

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 27

Tuesday 24 November 1981

1. The Assembly met at 10.00 a.m., pursuant to sessional order. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. RESIGNATION OF MEMBER:
Mr Speaker announced that on 2 November 1981 he received from Jonathan Martin Isaacs a letter resigning his seat as Member for Millner.
3. OPPOSITION OFFICE HOLDERS:
Mr B. Collins (Leader of the Opposition), by leave, informed the Assembly that the Parliamentary Labor Party had elected him Leader of the Opposition and Mrs O'Neil Deputy Leader of the Opposition.
4. NOTICES:
The following notices were given:
Mr Dondas: To present the Traffic Amendment Bill (No. 4) 1981 (Serial 153).
Mr Tuxworth: To present the Construction Safety Amendment Bill 1981 (Serial 160) and the Inspection of Machinery Amendment Bill 1981 (Serial 161).
Mr Steele: To present the Stock Routes and Travelling Stock Amendment Bill (No. 2) 1981 (Serial 154).
Mrs Lawrie: To present the Juries Amendment Bill 1981 (Serial 138) and the Motor Vehicles Amendment Bill (No. 4) 1981 (Serial 156).
5. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
6. AUDITOR-GENERAL - ANNUAL REPORT, 1980-81 - PUBLICATION AND PRINTING - MOTION TO NOTE PAPER:
Mr Speaker laid on the Table the report of the Auditor-General upon the Treasurer's annual financial statements for the year ended 30 June 1981 and upon other activities.
Mr Everingham (Chief Minister) moved -
(1) That this Assembly, in accordance with the provisions of the *Legislative Assembly (Powers and Privileges) Act 1977*, authorizes the publication of the report of the Auditor-General for 1980-81; and
(2) That the report be printed.
Question - put and passed.
Mr Everingham moved - That the Assembly take note of the paper.
Leave granted for Mr Everingham to continue his speech when the debate is resumed.
Debate adjourned (Mr Robertson) and the resumption of the debate made an order of the day for a later hour.
7. COMMISSIONER OF CONSUMER AFFAIRS - THIRD ANNUAL REPORT - PUBLICATION AND PRINTING - MOTION TO NOTE PAPER:
Mr Perron (Minister for Community Development) laid on the Table the Third Report of the Commissioner of Consumer Affairs.

Mr Perron moved -

(1) That this Assembly, in accordance with the provisions of the *Legislative Assembly (Powers and Privileges) Act 1977*, authorizes the publication of the Third Report of the Commissioner of Consumer Affairs; and

(2) That the report be printed.

Question - put and passed.

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

Leave granted for Mr Perron to continue his speech when the debate is resumed.

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

8. ENERGY PIPELINES BILL 1981 (Serial 142):

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

Debate resumed.

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

9. APPROPRIATION BILL 1981-82 (Serial 151) - BUDGET DEBATE:

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

Debate resumed.

Suspension of sitting: The sitting was suspended between 11.51 a.m. and 2.00 p.m.

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

The Assembly resolved itself into a committee of the whole.

In the committee

Schedule 2 -

Appropriations for Divisions 11, 12, 14, 15, 16, 17, 18 and 19, by leave, taken together and agreed to.

Appropriation for Division 25 agreed to.

Appropriation for Division 30 agreed to.

Appropriations for Divisions 40, 41 and 42, by leave, taken together and agreed to.

Appropriations for Divisions 44, 45, 46, 47, 48 and 49, by leave, taken together and agreed to.

Appropriations for Divisions 50, 51, 52 and 53, by leave, taken together and agreed to.

Appropriations for Divisions 55, 56 and 57, by leave, taken together and agreed to.

Appropriations for Divisions 60 and 61, by leave, taken together and agreed to.

Appropriations for Divisions 62, 63 and 64, by leave, taken together and agreed to.

Appropriations for Divisions 65 and 66, by leave, taken together and agreed to.

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

Bill to be reported without amendment.

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

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

Debate ensued.

Question - put and passed.

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

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

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 Leo (Nhulunbuy) moved, as an amendment - Omit all words after "That" and substitute "whilst not declining to give the Bill a second reading, the Assembly is of the opinion that the Bill should not proceed until the government has had adequate consultation with the union movement in the Northern Territory."

Debate ensued.

Question - put.

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

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

And so it was negatived.

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

Debate ensued.

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

The Assembly resolved itself into a committee of the whole.

In the committee

Clause 1 agreed to.

Clause 2 -

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

Omit the definition of "goods or services" and substitute:

"'goods' means -

- (a) fuel, including fossil fuel derivatives and gases;
- (b) bread, eggs, milk; and
- (c) any other foodstuff or commodity required for the maintenance of public health or a service, being a foodstuff or commodity prescribed under section 18 as goods for the purposes of this Act;"

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

Add after the definition of "notice" the following:

"'service' means -

- (a) any of the following services or facilities ordinarily available to the public -
 - (i) public transportation of persons or freight other than taxi-cab services;
 - (ii) fire fighting services;
 - (iii) hospitals administered under the Hospitals and Medical Services Act;

- (iv) electricity supplied under the Electricity Commission Act;
 - (v) water supply;
 - (vi) garbage collection, sanitary cleansing or sewerage; or
- (b) any other service or facility -
- (i) concerned with the maintenance of public health or a public utility; or
 - (ii) upon which a service listed in paragraph (a) or concerned with the maintenance of public health or a public utility depends for its maintenance or operation, being a service or facility prescribed under section 18 as a service for the purposes of this Act."

Clause, as amended, agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6 -

Mr Leo moved as an amendment -

Add the following sub-clause:

"(2) If -

- (a) at the time of the publication of a notice under section 5(1) the Legislative Assembly is not sitting; and
- (b) a petition signed by not less than (5) members of the Legislative Assembly objecting to the notice and requesting that the Assembly should be summoned is addressed to the Speaker,

the Assembly shall be summoned to meet within 7 days thereafter and the Minister shall lay a copy of the notice before the Assembly as soon as it meets."

Debate ensued.

Question - put and negatived.

Clause, as printed, agreed to.

Clause 7 agreed to.

Clause 8 -

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

Omit from sub-clauses (1) and (2) "agreement" and substitute "other terms of service".

Clause, as amended, agreed to.

Clauses 9 and 10, by leave, taken together and agreed to.

Clause 11 -

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

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

"(1) Notwithstanding section 9, a person who -

- (a) complies with a direction, prohibition or requisition under section 7 or is engaged in complying with or carrying into effect the direction, prohibition or requisition; and
- (b) suffers a loss, injury or damage resulting or arising from, or by reason of complying with the direction, prohibition or requisition under section 7,

shall be compensated by the Crown, on just terms, for the loss, injury or damage so suffered.

"(1A) Where a person dies as a result of, or whilst engaged in, complying with a direction, prohibition or requisition under section 7

and, but for his death, he would have had a right under sub-section (1) to compensation from the Crown on just terms -

(a) his death is deemed to be the result of a wrongful act; and

(b) his right to compensation is deemed to be an action for damages, for the purposes of section 7(1) of the Compensation (Fatal Injuries) Act.".

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 -

Mr Leo moved as an amendment -

Omit from sub-clause (2) all words appearing after "upon conviction," and substitute "by a penalty of \$1,000."

Debate ensued.

Question - put and negatived.

Mr Leo moved as an amendment -

Omit from sub-clause (3) all words appearing after "the further offence," and substitute "is punishable by a penalty of \$50 for each day during which the offence continues."

Question - put and negatived.

Clause, as printed, agreed to.

Clause 14 agreed to.

Clause 15 negatived.

New clause -

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

"15. INTIMIDATION AND THREATS

"A person who, whilst a declaration has effect, by force, threats or intimidation, against whomsoever directed, interferes with or molests another person in relation to work, goods or services provided by, or with the assistance of, that other person, is guilty of an offence."

Clause 16 negatived.

New clause -

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

"16. SERVICE

"A person shall not be convicted of failing to comply with a direction, prohibition or requisition under section 7 unless the direction, prohibition or requisition, as the case may be, was served on him personally or by registered post."

Clause 17 agreed to.

Clause 18 -

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

Omit from sub-clause (2)(a) ", substances (including fossil fuels, fossil fuel derivatives and gases) property (including real property), facilities".

Mr Leo moved as a further amendment -

Omit from sub-clause (2)(c) "\$5,000" and substitute "\$1,000".

Question - put and negatived.

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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

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

11. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And then the Assembly at 4.56 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 24 November 1981, pursuant to statute:

Agreements and Determinations:

Prisons Arbitral Tribunal Determination No. 10

Annual Reports:

Department of the Chief Minister, 1980-81

Department of Community Development, 1980-81

Department of Law, 1980-81

Department of Primary Production, 1980-81

Department of Transport and Works, 1980-81

Northern Territory Liquor Commission, 1980-81

Northern Territory Racing and Gaming Commission, 1980-81

Parole Board of the Northern Territory, 1980

Road Safety Council of the Northern Territory, 1980-81

Uranium Mining (Environment Control) Act, 1980

Financial Statements:

Corporation of the Municipality of Katherine, 30 June 1980

Permits to Prospect for Petroleum:

No. 198 Kennecott Exploration (Australia) Ltd

No. 199 Plenty River Mining Co. (N.T.) Pty Ltd

No. 200 Plenty River Mining Co. (N.T.) Pty Ltd

No. 213 Northern Metals Pty Ltd and McCormack & Co.

No. 214 Northern Metals Pty Ltd and McCormack & Co.

Public Service By-laws 1981:

No. 3 Repeal of Public Service (General) By-laws and amendment of the Public Service (Terms and Conditions of Service) By-laws

Regulations 1981:

No. 25 Amendment of the Stamp Duty (Exemption) Regulations

No. 26 Workmen's Compensation (Rates of Compensation) Regulations

No. 27 Amendments of the Motor Vehicles (Registration Labels and Miscellaneous) Regulations

No. 28 Amendments of the Port By-laws

No. 29 Amendments of the Electricity (Fees and Charges) Regulations

No. 30 Mines Safety Control (Radiation Protection) Regulations

No. 31 Amendment of the Motor Vehicles Regulations

No. 32 Amendments of the Stock Routes and Travelling Stock Regulations

No. 33 Amendment of the Fish and Fisheries Regulations

No. 34 Amendments of the Planning Regulations

ATTENDANCE:

All Members attended the sitting.

Wednesday 25 November 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. PETITION:
The following petition was presented -
Mrs Padgham-Purich (Tiwi) presented a petition from 552 citizens of the Northern Territory concerning establishment of an old timers rural village.
Petition received and read.
3. NOTICES:
The following notices were given -
Mr Perron: To present the Local Government Amendment Bill 1981 (Serial 71) and the Local Government Amendment Bill (No. 2) 1981 (Serial 155).
Mr Tuxworth: To present the Mining Act 1980 Amendment Bill (No. 2) 1981 (Serial 166).
4. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
5. STANDING COMMITTEES - APPOINTMENT OF MEMBERS:
Mr B. Collins (Leader of the Opposition), by leave, moved - (1) That Miss D'Rozario be appointed to the Standing Orders Committee; and (2) that Mr B. Collins be appointed to the Committee of Privileges.
Question - put and passed.
6. DISTINGUISHED VISITOR - Mr J.C. KERIN, M.P.:
Mr Speaker informed the Assembly that Mr John Kerin, the Member for Werriwa in the House of Representatives, was present in the gallery. Mr Speaker extended a warm welcome to the distinguished visitor.
7. DIRECTION OF ADMINISTRATOR:
Mr Perron (Treasurer and Minister for Industrial Development) laid on the Table a direction of the Acting Administrator under Section 13(1)(a) of the *Financial Administration and Audit Act* dated 10 November 1981.
8. DIRECTION OF TREASURER:
Mr Perron (Treasurer and Minister for Industrial Development) laid on the Table a direction of the Treasurer under Section 13(1)(b) of the *Financial Administration and Audit Act* dated 23 October 1981.
9. TRAFFIC AMENDMENT BILL (No. 4) 1981 (Serial 153):
Mr Dondas (Minister for Transport and Works), pursuant to notice, presented a Bill for an Act to amend the *Traffic Act*.
Bill read a first time.
Mr Dondas moved - That the Bill be now read a second time.
Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.
10. CONSTRUCTION SAFETY AMENDMENT BILL 1981 (Serial 160):
Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Construction Safety Act*.
Bill read a first time.
Mr Tuxworth moved - That the Bill be now read a second time.

Debate adjourned (Miss D'Rozario) and the resumption of the debate made and order of the day for a later hour.

11. INSPECTION OF MACHINERY AMENDMENT BILL 1981 (Serial 161):
Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Inspection of Machinery Act*.
Bill read a first time.
Mr Tuxworth moved - That the Bill be now read a second time.
Debate adjourned (Miss D'Rozario) and the resumption of the debate made an order of the day for a later hour.
12. STOCK ROUTES AND TRAVELLING STOCK AMENDMENT BILL (No. 2) 1981 (Serial 154):
Mr Steele (Minister for Primary Production and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Stock Routes and Travelling Stock Act*.
Bill read a first time.
Mr Steele moved - That the Bill be now read a second time.
Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.
13. HEALTH SURVEYORS BILLS - PUBLIC HEALTH AMENDMENT BILL 1981 (Serial 130), FOOD AND DRUGS AMENDMENT BILL 1981 (Serial 133), FOOD STANDARDS AMENDMENT BILL 1981 (Serial 134), ABATTOIRS AND SLAUGHTERING AMENDMENT BILL 1981 (Serial 131), and CARAVAN PARKS AMENDMENT BILL 1981 (Serial 132):
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.
Leave granted for third readings to be moved forthwith.
On the motion of Mr Tuxworth (Minister for Health), the Bills were read a third time and passed to be proposed laws.
14. LAND AND BUSINESS AGENTS AMENDMENT BILL 1981 (Serial 125):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
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 16, by leave, taken together and agreed to.

Clause 17 negatived.

New clause -

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

"17. REPEAL AND SUBSTITUTION

Section 86 of the Principal Act is repealed and the following substituted:

'86. BONDS AND SECURITIES

'(1) A person shall not carry on business as a real estate agent or business agent unless -

- (a) he has lodged with the Registrar a fidelity bond given by an insurance company or other body approved by the Board for the purposes of this Act, being a bond given to the Territory in the amount determined in accordance with sub-section (2); or

(b) he has deposited with the Registrar securities approved by the Board to the value set out in sub-section (2), being securities which he has in writing authorized the Board to sell in the circumstances referred to in section 87.

Penalty: \$2,000 or imprisonment for 12 months.

'(2) The amount of the bond or value of the securities referred to in sub-section (1) shall be determined as follows:

- (a) when the person commences to carry on business as an agent, and thereafter until the maximum reconciled balance of the agent's trust account exceeds \$10,000 - \$10,000;
- (b) where the maximum reconciled balance of the agent's trust account exceeds \$10,000 but does not exceed \$150,000 - \$20,000;
- (c) where the maximum reconciled balance of the agent's trust account exceeds \$150,000 but does not exceed \$250,000 - \$30,000; and
- (d) where the maximum reconciled balance of the agent's trust account exceeds \$250,000 - \$50,000.

'(3) In this section the maximum reconciled balance of an agent's trust account means the amount, ascertained in accordance with normal accounting practice, that was the highest aggregate balance of the trust account of the agent on a day during the last preceding financial year or, if the agent maintains more than one trust account, the amount that was the highest aggregate of the balances of the trust account of the agent on a day during the last preceding financial year, not being a trust account maintained for a specific person or specific persons to the exclusion of any other person.'."

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

"17A. LICENSED AGENT TO DEPOSIT PART OF TRUST MONEYS

"Section 93(1))a(i) of the Principal Act is amended by omitting '12' and substituting '3'."

Clause 18 agreed to.

New clause -

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

"18A. REGISTRAR MAY APPROVE OPERATION OF REGISTERED OFFICE WITHOUT LICENSED BRANCH MANAGER

"Section 111(1) of the Principal Act is amended by omitting 'not exceeding one month' and substituting 'not exceeding 60 days'."

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

Bill to be reported with amendments.

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

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

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

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

16. PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL (No. 3) 1981 (Serial 150):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

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

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.

Leave granted for third readings to be moved forthwith.

On the motion of Mr Everingham (Chief Minister), the Bills were read a third time and passed to be proposed laws.

Suspension of sitting: The sitting was suspended between 11.55 a.m. and 2.00 p.m.

18. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Minister for Education), order of the day No. 7, Government Business, was called on.

19. LOCAL GOVERNMENT AMENDMENT BILL 1981 (Serial 124):

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.

Personal Explanation: Mrs Lawrie, by leave, made a personal explanation on remarks attributed to her during debate on the Bill.

Mr Vale (Stuart) moved - That the committee stages be later taken.

Question - put and passed.

20. NOTICES:

The following notices were given, by leave -

Mr Everingham: To present the Aboriginal Land Amendment Bill 1981 (Serial 96), the Bushfires Amendment Bill 1981 (Serial 97), the Fences Amendment Bill 1981 (Serial 98), the Stock Diseases Amendment Bill (No. 4) 1981 (Serial 99), the Stock Routes and Travelling Stock Amendment Bill (No. 3) 1981 (Serial 100), the Summary Offences Amendment Bill 1981 (Serial 101), and the Criminal Code Bill 1981 (Serial 167).

21. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Minister for Education), order of the day No. 8, Government Business, was called on and orders of the day Nos. 6 and 10, Government Business, were postponed.

22. MOTOR VEHICLES AMENDMENT BILL (No. 2) 1981 (Serial 135):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

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

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

23. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1981 (Serial 129):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

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

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

25. ADJOURNMENT:

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

Debate ensued.

Personal Explanation: Mr Bell, by leave, made a personal explanation.

Question - put and passed.

And then the Assembly at 5.03 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 25 November 1981, pursuant to statute -

Annual Reports:

Darwin Community College, 1979-80

Museums and Art Galleries Board of the Northern Territory, 1979-80

ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 29

Thursday 26 November 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. NOTICES:
The following notices were given -
Mr Steele: To present the Pet Meat Bill 1981 (Serial 163), and the Northern Territory Tourist Commission Amendment Bill 1981 (Serial 165).
Mr Everingham: To present the Northern Territory Disasters Amendment Bill (No. 2) 1981 (Serial 168), and the Statute Law Revision Bill (No. 5) 1981 (Serial 162).
Mr Perron: To present the Tenancy Amendment Bill 1981 (Serial 157), and the Parole of Prisoners Amendment Bill 1981 (Serial 159).
3. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
4. RESIDENCES UNDER CONSTRUCTION ON LOTS 4165 AND 3985 SAVANNAH ESTATE - REPORT - PUBLICATION AND PRINTING - MOTION TO NOTE PAPER:
Mr Perron (Minister for Community Development) laid on the Table a report entitled "Report on Structural Adequacy Workmanship at Residence under Construction on Lot 4165 and on Lot 3985 Savannah Estate".
Mr Perron moved -
(1) That this Assembly, in accordance with the provisions of the *Legislative Assembly (Powers and Privileges) Act 1977*, authorizes the publication of the report; and
(2) That the report be printed.
Question - put and passed.
Mr Perron moved - That the Assembly take note of the paper.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
5. PETROLEUM LEASES NOS. 4 AND 5 - MINISTERIAL STATEMENT:
Mr Tuxworth (Minister for Mines and Energy), by leave, made a statement detailing particulars of Petroleum Leases Nos. 4 and 5 registered on 25 November 1981.
6. LOCAL GOVERNMENT AMENDMENT BILL 1981 (Serial 71):
Mr Perron (Minister for Community Development), pursuant to notice, presented a Bill for an Act to amend the *Local Government Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
7. MINING ACT 1980 AMENDMENT BILL (No. 2) 1981 (Serial 166):
Mr Tuxworth (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Mining Act 1980*.
Bill read a first time.
Mr Tuxworth moved - That the Bill be now read a second time.
Debate adjourned (Miss D'Rozario) and the resumption of the debate made an order of the day for a later hour.
8. LOCAL GOVERNMENT AMENDMENT BILL (No. 2) 1981 (Serial 155):
Mr Perron (Minister for Community Development), pursuant to notice, presented

a Bill for an Act to amend the *Local Government Act*.

Bill read a first time.

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

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

9. CRIMINAL CODE BILL 1981 (Serial 167):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to declare, consolidate and amend certain aspects of the criminal law and to codify that law, and for related purposes.

Bill read a first time.

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

Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.

10. SUSPENSION OF STANDING ORDERS - TAKE SIX BILLS TOGETHER:

Mr Everingham (Chief Minister) moved - That so much of standing orders be suspended as would prevent six Bills relating to Aboriginal land and stock routes -

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

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

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

11. ABORIGINAL LAND AND STOCK ROUTES BILLS - ABORIGINAL LAND AMENDMENT BILL 1981 (Serial 96), BUSHFIRES AMENDMENT BILL 1981 (Serial 97), FENCES AMENDMENT BILL 1981 (Serial 98), STOCK DISEASES AMENDMENT BILL (No. 4) 1981 (Serial 99), STOCK ROUTES AND TRAVELLING STOCK AMENDMENT BILL (No. 3) 1981 (Serial 100), and SUMMARY OFFENCES AMENDMENT BILL 1981 (Serial 101):

Mr Everingham (Chief Minister), pursuant to notice and resolution, presented Bills for Acts to amend the *Aboriginal Land Act*, the *Bushfires Act*, the *Fences Act*, the *Stock Diseases Act*, the *Stock Routes and Travelling Stock Act*, and the *Summary Offences Act*.

Bills read a first time.

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

Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.

12. SUPERANNUATION BILL 1981 (Serial 164):

Mr Everingham (Chief Minister), by leave, presented a Bill for an Act to make provision for and in relation to an occupational superannuation scheme for persons employed by the Territory, and for certain other persons.

Bill read a first time.

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

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

Suspension of sitting: The sitting was suspended between 11.46 a.m. and 2.00 p.m.

13. RETURN TO WRIT - MILLNER DIVISION:

The Clerk laid on the Table the return to the writ issued by the Administrator for the election on 21 November 1981 of a Member to fill the vacancy caused by the resignation of Jonathan Martin Isaacs.

By the endorsement on the writ, it was certified that Terence Edward Smith had been elected.

14. AFFIRMATIONS BY MEMBER:

Terence Edward Smith was introduced, and made and subscribed the affirmations of office and of allegiance.

15. NOTICE:

The following notice was given, by leave -

Mr Everingham: To present the Small Claims Amendment Bill 1981 (Serial 158).

16. BUILDING SOCIETIES BILL 1981 (Serial 88):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 5 -

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

Insert after the definition of "building society" the following:

"'Committee', means the Building Societies Advisory Committee established under section 6A;"

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

"'officer', in relation to a building society, means a director, secretary, treasurer or manager of the building society, and any other person empowered by the rules of the society to act or give directions in respect of the business, operations or management of the building society;"

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

"'valuer', means a person who is a Fellow or an associate member of the Australian Institute of Valuers Incorporated, and includes a person who, in the opinion of the Minister, possesses equivalent qualifications."

Clause, as amended, agreed to.

Clause 6 agreed to.

New clause -

Mr Everingham moved that the following new clause be inserted in the Bill -

"6A. BUILDING SOCIETIES ADVISORY COMMITTEE

"(1) There shall be a Committee entitled the Building Societies Advisory Committee.

"(2) The Committee shall consist of 5 persons appointed by the Minister of whom -

(a) one shall be the Registrar, who shall be the Chairman of the Advisory Committee;

(b) one shall be a nominee of the Treasurer; and

(c) 3 shall be persons who are, in the opinion of the Minister, suitably qualified to represent the interests of building societies.

"(3) Subject to sub-section (4), the Minister may appoint a suitable person to be the deputy of a member of the Committee, and such person may, in the absence of the member of whom he has been appointed a deputy, act as a member of the Committee.

"(4) The Minister shall not appoint a person as the deputy of a member under sub-section (2)(b) unless that person has first been nominated by the Treasurer.

"(5) A member of the Committee shall hold office at the pleasure of the Minister.

"(6) The functions of the Committee shall be as follows:

- (a) to submit recommendations to the Minister on the more effective operations of building societies;
- (b) to make recommendations to the Minister in relation to the Regulations and model rules under this Act;
- (c) to keep under review the legislation relevant to the operation of building societies and, where appropriate, recommend amendments;
- (d) to advise the Minister or the Registrar upon matters referred to the Committee for advice; and
- (e) to perform such other functions as may be prescribed.

"(7) The Chairman may at any time convene a meeting of the Advisory Committee and at any meeting of the Advisory Committee -

- (a) 3 members constitute a quorum; and
- (b) subject to this Act and the Regulations, the procedure to be followed shall be that from time to time determined by the Advisory Committee."

On the motion of Mr Everingham the following amendments to the proposed new clause were made:

In sub-clause 2(c) - (a) omit "3" and insert "2"; (b) add to the sub-clause "; and (d) one person who is, in the opinion of the Minister, suitably qualified to represent the interests of consumers."

New clause, as amended, agreed to.

Clauses 7 to 12, by leave, taken together and agreed to.

Clause 13 -

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

Add at the end of the clause the following:

"(7) All contracts made in accordance with this Act shall be effectual in law, and shall be binding upon a building society and all other parties.

"(8) Subject to this Act, a building society may acquire by lease, purchase, donation, devise, bequest or otherwise, real or personal property for an object of the building society or for any purpose ancillary to those objects and may sell or lease such real or personal property."

Clause, as amended, agreed to.

Clause 14 negatived.

New clause -

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

"14. RULES TO CONTAIN CERTAIN MATTERS

"(1) The rules of a building society registered under this Act shall set forth -

- (a) the name of the building society and the principal office or place of meeting for the business of the building society;

- (b) the manner in which the stock or funds of the building society are to be raised; the terms upon which the paid up shares, if any, are to be issued and dealt with; whether preferential shares are to be issued and, if so, within what limits, if any; the method of transfer and transmission of shares and whether the building society intends to avail itself of the borrowing powers contained in this Act and, if so, to what extent;
 - (c) the purposes for which the funds of the building society are to be applied and the manner in which they are to be invested;
 - (d) whether or not shares may be withdrawn and, if so, upon what terms;
 - (e) the terms upon which mortgages may be redeemed;
 - (f) the manner of altering and rescinding the rules of the building society and of making additional rules;
 - (g) the duties and powers of and the manner of appointing, remunerating and removing the board of directors, auditors and other officers;
 - (h) the manner of calling general and special meetings of members, the quorum necessary to constitute such meetings and the mode of voting and number of votes to be given by each member at such meetings;
 - (j) the mode of drawing and signing cheques, drafts, bills of exchange, promissory notes and other negotiable instruments for and on behalf of the building society.
 - (k) the type of security to be given by any paid officer of the building society having the receipt or charge of any money belonging to the building society;
 - (m) provision for an annual or more frequent audit of the accounts of the building society and inspection by the auditors of the mortgages and other securities belonging to the building society;
 - (n) the manner in which disputes between the building society and any of its members or any person claiming by or through any member or under the rules are to be settled, whether by arbitration or otherwise;
 - (p) the manner and place in which the seal of the building society is to be used and kept;
 - (q) the manner and place in which the mortgages and other securities of the building society are to be kept;
 - (r) the fines and forfeitures to be imposed on members of the building society;
 - (s) the manner in which the building society shall be dissolved;
 - (t) the manner in which a member may inspect the books and records of the building society;
 - (u) the mode of holding elections for directors and auditors; and
 - (w) the manner in which a member may withdraw from membership of the building society.
- "(2) The Registrar shall not register any rules of a proposed building society unless -
- (a) the rules contain the prescribed provisions and otherwise con-

form with the requirements of this Act and the Regulations;
and

- (b) the rules contain provisions requiring the building society to insure itself to an extent which is, in the opinion of the Registrar, adequate against wrongful acts and defaults of its officers and employees and against other insurable risks assumed or to be assumed by the building society in the conduct of its business."

Clause 15 negatived.

New clause -

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

"15. EFFECT OF RULES

"The rules of a building society shall bind the building society and all members and officers of the building society and all persons claiming on account of the building society or a member or officer thereof in any manner or under the rules and all persons so bound shall be deemed and taken to have full notice of the rules and shall not have power to question or impugn their legality or validity."

Clause 16 agreed to.

Clause 17 -

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

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

"(2) A building society shall, immediately after the day on which a special resolution approving an alteration to its rules was passed, apply to the Registrar to have the alteration registered."

Clause, as amended, agreed to.

Clauses 18 to 20, by leave, taken together and agreed to.

Clause 21 -

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

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

"(1) A building society shall maintain at all times a registered office in the Territory."

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

"(3) Notice of the change of address of a registered office of a building society shall be lodged with the Registrar forthwith and the Registrar shall, upon receipt of the notice, register the new address of the registered office of the building society."

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23 -

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

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

"(2) An application shall not be made under sub-section (1) -

- (a) if a building society receives written notices of objection from 25% or more of its members to the proposed amalgamation; and
(b) unless the terms of the amalgamation are approved by special resolution of each of the societies; or

- (c) unless the Registrar has exercised his power under this Part to approve the amalgamation notwithstanding that an approval referred to in paragraphs (a) and (b) has not been obtained."

Clause, as amended, agreed to.

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

Clause 28 negatived.

New clause -

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

"28. LOANS

"(1) Subject to this Part, a building society may, if so authorized by its rules -

- (a) make advances to members of the building society upon the security of their shares;
- (b) make advances to members and other persons and to bodies corporate secured by a mortgage of freehold or leasehold estate or a licence or lease issued under the Crown Lands Act;
- (c) make advances to other building societies;
- (d) buy and sell or assign freehold or leasehold estate or mortgages or interests in mortgages of freehold or leasehold estate;
- (e) subject to sub-section (2), purchase land, subdivide the land (where necessary) and erect buildings on such land for sale to members or other persons upon such terms as the building society thinks fit; and
- (f) generally, carry out such activities of advantage to the building society and its members as are provided for in its rules.

"(2) A building society shall not employ any of its funds to purchase, subdivide or build on land except in accordance with a scheme or proposal which has been approved by the Minister after consideration of a report on that scheme or proposal by the Registrar.

"(3) Nothing in this section shall be construed as precluding a building society from accepting collateral security for the repayment of an advance.

"(4) Notwithstanding anything in this Act or in the rules of a building society or any other law or rule of law to the contrary, a building society may, for the purposes of this Act, mortgage or charge any of the property or other assets to the building society or assign any mortgage or interest in a mortgage.

"(5) Nothing in this section shall be construed as precluding a building society from advancing money on the security of a mortgage of a home unit within the mean of the Unit Titles Act."

Clause 29 -

Mr Everingham moved, as amendments -

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

"(1) Subject to sub-section (2), a building society shall not advance moneys on the security of property which is subject to a prior mortgage if the making of the advance would result in the amount advanced on the security of the property, including the principal and the interest and charges, if any, due under the prior mortgage, exceeding 75%, or such other percentage as is prescribed, of the value of the property."

Omit from sub-clause (2) "sub-section (1)(b)" (twice occurring) and substitute "sub-section (1)".

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

Debate ensued.

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

Clauses 30 and 31, by leave, taken together and agreed to.

Clause 32 -

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

Omit from sub-clause (1)(b) "exceeding \$60,000" and substitute "exceeding \$100,000".

Omit from sub-clause (1)(c) "exceeding \$20,000" and substitute "exceeding \$30,000".

Omit from sub-clause (1)(d) "not less than \$60,000" and substitute "not less than \$100,000".

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

"(i) a building of any kind other than a dwelling house, home unit within the meaning of the Unit Titles Act or a building of a kind commonly known as an attached dwelling; or".

Clause, as amended, agreed to.

Clause 33 -

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

Add at the end the following:

"(7) Nothing in this section shall be construed to prevent a building society from making an advance to another building society."

Clause, as amended, agreed to.

Clause 34 negatived.

New clause -

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

"34. PERMISSION TO MAKE SPECIAL ADVANCE TO PURCHASER OF MORTGAGED PROPERTY

"(1) The provisions of this section shall have effect where a building society, in the exercise of its powers as mortgagee, proposes to sell any land, estate or interest, mortgaged to the building society, and to make to a purchaser an advance wholly or partly upon the security of that land, estate or interest, which will constitute a special advance.

"(2) If, on an application to the Registrar, the building society shows to his satisfaction that the person who is, or was immediately before foreclosure, entitled to redeem the mortgage is a body corporate, or a person who is, or was immediately before foreclosure, indebted to the building society (taking into account the advance secured by the mortgage and all other debts to the building society of any description whether immediately repayable or not) in an amount exceeding the relevant amount prescribed by or in pursuance of section 32(1), the Registrar may, if he thinks fit, grant to the building society permission in writing to make the special advance to which the application relates."

Clause 35 -

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

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

"(b) the total or a substantial proportion of the moneys to be advanced will be expended within a period of 12 months from the making of the advance in all or any of the following ways, namely, levelling or clearing the land, and in the provision of roads, drainage, water, sewerage or like facilities on the land; and".

Clause, as amended, agreed to.

Clauses 36 to 41, by leave, taken together and agreed to.

Clause 42 -

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

Omit from sub-clause (1) "in the Territory".

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

"(4) A building society shall not purchase a mortgage debt in accordance with sub-section (3) unless -

(a) the building society complies with the requirements of sections 29 and 30(3); and

(b) the building society could have made an advance to a mortgagor of an amount equal to the purchase price of the mortgage debt."

Clause, as amended, agreed to.

Clause 43 -

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

Add at the end the following:

"(6) In addition to its other powers, a building society may -

(a) draw bills of exchange on banks; and

(b) after a bill of exchange has been accepted by a bank on which it is drawn, endorse, discount or otherwise negotiate such bill of exchange.

"(7) In consideration of the acceptance by a bank of a bill of exchange drawn under sub-section (6), a building society may execute a legal or equitable charge in favour of the bank upon the undertaking of the building society or upon all or any part of the property and rights (present and future) of the building society, including its uncalled or unpaid capital subscriptions, loan payments and other moneys."

Clause, as amended, agreed to.

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

New clauses -

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

"45A. POWER OF BUILDING SOCIETY TO JOIN ADMINISTRATIVE CORPORATION

"(1) A building society may, with the approval of the Registrar, subscribe for, or purchase shares in, or lend or otherwise advance moneys to, a body corporate that has agreed to provide administrative or financial services to the building society which are likely to further the objects of the building society.

"(2) A building society may contract to provide secretarial and administrative services to another building society or credit union.

"(3) A building society entering into a contract shall keep separate accounts and records in respect of its business, and each co-operative society or credit union for which it provides secretarial

and administrative services involving the keeping of accounts and records.

"45B. STAFF SUPERANNUATION

"A building society shall have power to credit, operate and maintain or join with any other person or bodies of persons in the creation, operation or maintenance of a fund for the purpose of providing pension and superannuation benefits for officers and employees of the building society and their dependants.

"45C. BUILDING SOCIETY AS COLLECTING AGENT

"(1) A building society may act as a collecting agent on behalf of a company, society, person or body of persons for the collection and payment to such company, society, person or body of persons, of any premiums payable by a member in respect of any policy of insurance covering any property held by the building society as security for a loan to the member, or in respect of any life, endowment, sickness or accident policy taken out by a member as a result of any terms and conditions imposed upon the granting of a loan or under any arrangement entered into by the member whereby the proceeds of the policy would be payable to the building society in repayment of the whole or part of the member's liability under any mortgage to the building society.

"(2) A building society may act as a paying or collecting agent for any other building society in respect of moneys due to that building society by its members.

"45D. POWER OF BUILDING SOCIETY TO JOIN ASSOCIATION

"A building society, with the consent of the Registrar, may become a member of any association, federation or corporation if, in the opinion of the directors, membership of the association, federation or corporation will assist the building society in carrying on its business.

"45E. POWER OF BUILDING SOCIETY TO ENTER CONTRACTS OF INSURANCE, &c.

"(1) Subject to this section, a building society may enter into a contract or arrangement with -

- (a) a person carrying on the business of insurance;
- (b) any association, federation or corporation of which it is a member; or
- (c) any other building society or societies or corporation approved by the Registrar -

that is for or with respect of -

- (d) indemnifying persons who invest in or loan money to or deposit money with the building society; or
- (e) maintaining the liquidity of the building society.

"(2) A building society may, pursuant to any such contract or arrangement, bind itself to make contributions and deposits in connection with the contract or arrangement.

"(3) Any contract or arrangement entered into under this section may provide for funds to be vested in trustees or invested by an agent, appointed under the contract or arrangement.

"(4) Any contract or arrangement entered into under this section shall have no force or effect until it has been approved by the Registrar.

"45F. ADMINISTRATION MAY BE DISPENSED WITH IN CERTAIN CASES

"(1) If a member or person entitled, in respect of any share in, loan to or deposit with a building society dies intestate, the building society may, upon such evidence as it deems sufficient and subject to sub-section (4), pay the money or transfer such shares to any person who appears to the building society to be entitled to obtain a grant of letters of administration of the estate of the deceased, and such person shall hold the money or shares on the same trusts as if he had obtained such grant.

"(2) If a member or person so entitled dies testate the building society may upon such evidence as it deems sufficient and subject to sub-section (4) pay the money or transfer the shares to the person appearing to the building society to be entitled thereto under the will of the deceased member or person.

"(3) The provisions of this section shall, subject to sub-section (4), extend to any surplus arising on the sale by the building society as mortgagee of any property mortgaged by the deceased to the building society.

"(4) The provisions of sub-section (1), (2) or (3) do not authorize a payment or transfer of any assets of a deceased member or person, the total value of which, together with the total value of any other assets already paid or transferred under any of those sub-sections, exceeds the amount of \$5,000 or, where some other amount is prescribed, that other amount.

"(5) Any payment or transfer made by the building society in accordance with this section shall be valid and effectual against any demand made upon the building society by any other person.

"45G. CHARITABLE CONTRIBUTIONS

"(1) A building society may, subject to this section and the rules of the building society, make contributions out of its funds -

- (a) for charitable purposes; or
- (b) for the purpose of establishing or maintaining a charitable foundation.

"(2) Unless the Registrar otherwise determines, a contribution shall not be made under sub-section (1) unless -

- (a) the building society achieved a surplus in each of the 3 financial years last preceding the making of the contribution; and
- (b) the aggregate of that contribution and any previous contributions made in the same financial year does not exceed -
 - (i) 5% of the average annual surplus achieved in the 3 financial years last preceding the making of that contribution; and
 - (ii) such other proportion of that average annual surplus as is prescribed.

"(3) A contribution shall not be made under sub-section (1) for the purpose of establishing a charitable foundation unless the Minister has first given his approval in writing.

"(4) In this section, 'charitable foundation' means a foundation or trust that exists, or is to be established, only for charitable purposes."

Clause 46 -

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

Omit from sub-clause (2)(b) "the court" and substitute "the Supreme Court".

Clause, as amended, agreed to.

Clause 47 agreed to.

Clause 48 -

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

Insert in sub-clause (10) after "not" the words ", without the consent of the Minister".

Clause, as amended, agreed to.

Clauses 49 to 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 (7) "one year" and substitute "2 years".

Clause, as amended, agreed to.

Clauses 55 to 59, by leave, taken together and agreed to.

Clause 60 -

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

Omit sub-clause (8) and substitute the following:

"(8) The directors of a building society shall prepare for submission to the annual general meeting of the building society a report in the prescribed manner upon the affairs of the building society and such report shall contain a statement by the directors that the accounts and records of the building society comply with the provisions of the Act and the Regulations."

Clause, as amended, agreed to.

Clause 61 -

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

Omit from sub-clause (4)(a) "section 64(5)(e)" and substitute "section 63(5)(e)".

Clause, as amended, agreed to.

Clause 62 agreed to.

Clause 63 -

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

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

"(f) is neither an employee of, or a partner of -

(i) an employee of; or

(ii) a director of,

the permanent building society;"

Omit from sub-clause (19) "sub-section (19)", and substitute "sub-section (18)".

Omit from sub-clause (20)(a) "section 82" and substitute "section 72".

Omit from sub-clause (20)(b) "section 82" and substitute "section 72".

Clause, as amended, agreed to.

Clauses 64 to 68, by leave, taken together and agreed to.

Clause 69 -

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

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

"(4) A document purporting to bear the common seal of a building society shall be accepted in legal proceedings as a document that bears the common seal, duly affixed, of that building society, in the absence of proof to the contrary."

Clause, as amended, agreed to.

Clauses 70 and 71, by leave, taken together and agreed to.

Clause 72 -

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

Insert after sub-clause (1) the following:

"(1A) A person who offers or pays a commission, fee or reward, whether pecuniary or otherwise, to an officer of a building society for or in connection with a transaction or proposed transaction between the person and the building society, is guilty of an offence.

Penalty: \$2,000 or imprisonment for 6 months."

Clause, as amended, agreed to.

Clause 73 agreed to.

New clause -

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

"73A. FALSE INFORMATION

"(1) A person who, in or in relation to an application or demand for money made to or on a building society -

(a) gives information or makes a statement, knowing it to be false, to the building society or a servant or an agent of the building society; or

(b) proffers information or a statement provided by another person knowing it to be false, to a building society or a servant or an agent of a building society,

is guilty of an offence.

Penalty: \$2,000 or imprisonment for 6 months.

"(2) Where a person has been convicted of an offence against sub-section (1), the building society from which money has been obtained by the person in relation to the commission of the offence may, in respect of a mortgage or other security given to it by the person to secure the repayment of the money to the building society, exercise all such rights under the mortgage or other security as it could exercise if there were a breach of a covenant of the mortgage or of a term of any contract by which the security was given, as the case may be, whether the mortgage or other security was executed by the person alone or by the person and another person or persons."

Clauses 74 to 82, by leave, taken together and agreed to.

Clause 83 -

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

Insert in sub-clause (1) after "members" the words "or a class of members,".

Clause, as amended, agreed to.

Clauses 84 to 87, by leave, taken together and agreed to.

Schedule agreed to.

Postponed clause 29 and the amendments proposed by Mr Everingham -

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

"(1) Subject sub-section (2), a building society shall not advance moneys on the security of property which is subject to a prior mort-

gage if the making of the advance would result in the amount advanced on the security of the property, including the principal and the interest and charges, if any, due under the prior mortgage, exceeding 75%, or such other percentage as is prescribed, of the value of the property."

Omit from sub-clause (2) "sub-section (1)(b)" (twice occurring) and substitute "sub-section (1)".

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

Amendments agreed to, after debate.
Clause, as amended, agreed to.
Title agreed to.
Bill to be reported with amendments.

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

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

17. ADJOURNMENT:

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

Question - put and passed.

And then the Assembly at 3.49 p.m. adjourned until Tuesday 1 December 1981 at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 26 November 1981, pursuant to statute -

Annual Reports:

Northern Territory Development Corporation, 1979-80
Territory Insurance Office, 1980-81

Financial Statements:

Corporation of the Municipality of Tennant Creek, 1979-80

ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 30

Tuesday 1 December 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. PETITIONS:
The following petitions were presented -
Mr Dondas (Casuarina) presented a petition from 370 citizens of the Northern Territory relating to zoning of the Brinkin subdivision.
Petition received and read.
Mr B. Collins (Arnhem) presented a petition from 347 citizens of the Northern Territory relating to prawning licences.
Petition received and read.
Mr Smith (Millner) presented a petition from 37 citizens of the Northern Territory relating to the need for a pedestrian overpass on Trower Road, Rapid Creek.
Petition received and read.
3. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
4. SESSIONAL COMMITTEE ON THE ENVIRONMENT - FIRST REPORT - MOTION TO TAKE NOTE OF PAPER:
Mr Harris (Port Darwin) presented the first report of the sessional committee.
Mr Harris moved - That the Assembly take note of the paper.
Leave granted for Mr Harris to continue his speech when the debate is resumed.
Debate adjourned (Mr Robertson) and the resumption of the debate made an order of the day for a later hour.
5. NORTHERN TERRITORY DISASTERS AMENDMENT BILL (No. 2) 1981 (Serial 168):
Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Northern Territory Disasters Act*.
Bill read a first time.
Mr Everingham moved - That the Bill be now read a second time.
Debate adjourned (Mr Smith) and the resumption of the debate made an order of the day for a later hour.
6. TENANCY AMENDMENT BILL 1981 (Serial 157):
Mr Perron (Minister for Community Development), pursuant to notice, presented a Bill for an Act to amend the *Tenancy Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
7. PET MEAT BILL 1981 (Serial 163):
Mr Steele (Minister for Primary Production and Tourism), pursuant to notice, presented a Bill for an Act to provide for the regulation and control of the pet meat industry.
Bill read a first time.
Mr Steele moved - That the Bill be now read a second time.
Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.

8. STATUTE LAW REVISION BILL (No. 5) 1981 (Serial 162):

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

Bill read a first time.

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

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

9. PAROLE OF PRISONERS AMENDMENT BILL 1981 (Serial 159):

Mr Perron (Minister for Community Development), pursuant to notice, presented a Bill for an Act to amend the *Parole of Prisoners Act*.

Bill read a first time.

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

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

10. NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT BILL 1981 (Serial 165):

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

Bill read a first time.

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

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

11. SMALL CLAIMS AMENDMENT BILL 1981 (Serial 158):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Small Claims Act*.

Bill read a first time.

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

Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.

12. MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL 1981 (Serial 152):

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 Perron the following amendments were made -

Omit "Section 18 of the Motor Accidents (Compensation) Act is amended -" and substitute the following:

"Section 18 of the Motor Accidents (Compensation) Act is amended -

(aa) by omitting from sub-section (1) "There is payable" and substituting "Subject to sub-section (3), there is payable";

(ab) by omitting from sub-section (1) ', to a maximum of \$15,000 in respect of any one accident' and substituting 'other than accommodation and treatment in a hospital in the Territory';

(ac) by omitting from sub-section (2) all words before and including 'otherwise than in a hospital in the Territory;' and substituting the following:

'(2) In sub-section (1) "treatment" means -

(a) medical, surgical or dental treatment or nursing or other care provided to the person referred to in that sub-section;".

Omit from proposed sub-section (4) in paragraph (b) "Where standard rate hospital charges are raised in respect of a person referred to in sub-section (1) -" and substitute "In addition to any payment the Office may make under sub-section (1), where standard rate hospital charges are raised in respect of a person referred to in that sub-section -".

Insert in paragraph (b), after proposed sub-section (4), the following:

"(5) Payments made under this section to, on behalf of or in respect of a person shall not, in the aggregate, exceed \$50,000 in respect of any one accident."

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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

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

13. ENERGY PIPELINES BILL 1981 (Serial 142):

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 paragraph (d) from the definition of "pipeline".

Omit sub-clause (3).

Clause, as amended, agreed to.

Clause 4 -

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

Insert before sub-clause (1)(e)(i) the following:

"(ia) for the conveyance of an energy-producing hydro-carbon from a well-head to a tank or a separator or for the collection of an energy-producing hydro-carbon within the area in which it is produced or recovered;".

Clause, as amended, agreed to.

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

Clause 7 -

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

Omit from sub-clause (2) ", with such modifications, if any, as are prescribed,".

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9 -

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

Omit sub-clause (1)(b) and substitute -

"(b) subject to sub-section (3), remains in force for a period of 12 months commencing on the day referred to in paragraph (a) and for any period for which the permit is extended under sub-section (2); and".

Add at the end of the clause the following:

"(4) A permit shall not be cancelled under sub-section (3) unless the Minister has -

- (a) by instrument in writing served on the permittee, given not less than 28 days notice of his intention to cancel the permit and the grounds for his so doing;
- (b) served a copy of the instrument on such other persons, if any, as he thinks fit;
- (c) in the instrument, specified a date on or before which the permittee or a person on whom a copy of the instrument is served may, by instrument in writing served on the Minister, submit any matter that he wishes the Minister to consider in connection with the cancellation of the permit;
- (d) caused to be published in such newspapers as he thinks fit, notice of his intention to cancel the permit and the ground for his so doing and has, in that notice, specified a date on or before which a person having an interest in land in the area may submit any matter that he wishes the Minister to consider in connection with the cancellation of the permit; and
- (e) taken into account:
 - (i) any action taken by the permittee to remove the grounds for cancellation of his permit or to prevent the recurrence of similar grounds; and
 - (ii) particulars of matters submitted under paragraph (c) or (d) on or before the date specified under the relevant paragraph."

Clause, as amended, agreed to.

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

Clause 13 -

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

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

"(a) at the time of making the application holds, or within 6 months before making the application has held, a permit; or".

In sub-clause (1)(b) omit "does not hold, or has not held a permit" and substitute "has never, or has not within the period of 6 months before making the application, held a permit".

Omit sub-clause (2).

Clause, as amended, agreed to.

Clause 14 -

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

In sub-clause (1) omit "14" and substitute "13".

Clause, as amended, agreed to.

Clauses 15 to 22, by leave, taken together and agreed to.

Clause 23 -

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

Omit from sub-clause (1) "at any time" and substitute "on application by the licensee".

Clause, as amended, agreed to.

Clauses 24 to 29, by leave, taken together and agreed to.

Clause 30 -

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

Omit from sub-clause (1) "\$10" and substitute "\$3".

Clause, as amended, agreed to.

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

Clause 42 -

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

Omit from the penalty set out at the foot of sub-clause (6) "\$200" (twice occurring) and substitute "\$1,000".

Clause, as amended, agreed to.

Clause 43 -

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

Omit from the penalty set out at the foot of sub-clause (10) "\$200" (twice occurring) and substitute "\$1,000".

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

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

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

14. LOCAL GOVERNMENT AMENDMENT BILL 1981 (Serial 124):

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 -

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

In sub-section (1) of the proposed section 351 omit "\$200" and "\$20" and substitute "\$500" and "\$50".

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

In sub-section (2) of the proposed section 351 omit "\$200" and substitute "\$500".

Clause, as amended, agreed to.

Clause 5 agreed to.

New clause -

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

"5A. PERSON NOT TO REFUSE, &c., TO CARRY OUT DUTIES UNDER THIS ACT

"Section 397 of the Principal Act is amended by omitting 'Penalty: 200 dollars.' and substituting 'Penalty: \$500.'".

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

Bill to be reported with amendments.

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

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

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

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

Suspension of sitting: The sitting was suspended between 12.10 and 2.00 p.m.

Debate continued.

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

Leave granted for third reading to be moved forthwith.

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

16. NOTICE:

The following notice was given, by leave -

Mr Everingham: To present the Aboriginal Heritage Bill 1982 (Serial 171).

17. REMUNERATION TRIBUNAL - MAGISTRATES - RECOMMENDATION No. 1 of 1981 - PAPER NOTED:

Mr Everingham (Chief Minister), by leave, laid on the Table Recommendation No. 1 of 1981 of the 1981 Inquiry of the Northern Territory Remuneration Tribunal relating to magistrates.

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

Question - put and passed.

18. REMUNERATION TRIBUNAL - ALDERMEN - RECOMMENDATION No. 2 of 1981 - PAPER NOTED:

Mr Everingham (Chief Minister), by leave, laid on the Table Recommendation No. 2 of 1981 of the 1981 Inquiry of the Northern Territory Remuneration Tribunal relating to aldermen.

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

Debate ensued.

Question - put and passed.

19. REMUNERATION TRIBUNAL - REPORT AND DETERMINATION No. 1 OF 1981 - MEMBERS OF THE LEGISLATIVE ASSEMBLY - PAPER NOTED:

Mr Everingham (Chief Minister), by leave, laid on the Table the Report and Determination No. 1 of 1981 of the 1981 Inquiry of the Northern Territory Remuneration Tribunal relating to Members of the Legislative Assembly.

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

Debate ensued.

Question - put and passed.

20. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Minister for Education), order of the day No. 29, Government Business, was called on.

21. COMMISSIONER OF CONSUMER AFFAIRS - THIRD ANNUAL REPORT - PAPER NOTED:

The order of the day having been read for the resumption of the debate on the motion of Mr Perron - That the Assembly take note of the paper -

Debate resumed.

Question - put and passed.

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

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 3 -

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

Insert in paragraph (a) after "any place" the words ", other than a private dwellinghouse where food is not prepared for sale,".

Clause, as amended, agreed to.

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

Bill to be reported with an amendment.

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

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

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

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.

Schedule -

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

Amend the Schedule -

(a) by omitting from that part under the provision heading "Electricity Commission Act" the following:

"Section 26(2) 'Ordinance' 'Act';
(twice occurring)

(b) by omitting from that part under the provision heading "Local Government Act" the following:

"Section 397 '200 dollars' '\$200';

(c) by inserting immediately after that part under the provision heading "Observance of Law Act" the following:

"Parole of Prisoners Act

Section 16 paragraph (b)";

(d) by omitting from that part under the provision heading "Pharmacy Act" the following:

"Section 29(1)(d) the whole paragraph '(d) who is mentally ill within the meaning of the Mental Health Act; or'"

and substituting:

"Section 29(1)(d) the whole paragraph '(d) who is mentally ill within the meaning of the Mental Health Act; or'" and

(e) by inserting immediately after that part under the provision heading "Places of Public Entertainment Act" the following:

"Police Administration Act

Section 4 'Part III' 'Part II''.
- definition of
 'Special
 Constable'

Schedule, as amended, agreed to.
Title agreed to.
Bill to be reported with an amendment.

The Assembly resumed - the Chairman (Mr Harris) reported accordingly and the report was adopted.
The Bill was read a third time and passed to be a proposed law.

24. LIQUOR AMENDMENT BILL (No. 2) 1981 (Serial 145):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Question - put and passed - Bill read a second time.
The Assembly resolved itself into a committee of the whole.

In the committee

Clauses 1 to 4, by leave, taken together and agreed to.
New clause -
On the motion of Mr Tuxworth the following new clause was added to the Bill -

"5. REPEAL

Section 129 of the Liquor Act is repealed."

Title agreed to.
Bill to be reported with an amendment.

The Assembly resumed - the Chairman (Mr Harris) reported accordingly and the report was adopted.
The Bill was read a third time and passed to be a proposed law.

25. NOTICES:
The following further notices were given, by leave -
Mr Tuxworth: To present the Summary Offences Amendment Bill (No. 2) 1981 (Serial 170), and the Liquor Amendment Bill (No. 3) 1981 (Serial 169).

26. FISH AND FISHERIES AMENDMENT BILL 1981 (Serial 126):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Question - put and passed - Bill read a second time.
The Assembly resolved itself into a committee of the whole.

In the committee

Clause 1 agreed to.
New clause -
On the motion of Mr Everingham the following new clause was inserted in the Bill -

"1A. SEARCH AND SEIZURE

"Section 78 of the Fish and Fisheries Act is amended by inserting after sub-section (1) the following:

'(1A) A person shall comply with and shall not contravene a requirement made under sub-section (1)(e).

Penalty: \$2,000.'."

Remainder of Bill, by leave, taken as a whole and agreed to.
Bill to be reported with an amendment.

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

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

Debate ensued.

Question - put and passed.

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

27. SUSPENSION OF STANDING ORDERS - PASS TWO BILLS THROUGH ALL STAGES:

Mr Robertson (Minister for Education), by leave, moved - That so much of standing orders be suspended as would prevent the passage through all stages at this sittings of the Traffic Amendment Bill (No. 4) 1981 (Serial 153) and the Mining Act 1980 Amendment Bill (No. 2) 1981 (Serial 166).

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

28. TRAFFIC AMENDMENT BILL (No. 4) 1981 (Serial 153):

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

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

Mr Dondas (Minister for Transport and Works) moved - That the Bill be now read a third time.

Debate ensued.

Question -, put and passed.

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

29. MINING ACT 1980 AMENDMENT BILL (No. 2) 1981 (Serial 166):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 3 -

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

Omit "Mining Act Amendment Act 1981" and substitute "Mining Act 1980 Amendment Act 1981".

Clause, as amended, agreed to.

Clauses 4 and 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. GENERAL CONDITIONS

Section 166(1)(g) of the Principal Act is amended by omitting 'in respect of' and all words after 'the Crown' and substituting 'subject to section 175(3), in respect of' and '(or, where he is not liable to pay the royalties, ensure that the royalties are paid by or on behalf of the person who is so liable) at such times, at such rates, in such manner and subject to such conditions, as are from time to time prescribed by or under this or any other law of the Territory,' respectively.

Clause 7 agreed to.

Clause 8 negatived.

New clause -

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

"8. SAVINGS AND TRANSITIONAL

Section 191 of the Principal Act is amended -

(a) by omitting from sub-section (7) 'An application' and substituting 'Subject to section 191A, an application'; and

(b) by omitting sub-section (15) and substituting the following:

'(15) An application for a special mineral lease made under the repealed Act that had not been processed before the commencement of this Act shall, on and from that commencement, but subject to sub-sections (15A) and (15B), be treated as an application for a mineral lease made on the commencement of this Act but, in relation to that application, sections 54(2), 55, 56(1) (so far as it relates to the use of the land for associated purposes), 57, 58, 59, 162 and 163 shall not apply and the Minister may, in his discretion, under section 60, grant the mineral lease notwithstanding that he has not considered a recommendation of a warden in relation to the application.

'(15A) Notwithstanding section 164, an application referred to in sub-section (15) shall have, in relation to all other applications for a special mineral lease in respect of the same land made before the commencement of this Act, the same priority for consideration as it had under the repealed Act.

'(15B) A mineral lease granted in pursuance of sub-section (15) may be granted for such term, not exceeding the term for which the special mineral lease could have been granted under the repealed Act, as the Minister thinks fit."

Clause 9 -

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

Omit from proposed section 191A(1) "subject to sub-section (2)" and substitute "subject to sub-section (2) and to section 191(15) and (15B)".

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

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

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

30. ADJOURNMENT:

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

Debate ensued.

Personal explanation: Mr Bell, by leave, made a personal explanation relating to the interpretation placed on a word used by him during this debate.

Question - put and passed.

And then the Assembly at 7.02 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 1 December 1981, pursuant to statute:

Annual Reports:

Department of Education, 1980-81

Department of the Treasury, 1980-81

ATTENDANCE:

All Members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 31

Wednesday 2 December 1981

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. QUESTIONS:
Questions without notice were asked.
Business of the day called on: On the motion of Mr Robertson (Minister for Education), business of the day was called on.
3. POSTPONEMENT OF NOTICE:
On the motion of Mr Everingham (Chief Minister), Notice No. 1, Government Business, relating to the Aboriginal Heritage Bill 1982, was postponed until a later hour.
4. SUSPENSION OF STANDING ORDERS - TAKE TWO BILLS TOGETHER:
Mr Tuxworth (Minister for Health), by leave, moved - That so much of standing orders be suspended as would prevent two Bills relating to drinking in public places -
 - (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages, and the third readings of the Bills together; and
 - (b) the consideration of the Bills separately in the committee of the whole.The motion having been supported by an absolute majority of the Assembly, Mr Speaker declared the question resolved in the affirmative.
5. LIQUOR BILLS - LIQUOR AMENDMENT BILL (No. 3) 1981 (Serial 169), and SUMMARY OFFENCES AMENDMENT BILL (No. 2) 1981 (Serial 170):
Mr Tuxworth (Minister for Health), pursuant to notice and resolution, presented Bills for Acts to amend the *Liquor Act* and the *Summary Offences Act*.
Bills read a first time.
Mr Tuxworth moved - That the Bills be now read a second time.
Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.
6. AUDITOR-GENERAL - ANNUAL REPORT, 1980-81 - PAPER NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Everingham - That the Assembly take note of the paper -
Debate resumed.
Question - put and passed.
7. RESIDENCES UNDER CONSTRUCTION ON LOTS 4165 and 3985, SAVANNAH ESTATE - REPORT - PAPER NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Perron - That the Assembly take note of the paper -
Question - put and passed.
8. ALTERATION OF ORDER OF BUSINESS:
On the motion of Mr Robertson (Minister for Education), order of the day No. 25, Government Business, was called on.
9. LITTER CONTROL - REPORT, APRIL 1981 - PAPER NOTED:
The order of the day having been read for the resumption of the debate on the motion of Mr Perron - That the Assembly take note of the paper -
Debate resumed.
Question - put and passed.

10. BUSINESS DISCHARGED:

On the motion of Mr Robertson (Minister for Education), orders of the day, Government Business, No. 21 (Draft Mineral Royalty Bill), No. 22 (Northern Territory Ombudsman, Annual Report, 1980-81), No. 24 (Housing Commission Rents and Home Loans Scheme) and No. 26 (Environment Committee Activities) were discharged from the Notice Paper.

11. SPECIAL ADJOURNMENT:

Mr Robertson (Minister for Education) moved - That the Assembly, at its rising, adjourn until 10.00 a.m. on Tuesday 9 March 1981 or such other time as may be notified by Mr Speaker under Sessional Order.

Question - put and passed.

12. ADJOURNMENT:

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

Debate ensued.

Suspension of sitting: The sitting was suspended between 12.14 and 2.00 p.m.

Question - put and negatived.

13. ABORIGINAL HERITAGE BILL 1981 (Serial 171):

Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal Sacred Sites Act*.

Bill read a first time.

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

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

14. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And then the Assembly at 3.30 p.m. adjourned until Tuesday 9 March 1982 or such other time as may be notified by Mr Speaker under Sessional Order.

ATTENDANCE:

All Members attended the sitting.

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

THIRD LEGISLATIVE ASSEMBLY

FIRST SESSION

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