
- No. 2 Amendments of the Prison Regulations

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 13

Wednesday 28 February 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: Mr Isaacs presented a Petition from approximately 4,500 residents of the Territory relating to proposed increases in electricity charges.

Petition received and read.

3. NOTICES: The following notices were given:

Mr Everingham: To present the Statute Law Revision Bill 1979 (Serial 276) and the Police Administration Bill 1979 (Serial 269).

Mr Perron: To present the Darwin Town Area Leases Bill 1979 (Serial 238) and the Crown Lands Bill 1979 (Serial 237).

Mr Tuxworth: To present the Mental Health Bill 1979 (Serial 273) and the Electricity Commission Bill 1979 (Serial 254).

4. QUESTION: Questions without notice were asked.

. PERSONAL EXPLANATION: Mr Robertson, by leave, made a personal explanation regarding remarks made by him during the debate on Tuesday 27 February 1979.

5. CRIMINAL LAW AND PROCEDURE BILL 1979 (Serial 225): Mr Everingham (Attorney-General), 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. HOUSING BILL 1979 (Serial 236): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

7. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham (Chief Minister), by leave, moved -

That so much of standing orders be suspended as would prevent two Bills relating to prescribed statutory authorities -

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

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

8. BILLS RELATING TO PRESCRIBED STATUTORY AUTHORITIES: FINANCIAL ADMINISTRATION AND AUDIT BILL 1979 (Serial 239) and PUBLIC SERVICE BILL 1979 (Serial 240): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

9. LIQUOR BILL 1979 (Serial 267): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

10. CEMETERIES BILL 1979 (Serial 255): Mr Robertson (Minister for Community Development), 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.

11. MOTOR VEHICLES BILL 1979 (Serial 266): Mr Steele (Minister for Transport and Works), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

12. CONTROL OF NOTICE: Mr Everingham, by leave, assumed control of Notice No. 9, Government Business.

13. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham, by leave, moved -

That so much of standing orders be suspended as would prevent two Bills relating to the removal of reporting provisions -

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

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

14. BILLS RELATING TO REPORTING PROVISIONS: TERRITORY PARKS AND WILDLIFE CONSERVATION BILL 1979 (Serial 241) and FISHERIES BILL 1979 (Serial 242): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

15. ELECTRICAL WORKERS AND CONTRACTORS BILL 1979 (Serial 249): Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

16. TRUSTEE BILL 1979 (Serial 247): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

17. PORTS BILL 1979 (Serial 246): Mr Steele (Minister for Transport and Works), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

18. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham, by leave, moved -

That so much of standing orders be suspended as would prevent two Bills relating to fraud and false pretences -

- (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's

report stages and the third readings of the Bills together; and

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

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

19. FRAUD AND FALSE PRETENCES BILLS: POLICE AND POLICE OFFENCES BILL 1979 (Serial 257) and CRIMINAL LAW CONSOLIDATION BILL 1979 (Serial 258): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

20. ROAD MAINTENANCE (INTERSTATE ENFORCEMENT) BILL 1979 (Serial 252): Mr Steele (Minister for Transport and Works), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Steele moved -

That the Bill be now read a second time.

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

21. URANIUM MINING (ENVIRONMENT CONTROL) BILL 1979 (Serial 250): Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

22. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 3, Government Business was called on.

23. PLANNING BILLS: PLANNING BILL 1978 (Serial 182), DARWIN TOWN AREA LEASES BILL 1978 (Serial 183), SPECIAL PURPOSES LEASES BILL 1978 (Serial 184), CHURCH LANDS LEASES BILL 1978 (Serial 185), CROWN LANDS BILL (No. 2) 1978 (Serial 187), LANDS ACQUISITION BILL (No.2) 1978 (Serial 188), BUILDING BILL 1978 (Serial 189), FREEHOLD TITLES BILL 1978 (Serial 190) and UNIT TITLES BILL 1978 (Serial 192): 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.

. 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.

24. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson it was ordered that orders of the day, Government Business, be taken in sequence from No. 4 onwards.
25. LICENSING OF AGENTS BILLS: COMMERCIAL AND PRIVATE AGENTS LICENSING BILL 1978 (Serial 230) and LOCAL COURTS BILL 1978 (Serial 231): 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)

Commercial and Private Agents Licensing Bill (Serial 230)

Clauses 1 and 2 agreed to.

Clause 3 -

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

The definition of "commercial agent" is amended -

(a) by omitting from paragraph (c) "or" (second occurring); and

(b) by inserting after paragraph (d) the following paragraphs:

"(e) obtaining evidence for the purpose of any legal proceedings; or

(f) searching for missing persons."

Clause, as amended, agreed to.

Clause 4 agreed to, after debate.

Clause 5 agreed to, after debate.

Clause 6 -

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

Omit from Penalty in sub-section (1) "\$1" and substitute "\$10".

Add the following new sub-clause:

"(4) Where a person holds a licence under a law in force in a State or Territory which licence permits the person, either on his own behalf or as an employee of another person, to act as an agent, that person may after producing his licence to the Clerk of the Court, act as an agent in the capacity for which he is licensed as an employee of an agent licensed in the Territory for a period of one month from the date of production of his licence to the Clerk of the Court."

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8 -

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

Omit from sub-clause (1)(e) "is not being" and substitute "has not been".

Clause, as amended, agreed to.

Clause 9 agreed to, with a formal amendment.

Clauses 10 to 15, by leave, taken together and agreed to.

Clause 16 negatived.

New clause -

Mr Everingham moved -

That the following new clause be inserted in the Bill -

"16.(1) The Court may summons an agent upon the complaint of the Commissioner of Police or the Crown Solicitor to show cause why his licence should not be cancelled or suspended and why he should not be disqualified either permanently or temporarily from holding a licence on the ground that -

- (a) the licence was improperly obtained;
- (b) the agent has been convicted of an offence against this Act or an offence against a law in force in any part of Australia, including the Territory, which conviction justifies the cancellation or suspension of his licence;
- (c) the agent has been engaging in harassing tactics;
- (d) the agent failed, without reasonable excuse, to obey an order of the Court or the Supreme Court; or
- (e) the agent wilfully failed to comply with a provision of this Act or of the Local Courts Act.

"(2) A copy of the summons showing the date set for the hearing of a complaint under sub-section (1) shall be served on the agent at least 7 days before the date set for hearing.

"(3) The Court shall hear and determine a complaint referred to in sub-section (1) and may -

- (a) dismiss the complaint with or without a reprimand;
- (b) cancel the licence;
- (c) disqualify the former agent from applying for a licence for such period as it thinks fit;
- (d) suspend the licence for such period as it thinks fit; or

(e) make such other or further orders as it thinks fit.

"(4) The Court may make orders under sub-section (3) notwithstanding the failure of the agent to appear in person or by representation by a legal practitioner.

"(5) The Court may adjourn the hearing of a complaint under this section from time to time as it thinks fit.

"(6) Upon the cancellation or suspension of a licence under this section the former agent shall deliver the licence to the Clerk of the Court within 7 days of the order of cancellation or suspension.

Penalty: \$200."

Proposed new clause 16 postponed, after debate.

Clause 17 -

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

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

"(1) Where the Court -

(a) refuses to grant a licence; or

(b) suspends or cancels a licence,

it shall state in writing the reason for the refusal, suspension or cancellation."

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19 -

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

Omit sub-clause (5) and substitute the following sub-clause:

"(5) A sum of money which is recovered under a bond in pursuance of this Act shall be paid to the Clerk of the Court who shall apply it-

(a) in payment of any costs and expenses incurred in the recovery of the bond moneys;

(b) in compensating any person who has sustained a loss by reason of the action of the person as a commercial agent or a private bailiff; and

(c) in refunding the balance to the surety who provided the bond.

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together and agreed to.

Clause 23 -

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

Clause 23(1) is amended by inserting at the beginning "Subject to section

23 of the Local Courts Act,".

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

"(3) An agent shall pay into his trust account any moneys required to be paid into that trust account within 2 working days of receipt of those moneys.

"(3A) Where a private bailiff receives money from a person upon whom he has served a summons, the private bailiff shall immediately notify the Clerk of the Court of the receipt of that money.".

Clause, as amended, agreed to.

Clause 24 -

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

Insert in sub-clause (1) after "than" the words "a creditor of".

Clause, as amended, agreed to.

Clauses 25 to 27, by leave, taken together and agreed to.

Clause 28 -

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

Omit paragraph (c) and substitute the following:

"(c) cause a copy of the application together with a notification of the date set by the Clerk of the Court for the hearing of the application to be served on the agent.

"(2) The manager or other principal officer of a bank receiving a notice referred to in sub-section (1)(a) shall give effect to the direction of the Minister.".

Clause, as amended, agreed to.

Clause 29 -

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

Omit from sub-clause (2) "to lodge" and substitute "shall lodge".

Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31 -

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

Insert in sub-clause (1) after "Local Courts Act" the words "and has not nominated a private bailiff,".

Add the following sub-clause:

"(3) Where a person fails to nominate a private bailiff after the Clerk of the Court has required the person to do so, the Clerk of the Court may appoint a private bailiff to execute the warrant."

Clause, as amended, agreed to.

Clause 32 agreed to.

Clause 33 -

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

Omit from sub-clause (1) "in addition to" and substitute ", such other amount as may be agreed between the private bailiff and the person employing him and".

Insert at the beginning of sub-clause (2) "Subject to this section,".

Add the following sub-sections:

"(3) Section 285 of the Local Courts Act shall not apply to a private bailiff.

"(4) A private bailiff is not an employee of the Northern Territory within the meaning of section 7A of the Compensation (Australian Government Employees) Act 1971 of the Commonwealth."

Clause, as amended, agreed to.

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

Clause 43 -

On the motion of Mr Everingham the following amendments were made

Omit from paragraph (a) "an officer of Police" and substitute "a member of the Police Force".

Omit from paragraph (b) "rented" and substitute "registered".

Clause, as amended, agreed to.

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

Clause 46 -

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 an offence against a provision of this Act relating to an agent is committed by a corporation, then, in addition to any penalty to which the corporation is liable for that offence, the officers of the corporation shall be liable to the penalty provided by this Act in respect of the commission of that offence by an individual."

Clause, as amended, agreed to.

Clause 47 agreed to.

Postponed proposed new clause 16 -

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

Omit from paragraph (c) of sub-clause (3) "former".

New clause, as amended, agreed to.

Title agreed to.

Local Courts Bill (Serial 231)

Clauses 1, 2 and 3 agreed to.

New clause -

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

"3A.(1) Section 23(1) of the Principal Act is amended -

(a) by omitting "or" second occurring; and

(b) by inserting after "direction", the words "or a private bailiff employed under the Commercial and Private Agents Act,".

"(2) Section 23(2)(d) is amended by omitting "5 days" and substituting "10 days".

Clause 4 -

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

Omit from proposed section 87(2) "other than a bailiff".

Insert in proposed section 87(3) after "summons" (first occurring) ", other than an Unsatisfied Judgment Summons,".

Clause, as amended, agreed to after debate.

Clause 5 -

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

Omit "omitting '(excepting the wearing apparel' to" and substitute "omitting from and including '(excepting the wearing apparel' to and including".

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Add at the end thereof the following:

"and substituting the following sub-section:

'(2) Where an attempted service of process or execution of warrant is unsuccessful no additional fee shall be payable for any subsequent service or execution or attempted service or execution unless the process is returned to the Clerk of the Court with the prescribed form stating that service or execution has been attempted and the Clerk is satisfied that the attempt was a reasonable attempt at service or execution.'."

Clause, as amended, agreed to.

Clause 8 -

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

Omit Item 1 in the proposed new Second Schedule and substitute the following Items:

"1. Serving, or attempting to serve, a summons or notice of process, or executing, or attempting to execute, a warrant, within the Territory -

(a) For the first attempted service and one subsequent service or attempt \$10.00

(b) For any additional service or attempt \$10.00.

"1A. Service of a summons by mail in accordance with this Act - the fees charged under the Postal Services Act."

Clause, as amended, agreed to.

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

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

26. COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) BILL 1978 (Serial 163): 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.

27. CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL (No. 2) 1978 (Serial 218): 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, 2 and 3 agreed to.

New clause -

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

"3A. Section 3 of the Principal Act is amended by inserting after the definition of "Field Officer" the following definition:

"Justice" or "justice" means a Justice within the meaning of the Justices Act;".

Clause 4 agreed to.

Clause 5 -

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

Insert in proposed section 5(1A)(e) after "warrant" the words "addressed to a member of the Police Force".

Omit from proposed section 5(1B)(b) "issuing the warrant" and substitute "believing that the person to be named in the warrant will not comply with a summons under sub-section (1A)(d)".

Insert at the end thereof the following new sub-clause:

"(2) Section 6(2) of the Principal Act is amended by inserting after 'sub-section (1)' the words 'or in pursuance of a warrant issued under sub-section (1A)'."

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7 -

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

Insert in proposed section 19(1)(b) after "warrant" the words "addressed to a member of the Police Force".

Omit from proposed section 19(1A)(b) "issuing the warrant" and substitute "believing that the person to be named in the warrant will not comply with a summons under sub-section (1)(a)".

Clause, as amended, agreed to.

Clause 8 -

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

In proposed section 29(1) -

- (a) omit from paragraph (a) "attendance order" and substitute "community service order";
- (b) omit from paragraph (a) "if he was so released" and substitute "if the order was made"; and
- (c) insert in paragraph (b) after "warrant" the words "addressed to a member of the Police Force".

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

Omit from proposed section 29(1A)(b) "issuing the warrant" and substitute "believing that the person to be named in the warrant will not comply with a summons under sub-section (1)(a)".

Clause, as amended, agreed to.

Title -

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

Insert after "Act" the words "and for other purposes".

Title, as amended, agreed to.

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

Question put -

That the Bill be now read a third time.

Debate ensued.

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

28. ADJOURNMENT: Mr Robertson moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1728 hours adjourned until tomorrow at 1000 hours.

MINUTES OF PROCEEDINGS - Wednesday 28 February 1979

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 14

Thursday 1 March 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. DISTINGUISHED VISITOR - VICE-CONSUL FOR INDONESIA: Mr Speaker informed the Assembly that Mr Junor Soenarjo, Vice-Consul for Indonesia in Darwin, was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.

3. NOTICE: The following notice was given:

Mr Robertson: To present the Araluen Arts and Cultural Trust Bill 1979 (Serial 256).

4. QUESTIONS: Questions without notice were asked.
5. STATUTE LAW REVISION BILL 1979 (Serial 276): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

6. DARWIN TOWN AREA LEASES BILL 1979 (Serial 238): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

7. LAPSE OF NOTICE: Mr Tuxworth not rising to move Notice No. 3 standing in his name, the notice lapsed.
8. POLICE ADMINISTRATION BILL 1979 (Serial 269): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

9. CROWN LANDS BILL 1979 (Serial 237): Mr Perron (Minister for Lands and Housing), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved-

That the Bill be now read a second time.

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

10. ELECTRICITY COMMISSION BILL 1979 (Serial 254): Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

11. FOOD BILLS: FOOD STANDARDS BILL 1978 (Serial 196) and FOOD AND DRUGS BILL 1978 (Serial 197): 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)

Food Standards Bill (Serial 196)

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

Clause 3 agreed to with a formal amendment, after debate.

Clause 4 agreed to with a formal amendment.

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

Food and Drugs Bill (Serial 197)

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

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

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

12. LAND AND BUSINESS AGENTS BILL 1978 (Serial 223): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Perron moved -

That the committee stages be later taken.

Question put and passed.

13. INTESTATE ABORIGINALS BILLS: ADMINISTRATION AND PROBATE BILL 1978 (Serial 205), INTESTATE ABORIGINALS (DISTRIBUTION OF ESTATES) ACT REPEAL BILL 1978 (Serial 193) and FAMILY PROVISION BILL 1978 (Serial 194): 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.

SUSPENSION OF SITTING: The sitting was suspended between 1205 and 1400 hours.

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Administration and Probate Bill (Serial 205)

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

Clause 5 -

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

Omit from sub-section (1) the definition of "Aboriginal" and substitute the following definition:

"'Aboriginal' means a person who is a member of the aboriginal race of Australia;"

Omit from sub-section (2) "the traditional marriage" and substitute "a traditional marriage".

Clause, as amended, agreed to.

Clause 6 to 8, by leave, taken together and agreed to.

Clause 9 -

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

Omit from proposed section 71C "in respect of the estate has been granted" and substitute "has been granted or an order to collect and administer under section 122(1) has been made, in respect of the estate".

Clause, as amended, agreed to.

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

Clause 12 -

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

Omit "two thousand dollars" and substitute "2,000 dollars".

Clause, as amended, agreed to.

Title agreed to.

Intestate Aboriginals (Distribution of Estates) Act Repeal Bill (Serial 193)

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

Family Provision Bill (Serial 194)

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 the definition of "Aboriginal" and substitute the following definition:

"'Aboriginal' means a person who is a member of the aboriginal race of Australia."

Clause, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

The Assembly resumed - The Chairman reported the Bill 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 proposed laws.

14. MINING BILL (No. 5) 1978 (Serial 177): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

Clause 3 -

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

Omit from proposed new section 7A the figure and letter "7A." and substitute "7B.".

Omit proposed section 7B(3) and substitute the following sub-section:

"(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister."

Clause, as amended, agreed to.

New clause -

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

"4. Part I of Schedule 2 to the Principal Act is amended by omitting '12 degrees 43 minutes 20 seconds' (wherever occurring) and substituting '12 degrees 42 minutes 39 seconds'."

Title agreed to.

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

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

15. MOTOR VEHICLES BILL (No. 6) 1978 (Serial 148): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Bill, by leave, withdrawn.

16. PETROLEUM (PROSPECTING AND MINING) BILL (No. 3) 1978 (Serial 204): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Perron moved -

That the committee stages be later taken.

Question put and passed.

17. PETROLEUM (PROSPECTING AND MINING) BILL (No. 2) 1978 (Serial 179): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

Mr Perron moved -

That the committee stages be later taken.

Question put and passed.

18. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL (No. 3) 1978 (Serial 221): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

19. TENANCY BILL 1978 (Serial 199): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

20. LICENSING OF AGENTS BILLS: COMMERCIAL AND PRIVATE AGENTS LICENSING BILL 1978 (Serial 230) and LOCAL COURTS BILL 1978 (Serial 231): The order of the day having been read for the 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)

Title agreed to.

The Assembly resumed- The Chairman reported the Bills.

On the motion of Mr Everingham the Bills were recommitted to the committee of the whole Assembly for reconsideration of clauses 3A and 8 of the Local Courts Bill.

The Assembly again resolved itself into a committee of the whole.

(In the committee)

On recommitment

Clause 3A -

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

Insert in sub-section (2) after "23(2)(d)" the words "of the Principal Act".

Clause, as amended, agreed to.

Clause 8 -

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

Omit from item 1A "Postal Services Act" and substitute "Postal Services Act 1975 of the Commonwealth".

Clause, as amended, agreed to.

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

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

21. VETERINARY SURGEONS BILL 1978 (Serial 181): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

22. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, order of the day No. 14, Government Business, was called on.

23. FRAUD AND FALSE PRETENCES BILLS: POLICE AND POLICE OFFENCES BILL 1979 (Serial 257) and CRIMINAL LAW CONSOLIDATION BILL 1979 (Serial 258): 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 ensued.

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

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Police and Police Offences Bill (Serial 257)

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

Criminal Law Consolidation Bill (Serial 258)

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

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

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

24. ADJOURNMENT: Mr Everingham (Chief Minister) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1705 hours adjourned until Tuesday 6 March 1979 at 1000 hours.

PAPER: The following paper was deemed to have been presented on 1 March 1979, pursuant to statute:

Public Service By-laws 1979:

No. 2 Amendments of the Public Service (Terms and Conditions of Service)
By-laws

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

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 15

Tuesday 6 March 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. PETITION: Mr Oliver presented a Petition from 280 residents of the Alice Springs area expressing support for the proposed establishment of international hotels with gaming facilities in Darwin and Alice Springs.

Petition received and read.

3. NOTICES: The following notices were given -

Mr Everingham: To move -

That this Assembly authorizes the broadcasting of its proceedings to those offices in the Chan Block occupied by Ministerial staff and employees directly involved in departmental activities associated with the business of the Legislative Assembly.

That this authority does not extend to the mechanical recording of the proceedings broadcast other than for the purposes of the Assembly "Hansard" section.

That the control of the facility be exercised by Mr Speaker who may, at his discretion, terminate the service at any time and will as soon as practicable report to the Assembly his reasons for so doing.

Mr Everingham: To present the following Bills -

Public Trustee Bill 1979 (Serial 244);
Powers of Attorney Bill 1979 (Serial 265);
Aged and Infirm Persons' Property Bill (Serial 277); and
Jabiru Town Development Bill 1979 (Serial 278).

Mr Perron: To present the Stamp Duty Bill 1979 (Serial 260).

Mr Robertson: To present the Education Bill 1979 (Serial 264).

4. QUESTIONS: Questions without notice were asked.
5. SUSPENSION OF STANDING ORDERS - MOVE MOTION WITHOUT NOTICE: Mr Isaacs (Leader of the Opposition) moved -

That so much of standing orders be suspended as would prevent the Leader of the Opposition moving a motion without notice.

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

6. CENSURE OF CHIEF MINISTER: Mr Isaacs (Leader of the Opposition) moved -

That the Chief Minister be censured for his interference in the disciplinary and other official procedures of the Northern Territory Public Service and the Assembly calls on the Chief Minister to resign.

Debate ensued.

Mr Tuxworth moved -

That the question be put.

Question put and passed.

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

AYES 6

NOES 11

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

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.

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

7. TRADE MISSION TO SOUTH-EAST ASIA - DECEMBER 1978: Mr Perron (Treasurer), laid on the Table the report of the Northern Territory Government Trade Mission, and, by leave, made a statement on the Mission to Singapore, Malaysia and Hong Kong.

Mr Perron moved -

That the Report and the Statement be noted.

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

8. REPORT OF OMBUDSMAN - SECOND REPORT: Mr Everingham (Chief Minister) laid on the Table the second report of the Northern Territory Ombudsman.

Mr Everingham moved -

That the Report be noted

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

9. PUBLIC ROADS ON ABORIGINAL LANDS - MINISTERIAL STATEMENT: Mr Everingham (Chief Minister), by leave, made a Statement on public roads on Aboriginal lands.

Mr Everingham, by leave, moved -

That the Statement be noted.

Debate ensued.

Question put and passed.

10. ARALUEN ARTS AND CULTURAL TRUST BILL 1979 (Serial 256): Mr Robertson (Minister for Community Development), 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.

11. FREEHOLD TITLES BILL (No. 2) 1978 (Serial 211): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

12. EMPLOYMENT - MINISTERIAL STATEMENT: Mr Dondas (Minister for Youth, Sport and Recreation), by leave, made a statement on employment in the Northern Territory.

Mr Dondas moved -

That the Statement be noted.

Debate ensued.

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

13. HOUSING BILL (No. 2) 1978 (Serial 178): 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 negatived.

New clause -

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

"3. This Act shall be deemed to have come into operation on 1 July 1978."

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

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

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

14. LOCAL GOVERNMENT BILL (No. 5) 1978 (Serial 191): 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 -

Debate ensued.

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

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

15. LAND AND BUSINESS AGENTS BILL 1978 (Serial 223): 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 to 3, by leave, taken together and agreed to.

Clause 4 -

Mr Everingham proposed as an amendment -

Omit from sub-clause (1)(a) "the committee of the estate of a lunatic or the manager of the estate of an incapable person" and substitute "the committee of the estate of a person appointed under a law relating to mental health or a manager of the estate of a person appointed under a law relating to the property of protected persons".

Debate ensued.

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

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

16. PETROLEUM (PROSPECTING AND MINING) BILL (No. 3) 1978 (Serial 204): 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)

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

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

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

17. PETROLEUM (PROSPECTING AND MINING) BILL (No. 2) 1978 (Serial 179): 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, by leave, taken together and agreed to.

Clause 3 -

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

Omit from clause 3 ", unless he thinks fit" and substitute ", without the approval of the Administrator,".

Clause, as amended, agreed to.

Title agreed to.

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

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

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

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 1810 hours adjourned until tomorrow at 1000 hours.

PAPER: The following paper was deemed to have been presented on 6 March 1979, pursuant to statute -

Financial Statement:

Financial Statements and Auditor-General's Report, Northern Territory Tourist Board for 1977-8.

ATTENDANCE: All Members attended the sitting except Messrs Doolan and Vale, who had been granted leave of absence.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 16

Wednesday 7 March 1979

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

Dear Mr Speaker,

On 3 July 1978, acting with the advice of the Executive Council, and in accordance with a resolution passed by the Legislative Assembly on 16 June 1978, His Honour the Administrator, appointed Dr G.A. Letts, CBE, BVSc, MACVS, Mr A. Bassingthwaite, AO and Mr W.E.L. de Vos, BA, ACA, ACIS to comprise a Board of Inquiry under the Inquiries Act to inquire into, report on and make recommendations concerning feral animals in the Northern Territory.

The Board has now completed its inquiry and has submitted its Report to me.

Under section 4A of the Inquiries Act, the Administrator is required, not later than the first meeting of the Legislative Assembly which commences more than fourteen days after he has received a report by a Board of Inquiry, to lay the report before the Legislative Assembly. However, by virtue of section 34 of the Interpretation Act, the Administrator is unable to so act except with the advice of the Executive Council.

In accordance with advice given to me today by the Executive Council, I now have pleasure in forwarding the enclosed Report, submitted to me by the Chairman of the above Board of Inquiry, Dr Letts, for tabling in the Legislative Assembly.

Would you kindly arrange for the Report to be laid before the Legislative Assembly on its next Sitting Day.

Yours sincerely,

(Sgd) W.E.S. FORSTER
Acting Administrator
7 March 1979.

3. FERAL ANIMALS IN THE TERRITORY - REPORT: Mr Speaker laid on the Table the report from the Committee of Inquiry appointed under the Inquiries Act.

Mr Steele moved -

That the Report be noted

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

4. NEW PARLIAMENT HOUSE SITE COMMITTEE - REPORT: Mr Speaker laid on the Table the first report of the committee.

Mr Perron moved -

That the Report be noted

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

5. NOTICES: The following notices were given:

Mr Robertson: To present the following Bills -
Control of Roads Bill 1979 (Serial 279);
Local Government Bill 1979 (Serial 280);
Local Government Bill (No. 2) 1979 (Serial 287); and
Motor Vehicle Dealers Bill 1979 (Serial 243).

Mr Everingham: To present the following Bills -
Supreme Court Bill 1979 (Serial 200);
Compensation (Fatal Injuries) Bill 1979 (Serial 270);
Motor Accidents (Compensation) Bill 1979 (Serial 272);
Motor Vehicles Bill (No. 2) 1979 (Serial 275);
Legislative Assembly Members' Superannuation Bill 1979 (Serial 281);
Territory Parks and Wildlife Conservation Bill (No. 2) 1979 (Serial 282);
Territory Development Bill 1979 (Serial 283);
Criminal Law Consolidation Bill (No. 2) 1979 (Serial 284);
Sheriff Bill 1979 (Serial 285);
Interpretation Bill 1979 (Serial 286); and
Territory Insurance Office Bill 1979 (Serial 262).

Mr Perron: To present the following Bills -
Casino Licence and Control Bill 1979 (Serial 271);
Lottery and Gaming Bill 1979 (Serial 259); and
Pay-roll Tax Bill 1979 (Serial 288).

Mr Tuxworth: To present the Mental Health Bill 1979 (Serial 273).

6. QUESTIONS: Questions without notice were asked.

7. CONTROLLING LITTER IN THE NORTHERN TERRITORY - REPORT: Mr Everingham (Chief Minister) laid on the Table a report prepared by Mr Christopher Gilson of the Territory Parks and Wildlife Commission dated December 1978.

Mr Everingham moved -

That the Report be noted

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

8. BROADCASTING PROCEEDINGS TO CHAN BLOCK: Mr Everingham (Chief Minister), pursuant to notice, moved -

That this Assembly authorizes the broadcasting of its proceedings to those offices in the Chan Block occupied by Ministerial staff and employees directly involved in departmental activities associated with the business of the Legislative Assembly.

That this authority does not extend to the mechanical recording of the proceedings broadcast other than for the purposes of the Assembly "Hansard" section.

That the control of the facility be exercised by Mr Speaker who may, at his discretion, terminate the service at any time and will as soon as practicable report to the Assembly his reasons for so doing.

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

Insert after the first proposed resolution in the motion:

"That this Assembly further authorizes the broadcasting of its proceedings to offices in Block 3 from the date of their occupation by Members of the Assembly."

Motion, as amended, agreed to.

9. SUSPENSION OF STANDING ORDERS - INTRODUCE BILL WITHOUT NOTICE AND TWO BILLS TOGETHER: Mr Everingham (Chief Minister), by leave, moved -

That so much of standing orders be suspended as would prevent the introduction of the Administration and Probate Bill 1979 (Serial 268) without notice in conjunction with the Bill named in Notice No. 2, the first readings being taken together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the Bills together, and the consideration of the Bills separately in the committee of the whole.

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

10. PUBLIC TRUSTEE BILL 1979 (Serial 244) and ADMINISTRATION AND PROBATE BILL 1979 (Serial 268): Mr Everingham (Chief Minister), pursuant to notice and resolution, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

11. EDUCATION BILL 1979 (Serial 264): Mr Robertson (Minister for Education), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Robertson moved -

That the Bill be now read a second time.

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

12. POWERS OF ATTORNEY BILL 1979 (Serial 265): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

13. POSTPONEMENT OF NOTICE: On the motion of Mr Perron, Notice No. 5, relating to the Stamp Duty Bill 1979 (Serial 260) was postponed to the next sitting day.

14. AGED AND INFIRM PERSONS' PROPERTY BILL 1979 (Serial 277): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

15. JABIRU TOWN DEVELOPMENT BILL 1979 (Serial 278): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

16. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham (Chief Minister) order of the day No. 2, Government Business, was called on.
17. LAND AND BUSINESS AGENTS BILL 1978 (Serial 223): 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)

Clause 4 -

On the amendment proposed by Mr Everingham -

Omit from sub-clause (1)(a) "the committee of the estate of a lunatic or the manager of the estate of an incapable person" and substitute "the committee of the estate of a person appointed under a law relating to mental health or a manager of the estate of a person appointed under a law relating to the property of protected persons".

Amendment agreed to, after debate.

Clause, as amended, agreed to.

Clause 5 -

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

Omit from the definition of "agent" in sub-clause (1) "means a real estate agent, stock and station agent or business agent," and substitute "means a real estate agent or business agent,".

Insert after the definition of "agent's representative" the following definition:

"'approved building society' means an incorporated building society approved under section 4B of the Trustee Act as a society in which a trustee may invest trust funds;".

Omit from the definition of "branch manager" in sub-clause (1) "description referred to in section 25(1)(b)" and substitute "description referred to in section 25(b)".

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

Omit from sub-clause (2)(a) "whether used for rural purposes or other purposes and".

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

Omit paragraph (b) from sub-clause (2).

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

"(3) In this Act, a reference to a person being licensed or registered as a real estate agent or business agent under a law of a State or Territory providing for the licensing or registration of real estate agents or business agents, as the case may be, includes a reference to a person being licensed or registered in that State or Territory (not being the Northern Territory) to carry on an activity that, if carried on in the Northern Territory, would be an activity of a kind referred to in sub-section (2)(a) or (c), as the case may be."

Clause, as amended, agreed to.

Clauses 6 and 7, by leave, taken together and agreed to.

Clause 8 -

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

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

"(2A) The Registrar and Deputy Registrar shall be subject to any directions of the Board.

"(2B) Subject to this section and to the directions of the Registrar, a Deputy Registrar may exercise any power, or perform any function, of the Registrar."

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

"(3A) Inspectors shall be subject to any directions of the Registrar."

Clause, as amended, agreed to.

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

Clause 14 -

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

Omit from sub-clause (4)(c) "4 members" and substitute "3 members".

Clause, as amended, agreed to.

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

Clause 17 -

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

Omit "real estate agent, stock and station agent or business agent" and substitute "real estate agent or business agent".

Clause, as amended, agreed to.

Clauses 18 to 25, by leave, taken together and agreed to.

Clause 26 -

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

Omit from paragraph (b)(i) "real estate agent, stock and station agent or business agent" and substitute "real estate agent or business agent".

Clause, as amended, agreed to.

Clause 27 -

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

Omit from paragraph (b)(i) "real estate agent, stock and station agent or business agent" and substitute "real estate agent or business agent".

Clause, as amended, agreed to.

Clause 28 -

On the motion of Mrs O'Neil the following amendments were made -

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

"(3) Any person may, within 14 days after the publication of a notice referred to in section 26(b)(i) or 27(b)(i), object by notice in writing lodged with the Registrar to the grant of the application."

Omit sub-clause (5).

Clause, as amended, agreed to.

Clause 29 agreed to.

Clause 30 -

On the motion of Mrs O'Neil the following amendments were made -

Omit from paragraph (a) "a notice of objection" and substitute "subject to sub-section (2), a notice of objection".

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

"(2) The Board may, without holding an inquiry, reject an objection made under section 28(3) if, in the opinion of the Board, the objection is of a frivolous, irrelevant or malicious nature."

Clause, as amended, agreed to.

Clauses 31 to 41, by leave, taken together and agreed to.

Clause 42 -

On the motion of Mrs O'Neil the following amendments were made -

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

"(3) Any person may object by notice in writing lodged with the Registrar to the grant of an application for registration as an agent's representative."

Omit sub-clause (5).

Omit from sub-clause (7)(a) "a notice of objection" and substitute "subject to sub-section (7A), a notice of objection".

Insert after sub-clause (7) the following sub-clause:

"(7A) The Board may, without holding an inquiry, reject an objection made under sub-section (3) if, in the opinion of the Board, the objection is of a frivolous, irrelevant or malicious nature."

Clause, as amended, agreed to.

Clause 43 agreed to.

Clause 44 -

On the motion of Mrs O'Neil the following amendments were made -

Omit from sub-clause (1)(d) "any other ground" and substitute "any other reasonable ground".

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

"(4) Any person may apply, by notice in writing lodged with the Registrar, for the cancellation of the registration of an agent's representative on one or more of the grounds referred to in sub-section (1)."

Omit sub-clause (5) and substitute the following sub-clauses:

"(5) Where -

(a) subject to sub-section (5A), an application for the cancellation of registration as an agent's representative is lodged in accordance with this section; or

(b) the Board considers that there may be grounds under sub-section (1) for the cancellation of the registration of an agent's representative,

the Board shall hold an inquiry.

"(5A) The Board may, without holding an inquiry, reject an application for the cancellation of the registration of an agent's representative made under sub-section (4) if, in the opinion of the Board, the objection is of a frivolous, irrelevant or malicious nature."

Clause, as amended, agreed to.

Clause 45 negatived.

New clause -

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

"45. Where the Board cancels, under section 45, the registration of an agent's representative, the Registrar shall accordingly in writing inform the licensed agent who employs that agent's representative."

Clauses 46 to 49, by leave, taken together and agreed to.

Clause 50 -

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

Omit from sub-clause (1) "an account at a bank in the Territory" and substitute "an account at a bank in the Territory or at an approved building society".

Omit from sub-clause (3) "2 or more trust accounts at a bank or banks" and substitute "2 or more trust accounts at a bank or banks or at an approved building society or societies".

Clause, as amended, agreed to.

Clause 51 -

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

Omit from paragraph (a) "the name and address of the bank" and substitute "the name and address of the bank or approved building society".

Clause, as amended, agreed to.

Clauses 52 and 53, by leave, taken together and agreed to.

Clause 54 -

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

Omit from sub-clause (1), (2), (3) and (4) "bank" (wherever occurring) and substitute "bank or approved building society".

Clause, as amended, agreed to.

Clauses 55 and 56, by leave, taken together and agreed to.

Clause 57 -

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

Omit "A licensed agent shall keep such accounting records" and substitute "Subject to sub-section (2), a licensed agent shall keep such accounting records".

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

"(2) Sub-section (1) does not apply to a licensed agent that -

- (a) is a company carrying on business as an agent within and outside the Territory; and
- (b) keeps accounting records, which include accounting records of a description referred to in sub-section (1), in accordance with the requirements of the law in force in a State or Territory, not being the Northern Territory, relating to the keeping and audit of accounting records of companies."

Clause, as amended, agreed to.

Clauses 58 to 64, by leave, taken together and agreed to.

Clause 65 -

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

Omit from clause (1)(m) "the price that the principal is prepared to accept" and substitute "the price authorized by the principal".

Clause, as amended, agreed to.

Clause 66 agreed to.

Clause 67 -

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

Omit from paragraph (e) "providing for the licensing of real estate agents, of stock and station agents or of business agents" and substitute "providing for the licensing of real estate agents or of business agents".

Omit paragraph (f) and substitute the following paragraph:

"(f) subject to section 110A, in the case of a licensed agent being a company or firm, the company or firm has carried on business as a licensed agent for a period during which a branch manager of the company or firm was not a licensed real estate agent or business agent, as the case requires;"

On the motion of Mrs O'Neil the following further amendment was made -

After paragraph (i) add the following paragraph:

"(j) any other reasonable ground which, in the opinion of the Board, is sufficient to warrant revocation of the licence of the agent."

Clause, as amended, agreed to.

Clause 68 negatived.

New clause -

On the motion of Mrs O'Neil the following new clause was inserted in the Bill -

"68.(1) The Commissioner of Police may apply, by notice in writing lodged with the Registrar, for the revocation of the licence of a licensed agent on one or more of the grounds referred to in section 67.

"(2) The Registrar may apply, by notice in writing under his hand, for the revocation of the licence of a licensed agent on one or more of the grounds referred to in section 67.

"(3) Any person may apply, by notice in writing lodged with the Registrar, for the revocation of the licence of a licensed agent on one or more of the grounds referred to in section 67.

"(4) Where -

- (a) subject to sub-section (5), an application for the revocation of the licence of a licensed agent is lodged in accordance with this section; or
- (b) the Board considers that there may be grounds under section 67 for the revocation of the licence of a licensed agent,

the Board shall hold an inquiry.

"(5) The Board may, without holding an inquiry, reject an application for the revocation of the licence of a licensed agent made under sub-section (3) if, in the opinion of the Board, the application is of a frivolous, irrelevant or malicious nature.

"(6) Where a notice of application for the revocation of the licence of a licensed agent is lodged with the Registrar in accordance with this section, he shall, as soon as is reasonably practicable, serve a copy of that notice on the licensed agent in respect of whom the application is made."

Clause 69 -

On the motion of Mrs O'Neil the following amendment was made -

Omit from sub-clause (1) "pursuant to section 68(3)" and substitute "pursuant to section 68(4)".

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

After sub-clause (1) insert the following sub-clause:

"(1A) Where the Board decides to take action of a kind specified in sub-section (1)(a), (b), (c) or (d), the Registrar shall accordingly in writing inform -

- (a) in the case of a licensed agent or former licensed agent, as the case may be, who is an employee of, or a director of, a company which is a licensed agent - that company; or
- (b) in the case of a licensed agent or former licensed agent, as the case may be, who is an employee of a firm which is a licensed agent or a person by whom such a firm is constituted - that firm,

as the case requires."

Clause, as amended, agreed to.

Clauses 70 to 72, by leave, taken together and agreed to.

Clause 73 -

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

Omit from sub-clauses (1)(a), (2)(a) and (2)(b) "bank" (wherever occurring) and substitute "bank or approved building society".

Omit from sub-clauses (1)(b) and (2) "to sign cheques for the payment of moneys" (wherever occurring) and substitute "to sign cheques or other authorities for the payment of moneys".

Omit from sub-clause (2)(a) "cheques signed by the agent" and substitute "cheques or other authorities signed by the agent".

Clause, as amended, agreed to.

Clauses 74 to 92, by leave, taken together and agreed to.

Clause 93 -

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

Omit from sub-clauses (1)(a), (b) and (2) "bank" (wherever occurring) and substitute "bank or approved building society".

Clause, as amended, agreed to.

Clauses 94 to 108, by leave, taken together and agreed to.

Clause 109 -

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

Omit paragraph (b) from sub-clause (1).

Clause, as amended, agreed to.

Clause 110 -

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

Omit from sub-clause (3) "A licensed agent shall nominate and have at all times in his service" and substitute "Subject to section 110A, a licensed agent shall nominate and have at all times in his service".

Clause, as amended, agreed to.

New clause -

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

"110A.(1) Upon an application by a licensed agent, the Registrar may, subject to such conditions that he may consider necessary or desirable, grant approval, in writing, to the licensed agent to carry on business as a licensed agent for a period, not exceeding one month, during which the branch manager of a registered office of the licensed agent is not a licensed agent.

"(2) A licensed agent shall not contravene or fail to comply with a condition specified in an approval granted under sub-section (1).

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

Clause 111 -

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

Omit from sub-clause (2) "the licensing of real estate agents, stock and station agents or business agents" and substitute "the licensing of real estate agents or business agents".

Clause, as amended, agreed to.

Clause 112 agreed to.

Clause 113 -

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

Omit from sub-clause (2) "'stock and station agent', 'stock agent', 'station agent'".

Clause, as amended, agreed to.

Clauses 114 to 117, by leave, taken together and agreed to.

Clause 118 -

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

Omit paragraph (b) and substitute the following paragraph:

"(b) the address of the place or, where the agent carries on business at more than one place, one of the places at which the agent carries on business as an agent."

Clause, as amended, agreed to.

Clauses 119 to 121, by leave, taken together and agreed to.

Clause 122 -

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

Omit "the holder of a real estate agent's licence, stock and station agent's licence or business agent's licence" and substitute "the holder of a real estate agent's licence or business agent's licence".

Omit "evidence of the matter so stated" and substitute "prima facie evidence of the matter so stated".

Clause, as amended, agreed to.

Clauses 123 to 125, by leave, taken together and agreed to.

Clause 126 -

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

Omit from paragraph (e) "a licence to carry on business as a real estate agent, stock and station agent or business agent" and substitute "a licence to carry on business as a real estate agent or business agent".

Clause, as amended, agreed to.

Clause 127 -

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

Omit paragraph (b) from sub-clause (1).

Omit from sub-clauses (2), (3)(a) and (b) "a real estate agent, stock and station agent or business agent" (wherever occurring) and substitute "a real estate agent or business agent".

Clause, as amended, agreed to.

Title agreed to.

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

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

18. PERSONAL EXPLANATION: Mr Steele, by leave, made a personal explanation relating to an answer to a question made by him during this sitting day.
19. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham Order of the Day No. 6, Government Business, was called on.
20. PLANNING BILLS: PLANNING BILL 1978 (Serial 182), DARWIN TOWN AREA LEASES BILL 1978 (Serial 183), SPECIAL PURPOSES LEASES BILL 1978 (Serial 184), CHURCH LANDS LEASES BILL 1978 (Serial 185), CROWN LANDS BILL (No. 2) 1978 (Serial 187), LANDS ACQUISITION BILL (No. 2) 1978 (Serial 188), BUILDING BILL 1978 (Serial 189), FREEHOLD TITLES BILL 1978 (Serial 190) and UNIT TITLES BILL 1978 (Serial 192): 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.

. SUSPENSION OF SITTING: The sitting was suspended between 1203 and 1400 hours.

. DISTINGUISHED VISITOR - HON. R.F. CLAUGHTON, M.L.C., Mr Speaker informed the Assembly that the Hon. R.F. Claughton, M.L.C., Western Australia was present in the Gallery. Mr Speaker formally welcomed the distinguished visitor.

Debate resumed.

Question put and passed - Bills read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Planning Bill 1978 (Serial 182)

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

Clause 4 -

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

In sub-clause (1) in the definition of "consent authority" -

(i) omit from paragraph (b)(i) "and"; and

(ii) insert after paragraph (b)(i) the following new sub-paragraph:

"(ia) if the subdivision is a subdivision of freehold land other than freehold land referred to in section 78(2)(a) or (3) - the Minister; and";

Omit from the definition of "owner" the words "a minister or";

Miss D'Rozario proposed as an amendment -

Insert after the definition of "planning instrument" the following definition:

"'public purpose' means a purpose in relation to the Territory and includes a purpose related to the carrying out of a function by a statutory corporation;"

Debate ensued.

Question put and negatived.

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

Omit from the definition of "subdivision" the word "immediately".

Omit from the definition of "subdivision" the words "a subdivision to which this Act does not apply" and substitute "an excluded subdivision"; and

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

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

"'town' means -

(a) a town within the meaning of the Crown Lands Act;

(b) a municipality; or

(c) land specified by the regulations to be an area which is to be treated as a town;"

Clause as amended, agreed to.

Clause 5 agreed to, after debate.

Clauses 6 to 8, by leave, taken together and agreed to.

Clause 9 agreed to, after debate.

Clause 10 agreed to, after debate.

Clause 11 agreed to, after debate.

Clause 12 agreed to.

Clause 13 agreed to, after debate.

Clause 14 agreed to, after debate.

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

Clause 17 -

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

Insert at the end the following new sub-clause:

"(2) The Deputy Chairman has and may exercise all the functions of the Chairman during the absence or inability to act of the Chairman."

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19 agreed to, after debate.

Clause 20 agreed to.

Clause 21 -

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

Insert in sub-clause (3)(b) after "of which he was" the words "an alderman or".

Omit sub-clause (5).

Miss D'Rozario proposed as an amendment -

Omit sub-clause (3) and substitute:

"(3) The Minister shall remove a member from office if the member -

(a) was, at the time of his appointment, an alderman or member of a local authority;

(b) was nominated under section 14(1) by the local authority of which he was a member,

and has, since his appointment, ceased to hold office as an alderman or member of the local authority which appointed him under section 14(1)."

Question put and negatived.

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23 -

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

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

"Penalty: \$1,000.".

Miss D'Rozario proposed as an amendment -

Omit sub-clause (2) and substitute:

"(2) A member who has disclosed an interest under sub-section (1) shall take no further part in the deliberations of the Authority in relation to that matter.

Penalty: \$1,000.".

Debate ensued.

Question put and negatived.

Clause, as amended, agreed to.

Clause 24 -

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

Omit "pecuniary" (wherever occurring).

Clause, as amended, agreed to.

Clauses 25 to 29, by leave, taken together and agreed to.

Clause 30 -

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

Omit all words from and including "members" (first occurring) to and including "paid" and substitute "members other than employees shall be paid".

Clause, as amended, agreed to.

Clause 31 -

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

Omit from sub-clause (1) "the committee" and substitute "such committees".

Omit from sub-clause (2) "to which this section applies".

Clause, as amended, agreed to.

Clauses 32 and 33, by leave, taken together and agreed to.

Clause 34 -

Miss D'Rozario proposed as an amendment -

In sub-section (1), omit "A planning instrument may permit or control -"
and substitute "A planning instrument may permit, prohibit or control -".

Debate ensued.

Question put and negatived.

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

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

Clause, as amended, agreed to.

Clause 35 agreed to, after debate.

Clause 36 -

Miss D'Rozario proposed as an amendment -

Omit from sub-section (1) "to implement a proposal for the use or development of that land." and substitute "to implement a proposal for the use or development of that land for public purposes.".

Debate ensued.

Question put and negatived.

Clause 36 agreed to.

Clause 37 agreed to, after debate.

Clause 38 agreed to.

Clause 39 -

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

Omit from sub-clause (3) "of which he is the owner".

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

"(3A) The Authority shall, upon receiving a request made in pursuance of sub-section (2) or (3), give due consideration to the request.".

Clause, as amended, agreed to.

Clause 40 -

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

Insert in paragraphs (a)(ii) and (b) after "notice of the preparation of the instrument" the words "inviting any person to make a submission to the Authority in relation to the preparation of the instrument".

Clause, as amended and with a formal amendment, agreed to.

Clauses 41 to 44, by leave, taken together and agreed to.

Clause 45 -

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

Omit "exhibited" (first occurring) and substitute "prepared".

Clause, as amended, agreed to.

Clause 46 agreed to, after debate.

Clauses 47 to 49, by leave, taken together and agreed to.

Clause 50 -

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

Insert at the end thereof the following new sub-section:

"(2) The Authority shall invite a person who has made a submission under section 49 to appear before the Authority in support of his submission if the person -

(a) is the owner of land to which the draft planning instrument in respect of which his submission was made relates; and

(b) in the submission -

(i) objected to the proposals in the draft planning instrument in relation to the control of the use or development of that land; and

(ii) required the submission to be dealt with under this sub-section,

and the Authority proposes to recommend to the Minister in the report required under section 59(b) in relation to that instrument that the objection in the submission be not adopted."

Clause, as amended, agreed to.

Clauses 51 and 52, by leave, taken together and agreed to.

Clause 53 -

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

Omit from sub-clause (2)(c) "or" (last occurring) and substitute "and".

Clause, as amended, agreed to.

Clauses 54 to 59, by leave, taken together and agreed to.

Clause 60 -

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

Omit from sub-clause (6) "to and in relation to the re-exhibition of a draft planning instrument" and substitute "in respect of a draft planning

instrument re-exhibited".

Clause, as amended, agreed to.

Clauses 61 to 66, by leave, taken together and agreed to.

Clause 67 -

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

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

Clause, as amended, agreed to, after debate.

Clauses 68 and 69, by leave, taken together and agreed to.

Clause 70 -

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

Omit "Appeals Committee may determine" and substitute "Authority may determine under section 71".

Clause, as amended, agreed to.

Clause 71 -

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

Omit from sub-clause (1) "Appeals Committee" and substitute "Authority".

Omit sub-clause (3).

Clause, as amended, agreed to.

New clauses -

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

"71A.(1) The Authority shall, in considering any application under section 71(1), take into account the matters specified in section 106(a), (b), (c), (d), (e), (i) and (j).

"(2) Subject to this Act, the Authority may determine an application under section 71(1) by -

(a) extending, either conditionally or unconditionally, the time prescribed by section 70 in relation to the land the subject of the application; or

(b) refusing to so extend that time.

"71B.(1) The Authority shall, within 14 days of determining an application under section 71(1), issue an instrument of determination to the person who made the application.

"(2) An instrument of determination issued under sub-section (1) shall indicate that a right of appeal against the determination exists.

"71C.(1) An applicant who is aggrieved by a decision of the Authority under section 71A may, within 28 days of receiving the instrument of determination under section 71B, appeal to the Appeals Committee.

"(2) For the purposes of an appeal under this section, a reference in Division 2 of Part VII to a consent authority shall be read as a reference to the Authority."

Clause 72 -

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

Omit from the definition of "Commission" the word "Commission".

Clause, as amended, agreed to.

Clauses 73 to 77, by leave, taken together and agreed to.

Clause 78 -

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

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

"(2) This Part applies to -

(a) land to which a planning instrument applies; and

(b) freehold land to which a planning instrument does not apply."

Clause, as amended, agreed to.

Clause 79 agreed to.

New clause -

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

"79A.(1) No person shall enter into a transaction purporting to subdivide land in contravention of this Part.

Penalty: \$5,000.

"(2) A transaction purporting to subdivide land in contravention of this Part is void."

Clause 80 agreed to.

Clause 81 -

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

Omit sub-clause (2).

Clause, as amended, agreed to.

Clauses 82 to 85, by leave, taken together and agreed to.

Clause 86 -

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

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

"(1) A person who makes a prescribed subdivision application may cause notice of the application to be published in accordance with sub-section (1B).

"(1A) A consent authority to which a prescribed subdivision application is made -

- (a) may require the person who made the application to cause notice of the application to be displayed in a prominent manner on the land the subject of the application; and
- (b) shall not determine the application unless notice of the application has been published in accordance with sub-section (1B).

"(1B) Notice of a prescribed subdivision application shall be published in a newspaper circulating in the area in which the land to which the application relates is situated not less than 3 times during the period of 21 days referred to in section 88."

Omit from sub-clause (3) "The fee" and substitute "If the consent authority has published notice in accordance with sub-section (1B), the fee".

Clause, as amended, agreed to.

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

Clause 90 -

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

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

"(1) Subject to this Act, a consent authority may determine a subdivision application -

- (a) by granting consent, either conditionally or unconditionally, to the application;
- (b) by amending the application in such manner as it sees fit and granting consent, either conditionally or unconditionally, to the application as so amended; or
- (c) by rejecting the application.

"(1A) A consent authority shall not amend a subdivision application -

- (a) so that the application becomes a prescribed subdivision application; or
- (b) if the application is a prescribed subdivision application - so extensively that, in the opinion of the consent authority, the re-exhibition of the application is justified,

unless it causes the application as so amended to be exhibited in accordance with this Part.

"(1B) Sections 86, 87 and 88 apply to and in relation to the exhibition of an application under sub-section (1A)."

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

Omit from sub-clause (2) "the generality of" and substitute "the power of a consent authority under".

Clause, as amended, agreed to.

Clause 91 -

Miss D'Rozario proposed as an amendment -

Omit paragraph (a) of sub-section (1) and substitute:

"(a) give notice in writing of its determination to the person who made the application and to any person who made a submission to the consent authority under section 88; and"

Debate ensued.

Question put and negatived.

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

Omit sub-clause (1)(b).

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

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

"(2) An instrument of determination issued under sub-section (1) shall -

(a) where a consent to the subdivision application has been granted conditionally or the application has been rejected - set out the reasons therefor; and

(b) where there is a right of appeal against the determination - indicate that that right exists.".

Clause, as amended, agreed to.

Clause 92 agreed to.

Clause 93 -

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

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

"(2) An applicant for consent to a subdivision application who is aggrieved by the determination of the consent authority in relation to the application or the refusal of the application under sub-section (3) may, within 28 days of -

(a) receiving the instrument of determination in relation to the application; or

(b) the application's being refused under sub-section (3),

as the case may be, appeal to the Appeals committee.".

Clause, as amended, agreed to.

Clause 94 agreed to.

Clause 95 -

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

Insert in sub-clause (c) after "Territory" the words "or the local authority specified in the plans".

Insert at the end thereof the following new sub-clause:

"(2) Land vested in the Territory under sub-section (1) shall be deemed to be land reserved for a public purpose within the meaning of the Crown Lands Act."

Clause, as amended, agreed to.

Clause 96 agreed to.

Clause 97 -

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

Omit from sub-clause (2)(b) "registered in the office of the Surveyor-General" and substitute "deposited in the office of the Surveyor-General under section 12(3) of the Licensed Surveyors Act".

Clause, as amended, agreed to.

Clauses 98 to 102, by leave, taken together and agreed to.

Clause 103 -

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

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

"(1) A person who makes a prescribed development application may cause notice of the application to be published in accordance with sub-section (1B).

"(1A) A consent authority to which a prescribed application is made -

(a) may require the person who made the application to cause notice of the application to be displayed in a prominent manner on the land the subject of the application; and

(b) shall not determine the application unless notice of the application has been published in accordance with sub-section (1B).

"(1B) Notice of a prescribed development application shall be published in a newspaper circulating in the area in which the land to which the application relates is situated not less than 3 times during the period of 21 days referred to in section 105."

Omit from sub-clause (3) "The fee" and substitute "If the consent authority has published notice in accordance with sub-section (1B), the fee".

Clause, as amended, agreed to.

Clauses 104 and 105, by leave, taken together and agreed to.

Clause 106 -

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

Omit from paragraph (c) "whether the development would make the best use of".

Insert at the end thereof the following new sub-clauses:

"(2) A consent authority may invite a person who -

(a) has made a submission under section 105 in relation to a prescribed development application; and

(b) in the submission objected to the granting of a consent to the development application, or objected to the grant of a consent except subject to conditions specified in the submission,

to appear before it in support of his submission if, in its opinion, hearing that person will assist the consent authority in its consideration of the application."

Clause, as amended, agreed to.

Clause 107 agreed to.

Clause 108 negatived, after debate.

New clause -

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

"108.(1) Subject to this Act, a consent authority may determine a development application -

(a) by granting consent, either conditionally or unconditionally, to the application;

(b) by amending the application in such manner as it sees fit and granting consent, either conditionally or unconditionally, to the application as so amended; or

(c) by rejecting the application.

"(2) A consent authority shall not amend a development application -

(a) so that the application becomes a prescribed development application; or

(b) if the application is a prescribed development application - so extensively that, in the opinion of the consent authority, the re-exhibition of the application is justified,

unless it causes the application as so amended to be exhibited in accordance with this Part.

"(3) Sections 103, 104 and 105 apply to and in relation to the exhibition of an application under sub-section (1A).".

Clause 109 -

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

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

"(2) An instrument of determination issued under sub-section (1) shall -

(a) where a consent to the development application has been granted conditionally or the application has been rejected - set out the reasons therefor; and

(b) where there is a right of appeal against the determination - indicate that that right exists.".

Clause, as amended, agreed to.

Clause 110 -

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

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

"(2) An applicant for consent to a development application who is aggrieved by the determination of the consent authority in relation to the application or the refusal of the application under sub-section (3) may, within 28 days of -

(a) receiving the instrument of determination in relation to the application; or

(b) the application's being refused under sub-section (3),

as the case may be, appeal to the Appeals Committee.".

Clause, as amended, agreed to.

Clauses 111 and 112, by leave, taken together, and agreed to.

Clause 113 -

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

Omit from sub-clause (1) "106(1)" and substitute "112(1)".

Clause, as amended, agreed to.

Clauses 114 and 115, by leave, taken together and agreed to.

Clause 116 -

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

Insert in sub-clause (2)(e) after "the" the word "Licensed".

Clause, as amended, agreed to.

Clause 117 -

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

Insert at the end the following new sub-clause:

"(3) The Deputy Chairman has and may exercise all the functions of the Chairman during the absence or inability to act of the Chairman."

Clause, as amended, agreed to.

Clause 118 agreed to.

Clause 119 agreed to, after debate.

Clause 120 -

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

Omit sub-clause (4).

Clause, as amended, agreed to.

Clause 121 -

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

Omit from sub-clause (1)(a) "of the Appeals Committee".

Clause, as amended, agreed to.

Clause 122 -

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

Insert after "appeal" (wherever occurring) the words "or other proceedings".

Clause, as amended, agreed to.

Clause 123 -

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

Omit all words after "direct or indirect" (first occurring) and substitute "interest in land has a direct or indirect interest in the land".

Clause, as amended, agreed to.

Clauses 124 to 126, by leave, taken together and agreed to.

Clause 127 agreed to.

Clause 128 agreed to, after debate.

Clause 129 -

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

Omit from sub-clause (1) all words to and including "appellant" and substitute "The Chairman of the Appeals Committee shall cause notice of an appeal to be served".

Clause, as amended, agreed to.

Clauses 130 and 131 agreed to.

Clause 132 agreed to, after debate.

Clauses 133 to 136, by leave, taken together and agreed to.

Clause 137 -

Mr Perron proposed as an amendment -

Omit sub-clause (1)(b).

Debate ensued.

Proposed amendment, by leave, withdrawn.

Consideration of clause postponed.

Clauses 138 and 139, by leave, taken together and agreed to.

Clause 140 -

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

Insert after "situated" the words "not less than 2 times in a period of 2 weeks".

Clause, as amended, agreed to.

Clause 141 agreed to.

Clause 142 -

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

Insert in paragraph (g) after "appeal" (second occurring) the words "who gives evidence in the appeal".

Clause, as amended, agreed to.

Clause 143 -

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

Insert at the end the following new sub-clause:

"(3) The decision of the Appeals Committee on an appeal shall be deemed to be the final decision of the consent authority whose decision was the subject of the appeal."

Clause, as amended, agreed to.

Clauses 144 and 145, by leave, taken together and agreed to.

Clause 146 -

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

Omit from sub-clause (3) "(2)" and substitute "(1).

Clause, as amended, agreed to.

Clause 147 agreed to.

Clause 148 agreed to, after debate.

Clauses 149 to 161, by leave, taken together and agreed to.

Clause 162 -

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

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

"'commencement date' means the date of commencement of this Part;".

Omit the definition of "date of commencement".

Clause, as amended, agreed to.

Clause 163 -

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

Omit "date of commencement" and substitute "commencement date".

Clause, as amended, agreed to.

Clause 164 -

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

Omit "date of commencement" and substitute "commencement date".

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

Omit from sub-clause (c) "Board" (second occurring) and substitute "Authority".

Clause, as amended, agreed to.

Clauses 165 and 166, by leave, taken together and agreed to.

Clause 167 -

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

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

"(1A) The Second Schedule to the former Act shall, notwithstanding the repeal effected by section 3, be deemed to form part of each town plan deemed to be a planning instrument by sub-section (1) (the Darwin Town Plan excepted).".

Clause, as amended, agreed to.

Clauses 168 and 169, by leave, taken together and agreed to.

Clause 170 -

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

Omit "date of commencement" and substitute "commencement date".

Clause, as amended, agreed to.

Clause 171 -

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

Omit from paragraphs (d) and (e) "date of commencement" and substitute "commencement date".

Clause, as amended, agreed to.

Clauses 172 to 174, by leave, taken together.

Debate ensued.

Consideration of clauses 172 to 174 postponed.

Clause 175 -

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

Omit "date of commencement" and substitute "commencement date".

Clause, as amended, agreed to.

Clause 176 agreed to.

Clause 177 -

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

Omit "appointed day" and substitute "commencement date".

Clause, as amended, agreed to.

Clause 178 agreed to.

Schedule 1 agreed to.

Postponed clause 137 agreed to, after debate.

Postponed clauses 172 to 174 -

Further consideration of clauses 172 to 174 postponed until after consideration of cognate Bills.

Darwin Town Area Leases Bill (Serial 183)

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 2 of the Principal Act is amended by inserting after the definition of 'right to lease' the following definition:

"subdivision" means subdivision within the meaning of the Planning Act;".

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

Clause 8 -

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

Omit from sub-clause (3) "(a) the lease contained" and substitute "(a) the right to a lease was a right to a lease which would contain".

Clause, as amended, agreed to.

Clause 9 agreed to.

New clause -

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

"9A. Section 28B(3) of the Principal Act is amended by omitting paragraph (j) and substituting the following paragraph:

'(j) the transfer or assignment of -

(i) a lease; or

(ii) an interest in a lease,

the right to which was acquired before or during a marriage between persons who are or were at any time parties to that marriage.'".

Clause 10 -

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

Omit from proposed section 29(2) "new leases" and substitute "a new lease".

Omit proposed section 29A(2)(a)(iii) and substitute the following sub-paragraph:

"(iii) the plans of authorized survey in relation to the subdivision have been deposited in the office of the Surveyor-General under section 12(3) of the Licensed Surveyors Act; and".

Insert at the end thereof the following new proposed section:

"29C. Subject to this and any other Act, land subject to a lease may be sublet, and the lease and any interest therein may be assigned, transferred or mortgaged.".

Clause, as amended, agreed to.

Clause 11 agreed to.

Title agreed to.

Special Purposes Leases Bill 1978 (Serial 184)

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

Clause 5 agreed to, after debate.

Title agreed to.

Church Lands Leases Bill 1978 (Serial 185)

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

Crown Lands Bill (No. 2) 1978 (Serial 187)

Clauses 1 to 7, by leave, taken together and 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 25CA of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

'(4) In this section, "town site" means land within a town within the meaning of the Planning Act.'."

Clause 9 -

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

Omit "'Board'" (first occurring) and substitute "'the Board'".

Clause, as amended, agreed to.

Clause 10 -

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

Insert after proposed new section 25DAAA(1) the following new proposed sub-section:

"(1A) In this section, 'subdivision' means subdivision within the meaning of the Planning Act."

Clause, as amended, agreed to.

Clauses 11 and 12, by leave, taken together and agreed to.

Clause 13 -

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

Omit "parties" (first occurring) and substitute "persons".

Clause, as amended, agreed to.

Clauses 14 to 17, by leave, taken together and agreed to.

Clause 18 -

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

Insert in sub-clause (2) after "(2A)" the words "and (2B)".

Clause, as amended, agreed to.

Clauses 19 to 22, by leave, taken together and agreed to.

Clause 23 negatived, after debate.

New clause -

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

"23. Section 103C(9A) of the Principal Act is amended -

(a) by omitting 'and the Regulations Publication Ordinance'; and

(b) by omitting 'Administrator in Council' and substituting 'Administrator'."

Clauses 24 and 25, by leave, taken together and agreed to.

Title agreed to.

Lands Acquisition Bill (No. 2) 1978 (Serial 188)

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

Clause 5 -

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

Omit "after section 42 of" and substitute "in Part IV immediately before section 32".

Omit "42A" and substitute "31A".

Clause, as amended, agreed to.

New clause -

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

"5A. Section 40(3) of the Principal Act is amended by omitting 'The Tribunal may consider, in addition to the matters referred to in sub-section (2),' and substituting 'Without limiting the generality of the power of the Tribunal under sub-section (2), the Tribunal may consider'."

Clause 6 agreed to.

Clause 7 agreed to with a formal amendment, after debate.

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

New clause -

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

"11A. Section 73(1) of the Principal Act is amended by omitting '(which relates to abandoned proposals)' and '(which relates to damages for entry onto land)'."

Clause 12 agreed to.

Title agreed to.

Building Bill 1978 (Serial 189)

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

Freehold Titles Bill 1978 (Serial 190)

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

Unit Titles Bill 1978 (Serial 192)

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

Planning Bill 1978 (Serial 182)

Postponed clauses 172 to 174 -

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

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

21. URANIUM MINING (ENVIRONMENT CONTROL) BILL 1979 (Serial 250): 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.

Mr Collins proposed as an amendment -

Omit all words after "that" with a view to inserting the following:

"The Bill be redrafted so that its contents relate to environmental protection in regard to mining generally throughout the Northern Territory, and not only to uranium mining."

Debate ensued.

Question put - The Assembly divided (Mr Speaker 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.

- . SUSPENSION OF STANDING ORDERS - PASS BILL THROUGH ALL STAGES: Mr Robertson (Minister for Community Development) moved -

That so much of standing orders be suspended as would prevent the Uranium Mining (Environment Control) Bill 1979 being passed through all stages at this sittings.

Debate ensued.

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

- . PERSONAL EXPLANATION: Mr Collins, by leave, made a personal explanation refuting remarks made by the Chief Minister during debate on the motion to suspend standing orders.

Question put -

That the Bill be now read a second time.

The Assembly divided (Mr Speaker MacFarlane in the Chair)

AYES 11

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

NOES 7

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

And so it was resolved in the affirmative.

Bill read a second time.

Mr Robertson moved -

That the committee stages be later taken.

Question put and passed.

22. ADJOURNMENT: Mr Robertson (Minister for Community Development) moved -

That the Assembly do now adjourn.

Debate ensued.

Question put and passed.

And then the Assembly at 2144 hours adjourned until tomorrow at 1000 hours.

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

Thursday 8 March 1979

1. The Assembly met at 1000 hours pursuant to adjournment - Mr Speaker MacFarlane took the Chair.
2. MESSAGES FROM ACTING ADMINISTRATOR: Mr Speaker advised that he had received the following messages from His Honour the Acting Administrator:

Message No. 7:

I, WILLIAM EDWARD STANLEY FORSTER, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the Territory Insurance Office Bill 1979 to establish the Territory Insurance Office to carry out certain insurance business and other related activities in the Territory and for other purposes.

Dated this seventh day of March, 1979.

(Sgd) W.E.S. FORSTER

Acting Administrator

Message No. 8:

I, WILLIAM EDWARD STANLEY FORSTER, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the Legislative Assembly Members' Superannuation Bill 1979 to establish a contributory superannuation scheme for members of the Legislative Assembly, and for related purposes.

Dated this seventh day of March, 1979.

(Sgd) W.E.S. FORSTER

Acting Administrator

Message No. 9:

I, WILLIAM EDWARD STANLEY FORSTER, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a Bill entitled the Supreme Court Bill 1979 to create a Supreme Court of the Northern Territory of Australia in place of the Supreme Court previously established by the Northern Territory Supreme Court Act 1961 of the Commonwealth.

Dated this seventh day of March, 1979.

(Sgd) W.E.S. FORSTER

Acting Administrator

3. PETITIONS: Miss D'Rozario presented a Petition from 1,647 residents of the Darwin area relating to the proposal to construct a casino in the Mindil Beach recreation area.

Petition received and read.

Mr Perron presented a Petition from 1,124 citizens of the Northern Territory relating to the proposal to construct a casino adjacent to the Mindil Beach recreation area.

Petition received.

Mr Harris presented a Petition on behalf of the Member for Elsey from 155 citizens of the Katherine area expressing concern at loiterers in the Katherine town area.

Petition received and read.

4. QUESTIONS: Questions without notice were asked.
5. ANSWERS TO QUESTIONS: Mr Tuxworth, by leave, provided information in reply to questions asked of him during this sittings.
6. HEALTH POLICY OF THE NORTHERN TERRITORY GOVERNMENT - MINISTERIAL STATEMENT: Mr Tuxworth (Minister for Health) made a Statement on the health policy of the Northern Territory government.

Mrs O'Neil moved -

That the Statement be noted

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

- . SUSPENSION OF STANDING ORDERS - FOUR BILLS TOGETHER: Mr Everingham (Chief Minister) moved -

That so much of standing orders be suspended as would prevent four Bills relating to the Supreme Court of the Northern Territory -

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

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

8. SUPREME COURT BILLS: SUPREME COURT BILL 1979 (Serial 200), CRIMINAL LAW CONSOLIDATION BILL (No. 2) 1979 (Serial 284), SHERIFF BILL 1979 (Serial 285) and INTERPRETATION BILL 1979 (Serial 286): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

9. CASINO LICENCE AND CONTROL BILL 1979 (Serial 271): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

10. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Perron (Treasurer) moved -

That so much of standing orders be suspended as would prevent two Bills relating to Lottery and Gaming and Stamp Duty -

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

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

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

11. LOTTERY AND GAMING BILL 1979 (Serial 259) and STAMP DUTY BILL 1979 (Serial 260): Mr Perron (Treasurer), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Perron moved -

That the Bills be now read a second time.

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

12. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Robertson (Minister for Community Development) moved -

That so much of standing orders be suspended as would prevent two Bills relating to Local Government and Control of Roads -

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

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

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

13. CONTROL OF ROADS BILL 1979 (Serial 279) and LOCAL GOVERNMENT BILL 1979 (Serial 280): Mr Robertson (Minister for Community Development), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Robertson moved -

That the Bills be now read a second time.

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

14. SUSPENSION OF STANDING ORDERS - TWO BILLS TOGETHER: Mr Everingham (Chief Minister) moved -

That so much of standing orders be suspended as would prevent two Bills relating to Territory Parks and Wildlife Conservation and Territory Development -

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

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

15. TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (No. 2) 1979 (Serial 282) and TERRITORY DEVELOPMENT BILL 1979 (Serial 283): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

16. MOTOR VEHICLE DEALERS BILL 1979 (Serial 243): Mr Robertson (Minister for Community Development), 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.

17. MENTAL HEALTH BILL 1979 (Serial 273): Mr Tuxworth (Minister for Health), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Tuxworth moved -

That the Bill be now read a second time.

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

18. LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION BILL 1979 (Serial 281): Mr Everingham (Chief Minister), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Everingham moved -

That the Bill be now read a second time.

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

. SUSPENSION OF SITTING: The sitting was suspended between 1205 and 1400 hours.

19. LOCAL GOVERNMENT BILL (No. 2) 1979 (Serial 287): Mr Robertson (Minister for Community Development), 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.

20. SUSPENSION OF STANDING ORDERS - FOUR BILLS TOGETHER: Mr Everingham (Chief Minister) moved -

That so much of standing orders be suspended as would prevent four Bills relating to the Territory Insurance Office, Compensation (Fatal Injuries), Motor Accidents (Compensation) and Motor Vehicles -

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

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

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

21. TERRITORY INSURANCE OFFICE BILL 1979 (Serial 262), COMPENSATION (FATAL INJURIES) BILL 1979 (Serial 270), MOTOR ACCIDENTS (COMPENSATION) BILL 1979 (Serial 272) and MOTOR VEHICLES BILL (No. 2) 1979 (Serial 275): Mr Everingham (Chief Minister), pursuant to notice, presented the Bills which were thereupon read a first time.

Mr Everingham moved -

That the Bills be now read a second time.

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

22. PAY-ROLL TAX BILL 1979 (Serial 288): Mr Perron (Treasurer), pursuant to notice, presented the Bill which was thereupon read a first time.

Mr Perron moved -

That the Bill be now read a second time.

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

23. MOTOR VEHICLES BILL 1979 (Serial 266): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

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

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

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

24. LOCAL GOVERNMENT BILL (No. 5) 1978 (Serial 191): 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)

Clause 2 agreed to, after debate.

New clause -

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

"2A.(1) Section 304 of the Principal Act is amended by omitting "not being land reserved under a law of the Northern Territory for the recreation or amusement of the public or for any other public purpose,".

"(2) Section 304 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) The provisions of sub-section (1) do not apply to land held by a council under section 339A or 339B.".

Clause 3 -

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

Omit from proposed section 339B(1) "section 103C" and substitute "section 103".

Omit from proposed section 339B(2) "in pursuance".

Clause, as amended and with a formal amendment, agreed to.

Clause 4 agreed to, after debate.

Title agreed to.

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

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

25. TENANCY BILL 1978 (Serial 199): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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 amendment was made -

Omit from sub-clause (1) the definition of "holiday purposes".

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

Omit from the definition of "premises" in sub-clause (1) paragraphs (h) and (i) and substitute the following:

"(h) a caravan park".

Clause, as amended, agreed to.

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

Clause 8 -

Miss D'Rozario proposed as an amendment -

In paragraph (b) of sub-section (2), omit "within a time specified in the notice," and substitute "within 14 days of receipt of the notice,".

Debate ensued.

Question put and negatived.

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

Omit sub-clause (4).

Omit from sub-clause (5) "sub-section (4)" and substitute "sub-section (2)".

On the motion of Miss D'Rozario the following further amendment was made, after debate -

Omit sub-section (7).

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10 -

On the motion of Miss D'Rozario the following amendment was made, after debate -

Omit "has effect from the date of the determination or such later date as is specified in the determination." and substitute "has effect from the date of the application made under section 8 or such later date as is specified in the determination.".

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

Add at the end the following sub-clause:

"(2) A determination referred to in sub-section (1) shall expire 6 months after the date on which it takes effect.".

Clause, as amended, agreed to.

Clauses 11 to 13, by leave, taken together and agreed to.

New clause -

Miss D'Rozario moved -

That the following new clause be inserted in the Bill -

"13A.(1) The Commissioner shall, from time to time, publish in the Gazette a list of premises showing the flat number (if applicable), street number, lot number, name of the street and the town in which that street is located, to which a determination applies.

"(2) The Commissioner shall cause to be kept a register, indexed under the street name, of all determinations made, and this register shall be available for perusal by the public during the hours when the offices of the Commissioner are open for business.".

Debate ensued.

Question put and negatived.

Clause 14 agreed to.

Clause 15 agreed to, after debate.

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

Clause 18 agreed to, after debate.

Clauses 19 to 37, by leave, taken together and agreed to.

Clause 38 -

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

Amend sub-clause (1) -

(a) by omitting from paragraph (a) "and"; and

(b) by adding at the end the following: "; and

(c) the payment of any unpaid rent."

Clause, as amended, agreed to, after debate.

Clause 39 -

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

Amend sub-clause (1) by omitting all words and letters after and including "the lessee may -" and substituting the following:

"the lessee may pay the money to -

(a) the lessor;

(b) a land agent; or

(c) such other person as the Commissioner, in writing, may approve for that purpose,

who, on receiving the money, shall give to the lessee a receipt for the full amount paid."

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

Insert after sub-clause (1) the following sub-clauses:

"(1A) Subject to this Part, all moneys paid in pursuance of sub-section (1) shall be held in trust for the lessee and shall be paid into a bank account so entitled in the Territory not later than 7 days after they are received by the lessor, land agent or other person, as the case may be.

Penalty: \$1,000 or imprisonment for 6 months.

"(1B) where a lessor who is holding money in trust for a lessee pursuant to sub-section (1A) intends to leave the Territory for a period of more than 14 days, he shall, before leaving the Territory, pay the money so held to a land agent or other person referred to in sub-section (1) who shall deal with that money, in the lessee's name, as if it were paid to him by the lessee in pursuance of sub-section (1).

Penalty: \$1,000 or imprisonment for 6 months."

Amend sub-clause (2) by omitting "the lessor or a land agent" and substituting "the lessor, a land agent or other person".

Amend sub-clause (3) -

- (a) by omitting "a lessor or a land agent" and substituting "a lessor, a land agent or other person"; and
- (b) by inserting in paragraph (b) after "land agent" the words "or other person, as the case may be,".

Amend sub-clause (4) -

- (a) by inserting after "a land agent" the words "or other person"; and
- (b) by inserting after "the land agent" the words "or other person, as the case may be,".

Clause, as amended, agreed to.

Clause 40 -

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

Omit "the land agent or lessor" and substitute "the land agent, the lessor or person referred to in section 39(1)(c), as the case may be,".

Clause, as amended, agreed to.

Clauses 41 to 46, by leave, taken together and agreed to.

Clause 47 -

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

Omit from paragraph (k) in sub-clause (2) "the prescribed period of 8 weeks" and substitute "the prescribed period of 4 weeks".

Clause, as amended, agreed to.

Clause 48 -

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

Omit from sub-clause (8) "sub-section (2)" (wherever occurring) and substitute "sub-section (7)".

Clause, as amended, agreed to.

Clause 49 -

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

Omit "under this section," and substitute "under section 48(7),".

Clause, as amended, agreed to.

Clause 50 agreed to.

Clause 51 -

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

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

"(1) The Tribunal may, upon an application of a lessor of a dwelling house made -

(a) at the time of an application under sub-section 48(1); or

(b) at any time where written notice of intention to make the application has been given to the tenant,

terminate the agreement if it is satisfied that -

(c) in a case referred to in paragraph (a) - the notice is sufficient in the circumstances; and

(d) in any case -

(i) the tenant has intentionally or recklessly caused damage to the dwelling-house;

(ii) the tenant has permitted damage to be caused to the dwelling-house;

(iii) the tenant is likely, intentionally or recklessly, to cause damage to the dwelling-house;

(iv) the tenant has caused or is likely to cause injury to the lessor, his agent or a person in occupation of or permitted on adjacent premises; or

(v) the tenant has established a pattern of failure to pay rent under the lease or under any other lease of a dwelling-house."

Clause, as amended, agreed to.

Clauses 52 to 57, by leave, taken together and agreed to.

Clause 58 -

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

Insert in sub-clause (3) after "instrument" the words "in relation to premises let for residential purposes".

Clause, as amended, agreed to.

New clause -

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

"58A. Where a furnished dwelling house is leased to a person, the lessor shall, at the time of leasing it to the lessee, supply to the lessee a complete inventory of the furniture and other household effects leased with the dwelling-house.

Penalty: \$200."

Clause 59 -

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

Omit "is to the extent" and substitute "is to that extent".

Clause, as amended, agreed to.

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

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

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

26. WORKMEN'S COMPENSATION BILL (No. 2) 1978 (Serial 228): 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 -

Mr Everingham (Chief Minister), by leave, assumed control of the Bill.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clauses 1 to 11, by leave, taken together and agreed to.

Clause 12 -

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

After proposed section 16L insert the following section:

"16LA.(1) The Nominal Insurer may, by instrument in writing, either generally or in relation to a matter or class of matters, delegate to a person all or any of his powers or functions under this Act other than this power of delegation.

"(2) A power delegated in accordance with sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation.

"(3) A delegation under this section is revocable by the Nominal Insurer in writing at will and does not prevent the exercise of a power or the performance of a function by the Nominal Insurer."

Clause, as amended, agreed to.

Clause 13 agreed to.

New clause -

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

"13A. Section 17C(1) of the Principal Act is amended by omitting 'Where a claim is made against the nominal insurer he may apply' and substitute 'Where a claim is made against the Nominal Insurer it may apply'."

Clauses 14 to 19, by leave, taken together and agreed to.

Clause 20 -

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

Omit "(i)" (first occurring) from proposed paragraph (1A)(i)D and substitute "(I)".

Omit "(ii)" (first occurring) from proposed paragraph (1A)(i)D and substitute "(II)".

Clause, as amended, agreed to.

Clauses 21 and 22, by leave, taken together and agreed to.

Clause 23 -

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

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

"(3) As soon as is practicable after the appointed day, the Nominal Insurer shall make an estimate of the total amount to be paid from the Fund with respect to -

- (a) the liability, under section 9B of the Principal Act, of approved insurers; and
- (b) the liability, under section 17F of the Principal Act, of approved insurers and exempt employers,

existing immediately before the appointed day or which would have arisen out of events preceding the appointed day if sections 9, 12, 14, 16 and 18 of this Act had not come into operation on the appointed day."

Omit sub-clause (5) and substitute the following sub-clauses:

"(5) The Nominal Insurer shall apportion liability to contribute to the moneys of the Office the amount of the estimate referred to in sub-section (3) amongst those who were approved insurers or exempt employers on the day immediately before the appointed day.

"(5A) In making an apportionment under sub-section (5), the Nominal Insurer shall have regard so far as practicable to -

- (a) the premium income (whether received by or owing to an insurer) of each approved insurer in respect of policies of insurance or indemnity effected with each approved insurer by employers for the purpose of complying with section 18 of the Principal Act, in the period of 12 months ending on the day immediately before the appointed day; and
- (b) the premium that would have been payable by each exempt employer if he had obtained in respect of that period of 12 months (or the part of the period during which he was an exempt employer),

a policy of insurance or indemnity in accordance with section 18 of the Principal Act.

"(5B) When the Nominal Insurer makes an apportionment under sub-section (5) it shall, by notice in writing, notify each approved insurer and exempt employer of particulars of the apportionment and require him to pay to the Nominal Insurer the amount apportioned to him, within such time as is specified in the notice and the approved insurer or exempt employer, as the case may be, shall pay that amount accordingly."

Omit "sub-section (5)" from sub-clause (6) and substitute "sub-section (5B)".

After the definition of "appointed day" in sub-clause (7) insert the following definitions:

"'approved insurer' has the same meaning as it has in the Principal Act as amended by this Act;

"'exempt employer' has the same meaning as it has in the Principal Act as amended by this Act;"

After the definition of "former nominal insurer" in sub-clause (7) insert the following definition:

"'Principal Act' means the Principal Act as in force immediately before the appointed day."

Clause, as amended, agreed to.

Schedule agreed to.

Title agreed to.

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

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

27. EXPLOSIVES BILL 1978 (Serial 220): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time.

Debate resumed.

Question put and passed - Bill read a second time.

The Assembly resolved itself into a committee of the whole.

(In the committee)

Clause 1 -

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

Insert after "Explosives Act" the word and figure "(No. 2)".

Clause, as amended, agreed to.

Clauses 2 to 5, by leave, taken together and agreed to.

Clause 6 negatived.

New clause -

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

"6. Section 21 of the Principal Act is amended by adding at the end thereof the following sub-section:

'(5) This section does not apply to the filling of cartridges for firearms.'."

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

Clause 9 -

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

Omit "or gunpowder".

Clause, as amended, agreed to.

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

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

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

28. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Everingham, Order of the Day No. 7, Government Business, was called on.
29. PLANNING BILLS: PLANNING BILL 1978 (Serial 182), DARWIN TOWN AREA LEASES BILL 1978 (Serial 183), SPECIAL PURPOSES LEASES BILL 1978 (Serial 184), CHURCH LANDS LEASES BILL 1978 (Serial 185), CROWN LANDS BILL (No. 2) 1978 (Serial 187), LANDS ACQUISITION BILL (No. 2) 1978 (Serial 188), BUILDING BILL 1978 (Serial 189), FREEHOLD TITLES BILL 1978 (Serial 190) and UNIT TITLES BILL 1978 (Serial 192): The order of the day having been read for the 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)

Planning Bill 1978 (Serial 182)

Postponed clauses -

Clause 172 agreed to.

Clause 173 negatived.

Clause 174 -

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

Insert in sub-clause (1)(b) after "section" the words "38A or".

Clause, as amended, agreed to.

Title agreed to.

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

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

30. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 8, Government Business, was called on.
31. URANIUM MINING (ENVIRONMENT CONTROL) BILL 1979 (Serial 250): 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 -

Mr Collins proposed as an amendment -

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

"'environmental impact statement', in relation to mining, means an environmental impact statement within the meaning of the Planning Act in relation to that mining;"

Debate ensued.

Question put and negatived.

Mr Collins proposed as an amendment -

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

"'inspector' means a person appointed as an inspector under this Act;"

Debate ensued.

Question put and negatived.

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

Insert after the definition of "mining" the following new definition:

"'Nabarlek Project Area' means the land shown on the plan of authorized survey deposited in the office of the Surveyor-General under

section 12(3) of the Licensed Surveyors Act and numbered S 79/16 in that office;".

Clause, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5 -

Mr Collins proposed as an amendment -

Insert in sub-clause (1) after "experience" the words "relevant to environmental control of mining and".

Debate ensued.

Question put and negatived.

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

Insert in sub-clause (1) after "officer" the words "or deputy environment protection officer".

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

Omit sub-clause (2).

Clause, as amended, agreed to.

New clause -

Mr Collins proposed that the following new clause be inserted in the Bill -

"5A. The Minister may, by instrument in writing, appoint a person with qualifications and experience relevant to environmental control of mining and satisfactory to the Minister to be inspector."

Debate ensued.

Question put and negatived.

Clause 6 -

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

Insert after paragraph (a) the following new paragraph :

"(ai) any restrictions imposed on them by or under the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth and the Aboriginal Land Act 1978;".

Clause, as amended, agreed to.

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

Clause 10 agreed to, after debate.

Clause 11 -

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

Omit from sub-clause (1) "restored,".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

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

Insert in sub-clause (1) after "apply" the words "in writing".

Insert in sub-clause (2) after "may" the words "by notice in writing served on the applicant for the authorization".

Mr Collins proposed as an amendment -

Omit "may" and substitute "shall".

Debate ensued.

Question put and negatived.

Mr Collins proposed as an amendment -

Insert after "unless" the words "an environmental impact statement in relation to the mine,".

Debate ensued.

Question put and negatived.

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

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

"(4) The Minister shall not refuse to grant an authorization if the effect of the refusal would be to prevent mining authorized by or under another law in force in the Territory unless the refusal is a refusal referred to in sub-section (3).".

Clause, as amended, agreed to.

Clause 14 agreed to, after debate.

Clause 15 agreed to, after debate.

Clause 16 agreed to.

New clause -

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

"16A. The Minister shall have primary regard, in exercising or performing or considering whether to exercise or perform any power or duty conferred or imposed on him by this Act (and in particular in exercising or considering whether to exercise any power conferred on him by section 13, 14 or 15) to -

(a) if the exercise of the power or the performance of the duty relates to the Ranger project area - the terms of the document set out in

Schedule 1 entitled 'Environmental Requirements for the Ranger Project', being Appendix 'A' to Schedule 1 of an authority issued on 9 January 1979 under section 41 of the Atomic Energy Act 1953 of the Commonwealth relating to the Ranger project area;

- (b) if the exercise of the power of the performance of the duty relates to the Narbarlek project area - the terms of the document set out in Schedule 2."

Clause 17 -

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

Insert in sub-clause (1)(b) after "(2)" the words "or (3)".

Insert at the end of sub-clause (1)(c) "and".

Omit sub-clause (1)(e).

Clause, as amended, agreed to.

New clause -

Mr Collins proposed that the following new clause be inserted in the Bill -

"17A. An inspector shall, upon receiving a complaint from a person that the owner or manager of a mine is contravening or not complying with this Act, investigate that complaint."

Debate ensued.

Question put and negatived.

Clause 18 -

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

Insert in sub-clause (6) after "fit" the words "until the direction is confirmed, varied or revoked under sub-section (3)".

Mr Collins proposed as an amendment -

Insert at the end the following new sub-clause:

"(9) Where the Director or the Minister has, under this section, varied or revoked a direction given by an Inspector, the Minister shall, within 3 sitting days of the variation or revocation of the direction, table in the Assembly a report on the variation or revocation."

Debate ensued.

Question put and negatived.

Clause, as amended, agreed to.

New clause -

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

"18A. The Minister shall, from time to time, but not less than once in every calendar year, table in the Assembly a report on the operation of this Act."

Clause 19 to 25, by leave, taken together and agreed to.

Schedule 1 -

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

Omit "Section 17(1)(e)" and substitute "Section 16A(a)".

Omit from paragraph 2 "any Authority granted under section 44 of the Atomic Energy Act 1953 of the Commonwealth" and substitute "this Authority".

Debate ensued.

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

Insert at the end of the Schedule the following words:

"ATTACHMENT 'A'
Reference Para. 7(h)

Broad Principles are recommended by the Ranger Uranium Environment Inquiry (Second Report, page 326) to be taken into account by the Supervising Authority in developing water release standards:

- (a) The total amount of contaminants to be released from the operations should be minimised. This requires the introduction of all practicable modifications to the water management program which would result in diminished releases of contaminants, whether by runoff or by deliberate releases, both during and after mining.
- (b) Deliberate releases should only be permitted under conditions of high flow in Magela Creek (flow at Jabiru exceeding 20 cubic metres per second) and when there is a continuous flow between Jabiru and the northern end of the Magela plains.
- (c) Deliberate releases should not be permitted late in the wet season since there would be a greater risk then of contaminants being trapped in billabongs and swamps within the Magela system. The precise timing in any year would have to be determined by reference to the hydrological-meteorological water quality model proposed in Chapter 17.
- (d) Initial release standards for toxic materials should be based on acute toxicity bioassay tests and application factors.
- (e) Release standards for other contaminants should be based on achieving the minimum practicable disturbance to the environment.
- (f) Standards for deliberate releases should take account of the total amounts of each contaminant discharged, the concentrations in the retention ponds, the dilution actually achieved in Magela Creek and the length of time of each release. If discharges are to be permitted directly into the flooded creek, a mixing zone, where initial rapid dilution to the effluent would take place, will need to be defined and the required dilution stated. Maximum contaminant levels in this zone should be restricted to below derived "fish

avoidance levels".'.'. .

Schedule, as amended, agreed to.

New Schedule -

On the motion of Mr Tuxworth the following new schedule was added to the Bill, after debate -

Insert after Schedule 1 the following new Schedule:

"SCHEDULE 2

Section 16A(b)

ENVIRONMENTAL REQUIREMENTS FOR THE
NABARLEK URANIUM PROJECT

Staffing and Environment

1. Queensland Mines Limited shall appoint:
 - (a) as Environment Protection Officer, a person having appropriate qualifications and experience who shall be responsible to the project management to ensure effective environmental control of the project, including the protection of: -
 - (i) biological resources, including rehabilitation aspects, and
 - (ii) objects of material culture of concern to Aborigines,
 - (b) persons to support the Environment Protection Officer in such numbers as is deemed appropriate by the Supervising Authority,
 - (c) a person qualified in the principles and practices of radiation protection in the mining and milling of radioactive ores as Radiation Safety Officer, and
 - (d) a person qualified in the principles and practices of ventilation as they apply to the mining and milling of radioactive ores as Ventilation Officer
- provided that a person appointed as Radiation Safety Officer may also be appointed as Ventilation Officer.
2. Queensland Mines Limited shall instruct management and operating staff to the extent relevant and consistent with these environmental requirements in the need for environment protection, the monitoring programs and the role, responsibilities and powers of the relevant Supervising Authorities.
 3. Queensland Mines Limited shall explain to the extent relevant the requirements of, or having effect under, a prescribed instrument as defined in the Environment Protection (Alligator Rivers Region) Act 1978 of the Commonwealth, in so far as these requirements relate to any matter affecting the environment in relation to the Nabarlek Project to all the officers, servants and employees of Queensland Mines Limited and of their contractors and sub-contractors, as soon as possible after their

first arrival in the Nabarlek Project Area.

4. Queensland Mines Limited shall make available, for perusal by all officers, servants and employees of Queensland Mines Limited and of their contractors and sub-contractors involved in the Nabarlek Project Area, copies of all relevant Commonwealth and Territory legislation relating to the protection of the environment (including the legislation dealing with the preservation of Aboriginal sacred sites, relics and works of art).
5. (a) Queensland Mines Limited shall ensure that their officers, servants, employees, invitees, licensees and contractors observe the provisions of the Nabarlek Uranium Project Final Environmental Impact Statement and the Environment Requirements. If any infringement is discovered Queensland Mines Limited shall immediately commence such remedial action as is necessary.

(b) If an officer, servant or employee of Queensland Mines Limited or of their contractors or sub-contractors knowingly infringes the provisions of the Nabarlek Uranium Project Final Environmental Impact Statement or the Environmental Requirements, Queensland Mines Limited or their contractors or sub-contractors as the case may be, shall take such disciplinary action against that officer, servant or employee as may seem appropriate to Queensland Mines Limited in the circumstances and, in cases where dismissal is the appropriate remedy, shall dismiss that officer, servant or employee.
6. Queensland Mines Limited shall require that officers, servants and employees of Queensland Mines Limited and of their contractors and sub-contractors do not introduce or permit or suffer the introduction onto the Nabarlek Project Area of flora or fauna exotic to the Alligator Rivers Region save such flora or fauna as the Supervising Authority shall permit.

Control of Water

7. (a) A Restricted Release Zone is a zone which includes all material exposed, or about to be exposed, by excavation and which is defined on the ground by Queensland Mines Limited and approved by the Supervising Authority prior to commencement of excavation of the mine pit.

(b) A Restricted Release Zone may be redefined by Queensland Mines Limited from time to time subject to approval by the Supervising Authority.

(c) The plan of a Restricted Release Zone when defined and approved as aforesaid shall be provided by Queensland Mines Limited to the Supervising Authority who may make it available to members of the public whenever requested to do so.

(d) Material shall not be taken outside the limits of a Restricted Release Zone unless approved by the Supervising Authority.

(e) Material shall be excavated from outside a Restricted Release Zone only with the approval of the Supervising Authority.

(f) The water management system shall be established in a manner allowing no intentional releases to the environment of water from the Restricted Release Zone and Queensland Mines Limited

shall not allow to flow from a Restricted Release Zone liquid water other than the natural sub-surface flow of groundwater, provided that this requirement shall not apply to seepage which cannot be prevented by the use of the best practicable technology. This system shall be maintained unless the Supervising Authority gives approval for the release of water from the zone in a manner approved by the Supervising Authority.

- (g) In the event that water is released from the Restricted Release Zone it shall not be discharged generally but shall be piped directly to Coopers Creek and discharged during a period of high volume flow in a manner approved by the Supervising Authority.
- (h) For the purposes of this clause, 'material' means material which contains more than 0.02% of uranium dry weight as measured on a truck or scraper load basis or by sampling of the relevant material in situ as appropriate, but does not include yellowcake or other mill products, in containers specified by the Supervising Authority, or specimens or samples of types approved by the Supervising Authority.

8. Erosion products resulting from the mining operations in the Nabarlek Project Area shall be prevented by Queensland Mines Limited from entering the Buffalo and Cooper Creek systems and the method of so doing shall be the subject of approval by the Supervising Authority.

9. The quality and quantity of runoff water entering Buffalo and Cooper Creeks from the Nabarlek Project Area is to be continually monitored by Queensland Mines Limited to the satisfaction of the Supervising Authority.

- 10. (a) The tailings retention system, water retention ponds and evaporation ponds shall be designed and constructed in accordance with good engineering practice.
 - (i) No construction of the water retention system shall commence until Queensland Mines Limited has submitted to the Supervising Authority a design study report and management plan containing detailed plans and specifications for the construction and use of water storages and the management of seepage from them and has received the Supervising Authority's written approval thereto.
 - (ii) No tailings shall be discharged from the mill until Queensland Mines Limited has submitted to the Supervising Authority a design study report and management plan containing detailed plans and specifications for the construction and use of the tailings retention system and the management of seepage from it and has received the Supervising Authority's written approval thereto.
- (b) Seepage to groundwater from the tailings retention system and water impoundments shall be controlled by Queensland Mines Limited in accordance with the management plan approved by the Supervising Authority.

11. Queensland Mines Limited shall erect a fence around the tailings retention system to Specification A.S. 1725-1975 and shall take all necessary and practicable action to prevent animals from drinking water from the tailings retention system or sources of water within the Nabarlek

Project Area that, as a result of mining and ore treatment operations in the Nabarlek Project Area, may cause them harm.

Atmospheric Pollution Control

12. (a) No emissions from the ore treatment operations at the Nabarlek site shall be released to the atmosphere by Queensland Mines Limited until a discharge authorisation based on standards determined by the Supervising Authority has been issued. Emissions to the atmosphere from the ore treatment operations shall be managed as proposed by Queensland Mines Limited and approved by the Supervising Authority.
- (b) Queensland Mines Limited shall progressively develop appropriate air quality models suitable for assisting in making operational decisions relating to the protection of human health, biological resources and material objects of Aboriginal culture. The models shall be approved by the Supervising Authority before being used for the purpose of making operational decisions.
13. Queensland Mines Limited shall establish, operate and maintain a meteorological station. The station shall be situated at a site selected and equipped and operated to standards proposed by Queensland Mines Limited and agreed by the Supervising Authority taking account of the advice of the Bureau of Meteorology and other appropriate authorities. The meteorological station is to provide adequate data for air emission control purposes as well as to provide a climatological record and analysis for the site. Data so obtained will be made available to the Supervising Authority.
14. Queensland Mines Limited shall develop a test procedure for use during the initial start up of the calciner and the start up after any interruption to its operation to ensure that, before ignition, the system is operating satisfactorily.
15. The calciner and yellowcake processing plant shall be fitted with emission control equipment which reduces the emission of dust, uranium and uranium compounds to the environment to as low a level as can be achieved by the use of best practicable technology.
16. Appropriate dust control measures shall be employed at all times and in all phases of the mining and ore treatment operations to keep dust levels below values specified by the Supervising Authority with a view to avoiding, if possible, the need for habitual use of respiratory protective devices.

Technology

17. Taken as a whole, and in their component parts, the plant and the mine shall be designed, and the mining, milling and related operations within the Nabarlek Project Area shall be carried on in accordance with best practicable technology.
18. All works, processes or equipment entailing modifications to the Nabarlek Project as presented in the Nabarlek Uranium Project Final Environmental Impact Statement, Queensland Mines Limited, January 1979, shall, in so far as such modifications have a significant effect on the environment, be approved in writing by the Supervising Authority prior to their employment or installation within the Nabarlek Project Area.

19. Nothing in the Environmental Requirements shall be interpreted to prevent or discourage Queensland Mines Limited from attaining higher environmental standards than those specified.

20. The Northern Territory Minister may from time to time, after consultation with the Commonwealth Minister for the time being administering section 41 of the Atomic Energy Act 1953 of the Commonwealth, require the operations to be carried on in accordance with such further and other conditions (of which he shall give notice to Queensland Mines Limited) as, in his opinion, will render the Environmental Requirements applicable to the operations more effective for the protection of the environment, and are reasonably practicable in the circumstances.

Blasting

21. (a) Before commencement of removal of overburden involving blasting, Queensland Mines Limited shall establish measuring sites at points to be agreed with the Supervising Authority, and shall carry out and measure the effects of test blasts in collaboration with the Supervising Authority to provide information to define standard blasting practices. Records of measurements shall be made available to the Supervising Authority.

(b) The standard blasting practices to be adopted by Queensland Mines Limited shall first be approved by the Supervising Authority.

Waste Rock Dump

22. Queensland Mines Limited, whenever required to do so by the Supervising Authority, shall submit to the Supervising Authority such plan or plans of the waste rock dump and the below ore grade mineral stockpile, as the Supervising Authority may require, showing the size, shape, significant material type and its location within the dumps and the silt collection system.

23. Prior to the completion of the first 3 years of milling of ore, Queensland Mines Limited shall submit to the Supervising Authority, a detailed program with supporting experimental evidence for the revegetation of the Nabarlek Project Area.

Vegetation and Landscape Protection

24. (a) For the purpose of protecting vegetation in the Project Area, Queensland Mines Limited shall fence all areas in which mining and ancillary operations take place.

(b) Queensland Mines Limited shall take all practicable steps to protect from trampling, cutting, unplanned and uncontrolled burning, picking or other disturbance, all vegetation in the Nabarlek Project Area, disturbance of which is not essential to mining operations.

25. Queensland Mines Limited shall carry out soil conservation measures within the Nabarlek Project Area specified by the Supervising Authority from time to time.

26. (a) All tailings shall, as soon as practicable, be dealt with by being deposited in or transferred to the mine pit in a manner approved by the Supervising Authority.

- (b) No tailings shall be deposited or transferred to the pit before the pit is prepared in a manner designed to minimise seepage and approved by the Supervising Authority.
 - 27. (a) The sites of mining excavations, the tailings retention system and other areas where ground has been disturbed shall be rehabilitated and revegetated to the satisfaction of the Supervising Authority.
 - (b) In revegetation, Queensland Mines Limited shall establish appropriate ground cover plants in accordance with the directions of the Supervising Authority and shall fence, protect and, if necessary, renew the establishing vegetation as may be necessary to bring about the rapid restoration of stable vegetation native to the region.
 - (c) The obligations of Queensland Mines Limited under (a) and (b) above shall cease upon issue of a certificate of revegetation by the Supervising Authority.
 - (d) Prior to the commencement of any excavation, Queensland Mines Limited shall prepare contour maps in sufficient detail to permit restoration of mined or disturbed areas to their original contours or to such other contours as the Supervising Authority may approve.
 - (e) Queensland Mines Limited shall conduct a vegetation survey of the Nabarlek Project Area to the satisfaction of the Supervising Authority.
 - (f) All topsoil from areas that have been disturbed shall be stored and used for the purpose of surface rehabilitation.
 - (g) Queensland Mines Limited shall establish a nursery of such plants as may be approved by the Supervising Authority for use in site rehabilitation.
28. Except where otherwise authorised by the Supervising Authority, all structures which remain in the Nabarlek Project Area at the end of the mining and ancillary operations and which it is the intention of Queensland Mines Limited to abandon shall be dismantled and removed entirely; unwanted materials and rubbish including concrete shall be buried, covered with waste rock and topsoil and the surface revegetated.

Transportation

29. Transportation of yellowcake from Nabarlek shall be undertaken in a manner approved by the Supervising Authority. During the 'wet season', as defined by the Supervising Authority, transportation of yellowcake from Nabarlek shall not be undertaken by surface transport outside the project area and within the Alligator Rivers region except in a manner and by a route approved by the Supervising Authority.
30. Prior to commencement of excavation of the mine pit, Queensland Mines Limited shall design a monitoring program to the approval of the Supervising Authority. The program shall be designed to continue without interruption, and shall include measurements in relation to biota, water, sediments and air within the Nabarlek Project Area and will include a personal and environmental radiation monitoring program. The program will include details of numbers and the level of training of staff involved, methods to be used and logistics. A basic program shall be brought into

operation before mining and treatment of ore commence. Monitoring as approved by the Supervising Authority shall continue for the duration of the project and for such time after its termination as is necessary for the environment to return to conditions acceptable to the Supervising Authority.

31. (a) Queensland Mines Limited shall monitor emissions from installations and operations in the Nabarlek Project Area to (i) air, and (ii) water.

(b) Queensland Mines Limited shall monitor ambient conditions in the Nabarlek Project Area in accordance with the Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores (Australian Department of Health, 1975) and any revisions from time to time.
32. Queensland Mines Limited shall comply with the directions of the Supervising Authority relating to the coordination of monitoring programs and the standardisation of equipment and methods used in monitoring programs.
33. Queensland Mines Limited shall ensure that their monitoring standards and methods are conducted in such a way that the laboratory could obtain registration with the National Association of Testing Laboratories, Australia, and in accordance with the quality control program required by the Supervising Authority. Queensland Mines Limited shall maintain continuous records of performance of monitoring systems referable to independent laboratories participating in international intercomparison and calibration programs.
34. Queensland Mines Limited shall, as far as practicable and as required by the Supervising Authority, present data in a format compatible with computer analysis and suitable for data interchange with relevant national organisations.
35. Queensland Mines Limited shall ensure proper analysis of monitoring results and shall make data available to the Supervising Authority in a form prescribed by the Supervising Authority.
36. (a) Queensland Mines Limited shall, prior to commencement of excavation of the pit, develop a contingency plan, to be approved by the Supervising Authority, that shall provide for immediate defined action for the continuation of monitoring in the event of probable emergencies.

(b) All emergency events, including details of unscheduled interruption to monitoring, shall be recorded and a report made to the Supervising Authority within 14 days.

(c) Queensland Mines Limited shall keep a record of such emergency events together with a log of service for all monitoring equipment; copies of these, together with reports of the causes of such events, shall be forwarded to the Supervising Authority.
37. Queensland Mines Limited shall employ staff with appropriate qualifications and experience to establish, operate and maintain the on-site monitoring program.

Research

38. Queensland Mines Limited shall undertake appropriate investigations as required by the Supervising Authority to define the design and operating conditions capable of meeting environmental protection criteria applied to the Nabarlek Project.

39. Queensland Mines Limited shall cooperate with the Supervising Authority in undertaking appropriate investigations and in providing information relevant to identifying and overcoming environmental problems within or relevant to the Nabarlek Project Area.

40. The results of environmental research and investigations performed by Queensland Mines Limited may be submitted for publication in technical literature. Queensland Mines Limited may permit their staff to take part in technical conferences held to report on and review research investigations and monitoring relating to environmental aspects of uranium mining projects.

Definition

41. 'Best practicable technology' is that technology from time to time relevant to the Nabarlek Project which produces the minimum environmental pollution and degradation that can reasonably be achieved having regard to -

- (a) the level of effluent control achieved, and the extent to which environmental pollution, and degradation are prevented, in mining and milling operations in the uranium industry anywhere in the world;
- (b) the total cost of the application or adoption of that technology relative to the environmental protection to be achieved by its application or adoption;
- (c) evidence of detriment, or of lack of detriment, to the environment after the commencement of the Nabarlek Project;
- (d) the physical location of the Nabarlek Project;
- (e) the age of equipment and facilities in use on the Nabarlek Project and their relative effectiveness in reducing environmental pollution and degradation; and
- (f) social factors including possible adverse social effects of introducing new technology.

42. 'Nabarlek Project Area' means the area described in the First Schedule to the Special Mineral Lease to be issued by the Northern Territory Government to Queensland Mines Limited in relation to this Project.

43. 'Applicable law' means every law (whether Commonwealth, Territory or other) from time to time validly in operation in the Northern Territory which is applicable according to its tenor to any aspect of the operations.

44. 'Supervising Authority' in respect of any action, activity or matter specified herein, means the person having responsibility for or in relation to that action, activity or matter under an applicable law or if there is no applicable law, the person for the time being performing the duties of Supervising Scientist under the Environment Protection (Alligator Rivers

Region) Act 1978 of the Commonwealth."

Title agreed to.

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

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

32. ALTERATION OF ORDER OF BUSINESS: On the motion of Mr Robertson, Order of the Day No. 13, Government Business, was called on.
33. LIQUOR BILL 1979 (Serial 267): The order of the day having been read for the resumption of the debate on the question

That the Bill be now read a second time -

Debate resumed.

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

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.

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

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

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

34. SPECIAL ADJOURNMENT: Mr Everingham (Chief Minister) moved -

That the Assembly, at its rising, adjourn until Tuesday 15 May 1979 at 1000 hours.

Question put and passed.

35. ADJOURNMENT: Mr Everingham (Chief Minister) moved -

That the Assembly do now adjourn.

Debate ensued.

And then the Assembly at 1937 hours adjourned until Tuesday 15 May 1979.

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

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

SECOND LEGISLATIVE ASSEMBLY

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