

PART III

THE MINUTES OF PROCEEDINGS

THE NORTHERN TERRITORY OF AUSTRALIA

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

FIRST SESSION

FIFTH ASSEMBLY

No. 95

Tuesday 1 May 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to resolution of the Assembly dated 1 March 1990. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. MESSAGE FROM THE ADMINISTRATOR:

The Speaker read the following Message from His Honour the Administrator:

**Message No. 13**

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, in pursuance of section 11 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, recommend to the Legislative Assembly a Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Fund for the service of the year ending 30 June 1991.

Dated 27 April 1990.

(Sgd) J.H. MUIRHEAD  
Administrator

4. PERSONAL EXPLANATION:

The Leader of Government Business (Mr Coulter), by leave, made a personal explanation regarding the allegations he had made against the Leader of the Opposition (Mr Smith), Mr W. Snowdon M.P., and the subsequent Australian Federal Police inquiry into those allegations.

5. PETITION:

Mr Harris, by leave, presented a petition, not conforming with Standing Orders, from 53 citizens of the Northern Territory relating to the widening of Tiger Brennan Drive.

**Petition read.**

6. QUESTIONS:

Questions were asked of Ministers.

**Paper tabled:** The Chief Minister (Mr Perron) laid on the Table the following Paper -

° Terms of Reference - Mr Robert Mulholland, QC.

Further questions were asked of Ministers.

**Paper tabled:** The Minister for Education (Mr Harris) laid on the Table the following Paper -

- ° Letter from Sally Warriner, Newcastle Waters Station, to the Minister for Education, Hon T. Harris, dated 24 April 1990.

Further questions were asked of Ministers.

7. NOTICE:

The following notice was given, by leave:

Mr Manzie: To present the Legal Practitioners Amendment Bill (No. 2) 1990 (Serial 281).

8. EXPLANATION OF SPEECH:

The Minister for Health and Community Services (Mr Hatton), pursuant to Standing Order 54, made a further explanation of the speech he made during debate on Health Services in Central Australia, on 28 February 1990, relating to nursing staff turnover in Territory hospitals.

**Paper tabled:** Mr Hatton laid on the Table the following Paper -

- ° Table 1 - Nurse Recruitment by Career Structure Level, July 1988-June 1989, Community Health and Workforce Planning Branch.

9. ABORIGINAL TREATY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Chief Minister (Mr Perron) made a statement relating to the proposal for an Aboriginal Treaty and compensation to Aboriginal people for the loss of traditional lands.

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

Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 12.06 p.m. and 2.00 p.m.

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Debate continued.

Question - put and passed.

10. TRADE MEASUREMENT BILL 1990 (Serial 262); and TRADE MEASUREMENT ADMINISTRATION BILL 1990 (Serial 263):

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bills.

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**In the Committee**  
(Chairman - Mr Firmin)

**Trade Measurement Bill 1990 (Serial 262):**

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

Bill to be reported without amendment.

**Trade Measurement Administration Bill 1990 (Serial 263):**

Bill, by leave, taken as a whole.

The Minister for Health and Community Services (Mr Hatton) moved the following amendment to Clause 19, add at the end -

"Penalty: \$5,000."

Amendment agreed to.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported that the Committee had considered the Bills and had agreed to - The Trade Measurement Bill 1990 (Serial 262) without amendment; and the Trade Measurement Administration Bill 1990 (Serial 263) with an amendment; and the report was adopted.

On the motion of the Minister for Health and Community Services (Mr Hatton) the Bills were read a third time and passed to be proposed laws.

11. ALTERATION OF ORDER OF BUSINESS:

The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day No. 4 relating to the Financial Administration and Audit Amendment Bill 1990 (Serial 256) be called on forthwith.

Question - put and passed.

12. FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL 1990 (Serial 256):

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 a motion for the third reading of the Bill to be moved forthwith.

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

13. RACING AND BETTING AMENDMENT BILL 1990 (Serial 274):

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 Minister for Racing and Gaming (Mr Finch) moved - That the Committee stage be later taken.

Question - put and passed - Committee stage made an order of the day for a later hour.

14. LEGAL PRACTITIONERS AMENDMENT BILL 1990 (Serial 279):

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 a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

15. ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 7.53 p.m. until tomorrow at 10.00 a.m.

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PAPERS:

The following Papers were deemed to have been presented on Tuesday 1 May 1990:

**Recommendations under section 103 of the Crown Lands Act:**

Proposed revocation of Reserve No. 913, Hundred of Cavenagh,  
Colton, Goyder and Howard

Proposed revocation of various reserves of the Town of Tennant Creek:

Reserve No. 1492 over Lot 169

Reserve No. 999 over Lot 388

Reserve No. 1393 over Lots 595, 596, 616 and 617

Reserve No. 1319 over Lot 777

Reserve No. 1620 over Lot 860

Reserve No. 1621 over Lot 894

Reserve No. 1622 over Lot 975

**Regulations 1990:**

No. 4 - Amendments to the Supreme Court Rules

No. 5 - Registration of Interests in Motor Vehicles and Other  
Goods Regulations

No. 6 - Amendment of the Bail Regulations

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ATTENDANCE:

All Members attended the sitting.

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 96

Wednesday 2 May 1990

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1. MEETING:  
The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.
2. PRAYERS.
3. PETITION:  
Mrs Padgham-Purich presented a petition from 687 citizens of the Northern Territory requesting the Assembly to increase the personal liability and sentencing penalties of persons found guilty of sexual assaults.  
**Petition read.**
4. QUESTIONS:  
Questions were asked of Ministers.  
Supplementary answers were given by Ministers.  
**Paper tabled:** The Chief Minister (Mr Perron) laid on the Table the following Paper -
  - Prosecution Policy of the Northern Territory of Australia - Guidelines for the making of decisions in the prosecution process - Office of the Senior Crown Prosecutor for the Northern Territory of Australia, January 1987.
5. PERSONAL EXPLANATION:  
The Member for Stuart (Mr Ede), by leave, made a personal explanation in reply to comments made yesterday during Question Time by the Chief Minister (Mr Perron).
6. PERSONAL EXPLANATION:  
The Member for Barkly (Mr Tuxworth), by leave, made a personal explanation relating to comments made by the Chief Minister (Mr Perron) in the supplementary answer given to a question asked by Mr Tuxworth yesterday during Question Time.
7. GRANTS-IN-AID TO SPORTING ORGANISATIONS - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:  
The Minister for Youth, Sport, Recreation and Ethnic Affairs (Mr Vale) made a statement relating to grants-in-aid to sporting organisations and patronage of those organisations.  
**Papers tabled:** Mr Vale laid on the Table the following Papers -
  - Helping Territorians Help Themselves, *Sunday Territorian*, 29 April 1990; and
  - Table of Sporting Organisations, Patrons and Funding to date 1985-1989, Department of Youth, Sport and Recreation.

Mr Vale moved - That the Assembly take note of the Statement.  
Debate ensued.

**Suspension of sitting:** The sitting was suspended between 11.54 a.m. and 2.00 p.m.

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Debate continued.

On the motion of the Minister for Primary Industry and Fisheries (Mr Reed) debate was adjourned.

8. VIDEO GAMING MACHINES - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The Minister for Racing and Gaming (Mr Finch) made a statement relating to video gaming machines in clubs and hotels.  
**Point of Order:** The Member for Nhulunbuy (Mr Leo) raised a point of order, pursuant to Standing Order 68, asserting that the Minister's Statement was anticipating debate upon the Lotteries and Gaming (Gaming Machines) Regulations Amendment Bill 1990 (Serial 275) which was on the Notice Paper for consideration.  
**Ruling of Speaker:** The Speaker ruled that the point of order was not upheld as he had been informed the Minister intended to announce at least two new policy initiatives in his Statement not directly related to matters contained in the Bill.  
Mr Finch moved - That the Assembly take note of the Statement.  
Debate ensued.  
Question - put and passed.
9. LEGAL PRACTITIONERS AMENDMENT BILL (No. 2) 1990 (Serial 281):  
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Legal Practitioners Act*.  
Bill read a first time.  
Mr Manzie moved - That the Bill be now read a second time.  
On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.
10. ENERGY PIPELINES AMENDMENT BILL 1990 (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.  
Leave granted for a motion for the third reading of the Bill to be moved forthwith.  
The Minister for Mines and Energy (Mr Coulter) 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.
11. GRAIN MARKETING AMENDMENT BILL 1990 (Serial 257):  
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 a motion for the third reading of the Bill to be moved forthwith.  
On the motion of the Minister for Primary Industry and Fisheries (Mr Reed) the Bill was read a third time and passed to be a proposed law.

12. MINE MANAGEMENT BILL 1990 (Serial 259):

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.

**Papers tabled:** The Member for Macdonnell (Mr Bell), by leave, laid on the Table the following Papers -

° Letter from Mr Mark Crossin, Secretary, Northern Territory Trades and Labor Council to Hon B. Coulter, Minister for Mines and Energy, dated 12 March 1990; and

° Letter from Hon B. Coulter, Minister for Mines and Energy to Mr M. Crossin, Secretary Northern Territory Trades and Labor Council, dated 2 April 1990.

Debate continued.

Question - put and passed.

Bill read a second time.

The Assembly, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

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

Clause 3 read -

The Member for Macdonnell (Mr Bell) moved the following amendment -

Omit from the definition of "mine" the words "or treatment".

Amendment negatived, after debate.

Mr Bell moved the following further amendment -

Omit from the definition of "'mining', 'to mine' and 'mining operations'" the words ", removal or treatment" and insert in their stead "or removal".

Amendment negatived.

Mr Bell moved the following further amendment -

Insert after the definition of "owner" the following:

"'registered', in relation to an organization representing persons employed at a mine, means registered under the *Conciliation and Arbitration Act 1904* of the Commonwealth;"

Mr Bell, by leave, moved the following amendment to the amendment -

Omit the words "*Conciliation and Arbitration Act 1904*" and insert in their stead "*Industrial Relations Act 1988*".

Amendment to the amendment agreed to.

Amendment, as amended, negatived.

Question - That the clause stand as printed - put.

The Committee divided (the Chairman, Mr Firmin, in the Chair) -

AYES, 13

NOES, 7

Mr Coulter  
Mr Dondas  
Mr Finch  
Mr Firmin  
Mr Harris  
Mr Hatton  
Mr McCarthy  
Mr Manzie  
Mr Palmer  
Mr Poole  
Mr Reed  
Mr Setter  
Mr Vale

Mr Bailey  
Mr Bell  
Mr Ede  
Mr Lanhupuy  
Mr Leo  
Mr Smith  
Mr Tipiloura

Clause 3, as printed, agreed to accordingly.

Clause 4 agreed to.

Clause 5 read -

Mr Bell moved the following amendment -

Omit subclauses (1) and (2) and insert in their stead the following:

"(1) This Act applies to all mines in the Territory."

Amendment negatived.

Clause 5, as printed, agreed to.

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

Clause 8 read -

Mr Bell moved the following amendment -

Insert in subclause (2), after paragraph (b), the following:

"(ba) an official or delegate of a registered organization representing mine employees in the Territory appointed by the Minister on the nomination of the organization known as the Trades and Labour Council of the Northern Territory; and".

Amendment negatived, after debate.

Mr Bell moved the following further amendment -

Omit from subclause (3) "subsection (2)(c)" and insert in its stead "subsection (2)(ba) or (c)".

Amendment negatived.

On the motion of the Minister for Mines and Energy (Mr Coulter) the following amendment was agreed to -

Omit from subclause (3) "3 years" and insert in its stead "such period not longer than 3 years as the Minister determines".

On the motion of Mr Coulter the following further amendment was agreed to -

Add at the end the following:

- "(4) Of the persons appointed under subsection (1)(c) not less than 2 shall be persons who -
- (a) are employed in the mining industry and not employees, within the meaning of the *Public Service Act*; and
  - (b) hold -
    - (i) a mine manager's certificate of competency; or
    - (ii) a certificate, however referred to, issued in a State or another Territory of the Commonwealth which is the equivalent in that State or Territory of a mine manager's certificate of competency."

Clause 8, as amended, agreed to.

Clauses 9 to 16, by leave, taken together and agreed to.

Clause 17 read -

Mr Bell moved the following amendment -

Insert in subclause (2), after paragraph (b), the following:

- (ba) an official or delegate of a registered organization representing a person or persons employed at the mine; or".

Amendment negatived, after debate.

Clause 17, as printed, agreed to.

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

Clause 22 read -

Mr Bell moved the following amendment -

Add at the end the following:

- "(3) A person employed at the mine or an official or delegate of a registered organization representing a person or persons employed at the mine, may request the manager to make a copy of a report referred to in subsection (2) available for inspection by him or her and the manager shall, as soon as practicable, comply with the request."

Amendment negatived.

Clause 22, as printed, agreed to.

Clause 23 agreed to.

Clause 24 read -

On the motion of Mr Coulter the following amendment was agreed to, after debate -

Omit subclause (1)(c) and insert in its stead the following:

- "(c) if the person knows that any machinery, equipment or place at the mine is unsafe or likely to cause danger to any person at the mine -

- (i) wherever practicable, endeavour to rectify, isolate, identify or prevent access to, as is appropriate, the machinery, equipment or place; and
- (ii) report the matter to a person in authority over that person; or".

Mr Bell moved the following amendment -

Add at the end the following:

"(3) An official or delegate of a registered organization representing a person or persons employed at a mine may at any reasonable time inspect machinery or equipment used by a person employed at the mine or a place in which such a person is employed at the mine to ascertain whether it is safe and the manager of the mine and person in charge of the machinery, equipment or place shall ensure that the official or delegate is given reasonable access to enable him or her to carry out that inspection."

Amendment negatived.

Clause 24, as amended, agreed to.

Clauses 25 to 28, by leave, taken together and agreed to.

Clause 29 read -

Mr Bell moved the following amendment -

Insert in subclause (2), after paragraph (b) the following:

"(ba) an official or delegate of a registered organization representing a person or persons employed at the mine; or".

Amendment negatived, after debate.

Clause 29, as printed, agreed to.

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

Clause 32 read -

Mr Bell moved the following amendment -

Add at the end the following:

"(2) In relation to subsection (1)(c) 'inspector' includes an official or delegate of a registered organization representing a person or persons employed at the mine, and this Division, with the necessary changes, applies accordingly."

Amendment, by leave, withdrawn.

Clause 32, as printed, agreed to.

Clauses 33 to 39, by leave, taken together and agreed to.

Clause 40 read -

Mr Bell moved the following amendment -

Insert in subclause (1), after "at the mine", the words "or an official or delegate of a registered organization representing a person or persons employed at the mine".

Amendment negatived.

On the motion of Mr Coulter the following amendment was agreed to, after debate -

Omit from subclause (1) "to inspect" and insert in its stead "to inspect, in their own time,".

On the motion of Mr Coulter the following further amendment was agreed to, after debate -

Omit subclause (7).

Clause 40, as amended, agreed to.

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

Clause 45 read -

Mr Bell moved the following amendment -

Insert in subclause (1), after "manager of a mine", the words ", or an official or delegate of a registered organization representing a person or persons employed at the mine,".

Amendment negatived, after debate.

Mr Bell moved the following further amendment -

Insert in subclause (2), after "manager of a mine", the words ", or an official or delegate referred to in subsection (1)".

Amendment negatived.

Clause 45, as printed, agreed to.

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

Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

The Minister for Mines and Energy (Mr Coulter) 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.

### 13. BUSINESS POSTPONED:

The Leader of Government Business (Mr Coulter) moved - That Government Business, Order of the Day No. 4, relating to the Local Court (Consequential Amendments) Bill 1990 (Serial 260), be postponed until the next sitting day.

Question - put and passed.

### 14. FITZGERALD INQUIRY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The order of the day having been read for the resumption of the debate on the motion of the Chief Minister (Mr Perron) (24 August 1989) - That the Assembly take note of the Statement -

Debate resumed.

Question - put and passed.

15. CROCODILE INDUSTRY - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The order of the day having been read for the resumption of the debate on the motion of the Minister for Conservation (Mr Manzie) (30 November 1988) - That the Assembly take note of the Statement -  
Debate resumed.  
Question - put and passed.
16. ADJOURNMENT:  
The Leader of Government Business (Mr Coulter) moved - That the Assembly do now adjourn.  
Debate ensued.  
Question - put and passed.  
The Assembly adjourned at 11.22 p.m. until tomorrow at 10.00 a.m.

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**PAPER:**

The following Paper was deemed to have been presented on Wednesday 2 May 1990:

**Annual Report:**

Road Safety Council of the Northern Territory, 1988-89

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**ATTENDANCE:**

All Members attended the sitting.

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 97

Thursday 3 May 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. LEAVE OF ABSENCE:

The Leader of the Opposition (Mr Smith) moved - That leave of absence be granted to the Member for Arnhem (Mr Lanhupuy) this day on account of urgent business assisting in negotiations between Galiwinku Community leaders and the Northern Territory Police.

4. QUESTIONS:

Questions were asked of Ministers.

Supplementary answers were given by Ministers.

5. PERSONAL EXPLANATION:

The Member for Karama (Mr Palmer), by leave, made a personal explanation, pursuant to Standing Order 57, relating to his involvement in a consortium which has an option to lease a tavern at Karama which was alluded to in Question Time this day by the Member for Macdonnell (Mr Bell).

6. CONSERVATION STRATEGY - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Minister for Conservation (Mr Hatton) made a statement relating to a Conservation Strategy for the Northern Territory.

**Paper tabled:** Mr Hatton laid on the Table the following Paper -

° Recommendations to the Minister from the Panel.

Mr Hatton moved - That the Assembly take note of the Statement.  
Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 12.01 p.m. and 2.00 p.m.

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Debate continued.

**Paper tabled:** The Member for Sadadeen (Mr Collins), by leave, laid on the Table the following Paper -

° "Environmental Protection: is there a better way?" by Fred L. Smith, Economic Witness No. 46 dated 22 April 1990.

Debated continued.

Question - put and passed.

7. GREENING AUSTRALIA NT, SCHOOLS COMMUNITY PROGRAM - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The Minister for Education (Mr Harris) made a statement relating to the Greening Australia NT Schools Community Program.  
Mr Harris moved - That the Assembly take note of the Statement.  
Debate ensued.  
Question - put and passed.
8. TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1990 (Serial 268):  
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 a motion for the third reading of the Bill to be moved forthwith.  
On the motion of the Minister for Conservation (Mr Hatton) the Bill was read a third time and passed to be a proposed law.
9. OZONE PROTECTION BILL 1990 (Serial 264):  
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 a motion for the third reading of the Bill to be moved forthwith.  
The Minister for Conservation (Mr Hatton) 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.
10. DISTINGUISHED VISITOR:  
The Speaker informed the Assembly that Dr Barry Hart, an Official Member of the Legislative Council from 9 April 1970 to 2 April 1973 and former Director of the Department of Primary Industries, was present in the public gallery. The Speaker extended a warm welcome to the distinguished visitor.
11. LITTER AMENDMENT BILL 1990 (Serial 255):  
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 a motion for the third reading of the Bill to be moved forthwith.  
On the motion of the Minister for Labour, Administrative Services and Local Government (Mr McCarthy) the Bill was read a third time and passed to be a proposed law.
12. GREENHOUSE EFFECT - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The order of the day having been read for the resumption of the debate on the motion of the Chief Minister (Mr Perron) (29 August 1989) - That the Assembly take note of the Statement -  
Debate resumed.  
Question - put and passed.

13. TERRITORY WILDLIFE PARK - MINISTERIAL STATEMENT - STATEMENT NOTED:  
 The order of the day having been read for the resumption of the debate on the motion of the Minister for Conservation (Mr Manzie) (29 August 1989) - That the Assembly take note of the Statement -  
 Debate resumed.  
 Question - put and passed.

14. PUBLICATIONS COMMITTEE, FOURTEENTH REPORT - PAPER TABLED -  
 REPORT ADOPTED:  
 The Chairman of the Publications Committee (Mr Setter) laid on the Table the Fourteenth Report of the Publications Committee recommending that the following Papers be printed -

Title	Date Tabled
Tennant Creek Hospital Management Board, Annual Report 1988-89	30.11.89
Department of the Chief Minister, Annual Report 1988-89	30.11.89
Department of Education, Annual Report 1988-89	30.11.89
Department of Mines and Energy, Annual Report 1988-89	30.11.89
Office of the Valuer-General, Annual Report 1988-89	30.11.89
Northern Territory Government and Public Authorities Superannuation Scheme, Annual Report 1988-89	30.11.89
Northern Territory Government and Public Authorities Employers Superannuation Scheme, Annual Report 1988-89	30.11.89
Northern Territory Grants Commission, Annual Report 1988-89	30.11.89
Northern Territory Housing Commission, Annual Report 1988-89	30.11.89
Northern Territory Tourist Commission, Annual Report 1988-89	30.11.89
Parole Board of the Northern Territory, Annual Report 1988-89	30.11.89
Power and Water Authority, Annual Report 1988-89	30.11.89
Public Accounts Committee, Annual Report 1988-89	30.11.89
Public Service Commissioner and Department of Labour and Administrative Services, Annual Report 1988-89	30.11.89

Title	Date Tabled
Territory Loans Management Corporation, Annual Report 1988-89	30.11.89
Trade Development Zone Authority, Annual Report 1988-89	30.11.89
Work Health Authority, Annual Report 1988-89	30.11.89

Mr Setter moved - That the report be adopted.  
Question - put and passed.

15. NOTICE:

The following notice was given, by leave:  
Mr Coulter, on behalf of and at the request of Mr Manzie: To present the Land and Business Agents Amendment Bill 1990 (Serial 284).

16. ADJOURNMENT:

The Minister for Tourism (Mr Vale) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 10.34 p.m. until Tuesday 8 May 1990 at 10.00 a.m.

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PAPERS:

The following Papers were deemed to have been presented on Thursday 3 May 1990:

**Regulations 1990:**

No. 8 - Amendment to the Fish and Fisheries Regulations

No. 9 - Amendments of the Stock Diseases Regulations

No. 10 - Amendments of the Pay-roll Tax Regulations

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ATTENDANCE:

All Members attended the sitting except Mr Lanhupuy (on leave).

## MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 98

Tuesday 8 May 1990

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1. MEETING:  
The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.
2. PRAYERS.
3. FILM FOOTAGE - STATEMENT:  
The Speaker informed Members that he had authorized library footage to be filmed for the Australian Broadcasting Corporation '4 Corners' program.
4. PETITIONS:  
Mrs Padgham-Purich presented a petition from 400 citizens of the Northern Territory relating to the signing of the United Nations Convention on the Rights of the Child by the Australian Government.  
**Petition read.**  
Mr Palmer presented a petition from 771 citizens of the Northern Territory relating to Court sentences fitting the severity of crimes committed.  
**Petition read.**  
Mr Lanhupuy, by leave, presented a petition, not conforming with Standing Orders, from 203 citizens of the Northern Territory requesting the Minister for Education to conduct an investigation into allegations concerning teachers at Groote Eylandt.  
**Petition read.**
5. QUESTIONS:  
Questions were asked of Ministers.  
A Supplementary answer was given by a Minister.
6. LEAVE OF ABSENCE:  
The Member for Arnhem (Mr Lanhupuy) moved - That leave of absence be granted to the Member for Stuart (Mr Ede) this day on account of family commitments.  
Question - put and passed.
7. STRATEGIC LAND USE PLANNING, DARWIN - MINISTERIAL STATEMENT - STATEMENT NOTED:  
The Minister for Lands and Housing (Mr Manzie) made a statement relating to major land use planning initiatives in the Darwin region.  
Mr Manzie laid on the Table the following Papers -
  - Darwin Regional Land Use Concept Plan 1990, Department of Lands and Housing;
  - Murrumujuk Land Use Concept Plan 1990, Department of Lands and Housing;
  - Gunn Point Peninsula Land Use Structure Plan 1990, Department of Lands and Housing;

- Litchfield Land Use Structure Plan 1990, Department of Lands and Housing;
- Cox Peninsula Land Use Structure Plan 1990, Department of Lands and Housing;
- Finnis Land Use Structure Plan 1990, Department of Lands and Housing; and
- Mandorah Land Use Concept Plan 1990, Department of Lands and Housing.

Mr Manzie moved - That the Assembly take note of the Statement.  
Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 11.56 a.m. and 2.00 p.m.

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Debate continued.

**Personal explanation:** The Member for Macdonnell (Mr Bell), by leave, made a personal explanation in relation to remarks made by the Minister for Lands and Housing (Mr Manzie) during his speech in reply.  
Question - put and passed.

8. **SUPPLY BILL 1990-91 (Serial 286):**  
The Treasurer (Mr Perron) presented a Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Fund for the service of the year ending 30 June 1991.  
Bill read a first time.  
**Suspension of Standing Orders:** Mr Perron moved - That so much of Standing Orders be suspended as would prevent the Supply Bill 1990-91 (Serial 286) passing through all stages at this sittings.  
Question - put and passed - there being an absolute majority of the whole number of Members present and no dissentient voice.  
Mr Perron moved - That the Bill be now read a second time.  
On the motion of the Leader of the Opposition (Mr Smith) debate was adjourned.
9. **BUSINESS POSTPONED:**  
The Chief Minister (Mr Perron) moved - That Government Business, Notice No. 1 relating to the Land and Business Agents Amendment Bill 1990 (Serial 284), be postponed to a later hour.  
Question - put and passed.
10. **TAXATION (ADMINISTRATION) AMENDMENT BILL 1990 (Serial 266); and STAMP DUTY AMENDMENT BILL 1990 (Serial 267):**  
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 a motion for the third reading of the Bills to be moved forthwith.  
On the motion of the Treasurer (Mr Perron) the Bills were read a third time and passed to be proposed laws.

11. LAND AND BUSINESS AGENTS AMENDMENT BILL 1990 (Serial 284):  
The Attorney-General (Mr Manzie), pursuant to notice, presented a Bill for an Act to amend the *Land and Business Agents Act*.  
Bill read a first time.  
Mr Manzie moved - That the Bill be now read a second time.  
On the motion of the Member for Nhulunbuy (Mr Leo) debate was adjourned.
12. RACING AND BETTING AMENDMENT BILL 1990 (Serial 274):  
The Assembly, according to order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

Clauses 1 to 4, by leave, taken together and agreed to.  
Clause 5 -

On the motion of the Minister for Racing and Gaming (Mr Finch), by leave, the following amendments were taken together and agreed to.

Add at the end of proposed section 145D the following:

"(5) Notwithstanding anything to the contrary in this Part, an appeal by a person which -

(a) but for this subsection would be an appeal to which subsection (1)(a) applies; and

(b) arises out of the same incident or incidents as an appeal by the person that, in accordance with this section, is required to be made to the Tribunal,

shall be made to, and heard and determined by, the Tribunal."

Insert after proposed section 145G the following:

"145GA. DELEGATION BY CHAIRMAN

(1) The Chairman may, by instrument in writing, delegate to the Deputy Chairman any of the powers and functions of the Chairman under this Part, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the Deputy Chairman shall, for the purposes of this Part, be deemed to have been exercised or performed by the Chairman.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chairman."

Add at the end of proposed section 145R the following:

"(3) Subject to this Part, an appeal shall be heard and determined in accordance with the procedures and rules determined from time to time by the Tribunal."

Omit from proposed section 145U(i) "order a stay" and insert in its stead "order, subject to such conditions as the Chairman thinks fit, a stay".

Clause 5, as amended, agreed to.  
Title agreed to.  
Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

The Minister for Racing and Gaming (Mr Finch) 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.

13. JUVENILE JUSTICE AMENDMENT BILL 1990 (Serial 272):

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 a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Minister for Correctional Services (Mr Reed) the Bill was read a third time and passed to be a proposed law.

14. LOCAL COURT (CONSEQUENTIAL AMENDMENTS) BILL 1990 (Serial 260):

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

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

Clause 5 read -

On the motion of the Attorney-General (Mr Manzie) the following amendment was agreed to -

Omit paragraph (a) and insert in its stead the following:

"(a) by inserting in section 24(1B)(b), before 'for regulating', the words 'subject to section 24A,'; and".

Clause 5, as amended, agreed to.  
Clause 6 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit from proposed section 20(1) of the *Tenancy Act* "under subsection (1)" and insert in its stead "under section 19".

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Schedule read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit from the item relating to section 35(a) of the *Partnership Act, 1891* "When a partner is shown to the satisfaction of" and insert in its stead "(a) When a partner is shown to the satisfaction of the Court".

On the motion of Mr Manzie the following further amendment was agreed to, after debate -

Omit from the third column of the item relating to section 45 of the *Small Claims Act* all words after proposed section 45(b)(ii) and insert in its stead the following:

"as payable under  
the *Local  
Court Act*  
in respect of  
those proceedings  
in the Local  
Court."

On the motion of Mr Manzie the following further amendment was agreed to, after debate -

Add at the end the following:

*"Trading Stamp Act*

Sections 8                      the whole  
and 9                              sections                      "

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

#### 15. ADJOURNMENT

The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) moved - That the Assembly do now adjourn.

Debate ensued.

**Paper tabled:** The Member for Barkly (Mr Tuxworth), by leave, laid on the Table the following Paper -

- ° Events of the Cante Piano, 14 April 1990, signed by Anthony Gerald Caught.

Debate continued.

Question - put and passed.

The Assembly adjourned at 7.09 p.m. until tomorrow at 10.00 a.m.

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**PAPER:**

The following Paper was deemed to have been presented on Tuesday 8 May 1990:

**Report:**

Watarrka National Park - Plan of Management.

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**ATTENDANCE:**

All Members attended the sitting except Mr Ede (on leave).

## MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 99

Wednesday 9 May 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. PETITIONS:

Mrs Padgham-Purich presented a petition from 2379 citizens of the Northern Territory relating to the tenure of the Stella Maris Seafarers' Centre on its present site.

**Petition read.**

Mr Hatton, by leave, presented a petition, not conforming with Standing Orders, from 904 citizens of the Northern Territory relating to Family Day Care services.

**Petition read.**

Mr Smith presented a petition from 126 citizens of the Northern Territory relating to the provision of adequate recreational spaces for the residents of Ludmilla South and to preserve Ludmilla Creek and surrounding areas.

**Petition read.**

Mrs Padgham-Purich presented a further petition from 1430 citizens of the Northern Territory relating to the shoot to waste program carried out under the Brucellosis and Tuberculosis Eradication Campaign.

**Petition read.**

4. NOTICES:

The following notices were given:

Mr Hatton: To present the Consumer Affairs Bill 1990 (Serial 282).

Mr Bailey: To move - That -

- (1) a Committee, to be known as the Sessional Committee on the Review of Planning and Environment Legislation, comprising five Members of the Assembly, be appointed and that Members be appointed by subsequent resolution;
- (2) the Committee be empowered, unless otherwise ordered, to inquire into and, from time to time, report on:
  - (a) all legislation and instruments of a legislative character in force in the Northern Territory which impact on, qualify, or relate to planning and environmental matters in the Northern Territory;
  - (b) the Government agencies involved in implementation of planning and environment legislation and regulations;
  - (c) the effectiveness of the existing administrative arrangements; and

- (d) the desirability of bringing all environmental and planning legislation into one piece of legislation;
- (3) the Committee be empowered to send for persons, papers and records, to sit in public or in private session notwithstanding any adjournment of the Assembly, to adjourn from place to place and have leave to report from time to time its proceedings and the evidence taken and make such interim recommendations as it may deem fit, and to publish information pertaining to its activities from time to time: the Committee shall make a six-monthly report to the Assembly of its activities;
- (4) the Committee be empowered to publish from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the Committee, a daily **Hansard** be published of such proceedings as take place in public; and
- (5) the foregoing provisions of this Resolution, so far as they are inconsistent with Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Mr Coulter: To present the Petroleum Amendment Bill 1990 (Serial 283).  
Mr Smith: To move - That -

- (1) this Assembly censures the Minister for Education for -
  - (i) failing to protect the rights of teachers, students and parents on Groote Eylandt; and
  - (ii) failing to exercise proper authority over his Department generally and, in particular, failing to ensure that a thorough and impartial inquiry was conducted by his Department into the substantial allegations concerning individuals and the education system generally on Groote Eylandt; and
- (2) this Assembly calls on the Minister to resign forthwith.

5. CENSURE OF MINISTER FOR EDUCATION - EDUCATION SYSTEM, GROOTE EYLANDT - MOTION NEGATIVED:

The Leader of Government Business (Mr Coulter) informed the Assembly that the Government, pursuant to Standing Order 95, accepted the notice of motion as a censure motion.

The Leader of the Opposition (Mr Smith) thereupon moved - That -

- (1) this Assembly censures the Minister for Education for -
  - (i) failing to protect the rights of teachers, students and parents on Groote Eylandt; and
  - (ii) failing to exercise proper authority over his Department generally and, in particular, failing to ensure that a thorough and impartial inquiry was conducted by his Department into the substantial allegations concerning individuals

and the education system generally on Groote Eylandt; and

(2) this Assembly calls on the Minister to resign forthwith.

Debate ensued.

**Papers tabled:** The Minister for Education (Mr Harris) laid on the Table the following Papers -

° Memorandum from teachers and staff Groote Eylandt Schools to Mike Bradley, President, Northern Territory Teachers Federation, dated 19 March 1990; and

° Letter, Mrs Sonia H. Davis to The Editor, 7.30 Report, ABC Television, dated 24 March 1990.

Debate continued.

Question - put and negatived.

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**Suspension of sitting:** The sitting was suspended between 11.58 a.m. and 2.00 p.m.

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6. COURT SENTENCING FOR VIOLENT CRIMES - MINISTERIAL STATEMENT - STATEMENT NOTED:

The Attorney-General (Mr Manzie) made a statement relating to the sentences handed down by the Courts for violent crimes in the Northern Territory.

Mr Manzie moved - That the Assembly take note of the Statement.

Debate ensued.

Question - put and passed.

7. CRIME AND VIOLENCE IN ALICE SPRINGS - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Chief Minister (Mr Perron) made a statement relating to the increased levels of crime and violence in Alice Springs.

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

Debate ensued.

On the motion of the Member for Ludmilla (Mr Firmin) debate was adjourned.

8. LISTENING DEVICES BILL 1990 (Serial 273):

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

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

Clause 3 read -

On the motion of the Attorney-General (Mr Manzie) the following amendment was agreed to -

Omit the definition of "private conversation" and insert in its stead the following:

"'private conversation' means any conversation carried on in such circumstances as may reasonably indicate that the parties to the conversation desire it to be confined to those parties, but does not include a conversation made in any circumstances in which the parties to the conversation ought reasonably to expect that the conversation may be overheard."

Clause 3, as amended, agreed to.

Clauses 4 to 15, by leave, taken together and agreed to.

Clause 16 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit subclause (2).

Clause 16, as amended, agreed to.

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

Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

9. EVIDENCE AMENDMENT BILL 1990 (Serial 270):

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 a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

10. LEGAL AID BILL 1990 (Serial 258):

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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**In the Committee**  
(Chairman - Mr Firmin)

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

Clause 4 read -

On the motion of the Attorney-General (Mr Manzie), by leave, the following amendments were taken together and agreed to -

Insert in the definition of "officer" in subclause (1), after "means", the words "the Director or".

Insert at the end of subclause (2) ", or the provision of financial assistance to bring or defend a civil proceeding".

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Omit from subclause (1)(d) ", to represent the private legal profession".

Omit from subclause (1)(e) and insert in its stead the following:

"(e) 2 Commissioners appointed by the Minister on the nomination of the Attorney-General of the Commonwealth;".

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8 read -

On the motion of Mr Manzie the following amendment was agreed to -

Add at the end the following:

"(h) make its services available to persons eligible for legal assistance by establishing such local offices, and by making such other arrangements, as it considers appropriate;

(j) determine priorities in the provision of legal assistance as between different classes of persons or classes of matters;

(k) arrange for the provision of duty lawyer services at sittings in the Territory in such courts as it considers appropriate; and

(m) endeavour to secure the services of language interpreters, marriage counsellors and other appropriate persons to assist legally assisted persons in connection with matters in respect of which they are provided with legal assistance."

Clause 8, as amended, agreed to.

Clause 9 agreed to.

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

Insert after clause 9 the following:

"9A. FINANCIAL ASSISTANCE FOR ASSISTANCE BY VOLUNTARY BODIES

"Subject to and in accordance with any agreement or arrangement between the Commonwealth and the Territory, the Commission may provide financial assistance to voluntary legal aid bodies in the Territory for the provision of legal assistance."

Clause 10 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Omit subclause (2) and insert in its stead the following:

"(2) The Commission shall hold money received by it on trust separate from other money held by the Commission."

Omit from subclause (3) all words after "but not otherwise" and insert in their stead "and section 33 of the *Financial Administration and Audit Act* does not apply to or in relation to that money."

Clause 10, as amended, agreed to.

Clause 11 read -

On the motion of Mr Manzie the following amendment was agreed to -

Add at the end the following:

"(e) determining the conditions (including conditions relating to the recovery of money by the Commission on a contingency basis) subject to which money in the Contingency Legal Aid Fund will be made available for the provision of legal assistance to bring or defend legal proceedings; and

(f) determining an amount to be paid under section 31 towards costs an assisted person is directed to pay."

Clause 11, as amended, agreed to.

Clauses 12 to 18, by leave, taken together and agreed to.

Clause 19 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Insert in subclause (1), after "The Commission" the words ", in relation to a person employed in the service of the Commission, other than the Director,".

Insert in subclause (3), after "An officer", the words "who is not the Director".

Clause 19, as amended, agreed to.

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

Clause 23 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit from subclause (6)(b) "the Fund" and insert in its stead "the Legal Aid Fund".

Clause 23, as amended, agreed to.

Clause 24 agreed to.

Clause 25 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Insert in subclause (1), after "consisting of", the words "financial assistance from the Contingency Legal Aid Fund to bring or defend a civil proceeding,".

Omit subclause (6).

Clause 25, as amended, agreed to.

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

Clause 28 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit subclauses (1) and (2) and insert in their stead the following:

"(1) The granting under this Act of an application by a person for legal assistance, other than legal assistance to which section 27(1) applies, may be on the basis that the assistance will be provided without charge or may be subject to all or any of the following conditions:

(a) a condition that the person pays to the Commission the full amount of, or a contribution of a specified amount or an amount to be specified towards, the cost to the Commission of providing the assistance;

(b) a condition that the person makes a payment or payments to the Commission in respect of any out-of-pocket expenses incurred, or to be incurred, by the Commission in providing the assistance;

(c) a condition that the cost or part of the cost to the Commission of providing assistance be secured -

(i) by a charge under section 56A over any land or a charge over any other property which is recovered or preserved for that person in the proceedings; or

(ii) in any other manner the Commission thinks fit over any property in which the person has an interest or in which the person acquires an interest during the period of assistance.

"(2) The Commission shall advise the applicant in writing before imposing a condition under subsection (1)(c) on the provision of legal assistance.

"(2A) An amount required to be paid or secured by an assisted person under this section shall be paid or secured in such manner and within such time as the Commission directs."

Clause 28, as amended, agreed to.

Clause 29 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Omit from subclause (4) "28 days" and insert in its stead "3 months (or where another period is prescribed for that purpose, the expiration of that other period)".

Omit from subclause (6) "28 days" and insert in its stead "3 months (or where another period is prescribed for that purpose, the expiration of that other period)".

Omit from subclause (8) all words after "assisted persons," and insert in their stead the following:

"the Commissioner shall consult and take into account the views of the Law Society and, where it considers it appropriate, the body known as the Northern Territory Bar Association."

Clause 29, as amended, agreed to.

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

Insert after clause 29 the following:

"29A. PROHIBITION OF ADDITIONAL PAYMENTS TO PRIVATE PRACTITIONERS

"Where a private legal practitioner performs, or has performed, legal services on behalf of an assisted person the practitioner shall not demand, take or accept payment for performing the services in respect of which the legally assisted person is receiving, or has received, legal assistance under this Act other than the payment or payments to which he or she is entitled under this Act."

Clause 30 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to-

Omit from subclause (2) all words after and including "Commission" (first occurring) and insert in their stead the following:

"Commission -

(a) in the case of an amount recoverable in a civil proceeding in respect of which legal assistance comprising financial assistance from the Contingency Legal Aid Fund was provided -

(i) an amount up to the value of that financial assistance; and

(ii) such proportion of that amount recoverable, as was agreed to be paid by the assisted person as a condition subject to which the legal assistance was made available; and

(b) in any other case - an amount equal to so much of the amount as the Director, having regard to guidelines determined by the Commission in pursuance of section 11(d), determines."

Insert in subclause (3), after "assisted person" (first occurring), the words "to whom subsection (2)(b) relates".

Omit from subclause (5) "28 days" and insert in its stead "3 months (or where another period is prescribed for that purpose, the expiration of that other period)".

Clause 30, as amended, agreed to.

Clause 31 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Insert in subclause (1)(a), after "legal assistance", the words "(other than financial assistance from the Contingency Legal Aid Fund to bring or defend a civil proceeding)".

Omit from subclause (4) all words after "first instance" and insert in their stead "except in accordance with guidelines under section 11(f)".

Clause 31, as amended, agreed to.

Clause 32 read -

On the motion of Mr Manzie the following amendment was agreed to, after debate -

Omit from subclause (1) "within 14 days" and insert in its stead "as soon as practicable".

Clause 32, as amended, agreed to.

Clause 33 read -

On the motion of Mr Manzie the following amendment was agreed to -

Insert in subclause (1), after paragraph (e), the following:

"(f) in relation to any other matter relating to the provision or refusal of legal assistance,".

Clause 33, as amended, agreed to.

Clauses 34 and 35, by leave, taken together and agreed to.

Clause 36 read -

On the motion of Mr Manzie the following amendment was agreed to -

Add at the end the following:

"(2) In making a decision on a matter referred to it, a Review Committee shall have regard to the amount of funds available to the Commission for the provision of legal assistance, the nature and extent of legal assistance that has been provided from those funds and the nature and extent of the legal assistance that the Commission is likely to be required to provide in the future."

Clause 37 agreed to.

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

Insert after clause 37 the following:

"37A. POWER OF REVIEW COMMITTEES TO OBTAIN INFORMATION AND DOCUMENTS

"A Review Committee may request the Director or another officer of the Commission to -

- (a) furnish to the Committee any information known to him or her, or to which he or she has access, that relates to a decision being reviewed by the Committee;
- (b) produce to the Committee any document in his or her custody or control that relates to a decision being reviewed by the Committee; or
- (c) furnish to the Committee any information relating to the amount of the funds available to the Commission for the provision of legal assistance, the nature and extent of the legal assistance that has been provided from those funds and the nature and extent of the legal assistance that the Commission is likely to be requested to provide in the future,

and that person shall provide the information or produce the documents requested."

Clause 38 agreed to.

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

Insert in Part VII, before clause 39, the following:

"39A. CERTAIN PROVISIONS OF *FINANCIAL ADMINISTRATION AND AUDIT ACT* TO APPLY

"Subject to this Part, Divisions 1 (other than section 62) and 2 of Part IV, and sections 70A and 71, of the *Financial Administration and Audit Act* apply to and in relation to the Commission as though it were a prescribed statutory corporation within the meaning and for the purposes of that Act."

Clauses 39 and 40, by leave, taken together and agreed to.

Clause 41 negatived.

Clause 42 read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Insert in subclause (2)(a), after "civil proceeding", the words ", including the provision of such assistance by officers".

Insert in subclause (2)(b), after "lent to", the words "it by".

Omit from subclause (3) "*Trustee Act*" and insert in its stead "*Financial Administration and Audit Act*".

Add at the end the following:

"(4) The Commission may authorize the Treasurer to invest money standing to the credit of either Fund on its behalf and the Treasurer may invest that money accordingly."

Clause 42, as amended, agreed to.

Clause 43 negatived.

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

"43. LIMITATION OF LIABILITY OF CONTINGENCY LEGAL AID FUND

"Notwithstanding anything in this Act, the liability of the Commission in relation to assistance to be made available from the Contingency Legal Aid Fund shall not exceed the amount from time to time standing to the credit of that Fund."

Clauses 44 and 45, by leave, taken together and negatived.

Clauses 46 to 48, by leave, taken together and agreed to.

Clause 49 read -

On the motion of Mr Manzie the following amendment was agreed to -

Insert in subclause (20)(a), after "his" (twice occurring), the words "or her".

Clause 49, as amended, agreed to.

Clauses 50 to 53, by leave, taken together and agreed to.

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

Insert after clause 53 the following:

"53A. SECRECY

"(1) This section applies to -

(a) every person who is or has been a Commissioner, an officer, a member of a Legal Aid Committee, a member of a Review Committee; and

(b) any person who has performed any function in relation to this Act under the *Financial Administration and Audit Act*.

"(2) A person to whom this section applies shall not, either directly or indirectly, except for the purpose of this Act -

(a) make a record of, or divulge or communicate to a person, any information concerning the

affairs of another person acquired by him or her by reason of his or her office or employment under or for the purposes of this Act or in the performance of a function under this Act; or

- (b) produce to a person a document relating to the affairs of another person furnished for the purposes of this Act.

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

"(3) Subject to sections 67 and 68 of the *Financial Administration and Audit Act*, a person to whom this section applies shall not be required to produce before a court a document relating to the affairs of another person of which he or she has the custody or to which he or she has access, by virtue of his or her office or employment under or for the purposes of this Act or in the performance of a function under this Act, or to divulge or to communicate to a court any information concerning the affairs of another person obtained by him or her by reason of such an office or employment or in the performance of such a function.

"(4) Subsection (3) does not apply if the court considers that it is necessary in the interests of justice that the document be produced or the information be divulged or communicated.

"(5) This section does not affect any law or rule of practice or procedure relating to the discovery of documents in a proceeding in respect of which legal assistance is provided to a person under this Act.

"(6) In this section, 'court' includes a tribunal."

Clauses 54 to 56, by leave, taken together and agreed to.

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

Insert after clause 56 the following:

"56A. COSTS MAY BE CHARGED ON LAND

"(1) Any amount required to be paid to the Commission by an assisted person which is subject to a condition under section 28(1)(c)(i) is, on and from the lodging of the relevant notice under subsection (2) until paid or recovered, a charge for the benefit of the Legal Aid Fund on any land which is recovered or preserved for the assisted person in the proceedings.

"(2) The Director may lodge with the Registrar-General a notice signed by the Director -

- (a) specifying the land to be charged; and

- (b) certifying that there are amounts payable under this Act which are to be charged on the land.
- "(3) The Registrar-General shall register a notice lodged under subsection (2).
- "(4) The Director shall notify the assisted person in writing -
  - (a) that a notice has been lodged under subsection (2); and
  - (b) that the land is charged under this Act with the amount stated in the notice.
- "(5) When -
  - (a) the amount charged is paid or recovered;
  - (b) payment of the amount charged is waived by the Commission; or
  - (c) the amount charged is otherwise secured,the Director shall request the Registrar-General to cancel the registration of the charge and the Registrar-General shall comply with the request.
- "(6) If land is charged under this section, the Registrar of Titles shall not register a transfer or mortgage of that land without the consent of the Director.
- "(7) Stamp duty is not payable on a notice lodged under this section."

Clause 57 agreed to.

Clause 58 read -

On the motion of Mr Manzie the following amendment was agreed to -

Omit from the definition of "Australian Legal Aid Office" the words "Community Affairs Division" and insert in their stead "Office of Legal Aid Administration Division".

Clause 58, as amended agreed to.

Clauses 59 to 61, by leave, taken together and agreed to.

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

"62. AMENDMENT OF *LEGAL PRACTITIONERS ACT*

"Paragraph (b)(ii) of the definition of 'legal practitioner' in section 6 of the *Legal Practitioners Act* is amended by omitting 'the holder for the time being of the office of Director of the Australian Legal Aid Office, Northern Territory, Commonwealth Attorney-General's Department' and substituting 'the Director of Legal Aid within the meaning of the *Legal Aid Act*'. "

Title read -

On the motion of Mr Manzie the following amendment was agreed to -

Add at the end "and to make a consequential amendment to the *Legal Practitioners Act*".

Title, as amended, agreed to.

Bill to be reported with amendments.

Title to be reported with an amendment.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

11. LEAVE OF ABSENCE:

The Leader of the Opposition (Mr Smith) moved - That leave of absence be granted to the Member for Stuart (Mr Ede) for the remainder of these sittings.

Question - put and passed.

12. ADJOURNMENT:

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

Debate ensued.

Question - put and passed.

The Assembly adjourned at 11.59 pm until Thursday 10 May 1990 at 10.00 a.m.

=====  
PAPERS:

The following Papers were deemed to have been presented on Wednesday 9 May 1990:

**Financial Administration and Audit Act:**

Direction by Administrator, section 13(1)(a) -

Transfer of Funds Saved, dated 30 March 1990

Statement under section 15(2) -

Increase in Treasurer's Advance, dated 30 March 1990

**Lands Acquisition Act:**

Statement of reasons for compulsory acquisition as a matter of urgency - Lot 35, LTO 78/004 Hundred of Bagot, notified 9 May 1990

=====  
ATTENDANCE:

All Members attended the sitting, except Mr Ede (on leave).

# MINUTES OF PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

No. 100

Thursday 10 May 1990

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1. MEETING:

The Assembly met at 10.00 a.m., pursuant to adjournment. The Speaker, the Honourable N.M. Dondas, took the Chair.

2. PRAYERS.

3. QUESTIONS:

**Leave of absence:** The Leader of Government Business (Mr Coulter) moved - That leave of absence be granted to the Chief Minister (Mr Perron) for this day on account of government business interstate.

Question - put and passed.

Mr Coulter requested that all questions relating to the portfolios of the Chief Minister be directed to himself.

Questions were asked of Ministers.

**Paper tabled:** The Minister for Industries and Development (Mr Coulter) laid on the Table the following Paper -

- ° Department of Industries and Development, Budget figures for 1989-90.

Further questions were asked of Ministers.

**Papers tabled:** The Minister for Labour, Administrative Services and Local Government (Mr McCarthy) laid on the Table the following Papers -

- ° Northern Territory Public Service General Orders, Section 2, sub-section A, Issue 5/90, dated 3 April 1990;
- ° Memorandum from R. Ellis, Joint Secretary, Public Sector Union to Public Sector Union Nominees, Promotions Appeal Boards/Committee, dated 26 February 1990; and
- ° Positions Vacant, pages 39 and 40, *Weekend Australian*, dated 5 and 6 May 1990.

4. SPECIAL ADJOURNMENT:

The Leader of Government Business (Mr Coulter) moved - That the Assembly at its rising adjourn until Tuesday 14 August 1990 at 10.00 a.m. or such other time and/or date as may be set by the Speaker, pursuant to Sessional Order.

Question - put and passed.

5. SUPPLEMENTARY ANSWER:

The Minister for Transport and Works (Mr Finch) gave a supplementary answer to a question asked yesterday.

6. LAND AND BUSINESS AGENTS AMENDMENT BILL (No. 2), DRAFT BILL - PAPER TABLED - MOTION TO NOTE PAPER:

The Attorney-General (Mr Manzie) laid on the Table a draft Land and Business Agents Amendment Bill (No. 2) 1990 and made a statement relating thereto.

Mr Manzie moved - That the Assembly take note of the Paper.

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

7. TOURIST INDUSTRY - MINISTERIAL STATEMENT - MOTION TO NOTE STATEMENT:

The Minister for Tourism (Mr Vale) made a statement relating to the status of the tourist industry in the Northern Territory.

Mr Vale moved - That the Assembly take note of the Statement.

Debate ensued.

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**Suspension of sitting:** The sitting was suspended between 11.50 a.m. and 2.00 p.m.

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Debate continued.

On the motion of the Minister for Industries and Development (Mr Coulter) debate was adjourned.

8. PRIVILEGES COMMITTEE - MOTION AGREED TO:

The Attorney-General (Mr Manzie), by leave, moved - That, notwithstanding anything contained in any Order or the Standing Orders of the Assembly, the time for reporting by the Committee of Privileges upon the adequacy or otherwise of the *Legislative Assembly (Powers and Privileges) Act* be extended and that the Committee report as soon as possible.

Question - put and passed.

9. CONSUMER AFFAIRS BILL 1990 (Serial 282):

The Minister for Health and Community Services (Mr Hatton), pursuant to notice, presented a Bill for an Act to provide for the appointment and functions of a Commissioner and Deputy Commissioners of Consumer Affairs, to constitute a Consumer Affairs Council, to make provision with respect to product safety and product information, to prohibit unfair practices in consumer transactions and promote the development of codes of practice for fair dealing in consumer transactions, to imply conditions and warranties in contracts for goods and services and enable recourse to manufacturers, to regulate door to door trading, credit reporting and the provision and redemption of trading stamps, to provide a licensing system for motor vehicle dealers and make provision generally with respect to dealings in motor vehicles, to provide for the licensing of travel agents and the regulation of their operations, and for related purposes.

Bill read a first time.

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

On the motion of the Member for Macdonnell (Mr Bell) debate was adjourned.

10. PETROLEUM AMENDMENT BILL 1990 (Serial 283):

The Minister for Mines and Energy (Mr Coulter), pursuant to notice, presented a Bill for an Act to amend the *Petroleum Act*.

Bill read a first time.

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

On the motion of the Member for Nhulunbuy (Mr Leo) debate was adjourned.

11. **COMMERCIAL PASSENGER VEHICLES BILL 1990 (Serial 287):**

The Minister for Transport and Works (Mr Finch), pursuant to notice, presented a Bill for an Act to regulate the carrying in motor vehicles of passengers for hire or reward, and for related purposes.

Bill read a first time.

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

On the motion of the Member for Nhulunbuy (Mr Leo) debate was adjourned.

12. **SUSPENSION OF STANDING ORDERS- MOVE MOTION WITHOUT NOTICE:**

The Member for Sadadeen (Mr Collins) moved - That so much of Standing Orders be suspended as would prevent him moving a motion relating to the United Nations Convention on the Rights of the Child.

Debate ensued.

Question - put and passed.

13. **UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD - MOTION:**

The Member for Sadadeen (Mr Collins) moved - That -

1. this Assembly is of the opinion that the United Nations Convention on the Rights of the Child should not be ratified by the Australian Government because:

(a) it has the potential to place the sovereign rights of Australians in relation to their children in the hands of the Federal Government which would be morally bound by the terms of the Convention;

(b) it has the potential to rob the voters of Australia of their sovereign rights relating to the upbringing of their children; and

(c) it has the potential to undermine family life; and

2. that the Speaker forward the terms of this Resolution to the Prime Minister forthwith.

Debate ensued.

Ordered - That the Attorney-General (Mr Manzie) have leave to continue his remarks at a later hour.

14. **DIRECTOR OF PUBLIC PROSECUTIONS BILL 1990 (Serial 277); and DIRECTOR OF PUBLIC PROSECUTIONS (CONSEQUENTIAL AMENDMENTS) BILL 1990 (Serial 278):**

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bills.

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**In the Committee**  
(Chairman - Mr Firmin)

**Director of Public Prosecutions Bill 1990 (Serial 277):**

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

Clause 3 read -

On the motion of the Attorney-General (Mr Manzie) the following amendment was agreed to -

Add at the end the following:

"'offence' means an offence -

- (a) against a law of the Territory; or
- (b) against a law of the Commonwealth but limited to an offence to which particular proceedings relate where the Director is authorized to bring or conduct those proceedings."

Clause 3, as amended, agreed to.

Clause 4 read -

On the motion of Mr Manzie the following amendment was agreed to -

Insert after subclause (3) the following:

"(3A) The Director shall, for the purposes of exercising the Director's powers or performing the Director's functions, be entitled to practice as a legal practitioner as if he or she were holding an unrestricted practising certificate issued under the *Legal Practitioners Act*."

Clause 4, as amended, agreed to.

Clauses 5 to 12, by leave, taken together and agreed to.

Clause 13 read -

On the motion of Mr Manzie the following amendment was agreed to -

Insert after paragraph (b) the following:

"(ba) to bring and conduct proceedings for summary offences; and"

Clause 13, as amended, agreed to.

Clauses 14 to 33, by leave, taken together and agreed to.

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

Insert after clause 33 the following:

"33A. DIRECTOR TO BE ACCOUNTABLE OFFICER

"For the purposes of the *Financial Administration and Audit Act* the Director is the accountable officer in relation to the Director's functions under this Act and that Act applies accordingly."

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

Bill to be reported with amendments.

**Director of Public Prosecutions (Consequential Amendments) Bill 1990 (Serial 278):**

Bill, by leave, taken as a whole.

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Omit clause 3(b) and insert in its stead the following:

"(b) in section 38(1) -

(i) by inserting after 'Commissioner of the Police Force' the words 'or a Crown Law Officer'; and

(ii) by omitting paragraph (c) and inserting in its stead the following:

'(c) if the person is committed for trial for the offence before the Supreme Court - after the date on which the guilt or innocence of the person is finally determined or, if a Crown Law Officer declines to proceed further in the prosecution, the date on which the Crown Law Officer so declined; or'".

Insert after clause 4 the following:

"4A. AMENDMENTS OF *STOCK DISEASES ACT*

"The *Stock Diseases Act* is amended by omitting section 43 and substituting the following:

'43. PROSECUTIONS

'Unless instituted by the Attorney-General or the Director of Public Prosecutions, a prosecution for an offence against this Act shall not be brought without the consent in writing of the Chief Inspector.'".

Schedule -

Insert before the item relating to the *Bail Act* the following:

"*Adoption of Children Act*

Section 50	'Solicitor for the Northern Territory'	'Director of Public Prosecutions'".
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Insert after the item relating to the *Cemeteries Act* the following:

"*Classification of Publications Act*

Section 62	'Minister'	'Attorney-General or the Director of Public Prosecutions'
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*Construction  
Safety Act*

Section 29	'Attorney- General'	'Attorney- General or the Director of Public Prosecutions''.
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Insert after the item relating to the *Consumer Protection Act* the following:

*"Crimes (Forfeiture  
of Proceeds) Act*

Section 3(1) - paragraph (a) of the definition of 'appropriate officer'	'Solicitor for the Northern Territory'	'Director of Public Prosecutions'
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Section 60(4)	'Minister'	'Attorney-General or the Director of Public Prosecutions''.
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Insert after the item relating to the Criminal Code the following:

*"Electoral Act*

Section 128	'Attorney- General'	'Attorney-General, the Director of Public Prosecutions''.
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Insert after the item relating to the *False Advertising Act* the following:

*"Flag and  
Emblem Act*

Section 12	'Attorney- General'	'Attorney-General or the Director of Public Prosecutions'
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*Juries Act*

'Sections 37(2), 38 and 43	'Crown Prosecutor'	'Crown' ".
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Insert in the item relating to the *Legal Practitioners Act*, before "Section 21", the following:

"Section 6

Subparagraph (b)(ii) of the definition of 'legal practitioner'	'Solicitor- General of the Northern Territory'	'Solicitor- General of the Northern Territory, the Director of Public Prosecutions,'".
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Insert after the item relating to the *Legal Practitioners Act* the following:

*"Maintenance Act*

Section 117(2)	'Minister'	'Director of Public Prosecutions'
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*National Crime Authority  
(Territory Provisions) Act*

Section 19(1)	'the Crown Law Officer'	'the Director of Public Prosecutions'
	'or Crown Law Officer'	'or the Director of Public Prosecutions'".

Insert in the item relating to the *Prices Regulation Act*, before "Section 36(5)", the following:

"Section 8(4) (a)(i)	'Attorney- General'	'Attorney- General or the Director of Public Prosecutions'
Section 8(4) (a)(ii)	'the Attorney- General'	'to the Attorney- General or to the Director of Public Prosecutions'".

Insert at the end of the Item relating to the *Prices Regulation Act* the following:

"Section 58(4)	the whole subsection	'(4) Proceedings for an offence against this Act shall not be commenced except by, or with the written consent of, the Attorney- General or the Director of Public Prosecutions'".
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Omit the item relating to the *Sexual Offences (Evidence and Procedure) Act* and insert in its stead the following:

*"Sexual Offences  
(Evidence and  
Procedure) Act*

Section 5(1)(c)	the whole paragraph	'(c) the Director of Public Prosecutions or a person authorized by the Director of Public Prosecutions;'
Section 9(1)(c)	'Department of Law'  'Department'	'Department of Law, the Director of Public Prosecutions,'  'Department, the Director''.

Bill, as amended, agreed to.  
Bill to be reported with amendments.

---

The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported that the Committee had considered the Bills and had agreed to - The Director of Public Prosecutions Bill 1990 (Serial 277) and the Director of Public Prosecutions (Consequential Amendments) Bill 1990 (Serial 278) with amendments; and the report was adopted.

On the motion of Attorney-General (Mr Manzie) the Bills were read a third time and passed to be proposed laws.

15. SUPPLY BILL 1990-91 (Serial 286):

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 a motion for the third reading of the Bill to be moved forthwith.

On the motion of the Minister for Industries and Development (Mr Coulter) the Bill was read a third time and passed to be a proposed law.

16. STATUTE LAW REVISION BILL 1990 (Serial 261):

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, according to Order, resolved itself into Committee of the Whole for the consideration of the Bill.

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In the Committee  
(Chairman - Mr Firmin)

Clause 1 agreed to.

Clause 2 read -

On the motion of the Attorney-General (Mr Manzie) the following amendment was agreed to -

Omit "inserting in Division 7 before section 104 the following:" and insert in its stead the following:

"omitting Division 7 of Part III and substituting the following:

*'Division 7 - Commission'*".

Clause 2, as amended, agreed to.

Clause 3 negatived, after debate.

Mr Manzie moved - That the following new clause be inserted in the Bill -

Insert after clause 3 the following:

"3A. AMENDMENT TO *CROWN LANDS ACT*

"Section 102M of the *Crown Lands Act* is amended -

- (a) by omitting from subsection (1) all the words after and including 'section 46(1A)' and substituting the following:

*'section 46(1A) of the Lands Acquisition Act -*

- (d) form an association of Aboriginals incorporated under the *Associations Incorporation Act* or the *Aboriginal Councils and Associations Act 1976* of the Commonwealth; or

- (e) approve an association already formed under either of the Acts specified in paragraph (d), being an association which, at the time of the approval, does not hold and is not intended to hold, other land as an Aboriginal community living area under Part IV of this Act, to hold the land.'"; and

- (b) by omitting from subsection (2) "upon the formation of an association referred to in subsection (1)" and substituting "upon being advised of the formation of an association referred to in subsection (1)(d) or of the approval of an association referred to in subsection (1)(e)".

Debate ensued.

Proposed new clause agreed to.

Clause 4 agreed to.

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

Insert after clause 4 the following:

"4A. AMENDMENT TO *LANDS ACQUISITION ACT*

"Section 46(1A) of the *Lands Acquisition Act* is amended by inserting, after 'formed', the words 'or approved'."

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

Insert after clause 4 the following:

"4B. AMENDMENT TO *MISUSE OF DRUGS ACT*

"Section 37(1) of the *Misuse of Drugs Act 1990* is amended by omitting the definition of 'aggravating circumstances' and substituting the following:

"aggravating circumstance" means, subject to subsection (2) -

(a) a second or subsequent offence against -

(i) this Act; or

(ii) a provision of -

(A) a law in force in the Territory before the commencement of this Act; or

(B) a law of the Commonwealth or a State or another Territory of the Commonwealth (whether the offence was committed before or after the commencement of this Act),

which, in the opinion of the court, is the equivalent of or a similar offence to an offence against a provision of this Act;

(b) an offence against this Act in circumstances involving a prison or police prison or a prisoner (within the meaning of the *Prisons (Correctional Services) Act*); or

(c) an offence against section 5 or 9 committed on or in licensed premises, a school, playground, youth centre, video facility or public swimming pool;".

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

Schedule read -

On the motion of Mr Manzie, by leave, the following amendments were taken together and agreed to -

Omit the item relating to the *Administration and Probate Act*.

Omit the item relating to section 3(1) of the *Bail Act* and insert in its stead the following:

"Section 3(1) - definition of 'appeal'"	paragraphs (b), (c) and (d)	'(b) section 58 of the <i>Juvenile Justice Act</i> ;  (c) section 10 of the <i>Parole of Prisoners Act</i> ; or  (d) Division 2 of Part X of the <i>Criminal Code</i> ;'".
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Insert after the item relating to the *Fisheries Act* the following:

" <i>Grain Marketing Act</i>  Section 41(1)	' <i>Companies Act</i> '	' <i>Companies (Northern Territory) Code</i> '".
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Omit the item relating to section 14(1) of the *Police Administration Act* and insert in its stead the following:

"Section 14(1)	'and of Special Constables appointed under this Act'	'a Super- intendent'".
	'an Inspector'	

Insert after the item relating to the *Power and Water Authority Act* the following:

" <i>Racing, Gaming and Liquor Commission Act</i>  Section 15(2)	'the Board'	'the Commission'".
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Schedule, as amended, agreed to.  
Title agreed to.  
Bill to be reported with amendments.

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The Speaker (Mr Dondas) resumed the Chair; the Chairman (Mr Firmin) reported accordingly; and the report was adopted.

On the motion of Attorney-General (Mr Manzie) the Bill was read a third time and passed to be a proposed law.

17. PUBLICATIONS COMMITTEE, FIFTEENTH REPORT \_ PAPER TABLED - REPORT ADOPTED: The Chairman of the Publications Committee (Mr Setter) laid on the Table the Fifteenth Report of the Publications Committee recommending that the following papers be printed -

Title	Date Tabled
Department of Law, Corporate Affairs Office, Third Annual Report 1988-89	20. 2.90
Electrical Workers and Contractors Licensing Board, Sixth Annual Report 1988-89	20. 2.90
Publications and Films Review Board, Annual Report 1988	20. 2.90
Jabiru Town Development Authority, Annual Report 1988-89	20. 2.90
Department of Primary Industries and Fisheries, Annual Report 1988-89	20. 2.90
Cobourg Peninsula Sanctuary Board, Annual Report 1988-89	20. 2.90
Agricultural Development and Marketing Authority, Annual Report 1988-89	27. 2.90
Government Printing Office, Financial Statement 1988-89	27. 2.90
Northern Territory Racing, Gaming and Liquor Commission, Annual Report 1988-89	27. 2.90
Northern Territory Plumbers and Drainers Licensing Board, Year ended 30 September 1989	1. 3.90
Strehlow Centre Board, Annual Report 1988-89	1. 3.90
National Trust of Australia (Northern Territory), Annual Report 1988-89	1. 3.90

Mr Setter moved - That the Report be adopted.  
Question - put and passed.

18. SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE - SIXTEENTH REPORT - PAPER TABLED:

The Chairman of the Subordinate Legislation and Tabled Papers Committee (Mr Setter) laid on the Table the Sixteenth Report of the Subordinate Legislation and Tabled Papers Committee.

19. CONSTITUTIONAL DEVELOPMENT - STATEMENT:

The Minister for Transport and Works (Mr Finch) for and on behalf of the Chairman of the Select Committee on Constitutional Development (Mr Hatton), by leave, laid on the Table a statement relating to the progress of the Committee since August 1985.

20. ADJOURNMENT:

The Minister for Transport and Works (Mr Finch) moved - That the Assembly do now adjourn.

Debate ensued.

Question - put and passed.

The Assembly adjourned at 8.22 p.m. until Tuesday, 14 August 1990 at 10.00 a.m. or such other time and/or date as may be set by the Speaker, pursuant to Sessional Order.

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PAPER:

The following Paper was deemed to have been presented on Thursday 10 May 1990:

**Annual Report:**

Northern Territory Grain Marketing Board, 1987-88

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ATTENDANCE:

All Members attended the sitting except Mr Ede and Mr Perron (on leave).

H.G. SMITH

Clerk of the Legislative Assembly.

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FIFTH LEGISLATIVE ASSEMBLY

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FIRST SESSION

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