

PART III

THE MINUTES OF PROCEEDINGS

Minutes of Proceedings
OF THE
LEGISLATIVE ASSEMBLY

No. 13

Tuesday 23 August 1983

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

2. MESSAGE FROM ADMINISTRATOR:

Message No. 15

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to appropriate certain sums out of the Consolidated Fund for the service of the year ending on 30 June 1984.

Dated this nineteenth day of August 1983

(Sgd) E.E. JOHNSTON
Administrator

3. PETITION:

The following petition was presented:

Mr Bell presented a petition from 79 residents of Hermannsburg relating to the Hermannsburg road.

Petition received and read.

4. NOTICES:

The following notices were given:

Mr Robertson: To present the Legal Practitioners Amendment Bill 1983 (Serial 348).

Mr Perron: To present the Education Amendment Bill 1983 (Serial 330).

Mr Everingham: To present the Place Names Amendment Bill 1983 (Serial 325).

Mr Steele: To present the Darwin Port Authority Bill 1983 (Serial 328).

5. ELECTORAL DISTRIBUTION - PAPER TABLED - MOTION TO APPROVE REPORT:

Mr Everingham (Chief Minister) laid on the Table the report of the Distribution Committee on the redistribution of the Territory into 25 electoral divisions.

Mr Everingham (Chief Minister), by leave, moved - That this Assembly resolve in terms of section 18(1) of the *Electoral Act* that the distribution of the Territory into electoral divisions, as proposed in the report of the Distribution Committee, be approved.

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

6. QUESTIONS:

Questions without notice were asked.

Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.

7. AUSTRALIAN CONSTITUTIONAL CONVENTION RESOLUTIONS - PAPER TABLED:
Mr Everingham (Chief Minister) laid on the Table the resolutions adopted at the Australian Constitutional Convention in Adelaide between 26-29 April 1983.
8. DIRECTION OF TREASURER:
Mr Perron (Treasurer) laid on the Table a direction of the Treasurer made under the *Financial Administration and Audit Act* and dated 9 June 1983.
9. EMPLOYMENT - MINISTERIAL STATEMENT - STATEMENT NOTED:
Mr Everingham (Chief Minister), by leave, made a statement on employment.
Mr Everingham moved - That the Assembly take note of the statement.
Debate ensued.

Suspension of sitting: The sitting was suspended between 11.58 a.m. and 2 p.m.

Debate resumed.
Question - put and passed.

10. ACTING APPOINTMENTS BILLS - FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL 1983 (Serial 302), OMBUDSMAN (NORTHERN TERRITORY) AMENDMENT BILL 1983 (Serial 303), and PUBLIC SERVICE AMENDMENT BILL 1983 (Serial 304):
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.
11. SURVEYORS BILL 1983 (Serial 323):
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.
12. RACING AND GAMING BILLS - LOTTERIES AND GAMING AMENDMENT BILL 1983 (Serial 313), and RACING AND BETTING BILL 1983 (Serial 312):
The order of the day having been read for the resumption of the debate on the question - That the Bills be now read a second time -
Debate resumed.
Debate adjourned (Mr Vale) and the resumption of the debate made an order of the day for a later hour.
13. ADJOURNMENT:
Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn.
Debate ensued.
Question - put and passed.
And then the Assembly at 6.30 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 23 August 1983:

Agreements and Determinations:

Prisons Arbitral Tribunal - Amendment of Determination No.10 of 1981 -
4 August 1983

Annual Reports:

Department of Law, 1982-3

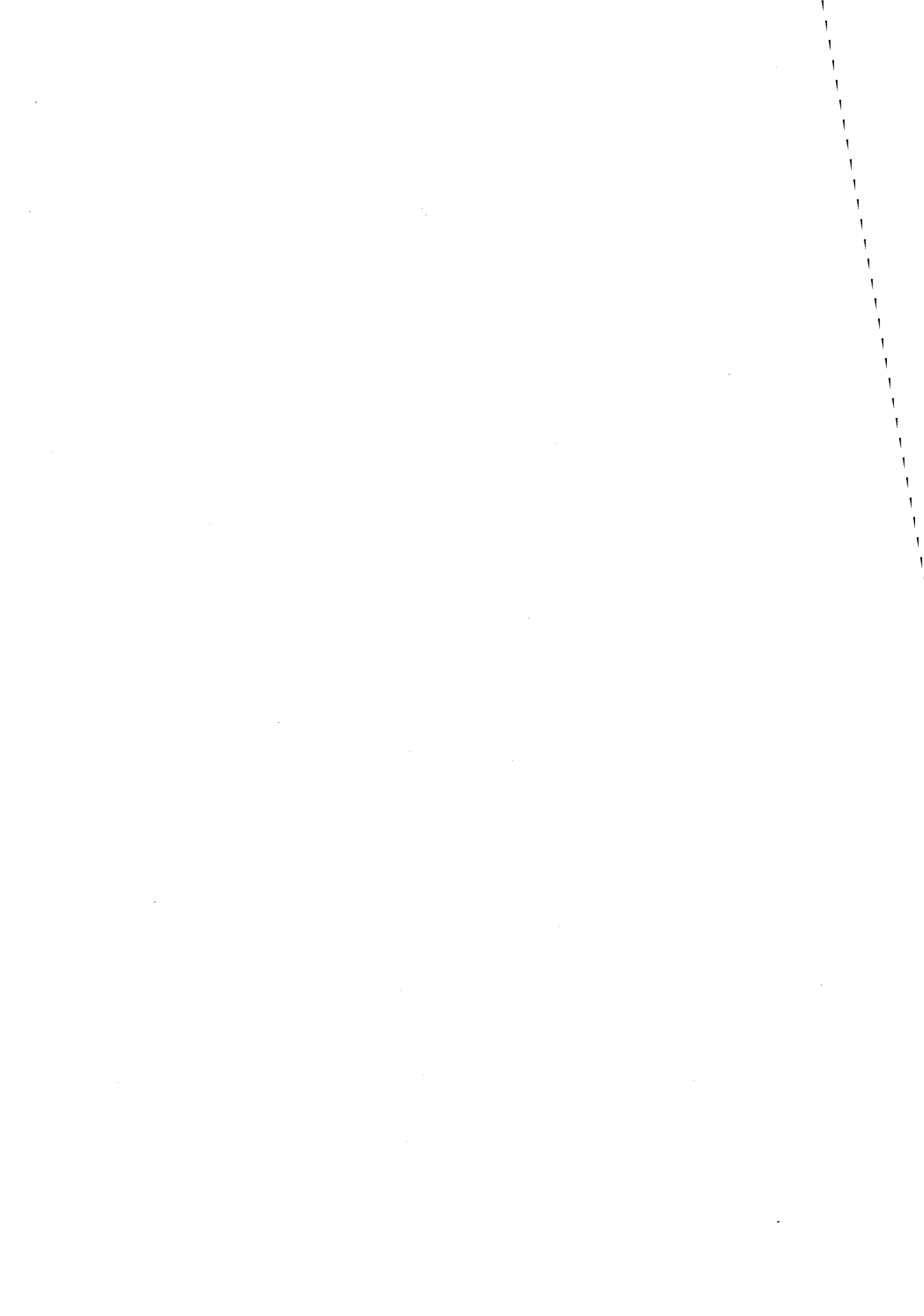
Uranium Mining (Environment Control) Act, 1982

Community Government Scheme:

Milikapiti Community Government Scheme

ATTENDANCE:

All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 14

Wednesday 24 August 1983

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 Robertson: To present the Poisons and Dangerous Drugs (Criminal Code) Amendment Bill 1983 (Serial 346), the Justices (Criminal Code) Amendment Bill 1983 (Serial 344), the Sexual Offences (Evidence and Procedure) Bill 1983 (Serial 343), the Summary Offences (Criminal Code) Amendment Bill 1983 (Serial 341), the Prisons (Correctional Services)(Criminal Code) Amendment Bill 1983 (Serial 340), the Juries (Criminal Code) Amendment Bill 1983 (Serial 339), the Interpretation (Criminal Code) Amendment Bill 1983 (Serial 338), the Evidence (Criminal Code) Amendment Bill 1983 (Serial 337), the Electoral (Criminal Code) Amendment Bill 1983 (Serial 336), the Criminal Law (Regulatory Offences) Bill 1983 (Serial 335), the Bail (Criminal Code) Amendment Bill 1983 (Serial 334), and the Criminal Code Bill 1983 (Serial 332).
Mr Tuxworth: To present the Stock Diseases Amendment Bill 1983 (Serial 309).
3. QUESTIONS:
Questions without notice were asked.
Paper tabled: Mr Everingham (Chief Minister) laid on the Table an itemised expenditure summary for the 1983 self-government celebrations.
4. LOCAL GOVERNMENT ACT REVIEW - DISCUSSION PAPERS Nos. 3 and 4 - PAPERS TABLED:
Mr Tuxworth (Minister for Community Development) laid on the Table the Local Government Act Review, Discussion Papers Nos. 3 and 4.
5. CRIMINAL CODE - MINISTERIAL STATEMENT:
Mr Robertson (Attorney-General), by leave, made a statement on the proposed Northern Territory Criminal Code.
6. LEGAL PRACTITIONERS AMENDMENT BILL 1983 (Serial 348):
Mr Robertson (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Legal Practitioners Act*.
Bill read a first time.
Mr Robertson 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.
7. EDUCATION AMENDMENT BILL 1983 (Serial 330):
Mr Perron (Minister for Education), pursuant to notice, presented a Bill for an Act to amend the *Education 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.
8. PLACE NAMES AMENDMENT BILL 1983 (Serial 325):
Mr Everingham (Minister for Lands, Industrial Development and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Place Names 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.

9. DARWIN PORT AUTHORITY BILL 1983 (Serial 328):

Mr Steele (Minister for Transport and Works), pursuant to notice, presented a Bill for an Act to provide for the establishment of the Darwin Port Authority for the control and management of the Port of Darwin, and for related purposes.

Bill read a first time.

Mr Steele 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.

Suspension of sitting: The sitting was suspended between 12 noon and 2 p.m.

10. TAXATION (ADMINISTRATION) AMENDMENT BILL 1983 (Serial 305):

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

Debate resumed.

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

The Assembly resolved itself into a committee of the whole.

In the committee

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

Clause 3 negatived.

Clause 4 agreed to.

Clause 5 -

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

Add at the end of proposed section 69J the following:

"(3) A further loan security referred to in sub-section (1)(c) shall be stamped to show the duty which would, but for this section, have been payable on it."

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with an amendment.

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

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

11. TENANCY AMENDMENT BILL (No. 2) 1983 (Serial 307):

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

Bill to be reported without amendment.

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

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

12. ELECTORAL AMENDMENT BILL 1983 (Serial 308):

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 proposed section 125(1) "date of the completion of the roll" and substitute "time of the issue of the writ".

Clause, as amended, agreed to.

Title agreed to

Bill to be reported with an amendment.

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

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

13. POLICE ADMINISTRATION AMENDMENT BILL (No. 2) 1983 (Serial 322):

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.

14. PUBLIC HOLIDAYS AMENDMENT BILL 1983 (Serial 295):

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

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

Leave granted for third reading to be moved forthwith.

Mr Everingham (Chief Minister) 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.

15. CRIMINAL CODE BILL 1983 (Serial 294):

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. ADJOURNMENT:

Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 5.01 p.m. adjourned until tomorrow at 10.00 a.m.

PAPERS:

The following papers were deemed to have been presented on 24 August 1983:

Regulations 1983:

- No. 18 Bail Regulations
 - No. 19 Amendments of the Territory Wildlife Regulations
 - No. 20 Water Supply and Sewerage Regulations
 - No. 21 Plumbers and Drainers Licensing Regulations
 - No. 22 Credit Unions Regulations
 - No. 23 Amendment of the Education (School Council) Regulations
 - No. 24 Places of Public Entertainment Regulations
 - No. 25 Palmerston (Stray Animals) By-laws
 - No. 26 Darwin (Private Swimming Pool) (Amendment No.1) By-laws
 - No. 27 Amendments of the Greyhound Racing Rules
 - No. 28 Amendments of the Pet Meat Regulations
 - No. 29 Alice Springs (Swimming Centre) By-laws
-

ATTENDANCE:

All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 15

Thursday 25 August 1983

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 (Attorney-General), business of the day was called on.
3. CHRONICALLY MENTALLY ILL - MINISTERIAL STATEMENT:
Mr Dondas (Minister for Health and Housing), by leave, made a statement on the treatment of chronically mentally ill patients.
4. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - HOUSING COSTS:
Mr Speaker informed the Assembly that Mr Bell (MacDonnell) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely "The housing costs in the Northern Territory have been escalating at such a rate as to constitute a serious threat to the standard of living of its citizens."
The proposed discussion having received the necessary support - Mr Bell addressed the Assembly.
Discussion ensued.
Discussion concluded.
5. CRIMINAL CODE BILL 1983 (Serial 332):
Mr Robertson (Attorney-General), pursuant to notice, presented a Bill for an Act to establish a Code of criminal law.
Bill read a first time.
Mr Robertson 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.
6. STOCK DISEASES AMENDMENT BILL 1983 (Serial 309):
Mr Tuxworth (Minister for Primary Production and Conservation), pursuant to notice, presented a Bill for an Act to amend the *Stock Diseases Act*.
Bill read a first time.
Mr Tuxworth 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.
7. CRIMINAL LAW (REGULATORY OFFENCES) BILL 1983 (Serial 335):
Mr Robertson (Attorney-General), pursuant to notice, presented a Bill for an Act to provide for regulatory offences in certain legislation consequent on the *Criminal Code Act*.
Bill read a first time.
Mr Robertson 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. SUSPENSION OF STANDING ORDERS - TAKE TEN BILLS TOGETHER:
Mr Robertson (Attorney-General) moved - That so much of standing orders be suspended as would prevent 10 Bills relating to the establishment of a Code of criminal law -

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

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

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

9. CRIMINAL CODE BILLS - BAIL (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 334), ELECTORAL (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 336), EVIDENCE (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 337), INTERPRETATION (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 338), JURIES (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 339), PRISONS (CORRECTIONAL SERVICES)(CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 340), SUMMARY OFFENCES (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 341), SEXUAL OFFENCES (EVIDENCE AND PROCEDURE) BILL 1983 (Serial 343), JUSTICES (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 344), and POISONS AND DANGEROUS DRUGS (CRIMINAL CODE) AMENDMENT BILL 1983 (Serial 346):

Mr Robertson (Attorney-General), pursuant to notice, presented Bills to amend the *Bail Act*, the *Electoral Act*, the *Evidence Act*, the *Interpretation Act*, the *Juries Act*, the *Prisons (Correctional Services) Act*, the *Summary Offences Act*, a Bill relating to evidence and procedure in the examination of witnesses and the trial of persons in respect of sexual offences, and Bills to amend the *Justices Act*, and the *Poisons and Dangerous Drugs Act*.

Bills read a first time.

Mr Robertson 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.

Suspension of sitting: The sitting was suspended between 12.05 and 2 p.m.

10. SURVEYORS BILL 1983 (Serial 323):

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

Long title -

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

Insert after "land" (twice occurring) the word "boundary".

Long title, as amended, agreed to.

Clause 1 -

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

Omit *Surveyors Act 1983* and substitute *Licensed Surveyors Act 1983*

Clause, as amended, agreed to

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

Clause 4 -

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

Omit from the definition of "Deputy Chairman" the word "elected" and substitute "appointed".

Insert after the definition of "Deputy Chairman" the following:

"graduate surveyor" means a person who possesses the approved educational qualifications for registration as a licensed surveyor but has not satisfied the Board that he has the additional qualifications for registration referred to in section 25(1)(a);".

Insert after the definition of "Institution" the following:

"land" includes land covered by water;".

Insert in the definition of "survey", after "land" (first occurring), the word "boundaries".

Omit from paragraph (b) of the definition of "survey" the word "Crown," and substitute "Crown or".

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6 -

Mr Everingham moved, as an amendment -

Omit from sub-clause (1) "under this Act" and substitute "under this or any other Act".

Debate ensued.

Further consideration of clause 6 postponed.

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

Clause 11 -

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

Omit from sub-clause (1) "3 years" and substitute "4 years".

Clause, as amended, agreed to.

Clause 12 -

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

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

"(2) The Board shall appoint one of its members to be the Deputy Chairman of the Board."

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14 -

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

Omit from sub-clause (2)(c) "surveyor" and substitute "licensed surveyor".

Clause, as amended, agreed to.

Clause 15 -

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

Insert after "duty as a member" in sub-clause (1) "(including where he is or is expected to be acting as the Surveyor-General)".

Omit from sub-clause (1) "a person" and substitute "a licensed surveyor".

Clause, as amended, agreed to.

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

Clause 18 -

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

Omit from sub-clause (1) "a member" and substitute "the Chairman or a member".

Clause, as amended, agreed to.

Clause 19 -

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

Omit "Board, a member or person" (thrice occurring) and substitute "Board, the Chairman or a member".

Clause, as amended, agreed to.

Clause 20 -

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

Omit "Subject to section 28" and substitute "Subject to sections 26 and 28".

Clause, as amended, agreed to.

Clauses 21 to 23, by leave, taken together and agreed to.

Clause 24 -

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

Omit from sub-clause (1) all words before paragraph (b) and substitute the following:

"(1) Where the Board has received an application for registration and the prescribed fee, and has authorized the registration of the applicant as a licensed surveyor, it shall, subject to section 39, cause to be entered in the Register -

(a) the applicant's name;"

Omit from sub-clause (3) ", upon payment to it of the prescribed fee,".

Clause, as amended, agreed to.

Clause 25 -

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

Omit from sub-clause (1)(c) "certificate of competency" and substitute "letter of accreditation".

Clause, as amended, agreed to.

Clauses 26 and 27, by leave, taken together and agreed to.

Clause 28 -

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

Omit from sub-clause (1) "fee." and substitute "fee for the ensuing year of registration commencing 1 January and ending 31 December.".

Omit from sub-clause (2) all words after "fee" and substitute "for the ensuing year of registration before the commencement of that year of registration the Board may remove his name from the Register.".

Omit from sub-clause (3) "approved fee" and substitute "prescribed fee and any prescribed annual registration fee remaining unpaid by him as the Board thinks fit".

Clause, as amended, agreed to.

Clause 29 agreed to.

Clause 30 -

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

Insert after "Chairman" in sub-clause (2) "or Deputy Chairman".

Clause, as amended, agreed to.

Clauses 31 and 32, by leave, taken together and agreed to.

Clause 33 -

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

Omit from sub-clause (1)(b) all words after "of an offence" and substitute "which, in the opinion of the Board, renders him unfit to practise as a licensed surveyor;".

Omit sub-clause (1)(d) "of surveyors" and substitute "of licensed surveyors".

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

"(e) whose name is, otherwise than for non-payment of fees or at his own request, removed from a register of surveyors, or like records, kept by a reciprocating board;".

Mr Smith moved, as an amendment -

Omit from sub-clause (1) paragraphs (f) and (g)(i).

Debate ensued.

Question - put and negatived.

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

Omit from sub-clause (1)(g) "as a surveyor" (twice occurring) and substitute "as a licensed surveyor".

Insert after "given" in sub-clause (1)(k) "under section 47".

Clause, as amended, agreed to.

Clause 34 -

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

Omit from sub-clause (1) "31(1)(a)" and substitute "33(1)(a)".

Omit sub-clause (4).

Clause, as amended, agreed to, after debate.

Clauses 35 to 39, by leave, taken together and agreed to.

Clause 40 -

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

Omit from sub-clause (2)(b) "the Board" and substitute "the Board one of whom shall, subject to sub-section (2A), be appointed on the nomination of the Institution".

Insert after sub-clause (2) the following:

"(2A) Section 10, with the necessary changes, applies to and in relation to the appointment of a licensed surveyor under sub-section (2)(b) to represent the Institution as if that appointment were an appointment of a member referred to in section 9(2).".

Clause, as amended, agreed to.

Clauses 41 and 42, by leave, taken together and agreed to.

Clause 43 -

Mr Smith moved, as an amendment -

Omit from sub-clause (1)(a) "section 38;" and substitute "section 38 made by a person within 2 years after the removal of his name from the Register;".

Debate ensued.

Amendment, by leave, withdrawn.

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

Omit from sub-clause (1)(a) ", other than an application under section 38"

Clause, as amended, agreed to.

Clause 44 agreed to.

Clause 45 -

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

Omit "appellant's certificate of registration to him." and substitute the following:

"appellant's certificate of registration to him,

and do such other things as are necessary to give effect to the decision or the order of the Tribunal."

Clause, as amended, agreed to.

Clause 46 agreed to.

Heading to Part VI -

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

Omit the heading and substitute the following:

"PART VI - PRACTICE OF LAND
BOUNDARY SURVEYING".

Heading, as amended, agreed to.

Clause 47 -

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

Insert after "land" in sub-clause (1) "boundary".

Clause, as amended, agreed to.

Clause 48 -

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

Insert after "land" in sub-clause (3)(b) "boundaries".

Clause, as amended, agreed to.

Clause 49 -

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

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

"(1) A licensed surveyor shall cause to be submitted to the Surveyor-General in the prescribed manner all plans of land boundary surveys prepared by him (other than plans of survey required under the *Real Property (Unit Titles) Act* to be submitted to the Registrar-General) which are or may be required in relation to the legal title to, or legal rights in or obligations in respect of, land and his field notes from which those plans were prepared.

"(1A) A plan submitted under sub-section (1) to the Surveyor-General shall be in the prescribed form."

Omit from sub-clause (2) "and retain".

Clause, as amended, agreed to.

Clause 50 agreed to.

Clause 51 -

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

Omit from sub-clause (1) all words after "an error" and substitute "or omission made by him in a survey."

Omit from sub-clause (2) "to which the notice relates," and substitute "or omission to which the notice relates, the Surveyor-General may instruct any other licensed surveyor to make the correction and".

Omit from sub-clause (2) "made the error" and substitute "made the error or omission".

Add at the end the following:

"(3) Notwithstanding sub-sections (1) and (2), the Surveyor-General may, without notice to the licensed surveyor who made the error or omission, instruct a licensed surveyor to make the correction and the costs incurred shall be borne by the Territory."

Clause, as amended, agreed to.

New clause -

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

"51A. LEGAL ASSISTANCE

"The Attorney-General may appoint a legal practitioner to assist the Board at an inquiry under section 34 or in any matters before the Tribunal."

Clauses 52 to 54, by leave, taken together and agreed to, after debate.

Clause 55 -

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

Omit from sub-clause (1) -

- (a) "summary" and substitute "summons"; and
- (b) "\$100" and substitute "\$500".

Clause, as amended, agreed to.

Clause 56 -

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

Omit from sub-clause (1) -

- (a) "Board" (first occurring) and substitute "Board or the Tribunal"; and
- (b) "\$100" and substitute "\$500".

Clause, as amended, agreed to.

Clauses 57 to 60, by leave, taken together and agreed to.

Clause 61 -

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

Omit "\$500" and substitute "\$1,000".

Clause, as amended, agreed to

New clause -

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

"61A. EVIDENCE OF CERTIFIED MAP, &c.

"In any legal proceedings under a law in force in the Territory a map, plan or copy of a map or plan relating to the Territory or a part of the Territory or a certificate relating to a location in the Territory purporting to be certified by the Surveyor-General as

correct shall be accepted as evidence of the matters to which they relate without the production of original records and without the personal attendance of the Surveyor-General or proof of his signature."

Clause 62 agreed to.

Clause 63 -

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

Omit -

- (a) "Board" and substitute "Board or the Tribunal"; and
- (b) from paragraph (b) "Chairman" and substitute "Chairman or Chairman of the Tribunal, as the case may be".

Clause, as amended, agreed to.

Clause 64 -

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

Insert after paragraph (a) the following:

"(aa) the manner of registering bodies corporate as licensed surveyors and the conditions subject to which such bodies corporate may be registered;"

Insert before paragraph (b) the following:

"(ab) the form, manner of submitting and number of copies of plans of land boundary surveys required to be submitted to the Surveyor-General;"

Omit from paragraph (c) "student" and "students" and substitute "graduate" and "graduates" respectively.

Clause, as amended, agreed to.

Remaining clauses, by leave, taken together and agreed to.

Postponed clause 6 -

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

Omit from sub-clause (1) the words "Act, other than this power of delegation" and substitute "or any other Act, other than the *Electoral Act*, except this power of delegation".

Omit from sub-clause (2) -

- (a) "under this section," and substitute "in pursuance of this section,"; and
- (b) "for the purposes of this Act,".

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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

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

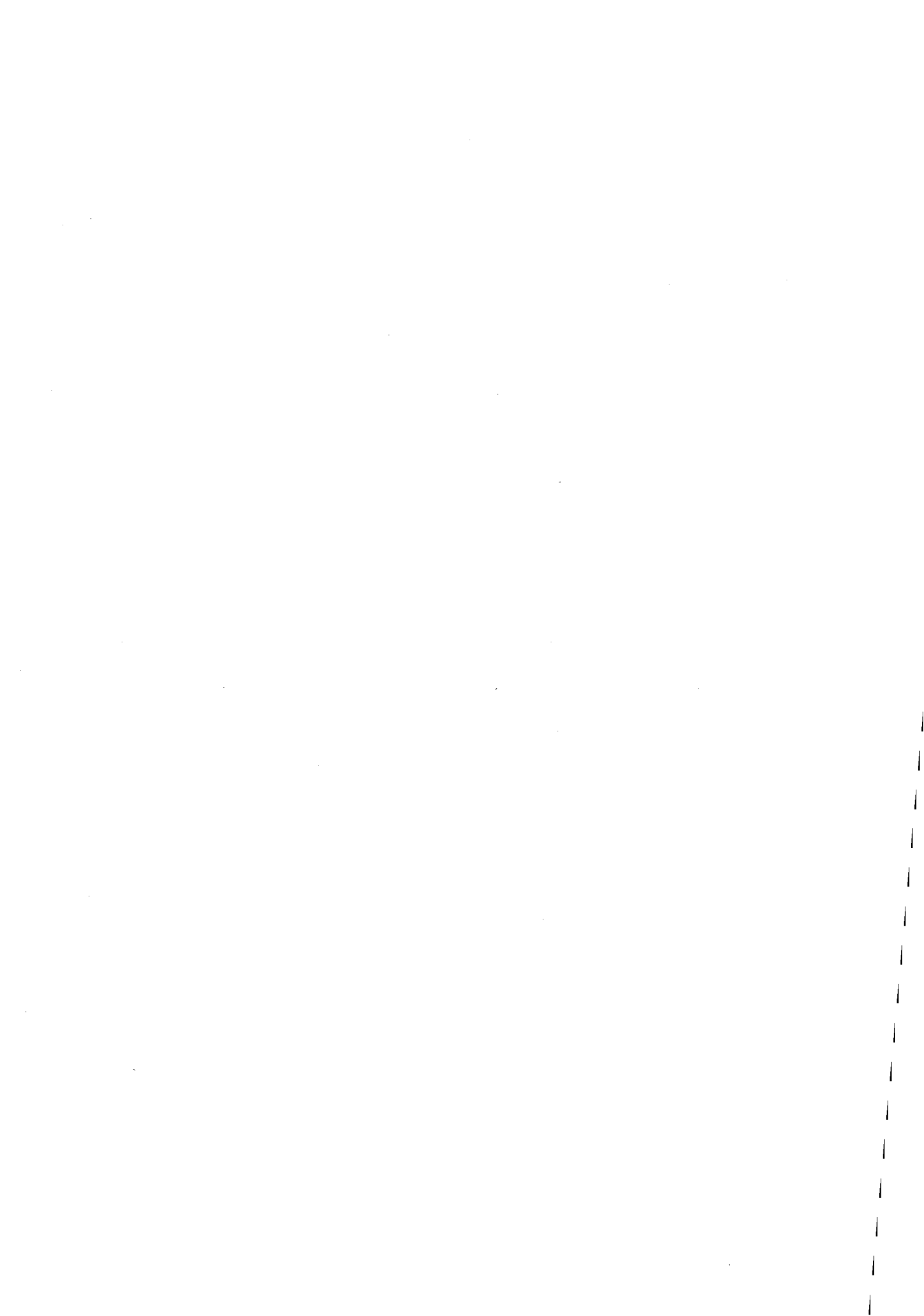
11. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Attorney-General), order of the day No.2, Government Business, was made an order of the day for a later day.

12. CONTRACTS AMENDMENT BILL 1983 (Serial 311):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Question - put and passed - Bill read a second time.
Leave granted for third reading to be moved forthwith.
On the motion of Mr Robertson (Attorney-General) the Bill was read a third time and passed to be a proposed law.
13. MOTOR VEHICLES AMENDMENT BILL 1983 (Serial 319):
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 Steele 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.
14. ALTERATION OF ORDER OF BUSINESS:
On the motion of Mr Robertson (Attorney-General), order of the day No.5, Government Business, was made an order of the day for a later day.
15. FILING AND DOCUMENTS FEES BILLS - LOCAL COURTS AMENDMENT BILL 1983 (Serial 318), RECORDS OF DEPOSITIONS AMENDMENT BILL 1983 (Serial 316), and INSTRUMENTS AMENDMENT BILL 1983 (Serial 317):
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 Robertson (Attorney-General) the Bills were read a third time and passed to be proposed laws.
16. ADJOURNMENT:
Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn.
Debate ensued.
Question - put and passed.
And then the Assembly at 5 p.m. adjourned until 10.00 a.m. on Tuesday 30 August 1983.

ATTENDANCE:

All members attended the sitting.



MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 16

Tuesday 30 August 1983

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:

Mrs O'Neil: To move - That this Assembly notes with concern the deterioration in the relationship between the Northern Territory government and the Darwin City Council, and urges the Northern Territory government to adopt a more constructive attitude in its dealings with the council for the benefit of the citizens of Darwin.

Mr Robertson: To present the Electrical Workers and Contractors Amendment Bill 1983 (Serial 331).

Mr Perron: To present the Stamp Duty Amendment Bill 1983 (Serial 329).

Mr Dondas: To present the Food and Drugs Amendment Bill 1983 (Serial 333).

Mr Tuxworth: To present the Local Government Amendment Bill (No. 2) 1983 (Serial 306).

Mr Smith: To present the Traffic Amendment Bill (No. 2) 1983 (Serial 324).

Mr Everingham: To move - That this Assembly recommend to His Honour the Administrator that he re-appoint Russell Henderson Watts to the office of Ombudsman for the Northern Territory with effect for 12 months from 9 December 1983.

Mr Everingham: To present the Architects Amendment Bill 1983 (Serial 349), the Statute Law Revision Bill 1983 (Serial 347), and the Police Administration Amendment Bill (No. 4) 1983 (Serial 345).

3. QUESTIONS:

Questions without notice were asked.

Business of the day called on: On the motion of Mr Robertson (Attorney-General), business of the day was called on.

4. APPROPRIATION BILL 1983-84 (Serial 342) - BUDGET SPEECH:

Mr Perron (Treasurer) presented a Bill for an Act to appropriate certain sums out of the Consolidated Fund for the service of the year ending 30 June 1984, the subject of His Honour the Administrator's Message No. 15.

Bill read a first time.

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

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

5. DISTINGUISHED VISITOR - SIR ANTONY BUCK, Q.C., M.P.:

Mr Speaker informed the Assembly of the presence in the Gallery of Sir Antony Buck, Q.C., M.P., Chairman of the House of Commons Select Committee on the Parliamentary Commissioner for Administration, and on behalf of the Assembly extended a warm welcome to the distinguished visitor.

6. REVIEW OF OPERATING PROCEDURES, NORTHERN TERRITORY DEVELOPMENT CORPORATION - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

Mr Everingham (Chief Minister), by leave, made a statement on the operating procedures for the loans division of the Northern Territory Development Corporation.

Paper tabled: Mr Everingham laid on the Table a report entitled "Loans Division Procedure Manual, Northern Territory Development Corporation".

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

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

7. EXCISIONS OF PASTORAL LEASES AND STOCK ROUTES - MINISTERIAL STATEMENT - STATEMENT NOTED:

Mr Everingham (Chief Minister), by leave, made a statement on proposed legislation relating to excisions of land on pastoral leases, and stock routes.

Mr Everingham moved - That the Assembly take note of the statement. Debate ensued.

Question - put and passed.

Suspension of sitting: The sitting was suspended between 12.09 and 2 p.m.

8. ELECTORAL DISTRIBUTION - REPORT APPROVED:

The order of the day having been read for the resumption of the debate on the motion of Mr Everingham (23 August 1983) - That this Assembly resolve in terms of section 18(1) of the *Electoral Act* that the distribution of the Territory into electoral divisions, as proposed in the report of the Distribution Committee, be approved -

Debate resumed.

Question - put and passed.

9. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Attorney-General), order of the day No. 2, Government Business, was made an order of the day for a later day.

10. RACING AND GAMING BILLS - LOTTERIES AND GAMING AMENDMENT BILL 1983 (Serial 313), and RACING AND BETTING BILL 1983 (Serial 312):

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

Racing and Betting Bill 1983 (Serial 312)

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

Clause 4 -

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

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

"'betting inspector' means a betting inspector appointed under section 21A;".

Clause, as amended, agreed to.

Clauses 5 to 16, by leave, taken together and agreed to.

Clause 17 -

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

Insert after paragraph (f) the following:

"(fa) prosecute persons for offences against this Act or the *Lotteries and Gaming Act*;"

Clause, as amended, agreed to.

Clauses 18 to 21, by leave, taken together and agreed to.

New clause -

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

"21A. APPOINTMENT OF BETTING INSPECTORS

"The Commission may appoint such betting inspectors as it thinks fit for the purposes of this Act."

Clauses 22 to 70, by leave, taken together and agreed to.

Clause 71 -

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

Omit from sub-clause (1) "prescribed" and substitute "approved".

Clause, as amended, agreed to.

Clauses 72 to 76, by leave, taken together and agreed to.

Clause 77 -

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

Omit sub-clause (1).

Clause, as amended, agreed to.

Clauses 78 to 92, by leave, taken together and agreed to.

Clause 93 -

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

Omit from sub-clause (2) "shall, unless he shows cause why such an order should not be made, may" and substitute "may, unless he shows cause why such an order should not be made,".

Clause, as amended, agreed to.

Clauses 94 to 119, by leave, taken together and agreed to.

Clause 120 negatived.

Clauses 121 to 135, by leave, taken together and agreed to.

New clause -

Mr Perron moved, as an amendment, that the following new clause be inserted in the Bill -

"135A. POWERS OF BETTING INSPECTORS

"(1) A betting inspector may, without warrant and with such assistance as he thinks necessary, if necessary by force, enter any place on or in which he has reasonable grounds for suspecting unlawful betting is being, has been or is about to be carried on.

"(2) A betting inspector who under sub-section (1) enters a place referred to in that sub-section may direct any person he finds on or in that place to remain on or in that place or a specified part of that place for such period, not exceeding 3 hours, as the betting inspector thinks fit and may direct such person to refrain from doing anything in relation to that place or in the person's possession as the betting inspector thinks fit.

"(3) A person to whom a direction under sub-section (2) is given shall comply with and not contravene the direction.

Penalty: \$2,000."

Debate ensued.

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

Clauses 136 to 144, by leave, taken together and agreed to.

New clause -

Mr Perron moved, as an amendment, that the following new clause be inserted in the Bill -

"144A. HINDERING INSPECTORS

"A person who hinders or attempts to hinder a totalizator inspector or betting inspector in the exercise of his powers or the performance of his duties under this Act, or who is required by or under this Act to give information which the totalizator inspector or betting inspector requests but fails or refuses to give that information, is guilty of an offence.

Penalty: \$500."

On the motion of Mr Perron consideration of the proposed new clause was postponed.

Clause 145 agreed to.

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

Lotteries and Gaming Amendment Bill 1983 (Serial 313)

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

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

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

11. ALTERATION OF ORDER OF BUSINESS:

On the motion of Mr Robertson (Attorney-General) order of the day No.17, Government Business, was called on.

12. CRIMINAL CODE BILL 1983 (Serial 332):

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

13. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

And then the Assembly at 5.49 p.m. adjourned until tomorrow at 10.00 a.m.

ATTENDANCE:

All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 17

Wednesday 31 August 1983

1. The Assembly met at 10.00 a.m., pursuant to adjournment. Mr Speaker (the Honourable J.L.S. MacFarlane) took the Chair, and read prayers.
2. NOTICES:
The following notices were given:
Mr Everingham: To present the Planning Amendment Bill 1983 (Serial 350).
Mr Tuxworth: To present the Juvenile Justice Bill 1983 (Serial 352), and the Community Welfare Bill 1983 (Serial 351).
3. QUESTIONS:
Questions without notice were asked.
4. ANSWERS TO QUESTIONS:
Mr Steele (Minister for Transport and Works), by leave, provided further information in answer to a question asked of him earlier this day.
Mr Perron (Minister for Education), by leave, provided further information in answer to a question asked of him earlier this day.
5. SENIOR SECONDARY COURSES FOR SCHOOLS - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Perron (Minister for Education), by leave, made a statement on the introduction of senior secondary courses into schools.
Mr Perron moved - That the Assembly take note of the statement.
Debate adjourned (Mr B. Collins) and the resumption of the debate made an order of the day for a later hour.
6. RESORT DEVELOPMENT IN CENTRAL AUSTRALIA - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Everingham (Chief Minister), by leave, made a statement on the resort development for tourists in central Australia.
Mr Everingham moved - That the Assembly take note of the statement.
Debate adjourned (Mr Bell) and the resumption of the debate made an order of the day for a later hour.
7. AUDITOR-GENERAL'S OFFICE - MINISTERIAL STATEMENT:
Mr Everingham (Chief Minister), by leave, made a statement on the creation of the Northern Territory Auditor-General's office.
8. DRUG AND ALCOHOL SERVICES - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Dondas (Minister for Health and Housing), by leave, made a statement on the development of drug and alcohol services in the Northern Territory.
Mr Dondas moved - That the Assembly take note of the statement.
Debate adjourned (Mrs O'Neil) and the resumption of the debate made an order of the day for a later hour.
9. ELECTORAL AMENDMENT BILL (No. 2) 1983 (Serial 314):
Mr B. Collins (Leader of the Opposition), pursuant to notice, presented a Bill for an Act to amend the *Electoral Act*.
Bill read a first time.
Mr B. Collins moved - That the Bill be now read a second time.
Debate adjourned (Mr Everingham) and the resumption of the debate made an order of the day for a later hour.

Suspension of sitting: The sitting was suspended between 12 noon and 2.00 p.m.

10. DARWIN CITY COUNCIL AND GOVERNMENT RELATIONSHIP:

Mrs O'Neil (Fannie Bay), pursuant to notice, moved - That this Assembly notes with concern the deterioration in the relationship between the Northern Territory government and the Darwin City Council, and urges the Northern Territory government to adopt a more constructive attitude in its dealings with the council for the benefit of the citizens of Darwin.

Debate ensued.

Question - put and negatived.

11. TRAFFIC AMENDMENT BILL (No. 2) 1983 (Serial 324):

Mr Smith (Millner), pursuant to notice, presented a Bill for an Act to amend the *Traffic Act*.

Bill read a first time.

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

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

12. TENANCY AMENDMENT BILL 1983 (Serial 300):

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

Debate resumed.

Question - put.

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

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

And so it was negatived.

13. OMBUDSMAN - RECOMMENDED RE-APPOINTMENT:

Mr Everingham (Chief Minister), pursuant to notice, moved - That this Assembly recommend to His Honour the Administrator that he re-appoint Russell Henderson Watts to the office of Ombudsman for the Northern Territory with effect for 12 months from 9 December 1983.

Debate ensued.

Question - put and passed.

14. ELECTRICAL WORKERS AND CONTRACTORS AMENDMENT BILL 1983 (Serial 331):

Mr Robertson (Minister for Mines and Energy), pursuant to notice, presented a Bill for an Act to amend the *Electrical Workers and Contractors Act*.

Bill read a first time.

Mr Robertson 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.

15. STAMP DUTY AMENDMENT BILL 1983 (Serial 329):
Mr Perron (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Stamp Duty Act*.
Bill read a first time.
Mr Perron moved - That the Bill be now read a second time.
Debate adjourned (Miss D'Rozario) and the resumption of the debate made an order of the day for a later hour.
16. ARCHITECTS AMENDMENT BILL 1983 (Serial 349):
Mr Everingham (Minister for Lands, Industrial Development and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Architects 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.
17. FOOD AND DRUGS AMENDMENT BILL 1983 (Serial 333):
Mr Dondas (Minister for Health and Housing), pursuant to notice, presented a Bill for an Act to amend the *Food and Drugs 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.
18. STATUTE LAW REVISION BILL 1983 (Serial 347):
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 Leo) and the resumption of the debate made an order of the day for a later hour.
19. LOCAL GOVERNMENT AMENDMENT BILL (No. 2) 1983 (Serial 306):
Mr Tuxworth (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 Tuxworth 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.
20. POLICE ADMINISTRATION AMENDMENT BILL (No. 4) 1983 (Serial 345):
Mr Everingham (Chief Minister), pursuant to notice, presented a Bill for an Act to amend the *Police Administration Act*.
Bill read a first time.
Mr Everingham moved - That the Bill be now read a second time.
Debate adjourned (Mr Leo) and the resumption of the debate made an order of the day for a later hour.
21. CRIMINAL CODE BILL 1983 (Serial 332):
The order of the day having been read for the resumption of the debate on the question - That the Bill be now read a second time -
Debate resumed.
Suspension of standing orders: Mr Robertson (Attorney-General), by leave, moved - That so much of standing orders be suspended as would prevent the Criminal Code Bill 1983 (Serial 332) passing through all stages at this sitting.
The motion having been supported by an absolute majority of the Assembly, Mr Speaker declared the question resolved in the affirmative.

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

The Assembly resolved itself into a committee of the whole.

In the committee

Clauses 1 to 8, by leave, postponed until after consideration of
Schedule I.

Schedule I -

Section 1 -

Mr B. Collins moved as an amendment -

Omit from the definition of "unnecessary force" in proposed
section 1 all words after "disproportionate to the occasion"
(first occurring).

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 2 to 6, by leave, taken together and agreed to.

Section 7 -

Mr B. Collins moved as an amendment -

Omit proposed section 7.

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 8 to 10, by leave, taken together and agreed to.

Section 11 -

Mr B. Collins moved as an amendment -

Omit proposed section 11 and substitute the following:

"11. DOMESTIC DISCIPLINE

It is lawful for a parent or guardian or a person in place of
a parent or guardian or, except where he is expressly forbidden to
do so by a parent or guardian or a person in place of a parent or
guardian, for a school teacher, to use, by way of correction,
towards a child or pupil under his care, such force as is reasonable
under the circumstances."

Question - put and negatived.

Section, as printed, agreed to.

Section 12 agreed to.

Section 13 -

Mr B. Collins moved as an amendment -

Omit proposed section 13(2).

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 14 to 19, by leave, taken together and agreed to.

Section 20 -

Mr B. Collins moved as an amendment -

Omit proposed section 20.

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 21 to 26, by leave, taken together and agreed to.

Section 27 -

Mr B. Collins moved as an amendment -

Omit from proposed section 27 paragraphs (f), (h), (j), (k), (m), (n) and (p).

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Section 28 agreed to.

Section 29 -

Mr B. Collins moved as an amendment -

Insert in proposed section 29(3), after "provided it is" (twice occurring), the words "not likely to cause bodily harm and is".

Debate ensued.

Question - put and negatived.

Mr B. Collins moved as a further amendment -

Omit from proposed section 29(3)(a)(iii) "provided such collection is of such a nature that it would be unlikely to cause bodily harm to a person fully co-operating with the taking of it".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Section 30 agreed to.

Section 31 -

Mr B. Collins moved as an amendment -

Omit from proposed section 31(3) "offences defined by Division 2 of Part 6" and substitute "offences defined by section 154".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 32 to 39, by leave, taken together and agreed to.

Section 40 -

Mr B. Collins moved as an amendment -

Omit from proposed section 40(2) "a wrongful act" and substitute "an unlawful act".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Section 41 agreed to.

Sections 42 to 45, by leave, taken together and agreed to.

Section 46, agreed to, after debate.

Sections 47 to 50, by leave, taken together and agreed to.

Section 51 -

Mr B. Collins moved as an amendment -

Omit proposed section 51 and substitute the following:

"51. PROSCRIBING OF ORGANIZATIONS

"(1) The Attorney-General may apply to the Supreme Court for an order calling upon an organization to show cause why it should not be declared to be a proscribed organization.

"(2) An application under sub-section (1) shall be -

(a) made on the ground that -

(i) the organization, in the opinion of the Attorney-

General, has as an object or one of its objects the use of violence to achieve its ends; or

(ii) the members of the organization, in the opinion of the Attorney-General, have, in the Territory or elsewhere, demonstrated a propensity to use violence to achieve the organization's ends; and

(b) by summons which may contain averments setting out the facts relied upon in support of the application.

"(3) Service of a summons under sub-section (2)(b) may be effected by publication of the summons in -

(a) the *Gazette*; and

(b) a daily newspaper circulating in the Territory,

but the Court may order such further or other service as it thinks fit.

"(4) An officer or member of the organization named in a summons under sub-section (2)(b) may appear on behalf of the organization to show cause.

"(5) In answer to a summons under sub-section (2)(b) where cause to the contrary is not shown to the satisfaction of the Court, the Court may make an order declaring the organization named in the summons to be a proscribed organization."

Question - put and negatived.

Section, as printed, agreed to.

Sections 52 to 65, by leave, taken together and agreed to.

Section 66 -

Mr B. Collins moved as an amendment -

Omit from proposed section 66(1) "14 years" and substitute "7 years".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Section 67 agreed to.

Section 68 agreed to.

Section 69 -

Mr B. Collins moved as an amendment -

Omit from proposed section 69 "2 years" and substitute "3 years".

Debate ensued.

Question - put and passed.

Section, as amended, agreed to.

Sections 70 to 122, by leave, taken together and agreed to.

Sections 123 and 124 -

Omit proposed sections 123 and 124.

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 125 to 127, by leave, taken together and agreed to.

Section 128 -

Mr B. Collins moved as an amendment -

Omit from proposed section 128(1) "who is not an adult" (twice occurring) and substitute "who is under the age of 16 years".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Section 129 -

Mr B. Collins moved as an amendment -

Omit proposed section 129(1) and substitute the following:

"(1) A person who, being more than 12 months older than the female -

(a) has unlawful carnal knowledge of; or

(b) unlawfully commits an act of gross indecency on or with;
a female under the age of 16 years is guilty of a crime and is liable to imprisonment for 7 years."

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 130 to 153, by leave, taken together and agreed to.

Section 154 -

Mr B. Collins moved as an amendment -

Omit proposed section 154(4) and (5).

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 155 to 163, by leave, taken together and agreed to.

Section 164 -

Mr B. Collins moved as an amendment -

Omit from proposed section 164 "which cannot be mitigated or varied under section 390".

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 165 to 168, by leave, taken together and agreed to.

Section 169 agreed to, after debate.

Sections 170 to 173, by leave, taken together and agreed to.

Section 174 agreed to, after debate.

Sections 175 to 359, by leave, taken together and agreed to.

Section 360 -

Mr B. Collins moved as an amendment -

Omit from proposed section 360(1) ", but he is not entitled" and substitute "and, where he does not himself give evidence,".

Question - put and negatived.

Section, as printed, agreed to.

Sections 361 to 379, by leave, taken together and agreed to.

Section 380 -

Mr B. Collins moved as an amendment -

Omit proposed section 380.

Debate ensued.

Question - put and negatived.

Section, as printed, agreed to.

Sections 381 and 382, by leave, taken together and agreed to.

Section 383 -

Mr B. Collins moved as an amendment -

Omit proposed section 383.

Debate ensued.

Question - put and negatived.
Section, as printed, agreed to.
Sections 384 to 396, by leave, taken together and agreed to.
Sections 397 to 404 -
Mr B. Collins moved as an amendment -

Omit proposed sections 397 to 404 inclusive.

Question - put and negatived.
Sections, as printed, agreed to.
Sections 405 to 419, by leave, taken together and agreed to.
Section 420 -
Mr B. Collins moved as an amendment -

Omit from proposed section 420 "not" and "except by leave of the Court".

Debate ensued.

Question - put and negatived.
Section, as printed, agreed to.
Sections 421 to 429, by leave, taken together and agreed to.
Section 430 -
Mr B. Collins moved as an amendment -

Omit proposed section 430.

Debate ensued.

Question - put and negatived.
Section, as printed, agreed to.
Sections 431 to 437, by leave, taken together and agreed to.
Sections 438 to 440, by leave, taken together and agreed to.
Schedule, as amended, agreed to.
Schedules 2 and 3, by leave, taken together and agreed to.
Schedule 4 -
Mr B. Collins moved as an amendment -

Omit from that part of proposed Schedule 4 indicated by the roman figure "II" paragraphs (6) and (7) and substitute the following:

"(6) Counsel for the prosecution may sum up his case.

"(7) Accused addresses the jury in his defence."

Debate ensued.

Question - put and negatived.
Schedule, as printed, agreed to.
Remainder of the 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.

22. ADJOURNMENT:

Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

And then the Assembly at 8.30 p.m. adjourned until tomorrow at 10.00 a.m.

PAPER:

The following paper was deemed to have been presented on 31 August 1983:

Annual Report:

Department of Transport and Works, 1982-3

ATTENDANCE:

All members attended the sitting.

MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 18

Thursday 1 September 1983

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:
Mr Steele (Ludmilla) presented a petition from 166 citizens of the Northern Territory relating to the proposed establishment of a transient camp at Ludmilla.
Petition received and read.
3. QUESTIONS:
Questions without notice were asked.
Answer to question:
Mr Tuxworth (Minister for Primary Production and Conservation), by leave, provided further information in answer to a question asked of him earlier this sittings.
Further questions were asked.
Answers to questions:
Mr Robertson (Minister for Mines and Energy), by leave, provided further information in answer to a question asked of him earlier this sittings.
Mr Everingham (Minister for Lands, Industrial Development and Tourism), by leave, provided further information in answer to a question asked of him earlier this sittings.
A further question was asked.
4. NEW PARLIAMENT HOUSE COMMITTEE - FIRST REPORT - PAPER TABLED:
Mr Speaker, laid on the Table the first report of the New Parliament House Committee.
5. ALICE SPRINGS TO DARWIN RAILWAY - PAPER TABLED:
Mr Everingham (Chief Minister), laid on the Table the correspondence and records of correspondence between the Chief Minister and the Prime Minister of Australia relating to the Alice Springs to Darwin railway.
6. OVERSEAS VISIT TO MALAYSIA, BRUNEI, HONG KONG, JAPAN and the UNITED STATES OF AMERICA - PAPERS TABLED:
Mr Everingham (Chief Minister), laid on the Table a paper entitled "A Report on Overseas Visit, June 1983" and a paper entitled "Consultancy and Construction Mission to Malaysia and Brunei, 5 - 21 June 1983".
7. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - TENTH REPORT - PAPER TABLED - MOTION TO NOTE PAPER:
Mr Harris (Port Darwin), laid on the Table the tenth report of the Subordinate Legislation and Tabled Papers Committee.
Mr Harris moved - That the Assembly take note of the paper, and was granted leave to continue his remarks at a later hour.
8. DEVELOPMENT OF DRY LAND AGRICULTURE - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:
Mr Tuxworth (Minister for Primary Production and Conservation), by leave, made a statement on development of dry land agriculture in the Northern Territory.

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

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

9. EARLY CHILDHOOD EDUCATION - MINISTERIAL STATEMENT:

Mr Perron (Minister for Education), by leave, made a statement on early childhood education policy for the Northern Territory.

10. DISCUSSION OF MATTER OF PUBLIC IMPORTANCE - MARKETING AGRICULTURAL PRODUCE:

Mr Speaker informed the Assembly that Mr B. Collins (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the Assembly for discussion, namely "The failure of the A.D.M.A. to effectively market the agricultural produce of the Northern Territory."

The proposed discussion having received the necessary support -

Mr B. Collins addressed the Assembly.

Discussion ensued.

Discussion concluded.

Suspension of sitting: The sitting was suspended between 12.23 and 2.00 p.m.

11. PLANNING AMENDMENT BILL 1983 (Serial 350):

Mr Everingham (Minister for Lands, Industrial Development and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Planning 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.

12. COMMUNITY WELFARE BILL 1983 (Serial 351):

Mr Tuxworth (Minister for Community Development), pursuant to notice, presented a Bill for an Act to provide for the protection and care of children and the promotion of family welfare, and for other purposes.

Bill read a first time.

Mr Tuxworth 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.

13. JUVENILE JUSTICE BILL 1983 (Serial 352):

Mr Tuxworth (Minister for Community Development), pursuant to notice, presented a Bill for an Act relating to the investigation of offences alleged to have been committed by juveniles, the establishment of the Juvenile Court, the procedures to be adopted in and in relation to proceedings against juvenile offenders, the punishment of juvenile offenders, the transfer of juvenile offenders between the Territory and the States, and for other purposes, with the intention that juveniles be dealt with in the criminal law system in a manner consistent with their age and level of maturity (including their being dealt with, where appropriate, by means of admonition and counselling) and to extend to juveniles the same rights and protections before the law as apply to adults in similar circumstances.

Bill read a first time.

Mr Tuxworth 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.

14. APPROPRIATION BILL 1983-84 (Serial 342):

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.

Extension of time: On the motion of Mr B. Collins, an extension of time was granted to Miss D'Rozario.

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

15. GRAIN MARKETING BILL 1983 (Serial 271):

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 9, by leave, taken together and agreed to.

Clause 10 -

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

Omit from sub-clause (1) "50 hectares" (twice occurring) and substitute "40 hectares".

Clause, as amended, agreed to.

Clauses 11 to 14, by leave, taken together and agreed to.

Clause 15 -

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

Omit "any other produce of the soil of the Territory" and substitute "a product referred to in section 19(1) grown or produced in the Territory but not declared under that section to be a commodity".

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

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

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

16. RACING AND GAMING BILLS - LOTTERIES AND GAMING AMENDMENT BILL 1983 (Serial 313), and RACING AND BETTING BILL 1983 (Serial 312):

The order of the day having been read for the further consideration of the Bills in the committee of the whole Assembly -

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

In the committee

Mr Perron (Treasurer), by leave, moved - That the committee report progress and seek leave to sit again.

Question - put and passed.

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

Mr Perron (Treasurer) moved - That the Racing and Betting Bill (Serial 312) be recommitted to the committee of the whole Assembly for reconsideration of proposed new clause 21A.

Question put and passed.

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

In the committee

Racing and Betting Bill 1983 (Serial 312):

On recomittal -

New clause -

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

"21A. APPOINTMENT OF BETTING INSPECTORS

"(1) The Commission may appoint such betting inspectors as it thinks fit for the purposes of this Act.

"(2) The Commission shall issue to each person appointed as a betting inspector an identity card in such form as it thinks fit."

New clause -

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

"135A. POWERS OF BETTING INSPECTORS

"(1) Subject to sub-section (4), a betting inspector may, without warrant and with such assistance as he thinks necessary, if necessary by force, enter any place on or in which he has reasonable grounds for suspecting unlawful betting is being, has been or is about to be carried on.

"(2) Subject to sub-section (4), a betting inspector who under sub-section (1) enters a place referred to in that sub-section may direct any person he finds on or in that place to remain on or in that place or a specified part of that place for such period, not exceeding 3 hours, as the betting inspector thinks fit and may direct such person to refrain from doing anything in relation to that place or in the person's possession as the betting inspector thinks fit.

"(3) A person to whom a direction under sub-section (2) is given shall comply with and not contravene the direction.

Penalty: \$2,000.

"(4) A betting inspector who enters a place, in pursuance of this section is not authorized to -

(a) remain in the place; or

(b) give a direction under sub-section (2),

where, on the request of the person apparently in charge of that place, he does not produce the identity card referred to in section 21A(2)."

Question - That the new clause be inserted in the Bill - put.

The Committee divided (Deputy Chairman, Mr D.W. Collins, in the Chair) -

AYES, 9	NOES, 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mrs Padgham-Purich	Miss D'Rozario
Mr Perron	Mrs Lawrie
Mr Robertson	Mr Leo
Mr Steele	Mrs O'Neil
Mr Tuxworth	Mr Smith
Mr Vale	

And so it was resolved in the affirmative.
Bills to be reported with further amendments.

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

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

Question - put and passed.

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

17. LEGAL PRACTITIONERS AMENDMENT BILL 1983 (Serial 348):

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

Declaration of urgency: Mr Speaker, pursuant to standing order 153, declared the Bill to be an urgent Bill.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

Mr Robertson (Attorney-General) 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.

18. STAMP DUTY AMENDMENT BILL 1983 (Serial 329):

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

Declaration of urgency: Mr Speaker, pursuant to standing order 153, declared the Bill to be an urgent Bill.

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

19. ABORIGINAL SACRED SITES AMENDMENT BILL 1983 (Serial 315):

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

Debate resumed.

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

20. RECISSION MOTION - RACING AND GAMING BILLS - LOTTERIES AND GAMING AMENDMENT BILL 1983 (Serial 313), and RACING AND BETTING BILL 1983 (Serial 312):

Mr Perron (Treasurer), by leave, moved - That the adoption of the report

and the third reading resolution of the Racing and Betting Bill 1983 (Serial 312) be rescinded and that the Bill be recommitted to the committee of the whole Assembly for consideration of proposed new clause 144A, proposed by amendment schedule No. 164.8.

Question - put and passed.

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

In the committee

Racing and Betting Bill 1983 (Serial 312):

On recommitment -

New clause -

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

"144A. HINDERING INSPECTORS

"A person who hinders or attempts to hinder a totalizator inspector or betting inspector in the exercise of his powers or the performance of his duties under this Act, or who is required by or under this Act to give information which the totalizator inspector or betting inspector requests but fails or refuses to give that information, is guilty of an offence.

Penalty: \$500."

Bill to be reported with a further amendment.

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

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

21. APPRECIATION OF SERVICE - MR R. CHIN:

Mr Everingham (Chief Minister), by leave, moved - That on the occasion of the retirement of Raymond Chin from the position of Clerk of the Legislative Assembly of the Northern Territory, this Assembly place on record its appreciation of the long and valuable service rendered by him to the Northern Territory and conveys to him good wishes for many happy years of retirement.

Debate ensued.

Question - put and passed.

22. SPECIAL ADJOURNMENT:

Mr Robertson (Attorney-General) moved - That the Assembly, at its rising, adjourn until 10.00 a.m. on Tuesday 11 October 1983 or such other time and date as set by Mr Speaker under Sessional Order.

Question - put and passed.

23. ADJOURNMENT:

Mr Robertson (Attorney-General) moved - That the Assembly do now adjourn. Debate ensued.

Question put and passed.

And then the Assembly at 6 p.m. adjourned until Tuesday 11 October 1983 or such other time and date as set by Mr Speaker under Sessional Order.

PAPERS:

The following papers were deemed to have been presented on 1 September 1983:

Annual Report:

Department of the Chief Minister, 1982-3

Report:

Advisory Council for Inter-governmental Relations, 31 August 1983

ATTENDANCE:

All members attended the sitting.

R. CHIN

Clerk of the Legislative Assembly

THIRD LEGISLATIVE ASSEMBLY

SECOND SESSION

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