

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

1-3 June 1976

<i>Serial No.</i>	<i>Title</i>	<i>Sponsor</i>
113	Police and Police Offences 1976	Miss Andrew
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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Police and Police Offences
Ordinance

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

- | | |
|---|---|
| 1. This Ordinance may be cited as the <u>Police and Police Offences Ordinance 1976</u> . | Short
title |
| 2. The <u>Police and Police Offences Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 23 of the Principal Ordinance is amended -

(a) by omitting from paragraph (a) "unlawfully obtained" and substituting "otherwise unlawfully obtained"; and

(b) by omitting from paragraph (b) "unlawfully obtained" and substituting "otherwise unlawfully obtained". | Power to
search
vehicles
and
suspected
persons |
| 4. Section 61 of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) "unlawfully obtained" and substituting "otherwise unlawfully obtained"; and

(b) by omitting from sub-section (4) "unlawfully obtained" and substituting "otherwise unlawfully obtained". | Persons
suspected
of having
stolen
goods |

THE NORTHERN TERRITORY OF AUSTRALIA

Serial 116
National Trust of
Australia (Northern
Territory)
Mrs Lawrie

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National Trust of Australia (Northern Territory) Bill

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ORDINANCE

To establish a body to be known
as the National Trust of Australia
(Northern Territory)

BE it ordained by the Legislative Assembly for the Northern Territory
of Australia as follows:

1. This Ordinance may be cited as the National-
al Trust (Northern Territory) Ordinance 1976.

Short
title

2. In this Ordinance, unless the contrary
intention appears -

Definitions

"Council" means the Council of the National
Trust;

"councillor" means a member of the Council;

"Northern Region" means the Northern Region
specified in section 7;

"regional committee" in relation to a region
means the committee of that region constituted
under section 8;

"rules" means the rules of the Trust set out
in the Schedule as amended from time to time as
provided therein;

"Southern Region" means the Southern Region
specified in section 7;

"Trust" and "National Trust" means The Nation-
al Trust of Australia (Northern Territory)
established and incorporated under this
Ordinance.

3.(1) There is established by this Ordinance a
Trust by the name of "The National Trust of Australia
(Northern Territory)".

Incorpo-
ration

(2) The Trust -

- (a) is a body corporate with perpetual succession and a common seal;
- (b) may acquire, hold and dispose of, and manage, control and deal with, real and personal property;
- (c) may sue and be sued in its corporate name; and
- (d) is capable of doing and suffering all such acts and things as bodies corporate may by law do or suffer.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and shall presume that it was duly affixed.

Taking over
of assets
and
liabilities
of Northern
Territory
National
Trust
Incorporated

4.(1) The assets and liabilities of the Northern Territory National Trust Incorporated, an association incorporated under the Associations Incorporation Ordinance, are acquired and accepted by the Trust.

(2) The Northern Territory National Trust Incorporated is dissolved.

(3) The Trust shall carry out, complete or give effect to all dealings, transactions or matters that the incorporated association, if it still existed, would be legally or equitably bound to do, as if the Trust were that incorporated association.

(4) The certificate of incorporation of the Association under the Associations Incorporation Ordinance is cancelled.

Membership
of Trust

5. The Trust shall consist of the persons and bodies corporate who are for the time being members of the Trust in accordance with the rules.

Objects of
Trust

6.(1) The Trust is established for the purposes of promoting-

- (a) the preservation and maintenance, for the benefit of the people of Australia, of lands and buildings of beauty or historic,

scientific, artistic, or architectural interest and, in respect of lands, the preservation (as far as practicable) of their natural aspect, features and animal and plant life;

- (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings;
- (c) the preservation of furniture and pictures and chattels of national, historic, artistic or scientific interest;
- (d) the access to and enjoyment of such lands, buildings and chattels by the public; and
- (e) the co-operation with any corporation, body or society, either within or outside the Territory, having objects wholly or substantially similar to the objects of the Trust.

7.(1) For the purposes of this Ordinance the Territory shall be divided into 2 regions to be known respectively as the Southern Region and the Northern Region.

Territory
to be
divided
into
Regions

(2) The Southern Region consists of that part of the Territory that is for the time being comprised in the Alice Springs District as defined for the purpose of section 13 of the Crown Lands Ordinance, and the Northern Region consists of the remainder of the Territory.

8.(1) There shall be a regional committee of the Trust for each of the Southern Region and the Northern Region.

Regional
Committees

(2) Each regional committee shall consist of a chairman and, subject to sub-section (3), 6 other members, elected in accordance with the rules by the members of the Trust resident in the region.

(3) In addition to the elected chairman and members referred to in sub-section (2), a regional committee may include not more than 6 members nominated in accordance with the rules.

Financial
year of
Regional
Committees

9.(1) The financial year of each regional committee shall be the 12 months ending 30 June.

(2) Each regional committee shall maintain accounts in respect of the Trust activities in its region and prepare a balance sheet to the end of each financial year for presentation to the Council.

Council
of the
Trust

10.(1) Subject to this Ordinance, the affairs of the Trust shall be administered, managed and conducted by a council to be called "The Council of the National Trust", constituted in accordance with the rules.

(2) The Council shall consist of the chairmen of each regional committee, who shall be ex-officer members, and 12 elected members.

(3) Of the 12 elected members referred to in sub-section (2), 6 shall be elected by Trust members residing in the Southern Region, and 6 by members residing in the Northern Region.

(4) The President of the Trust (who shall be chairman of the Council) shall be chosen at the first annual general meeting of the Trust by the drawing of lots from between the chairmen of the 2 regional committees of the Trust, and the unsuccessful regional committee chairman shall be senior vice-president of the Trust.

(5) The President and senior vice-president of the Trust shall hold office until the annual general meeting next following their appointment, at which meeting the chairman of the other regional committee shall become president for the ensuing year and the former president, or his successor as chairman of his regional committee, shall become senior vice-president.

(6) At a meeting of the Council the chairman of the meeting has, in addition to his deliberative vote, a casting vote.

Exemption
from rates
and taxes

11.(1) No taxes, rates (except water rates) or other imposts shall be payable under any law of the Territory on or in respect of any real property, whether freehold or leasehold, belonging to the Trust.

(2) Succession duty shall not be payable under any law of the Territory in respect of any property derived by or accruing to the Trust.

(3) An instrument by which any real or personal property is transferred to or vested in the Trust, or agreed to be so transferred or vested, shall be exempt from duty under the Stamps Ordinance.

12.(1) The Council may make such by-laws, not inconsistent with this Ordinance that are necessary or convenient to make for the purpose of the Administrator and enforcement of this Ordinance.

Power of
Council to
make
by-laws

(2) Without limiting the generality of subsection (1), the Council may, in respect of property vested in or controlled or managed by the Trust, make by-laws, not inconsistent with this Ordinance, for any of the following purposes:

- (a) for ensuring the safety and the preservation of, and preventing damage to or destruction of, that property;
- (b) for regulating traffic and for ensuring orderly conduct on the part of visitors on that property;
- (c) for fixing the hours during which that property or any building or structure on that property shall be open to the public;
- (d) for fixing the payment to be made for admission to any property or any building or structure on any property and for providing for the exclusion or removal from any property or from any part thereof or building or structure thereon, of persons who have not made the prescribed payment, or who behave in a disorderly manner;
- (e) for preventing trespassing;
- (f) for preventing persons from injuring, destroying, taking or removing, or in any way interfering with, animals, birds, trees and plants;
- (g) prescribing penalties for a breach or non-observance of the by-laws not exceeding a fine of 50 dollars (in the case of a person other than a corporation within the meaning of the Companies Ordinance), or 5,000 dollars (in the case of a corporation

within the meaning of the Companies Ordinance).

(2) A by-law made under this section -

(a) shall be signed by the president of the Trust;

(b) has no effect as a law of the Territory unless it is confirmed by the Administrator in Council and notice of the confirmation is published in the Gazette; and

(c) comes into operation -

(i) subject to sub-paragraphs (ii), (iii) and (iv), on the day on which notice of the confirmation of the by-law by the Administrator in Council is published in the Gazette;

(ii) if a later day is specified in that notice as the day upon which it comes into operation, on that later day;

(iii) if a later day is specified in a by-law as the day on which it comes into operation, on that later day; or

(iv) if a by-law, confirmed at the same time as that by-law, provides that it shall come into operation on a day to be fixed by the Trust by notice in the Gazette, on the day so fixed.

Rules

13.(1) The rules set out in the Schedule, with such modifications as are made from time to time in accordance with those rules, are the rules providing for and regulating the membership, affairs, business and management of the Trust.

(2) The Interpretation Ordinance applies, unless the contrary intention appears, to the rules from time to time in force as though those rules were an Ordinance.

(3) Any amendment made to the rules pursuant to the powers contained therein may be disallowed by the Trust at the annual general meeting next following, or other general meeting convened for that purpose, of either region of the Trust, but until such disallowance shall remain in force.

THE SCHEDULE

RULES OF THE NATIONAL TRUST OF AUSTRALIA

(NORTHERN TERRITORY)

1. In these rules "the Ordinance" means the Interpretation National Trust of Australia (Northern Territory) Ordinance including any amendments thereof and additions thereto.

2.(1) * The members of the National Trust shall be divided into - Classes of members

- (a) ordinary members;
- (b) life members;
- (c) honorary life members;
- (d) junior members;
- (e) corporate members; and
- (f) affiliated societies.

(2) An ordinary member shall be a person who, in any year, subscribes to the funds of the National Trust 5 dollars or more or such other sum as the Council, may, from time to time, specify in that behalf; Provided that where one member of a family is an ordinary member, any other member of such family who resides at the same address as such subscribing member may become an ordinary member on subscribing to the funds of the National Trust half the sum from time to time determined as required to be subscribed by an ordinary member.

(3) A life member shall be a person who pays to the funds of the National Trust the sum of 50 dollars or such other sum as the Council may, from time to time, specify in that behalf.

(4) An honorary life member shall be a person who has rendered distinguished and voluntary service to the National Trust and whose membership has been first recommended by the Council and then approved by a general meeting of the National Trust of which notice specifying the proposed election has been given. Not more than two honorary life members may be elected in any financial year.

(5) A junior member shall be any person under the age of 18 years or who is a full time pupil or student at any school or university.

(6) A corporate member shall be any corporation which pays to the funds of the National Trust the sum of 200 dollars or such other sum as the Council may, from time to time, specify. A corporate member shall be entitled to such membership for the period of 30 years and thereafter may again apply for membership, and during continuance of its membership shall be entitled to nominate 5 persons in its employ for the privilege of ordinary subscribing members without further subscription.

(7) An affiliated society shall be any constituted group or body seeking affiliated membership with the Trust, such membership to rank on a par with ordinary membership.

(8) A person shall not be a member of the National Trust unless he has signified in writing to the Trust his desire to be one.

Subscription
of ordinary
members

3. Every ordinary member shall be liable for the amount of his subscription and such subscription shall be payable on the first day of January in each year: Provided that any such member may, at any time, previously to the thirtyfirst day of December in any year resign his membership and cease to be a member by sending his resignation in writing to the Secretary/Director of the National Trust, but subject to such resignation in writing every such member shall be liable for the amount of his subscription in respect of the ensuing year.

Liability
of members

4. No member of the National Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the National Trust beyond the amount of the annual subscription of such member or of

any contributions agreed to be given and remaining unpaid.

5. The first general meetings of the Regions of the National Trust shall be held within 6 months after the passing of the Ordinance and shall be called by the sponsors of the Ordinance, and thereafter general meetings shall be held once at least every year in both the Northern and Southern Regions at such time and place as the Regional Committees appoint, and the general meetings shall be called and held in accordance with the rules set out hereunder.

First
general
meeting

6.(1) The annual general meetings shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings.

General
meetings

(2) The Regional Committees, at each ordinary meeting, shall lay before the meeting a report of the work done in the preceding year.

(3) The Council or the Regional Committees may whenever they think fit, upon a request made in writing and signed by any 30 or more members, convene an extraordinary meeting.

(4) Any request made by the members shall express the object of the meeting proposed to be called and shall be left with the Secretary/ Director of the National Trust.

(5) Upon receipt of such request the Regional Committees (or in their default the Council) shall forthwith proceed to convene a general meeting, and if the Regional Committees or the Council do not convene the same within 14 days from the date of the receipt of such request the members making the request may themselves convene a meeting.

(6) A notice of every general meeting and of the agenda shall be given to the members at such time and in such form and manner as the Council may from time to time prescribe.

(7) Notice of any motion proposed to be made at a general meeting by any person not being a member of the Council shall be sent to the Secretary/Director of the National Trust 21 days before the general meeting (such notice shall be signed by the proposer and 2 seconders being members of the National Trust) and no motion made

by an member other than a member of the Council shall be entertained by a general meeting unless notice thereof has been given as aforesaid.

(8) The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

(9) 12 members shall form a quorum for a general meeting.

(10) If within an hour from the time appointed for a meeting convened upon the requisition of members a quorum be not present the meeting shall be dissolved. In any other case the meeting may transact such business as they think necessary, notwithstanding the absence of a quorum.

(11) At every general meeting all matters which come up for the decision of such meetings shall be decided by a majority of votes of the members personally present and voting by a show of hands unless a poll be demanded as hereinafter mentioned.

(12) The President of the Council or, in his absence, the Senior Vice-President, or in his absence, one of the Vice-Presidents, shall take the chair at a general meeting.

(13) If neither the President, the Senior Vice-President or any one of the Vice-Presidents be present, the meeting shall elect a chairman. The chairman shall in case the votes at any general meeting or in the case of a poll are equally divided have, as well as his own vote, a second or casting vote. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place unless, in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

(14) At a general meeting one-third of the members of a Regional Committee, or any 20 members of the National Trust, may demand a poll in respect of any resolution, and on such demand being made a poll of National Trust shall be taken accordingly by voting papers in such manner as the chairman may direct, and

the result of the poll shall be deemed to be the decision of the general meeting on the resolution.

(15) Every member shall have one vote only with the exception of the chairman's casting vote.

7.(1) Each of the bodies or persons hereinafter named may appoint one member to the Regional Committee of the National Trust as follows (that is to say): -

Nominated
members
of Regional
Committees

- (a) the Museums and Art Galleries Board established under the Museums and Art Galleries Ordinance;
- (b) the Northern Territory Reserves Board under the National Parks and Gardens Ordinance; and
- (c) the Administrator of the Northern Territory of Australia (from amongst the authorized officers within the meaning of the Native and Historical Objects and Areas Preservation Ordinance),

such appointed members shall hold office for such term as the bodies or persons appointing them shall respectively determine, provided however, that such term shall not exceed 3 years without re-appointment.

(2) Any annual general meeting of the National Trust may determine that a member or members of the Council shall be appointed by or on behalf of some body or persons other than those hereinbefore mentioned, either in addition to or in substitution for any one or more of the bodies or persons as mentioned or by way of increase of the number of members appointed by or on behalf of any of the bodies or persons so mentioned, but so that the number of appointed members shall not exceed six in either Region and shall not disturb the balance of an equivalent number from each of the Northern and Southern Regions.

8.(1) The affairs of the National Trust shall be administered by a council to be called "The Council of the National Trust" consisting of a President of the Council, a Senior Vice-President, and twelve members.

Constitu-
tion of
the Council

(2) The President and 6 members from one Region and the Senior Vice-President and 6 members from the

other Region shall be elected at the first general meetings of the Regions and thereafter 2 elected members from each of the said Regions shall retire and 2 members from each Region shall be elected at each annual general meeting of the National Trust. The 4 elected members to retire each year shall be determined by the Council who shall secure, as far as possible, that the elected members shall retire in rotation. The retiring members shall be eligible for re-election.

(3) The Council shall be deemed fully constituted and all acts and proceedings of the Council shall be deemed valid in all respects if and so long as a President or Senior Vice-President and 6 members from each of the Northern and Southern Regions shall have been elected to the Council as by this rule provided.

Vacancies
on the
Council

9. If any elected member of the Council dies or resigns, the Council may appoint in his place another member, to be drawn from the Region from which the deceased or resigned member was formerly elected, to be a member of the Council and any member appointed under this rule shall continue a member of the Council until the next annual general meeting after his appointment, and the acts of the Council shall not be deemed invalid by reason of the death or resignation of any member, or members, thereof.

Powers of
Council

10. (1) The entire business of the National Trust shall be arranged and managed by the Council who may exercise all such powers of the National Trust (including its power to borrow and give security) as are not exercisable only by the National Trust in general meeting, and no rule or by-law made, or resolution passed by the National Trust in general meetings shall invalidate any prior act of the Council which would have been valid if such rule, by-law made, or resolution passed by the National Trust in general meetings shall invalidate any prior act of the Council which would have been valid if such rule, by-law or resolution had not been made or passed.

(2) The Council shall have power to make such rules as to the procedure of the Council and for the conduct of the business and affairs of the National Trust and for the dispatch of business at meetings as the Council may deem necessary provided that such rules do not contravene any of the provisions of the Ordinance.

11. The President shall be Chairman of the Council and when present shall preside at its meetings. If the President is unable to attend at a meeting of the Council the Senior Vice-President shall preside at such meetings. If the President and the Senior Vice-President are unable to attend at a meeting of the Council, the Council shall elect from among those present a chairman to preside at such meetings.

12. The Council may appoint such officers and servants as they may from time to time think desirable and (subject to any law, award, or determination fixing rate of pay) fix their salaries and wages and the conditions of service, including the provision of pension on retirement and determine their respective duties and the tenure of their office. The Council may appoint from among its members such honorary officers of the National Trust, including an honorary secretary and honorary treasurer as it may, from time to time, think fit and may determine any such appointment from time to time.

13. The Council may also elect any number of vice-patrons, but the persons so elected shall not by reason of such election be members of the Council.

14.(1) The Council may appoint from their own number any Committee for any specific purpose and may add to any such committee for any such length of time and with such powers of voting or otherwise as the Council may think fit, any member of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust.

(2) The Regional Committees, as provided for in these rules, shall have power of appointing sub-committees for special purposes similar in all respects to the powers hereby conferred upon the Council of appointing committees for special purposes.

15.(1) No act or proceeding of the Council, the Regional Committees, or of any committee or sub-committee shall be questioned on account of their being, at the time of such act or proceeding, any vacancy or vacancies in the Council, Regional Committees or in any committee or sub-committee.

(2) No defect in the qualifications or election of any person or persons acting as a member of the

same state of investment so long as it thinks fit, any property of any kind as an investment for the purpose of providing income to be applied in defraying the expenditure of the Nation Trust under the Ordinance.

(3) The National Trust may (subject to the provisions of any trust, instrument, or to the conditions attached to any gift under which it receives or is entitled to any property) sell any property belonging to it which is not required for purposes of the Ordinance. The money received on any such sale shall be applied for purposes of the Ordinance or invested. If the money is invested the income shall be applied for the said purpose.

Accounts
and audit

22.(1) The National Trust shall keep proper accounts of all the income and expenditure of the National Trust and shall prepare a statement of such income and expenditure and a balance sheet at least once a year.

(2) The Council, and every employee of the annually audited by a member of the Institute of Chartered Accountants in Australia.

(3) The Council, and every employee of the National Trust shall give to its auditor any information which he requires for the purpose of the audit and shall produce to him all books, accounts, vouchers and documents which he requires for that purpose.

Repeal and
alteration
of these
rules

23.(1) The Council may repeal or amend any of these rules and may make and pass any new rules with a view to the more efficient management and conduct of the National Trust provided that no rules shall be repealed, amended, or made, except with the concurrence of two-thirds of the whole number of members of the Council.

(2) All new rules and the repeal and amendment of any rules shall be submitted to the annual general meetings of the National Trust held next after the making thereof and the National Trust at such annual general meetings may, by resolution, disallow any such rule or any such repeal or amendment.

BRANCH RULES

24. On the nomination of a Regional Committee the Council of the National Trust may constitute Branches of the National Trust of Australia (Northern Territory) for the purpose of local management and administration in suburban or country districts.

25. The aims of branches of the National Trust shall be those prescribed by section 5(1) of the Ordinance, namely - Aims

- (a) the preservation and maintenance for the benefit of the people of Australia of lands and buildings of beauty or historic, scientific, artistic or architectural interest, and, in respect of lands, the preservation (so far as practicable) of their natural aspect features and animal and plant life;
- (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings;
- (c) the preservation of furniture and pictures and chattels of national, historic, artistic, or scientific interest;
- (d) the access to and enjoyment of such lands, buildings and chattels by the public; and
- (e) the co-operation with any corporation, body or society, either within or outside the Territory, having objects wholly or substantially similar to the objects of the National Trust.

26.(1) The designation of a Branch shall be determined by the Council of the National Trust. Branch name

(2) The name of every Branch shall be (insert the name) Branch of the National Trust of Australia (Northern Territory), Short title The (insert the name) Branch.

27.(1) The affairs of a Branch and the business and management thereof shall be administered, managed and conducted for the Council of the National Trust by Branch Committees

a Committee consisting of the Branch Chairman and not more than 8 members.

(2) The Branch Chairman and not less than 5 nor more than 8 members shall be elected from among the members at the first general meeting of the Branch and the elected members shall retire at each annual general meeting of the Branch.

(3) The Branch may with the approval of the Council of the National Trust provide for local bodies to be represented on the Branch Committee but the number of bodies who may each appoint one member to the Branch Committee may not at any time exceed 4 or the number of elected members on the Branch Committee whichever is the lesser. Such appointed members shall hold office for such term as the bodies or persons appointing them shall respectively determine, provided however that such term shall not exceed 3 years without re-appointment.

(4) The Branch Committee shall be deemed fully constituted so long as a Chairman and 5 members shall have been elected to the Branch Committee.

(5) The Chairman or acting chairman or such other nominated member of a Branch shall be a nominated member of the Regional Committee of the Region of the National Trust within which boundaries the Branch is located and during such appointment shall have the right to attend meetings of the Regional Committee and to speak thereat with full power to vote in its proceedings.

Vacancies
in Branch
Committees

28. If an elected member of a Branch Committee dies or resigns, the Branch Committee may appoint in his place another member to be a member of the Branch Committee, and any member appointed under this section shall continue as a member of the Branch Committee until the next annual general meeting of the Branch after such appointment.

Powers of
the Branch
Committees

29. (1) The affairs of a Branch shall be administered by its Branch Committee for the Council of the National Trust in accordance with such orders directions rules and policy as may from time to time be directed by the Council of the National Trust.

(2) Each Branch Committee shall enforce such

regulations as the Council of the National Trust shall deem applicable to the properties placed by it under the management of the Branch subject to the conditions laid down in Rule 40.

(3) A Branch Committee shall not have the power to acquire or accept any gift of property being land or buildings as agent for the National Trust but may make reports and recommendations to the Council of the National Trust through its Regional Committee in regard thereto. The Branch Committee shall have no power to borrow money or give security on any property of the National Trust or to lease land or enter into any covenant in regard thereto or to commit the National Trust for any expenditure on the maintenance of any property in excess of 300 dollars, or such sum as the Council of the National Trust may otherwise decide, in any one year, without the prior approval of the Council.

(4) The Branch Committee shall ensure that all property of the National Trust under its management shall be properly maintained and kept intact but shall not be responsible for financing the maintenance of any property.

30. The Branch Chairman shall preside at Branch Committee meetings. If the Chairman is unable to attend a meeting of the Branch Committee the Branch Committee shall elect from among those present a chairman to preside at such meetings. Chairman of Branch Committees

31. The Branch Committee may appoint such honorary officers and servants from among its members as it from time to time thinks desirable including honorary secretary and honorary treasurer and may determine such appointments from time to time. Officers and servants

32. The Branch Committee may appoint from its own number any committee for any special purpose relating to the affairs of the Branch and may add to such committee for such length of time as it considers necessary any member of the National Trust or other person whose aid it judges useful to forward the objects of the National Trust. Committees and Sub-Committees

33.(1) Where in the opinion of the Regional Committee a detached group of members exists within the boundaries of a Branch, and the formation of another Sub Branches

branch in respect thereof is not warranted, then such group may, at the request of the Branch and with the approval of the Regional Committee, be referred to as the (insert the name) Sub- Branch of the (insert the name) Branch of the National Trust of Australia (Northern Territory).

(2) A Branch shall be responsible for all acts of its Sub-Branches and a Sub-Branch shall not be recognised outside the boundaries of its Branch.

(3) All communications from or to a Sub- Branch shall be made through the Branch of which the Sub-Branch forms a part.

(4) The Branch Committee shall appoint a sub-committee for each sub-branch and each sub-committee shall be responsible to the Branch Committee.

Minutes

34.(1) The Branch Committee and every sub-committee appointed as aforesaid shall cause minutes to be taken of all proceedings at each of its meetings.

(2) Any minutes made at a meeting of a Branch Committee or sub-committee if signed either at the meeting at which the proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the Chairman of the Branch Committee or chairman or acting chairman of a sub-committee appointed by the Branch Committee shall be receivable as evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved, every meeting of the Branch Committee or sub-committee shall be deemed to have been duly convened and held.

Accounts
and
subs-
criptions

35.(1) Every Branch of the National Trust shall keep proper books of account of all its income and expenditure and shall prepare a statement of all income and expenditure at least once a year covering a period of 12 months from January 1st to December 31st. A copy of the aforesaid statement shall be forwarded to the Secretary/Director of the Region of the National Trust of Australia (Northern Territory) in which the Branch is located within one month of the close of each financial year.

(2) All subscriptions received by a Branch shall be advised as early as practicable to the Region of the

National Trust in which the branch is located. Half the subscription received shall be retained by the branch and half remitted to the Regional Office of the National Trust or such amount as the Council of the National Trust may from time to time determine.

(3) No Branch of the National Trust shall be responsible for collecting the subscriptions of members unless so directed by the Council of the National Trust.

(4) Every Branch shall open a bank account at a Bank to be approved by the Council of the National Trust.

(5) Each Branch account shall be in the name of the Branch and all funds raised by gift or fund-raising activities of the Branch shall remain in the Branch account and be applied locally for the furtherance of the objects of the National Trust in that area.

(6) The Branch Committee shall appoint at least 2 members to sign cheques and all cheques drawn on a Branch account shall be signed by 2 authorized signatories of the Branch Committee.

(7) Each Branch shall appoint some person to be approved by the Council who shall during the month of January in each year audit the Statement referred to in sub-rule (1) hereof.

36. On the formation of a Branch the amount of 100 dollars shall be handed to the newly appointed Branch Chairman to open their books. Branch Grant

37. The Council of the National Trust shall approve the boundaries as determined by a Regional Committee of any Branch which the Council may alter from time to time. Branch boundaries shall wherever practicable be based on well established local government or district boundaries. Boundaries

38.(1) The annual general meeting of a Branch shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings. General meetings

(2) The Branch Committee at each ordinary meeting shall lay before the meeting a report of the work done in the preceding year and a copy of such report shall be sent to the office of the Region of the National Trust in which the Branch is located, at least 7 days

prior to the holding of the ordinary meeting.

(3) The Branch Committee may whenever it thinks fit, or upon a requisition made in writing and signed by 10 or more members of the Branch, convene an extraordinary meeting.

(4) Any requisition made by the members of the Branch shall express the object of the meeting proposed to be called and shall be left with the Branch secretary.

(5) Upon receipt of such requisition the Branch Committee shall forthwith proceed to convene an extraordinary meeting and if the Branch Committee does not convene the same within 14 days from the date of the receipt of such requisition the requisitionists may themselves convene an extraordinary meeting.

(6) A notice of every general meeting of a Branch and of the agenda shall be given to members of the Branch at such time and in such form and manner as the Branch Committee or Council of the National Trust may from time to time prescribe.

(7) The non-receipt of a notice by any member shall not invalidate the proceedings of any meeting.

(8) 10 members shall form a quorum for a general meeting.

(9) If within one hour of the time appointed for the meeting, convened upon the requisition of members, and being an extraordinary meeting, a quorum be not present, the meeting shall be dissolved. In any other case the meeting may transact such business as it thinks necessary notwithstanding the absence of a quorum.

(10) At every general meeting all matters which come up for the decision of such meeting shall be decided by a majority of votes of the members personally present and voting, by show of hands, unless a poll be demanded as hereinafter mentioned.

(11) The Branch Chairman or in his absence a chairman elected by the Branch Committee shall take the chair at a general meeting.

(12) If neither the Branch Chairman nor chairman elected by the Branch Committee be present, the meeting

shall elect a chairman. The chairman shall if the votes at any general meeting are equal, or if a poll is equally divided, have as well as his own vote a second or casting vote. The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place.

(13) Every member shall have one vote with the exception of the chairman's casting vote.

(14) Except where herein otherwise provided the Rules of the National Trust of Australia (Northern Territory) regarding general meetings shall apply mutatis mutandis to general meetings of each branch.

39. The first annual general meeting shall be held at a date to be determined by the persons who have been duly authorized by the Council of the National Trust to form the Branch, and thereafter at least once every year at such time and place as the Branch Committee may decide, but not later than March 31st in any year. First General Meeting

40.(1) No member of any Branch Committee or member of any Branch shall have the power to execute any documents on behalf of the National Trust of Australia (Northern Territory). Executing Instruments and Notices

(2) Any notice of meeting issued by or on behalf of any Branch of the National Trust shall be deemed to be duly executed if signed by the Branch Chairman or the Branch Secretary.

(3) Every document or letter originating from a Branch shall be so designated and if bearing the signature of an officer of the Branch and his description, the description must be prefixed by the word "Branch".

41.(1) The Council of the National Trust shall have the power to repeal or amend these rules in any manner or at any time it may decide at its own discretion or on the recommendation of any of the Branches. Alteration of these rules

(2) The above mentioned rules shall be binding on every Branch of the Trust and no Branch shall have the power to alter or amend the rules but the Branch

committee may make recommendation as provided in the last preceeding sub-rule.

Litigation

42. No Branch Committee shall engage in any form of litigation except with the express consent of the Council of the National Trust and under the direction of and in the name of the National Trust of Australia (Northern Territory).

Winding up
of Branches

43.(1) If at any ordinary meeting of a Branch, or where a Branch Committee is to be elected, no committee is so elected, then that Branch may at the discretion of the Council of the National Trust be dissolved.

(2) In the event of a Branch being dissolved all cash on hand, Bank deposits and other property whatsoever in the care of or under the control of the Branch will revert to the care of the Regional Committee within whose boundaries the Branch was located.

(3) No Branch will be dissolved by reason of the fact that the committee has ceased to be properly constituted as provided for in Rule 27 (4) hereto provided that the vacancies occurring are filled within 3 months of the committee ceasing to be properly constituted.

44. Except as may be specifically decided by the Council, the Regional Committees of the Trust may exercise any power given by these Rules to the Council.

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Unit Titles Ordinance

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the Unit Titles Ordinance 1976.

Short
title

2. The Unit Titles Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. The Principal Ordinance is amended by inserting after section 8 the following new section:

"8A. The provisions of Part III of the Town Planning Ordinance do not apply to or in respect of a sub-division of land into units and common property under this Ordinance."

Part III of
Town Plan-
ning
Ordinance
not to apply

4. Section 11 of the Principal Ordinance is amended by adding at the end the following sub-section:

Documents to
be included
in proposals

"(3) The proposals shall be accompanied by a document signed by all persons (other than the Crown) having an estate or interest in the parcel of land, being an estate or interest that is registered under the Real Property Act and Ordinance, indicating that those persons consent to the proposed sub-division."

5. Section 15(1) of the Principal Ordinance is amended by omitting paragraph (b) and substituting the following paragraph:

Approval of
sub-
division

"(b) in respect of an application for approval to sub-divide a parcel of leasehold

land - approve the proposal on the condition that -

(i) the registered proprietor is not in breach of a covenant contained in the lease, or a provision of the Ordinance under which that lease was granted, in respect of that lease; and

(ii) the registered proprietor will obtain a grant of an estate in fee simple in the parcel of land under the Freehold Titles Ordinance."

Conditions
of approval

6. Section 16(1) of the Principal Ordinance is amended by omitting paragraph (d) and substituting the following paragraph:

"(d) a building does, or proposed building will, conform -

(i) where there is a town planning scheme under the Town Planning Ordinance affecting the land - to the type and the use specified in the scheme; or

(ii) where there is no such scheme affecting the land and the land is a leasehold parcel - to the covenants contained in the lease."

Conditional
approval of
sub-
division

7. Section 17 of the Principal Ordinance is amended by omitting all words from and including "the condition that" and substituting the following:

"the condition that -

(a) the erection or alteration of, or addition to, the building will be completed in accordance with the proposals; and

(b) where the proposals relate to a parcel of leasehold land - the application for a grant of an estate in fee simple under the Freehold Titles Ordinance will be made after the completion of the erection or alteration of, or addition to, the building,

within such time as is specified in the approval or within such extended time as the Administrator from time to time allows."

8. Section 19 of the Principal Ordinance is amended by omitting all words from and including "proposal" and substituting "proposals if the conditions have been complied with but, in any other case, the Administrator may, in his discretion, grant or refuse to grant final approval of the proposals".

Final approval where conditions complied with

9. Section 20(4) of the Principal Ordinance is amended -

Endorsement of units plan for registration

(a) by adding at the end of paragraph (a) "or"; and

(b) by omitting paragraph (b).

10. Section 23 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

Title to units and common property

"(1) On the registration of the units plan-

(a) the person who was the proprietor of the parcel becomes possessed of an estate in fee simple in each unit; and

(b) the corporation becomes possessed of an estate in fee simple in the common property."

11. Section 35(2) of the Principal Ordinance is amended by omitting "sub-section 3" and substituting "sub-section (3)".

Banking and investment of moneys of corporation

12. Section 81 of the Principal Ordinance is amended by omitting "section (1)" and substituting "section 80(1)".

Insurable interest of corporation

13. Section 104 of the Principal Ordinance is amended by omitting from paragraph (b) "section (2)" and substituting "section 103(2)".

Service of documents

14. Section 108 of the Principal Ordinance is amended -

Application of Rates provisions of Local Government Ordinance

(a) by inserting in paragraph (a) after "Local Government Ordinance" the words ", or the

and Darwin
Rates
Ordinance

Darwin Rates Ordinance where that Ordinance
applies";

- (b) by omitting from paragraph (b) "that Ordinance"
and substituting "those Ordinances"; and
- (c) by omitting from paragraph (c) "that Ordinance"
and substituting "those Ordinances".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Real Property (Unit Titles)
Ordinance

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the
Real Property (Unit Titles) Ordinance 1976.

Short
title

2. The Real Property (Unit Titles) Ordinance is in
this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. Section 7(1) of the Principal Ordinance is
amended by omitting paragraph (c) and substituting the
following paragraph:

Registration
of units
plan

"(c) the duplicate certificate of title for
the relevant parcel;"

4.(1) Section 8(1) of the Principal Ordinance is
amended by omitting "or the lease of the parcel".

Effect of
registration
of units
plan on
interests
in parcel

(2) Section 8(3) of the Principal Ordinance is
amended by omitting "or the lease of the parcel was, in
respect of that parcel or the lease of that parcel" and
substituting "was, in respect of that parcel".

(3) Section 8 of the Principal Ordinance is
amended by adding at the end the following sub-
section:

"(5) In this section -

(a) 'registered proprietor of an easement' and
'proprietor of an easement' include a
person in whose favour an easement is

reserved on a registered lease or certificate of title; and

- (b) a reference to a memorandum creating an easement and the date of its execution includes a reference to the reservation of an easement on a registered lease or certificate of title, and the date of that reservation."

Duties of Registrar-General after registration of units plan

5. Section 9 of the Principal Ordinance is amended by omitting paragraph (a) and substituting the following paragraph:

- "(a) cancel the certificate of title for the parcel and the duplicate of that certificate;"

Provisions applicable in relation to trusts

6. Section 21(1) of the Principal Ordinance is amended -

- (a) by omitting "or the lessee of the parcel, as the case may be,";
- (b) by omitting "or the lease" (first occurring); and
- (c) by omitting "or the lease of the parcel".

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Freehold Titles Ordinance

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

- | | |
|--|--|
| 1. This Ordinance may be cited as the <u>Freehold Titles Ordinance</u> 1976. | Short title |
| 2. The <u>Freehold Titles Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 4 of the Principal Ordinance is amended by inserting after sub-section (2) the following new sub-section: | Application for conversion of leases of town lands or church lands to fee simple |
| "(2A) Without limiting the effect of sub-section (2), a person who is the lessee under a lease of town land that is being used only for a building for a purpose specified in the fourth column of Part I of the Legend in the Second Schedule to the <u>Town Planning Ordinance</u> for a Residential B Zone may, if the land has been approved for sub-division under the <u>Unit Titles Ordinance</u> , apply for a grant to him of an estate in fee simple of all the land included in the lease." | |

THE NORTHERN TERRITORY OF AUSTRALIA

Disposal of Uncollected Goods Bill

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the disposal of unclaimed
and uncollected goods

BE it ordained by the Legislative Assembly for the Northern Territory
of Australia as follows:

PART I - PRELIMINARY

1. This Ordinance may be cited as the
Disposal of Uncollected Goods Ordinance 1976.

Short
title

2. This Ordinance shall come into operation on a
date to be fixed by the Administrator by notice in the
Gazette.

Commencement

3.(1) In this Ordinance unless the contrary
intention appears -

Definitions

"Commissioner" means the Commissioner of Police
appointed under the Police and Police Of-
fences Ordinance;

"court" means a Local Court within the meaning
of the Local Courts Ordinance, presided over by
a Judge or Stipendiary Magistrate;

"order" means an order of the court under this
Ordinance;

"record" means the record required to be kept
by section 18.

(2) For the purpose of this Ordinance, goods are
deemed to be ready for redelivery -

(a) in relation to goods accepted for
inspection, when the inspection has been
carried out;

- (b) in relation to goods accepted for custody, when the period of arranged custody has expired, or, where there is no period of arranged custody, 7 days after they are so accepted;
- (c) in relation to goods accepted for storage, when the period of arranged storage has expired or, where there is no period of arranged storage, 7 days after they are so accepted; and
- (d) in relation to goods accepted for repair or other treatment, when the repair or other treatment has been carried out.

Savings of
other laws

4. This Ordinance shall be read and construed as being in addition to and not in derogation of or in substitution for any other law in force in the Territory.

Ordinance
not to
apply to
certain
bailments

5. This Ordinance shall not apply to a bailment or the possession or other custody of goods to which the Pawnbrokers Act and Ordinance, the Warehousemen's Liens Ordinance or the Innkeepers Act, 1888 of the State of South Australia (in its application to the Territory) apply.

PART II - DISPOSAL OF UNCOLLECTED GOODS OF VALUE NOT EXCEEDING 200 DOLLARS

Application
of Part

6. This Part applies to a bailment of goods which do not exceed 200 dollars in value accepted, whether before or after the commencement of this Ordinance, by a bailee in the course of business for inspection, custody, storage, repair or other treatment.

Right of
bailee to
sell goods

7.(1) Where goods accepted pursuant to a bailment in respect of which this Part applies are -

(a) ready for redelivery; and

(b) there is a failure by the bailor -

(i) to take redelivery of the goods;

(ii) if the terms of the bailment agreement so provided, to give directions as to their redelivery; or

- (iii) to pay the charges lawfully due to the bailee in relation to the goods,

the bailee, while the failure continues, may, subject to the bailment agreement and this Ordinance, sell the goods by public auction or private treaty or otherwise dispose of the goods.

(2) Sub-section (1) does not apply where the bailor's failure to take redelivery arises from -

- (a) a refusal of the bailee to make delivery;
- (b) the bailee preventing the bailor, from taking delivery; or
- (c) the bailee failing to fix the amount of his charges.

8.(1) A bailee shall not attempt to sell goods under this Part unless -

Conditions
as to
disposal
of goods

- (a) he gives notice to the bailor, after the goods are ready for redelivery, that the goods are so ready;
- (b) not less than 3 months after he gives such notice and not less than one month before he attempts to sell the goods, he gives a further notice to the bailor of his intention to sell the goods and gives notice of this intention -

- (i) to every person known to the bailee at the time as having, or claiming to have, an interest in the goods; and

- (ii) to the Commissioner; and

- (c) at least one month before the intended sale he publishes a notice of his intention in the Gazette.

(2) Subject to sub-section (3), a bailee shall not, under this Part, dispose of goods except by public auction in a lot in which no other goods are included.

(3) If the bailee has offered the goods for sale by public auction in circumstances calculated to offer a reasonable prospect of sale and has not succeeded in selling them, he may sell them by private treaty or otherwise dispose of them.

Disputes

9. Where, after notice of intention to sell has been given in accordance with section 8 and, before the goods are sold or otherwise disposed of, a dispute arises between the bailor and the bailee, the bailee's right to sell or otherwise dispose of the goods shall not be exercised unless the dispute is treated as determined under section 10(1), is determined under sub-section (4) of that section, or is otherwise determined.

Determination of disputes

10.(1) A dispute to which section 9 refers shall, without prejudice to any other method of determining it, be treated as determined for the purpose of the section if -

- (a) the bailee give to the bailor notice in writing to treat the dispute as determined; and
- (b) the bailor does not, within one month after he receives the notice, give to the bailee, a notice in writing that the bailor objects to the dispute being treated as determined for the purpose of the section.

(2) Where, under sub-section (1), a dispute is treated as determined, it shall, for the purpose referred to in that sub-section, be treated as having been determined on the date the bailee gives the notice to the bailor in accordance with sub-section (1)(a).

(3) Where, within the period of one month referred to in sub-section (1)(b), the bailor gives to the bailee, a notice in writing that he objects to the dispute being treated as determined for the purpose referred to in that sub-section, either of the parties concerned may make an application to the court.

(4) Subject to sub-section (5), the court to whom an application is made -

- (a) shall determine the dispute; and
- (b) may make such orders as it thinks fit, including the payment of costs.

(5) In exercising its powers under sub-section (4), the court shall have regard to -

- (a) the provisions of this Ordinance; and
- (b) the terms and conditions of any agreement between the parties before it.

PART III - DISPOSAL OF GOODS UNDER
ORDER OF COURT

11. This Part applies to goods, irrespective of their value - Application of Part

- (a) of which a person has possession before the commencement of this Ordinance; or
- (b) of which a person acquires possession after the commencement of this Ordinance,

whether the possession is acquired under a bailment or otherwise.

12.(1) Subject to sub-section (2), where a person has or acquires possession of goods to which this Part applies and - Application for order of court for disposal of certain goods

- (a) he is unaware of the identity or the whereabouts of the person through whom he came into possession of the goods;
- (b) the person through whom he has acquired possession refuses or fails to relieve him of their possession; or
- (c) if the goods are the subject of a bailment-
 - (i) the goods are ready for delivery, but the bailor fails to take redelivery;
 - (ii) the bailment agreement provides that the bailor shall give directions as to redelivery, but he fails to do so; or
 - (iii) the bailor fails to pay the charges lawfully due to the bailee in relation to the goods,

he may apply to the court for an order to sell or otherwise dispose of the goods.

(2) Sub-section (1) does not apply -

- (a) where the person who has or acquires possession of the goods has come by them illegally; or
- (b) in the case of a bailment, where the bailor's failure to take redelivery arises from -

- (i) a refusal of the bailee to make delivery;
- (ii) the bailee preventing the bailor from taking delivery; or
- (iii) the bailee failing to fix the amount of his charges.

Notice to
be given
before
application

13.(1) A person shall not make an application under section 12 unless, not less than one month before he does so, he gives notice in writing of his intention to do so -

(a) where sub-section (1)(a) of that section applies -

(i) to any other person known to him, at the time he gives the notice, as having or claiming an interest in the goods; and

(ii) to the Commissioner;

(b) where sub-section (1)(b) of that section applies -

(i) to the person through whom he came into possession of the goods;

(ii) to every other person having or claiming an interest in the goods; and

(iii) to the Commissioner; and

(c) where sub-section (1)(c) of that section applies -

(i) to the bailor;

(ii) to every other person having or claiming an interest in the goods; and

(iii) to the Commissioner.

(2) Where the person desiring to dispose of goods under this Part is unable to comply with sub-section (1)(a), it shall, unless the court otherwise orders, be sufficient for him to give to the Commissioner the notice required by that sub-section.

14.(1) Where an application is made under section 10, the court may make an order authorizing the applicant to sell or otherwise dispose of the goods.

Order to
sell or
dispose of
goods

(2) An order for the sale or disposal of goods may-

- (a) fix the rate of storage charges for the goods;
- (b) fix the expenses that may be incurred on the sale or disposal of the goods; and
- (c) impose conditions on the sale or disposal of the goods.

(3) Upon the hearing of an application, the court may-

- (a) give such directions as to the matter; and
- (b) make such other orders (including the payment of costs),

as it thinks fit.

(4) Costs awarded pursuant to sub-section (3) may be recovered as part of the expenses of sale or disposal of the goods.

(5) Where an application is made under section 10, the court may determine the amount of the charges or expenses (if any) lawfully due in relation to the goods, and may order payment of the amount so determined.

(6) In making an order under this section the court shall have regard to the terms and conditions of any agreement or bailment under which the goods the subject of the order were held.

15. A person in whose favour an order for the sale or disposal of goods has been made may, subject to the order and this Ordinance, sell or otherwise dispose of the goods in the manner authorized by the order.

Effect of or-
der to sell
or dispose of
goods

16.(1) A person entitled to possession of goods may, at any time before a sale or disposal of the goods under this Part, recover them from -

Payment
before
sale

(a) a bailee; or

(b) the person in possession of the goods,

by paying or tendering -

- (c) all moneys to satisfy the amount owing on the goods;
- (d) the amount of the charges and costs reasonably incurred by the bailee or person in possession of the goods; and
- (e) the amount of the charges and expenses reasonably incurred up to the time of payment or tender in the giving of notices, the publication of advertisements, the application to a court for the order for sale or the disposal, preparing the goods for sale and all other charges lawfully due to the bailee or person in possession.

(2) If a dispute arises as to the right of the bailor, or the person claiming possession, to the goods, either of the parties concerned may make an application to the court.

(3) If an application referred to in sub-section (2) is made before the goods are disposed of in accordance with an order made under section 14(1), the right under the order for the sale or disposal of the goods shall not be exercised until that application is heard, determined or otherwise disposed of.

(4) If, in an application brought pursuant to sub-section (2), an order is made for the recovery of the goods from the person in whose favour the order for disposal was made, that person's right to dispose of the goods in accordance with the order made under this Ordinance is extinguished.

PART IV - PROCEDURE AFTER SALE OR DISPOSAL

Subsidiary
charges may
be made

17. Where goods are sold or otherwise disposed of under an order for sale or disposal, then, unless the order otherwise specifies, the person authorized to dispose of the goods under the order may recover from the proceeds of sale -

- (a) a reasonable charge for the storage of the goods during the period beginning with the date of the order and ending with the date of sale or other disposal, not exceeding a charge at the rate, if any, specified in the order;

- (b) the expenses of, or in connexion with, the sale or other disposal not exceeding the amount, if any, specified in the order; and
- (c) the cost, if any, of insuring the goods during the period referred to in paragraph (a).

18.(1) Where goods are sold -

Procedure
after
disposal
of goods

- (a) the amount by which the gross proceeds of sale exceed the outstanding charges of a bailee or person in whose favour an order under Part III was made may be recovered, in a court of competent jurisdiction, by the bailor or person as a debt due to him by the bailee, or person in whose favour an order was made; and
- (b) the amount by which the bailee's outstanding charges, or those of the person in whose favour an order under Part III was made exceed the gross proceeds, of sale of goods may be recovered, in a court of competent jurisdiction, by the bailee or person as a debt due to him by the bailor or the person against whom an order was made.

(2) Where goods are disposed of otherwise than by sale, the amount of the bailee's outstanding charges or those of the person in whose favour an order under Part III was made may be recovered by the bailee or person in a court of competent jurisdiction as a debt due to him from the bailor or person against whom an order was made.

(3) Where goods are sold or disposed of under Part II, references, in this section to the charges of a bailee in relation to goods shall, subject to the terms of any agreement between the bailor and the bailee, be construed as referring to the amount agreed upon for the inspection, custody, storage, repair, or other treatment and the cost of transporting the goods to the premises used by the bailee or, if no amount has been agreed upon, a reasonable charge therefor and additional amounts in respect of -

- (a) the storage of the goods during the period beginning with the date of the notice that goods are ready for redelivery;

- (b) the costs of, or in connexion with, the sale or other disposal including the reasonable and necessary expenses incurred by the bailee in serving notices and in publication of advertisements; and
- (c) the cost, if any, of insuring the goods during the period referred to in paragraph (a).

**Record of
sale or
disposal**

19. (1) A person authorized to sell or dispose of goods pursuant to this Ordinance shall, within 7 days of the sale or disposal, prepare a record containing -

- (a) a sufficient description of the goods;
- (b) if the goods have been sold -
 - (i) the date and place of the sale;
 - (ii) the name and address of the place of business of the person who conducted the sale;
 - (iii) the amount of the gross proceeds of the sale; and
 - (iv) the amount of any sum paid to the person authorized to sell or dispose of the goods on account of his charges prior to the sale;
- (c) if the goods have been disposed of by gift, the name and address of the person to whom the goods were given;
- (d) if the goods have been destroyed, the name and address of the person by whom they were destroyed;
- (e) if the goods have been disposed of in any other manner, details of the manner of disposal and of the person disposing of them; and
- (f) a statement specifying each item of the charges of the person selling or disposing of the goods in relation to them.

(2) If the sale or disposal is made pursuant to Part II, the person obliged to make the record shall

retain it for a period of 6 years from the date of the sale or disposal and have it available for inspection by the person who at the time of the sale or disposal had, or claimed to have had, an interest in the goods.

(3) If the sale or disposal is made pursuant to Part III, the person obliged to make the record shall, within 14 days, lodge the record with the clerk of the court in which the order for sale or disposal was made.

(4) A person who had, or claims to have had, at the time of the sale or disposal of the goods under an order for sale or disposal an interest in the goods is entitled to inspect a copy of the record in relation to the goods lodged with the clerk of the court under sub-section (3).

(5) A person who -

(a) fails to comply with any of the provisions of sub-section (1) or (2); or

(b) lodges a document for the purposes of that sub-section that, to his knowledge, is false in a material particular,

is guilty of an offence.

PART V - GENERAL

20.(1) Where, after goods have been sold or have been disposed of by virtue of the provisions of this Ordinance, and the seller has deducted the charges in relation to those goods which he is entitled to make, there remains a surplus of moneys in the hands of the seller, the seller shall, within 28 days after the sale or disposal -

Disposal of
net proceeds
of sale of
goods

(a) if he is aware of the whereabouts of the bailor or person against whom an order under Part III was made, pay that surplus to that bailor or person; or

(b) if he is not aware of the whereabouts of the bailor or person against whom an order under Part III was made, pay the moneys to the Administrator and deposit with him a copy of the record.

(2) Where a person to whom sub-section (1)(b) applies complies with that sub-section, the rights against him of any other person in respect of the sum referred to in that sub-section are extinguished.

(3) Upon receipt of moneys pursuant to sub-section (1), the Administrator shall deposit it into a Trust Fund at a bank opened for that purpose.

(4) If no person has, after the expiration of a period of 6 years, claimed the moneys, the Administrator may pay the moneys remaining in the Trust Fund into the Consolidated Revenue Fund.

(5) A person entitled to any money paid to the Administrator in accordance with sub-section (2) shall, subject to sub-section (6), be entitled to recover it from the Administrator.

(6) Where any moneys that have been paid to the Administrator in accordance with sub-section (1)(b) have been paid by him to some person appearing to him to be entitled to the moneys, and those moneys are afterwards claimed by another person, the Administrator shall not be liable to make any payment to that other person, but that other person may have recourse against the person to whom the Administrator has paid the moneys.

(7) A person who fails to comply with the provisions of sub-section (1) or who furnishes a document for the purposes of sub-section (1)(b) which is to his knowledge false in a material particular is guilty of an offence.

(8) In this section "seller" means -

- (a) a bailee; or
- (b) a person in whose favour an order for authorizing the sale of goods is made.

Power of
court to
re-open
transactions

21.(1) Where it appears to a court that -

- (a) the method of a sale or disposition; or
- (b) the price or consideration received,

in a sale or disposition of goods in accordance with the provisions of this Ordinance is unfair -

- (c) to the bailor;
- (d) to the person through whom possession was obtained; or
- (e) for any other reason,

the court may re-open the transaction.

(2) In re-opening a transaction under sub-section (1), the court may -

(a) order that an account be taken between the parties concerned; and

(b) make such further orders as it thinks fit.

22.(1) All applications to the court under this Ordinance shall be commenced by application in the form prescribed.

Procedure
for
application
to court

(2) An application under this section shall constitute a plaint under the Local Courts Ordinance and shall be served in the same manner as a summons under that Ordinance.

(3) Subject to the provisions of this section, the procedure applying to a plaint under the Local Courts Ordinance shall, wherever appropriate, apply to an application under sub-section (1).

(4) Where the Local Courts Ordinance and the rules made under that Ordinance provide no appropriate procedure and there are no regulations made relating thereto, the court may give directions as to the procedure to be adopted.

(5) Subject to sub-section (6) the court shall not hear an application unless it is satisfied that a copy of the application has been served upon all such persons as appear to the court likely to be affected by the application.

(6) Where the court is satisfied, by evidence on oath, that the identity of a person who appears to it to be affected by an application is not known and all reasonable steps that can be taken to establish his identity have been taken, it may proceed to hear and determine the application notwithstanding that a copy of the application has not been served on that person.

(7) Where the court considers it necessary, it may order substituted service of the application or service in such manner as may appear appropriate.

(8) Nothing contained in the Local Courts Ordinance shall deprive the court of jurisdiction to hear and determine an application under this section.

23.(1) A person who acquires goods sold or Title of

persons
acquiring
goods

otherwise disposed of in the exercise or purported exercise of the powers given under this Ordinance obtains a good title to the goods if he acquires them in good faith and without notice of -

- (a) any failure, arising in connexion with the sale or other disposal of the goods, to comply with a provision of this Ordinance; or
- (b) any lack of title in the bailor or other person who has given possession of the goods to the person effecting the sale or other disposal of them under this Ordinance.

(2) In a civil proceedings by or against a bailee, or a person, authorized by the provisions of this Ordinance to sell or otherwise dispose of goods, the burden of proving that the provisions of this Ordinance relating to the sale or other disposal of those goods have been complied with lies on that bailee or person.

Provisions
as to
notices

24.(1) This section applies to -

- (a) notices that goods are ready for redelivery;
- (b) notices of intention to sell or otherwise dispose of goods;
- (c) notices of intention to apply to the court for an order to sell or otherwise dispose of the goods; and
- (d) notices to treat a dispute as determined.

(2) A notice to which this section applies shall be in writing and shall contain -

- (a) the names and addresses of the bailor and the bailee or, where Part III applies, the name and address of the person in possession of the goods with an account of how the goods came into his possession, including the place and date of possession and, where possible, the name and address of the person through whom possession was acquired;

- (b) a sufficient description of the goods to which it relates and of the place where they are situated; and
- (c) a statement indicating the Part of the Ordinance pursuant to which the notice is given.

(3) A notice that goods are ready for redelivery, in addition to containing the matters referred to in sub-section (2) that apply to the notice, shall state -

- (a) that the goods are available for redelivery by the bailee to the bailor;
- (b) the place at which they are so available;
- (c) the amount, if any, the bailee claims is due to him as charges in relation to the goods and the manner in which that amount has been calculated; and
- (d) that, unless the bailor -

- (i) takes or gives directions for redelivery of the goods; or

- (ii) gives to the bailee a notice in writing that he disputes all or any of the matters contained in the notice that the goods are ready for redelivery,

the bailee will in accordance with this Ordinance sell or otherwise dispose of the goods or apply to the court for such an order under Part III.

(4) A notice of intention to sell or otherwise dispose of goods, in addition to containing the matters referred to in sub-section (3) that apply to the notice, shall state -

- (a) the value of the goods;
- (b) the date on which the bailee gave to the bailor notice that the goods were ready for redelivery; and
- (c) that, unless within one month -
 - (i) the person to whom the notice is

given pays the charges due on the goods and gives directions for the redelivery of the goods to him; or

- (ii) the person to whom the notice is given gives written notice to the person giving the notice that he claims the value of the goods exceeds 200 dollars,

the person giving the notice intends to sell or otherwise dispose of the goods.

(5) A notice of intention to make an application to the court for an order to sell or otherwise dispose of any goods, in addition to containing the matters referred to in sub-section (2) that apply to the notice, shall state -

- (a) where the bailee has given notice that the goods are ready for redelivery, the date he gave it; and
- (b) where there has been a dispute between the bailor and the bailee in relation to the goods and the dispute has been determined, the manner in which and the date on which, it was determined; and
- (c) that, unless not more than one month after the person giving the notice has given the notice, the person to whom notice is given pays any charges lawfully due on the goods and takes, or gives directions for, redelivery, the person giving the notice intends to make an application to the court for an order to sell or otherwise dispose of the goods in accordance with this Ordinance.

(6) A notice to treat a dispute as determined, in addition to the matters referred to in sub-section (2) that apply to the notice, shall state -

- (a) the nature of the dispute and the manner in which it arose;
- (b) where relevant, that the goods are available for redelivery to the person to whom the notice is given;

- (c) the place at which they are so available;
and
- (d) that unless not more than one month after the notice has been given, the person to whom notice is given pays the charges lawfully due on the goods and takes, or gives directions for redelivery of them the person giving the notice will sell or otherwise dispose of the goods in accordance with this Ordinance.

25. A person who contravenes or fails or neglects Offence to comply with a provision of this Ordinance is guilty of an offence.

Penalty: 400 dollars or imprisonment
for 3 months or both.

26. The Administrator in Council may make Regulations regulations, not inconsistent with this Ordinance, prescribing all matters and things which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Trespassers (Temporary Provision)
Ordinance

BE it ordained by the Legislative Assembly for the Northern Territory
of Australia as follows:

1. This Ordinance may be cited as the Trespassers Short
(Temporary Provision) Ordinance 1976. title
2. the Trespassers (Temporary Provision) Ordinance Principal
is in this Ordinance referred to as the Principal Ordinance
3. Section 4(1) of the Principal Ordinance is Definition
amended by omitting the definition of "trespasser" and
substituting the following definition:

" 'trespasser' in relation to a piece or parcel
of land, means a person who entered on that
land without any right or title to, or
interest in, that land and since that time of
entry has not at any time had a right or title
to, or interest, in that land."
4. Section 7 of the Principal Ordinance is
repealed and the following sections substituted:

"7.(1) A person who has served or displayed or Application
caused to be served or displayed a notice under section for time
6 may, after 24 hours after the notice has been served for hearing
or displayed, apply to the clerk of the Local Court of
Darwin for a time to be set for the hearing of an
application in chambers by a stipendiary magistrate
appointed or holding office under the
Justices Ordinance for an order for recovery of
possession of the land.

"(2) Where an application is made under sub-section (1) for the setting of a time for a hearing, the clerk shall, set a time for the hearing not later than 4 working days after that application.

"(3) The applicant shall, at least one clear working day before the time set for the hearing, cause an advertisement to be published in "The Northern Territory News" indicating the day and time on which the hearing of the application will be held.

Person may
appear as
respondent

"7A.(1) A person who is served with a notice under section 6, or who claims a right to be on the land to which a notice under that section relates, may appear as respondent at the hearing of an application for an order for recovery of possession of the land.

Making of
order

5. Section 8 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-sections:

"8.(1) Where an application is made to a magistrate under section 7(1), the magistrate shall hear the application and shall hear the evidence and submissions of the respondent and the evidence of such other persons as he thinks fit.

"(1A) Where no respondent appears at the hearing of an application under section 7(1) the magistrate shall hear the application ex parte.

"(1B) Subject to sub-section (2) and to sections 9 and 10, if the magistrate is satisfied that there are reasonable grounds for believing -

- (a) that the applicant is entitled to immediate possession of the land or is reasonably acting as an employee or agent of a person who is or a body corporate that is so entitled;
- (b) that the person served with the notice is a trespasser on the land;
- (c) that the notice was duly served and has not been complied with; and
- (d) the applicant caused an advertisement to be published in accordance with section 7 (3),

he may make an order for recovery of possession of the land."

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

"(4) Upon the hearing of an application under section 8, the magistrate may, where he is satisfied that the application is an abuse of the jurisdiction of the Court or the magistrate conferred by this Ordinance, order, in the nature of a penalty, that the applicant pay to the respondent, or to the Court where there is no respondent, an amount not greater than 3 times, the amount of costs that the magistrate might, but for this sub-section have awarded to the respondent, or to a respondent had he appeared at the hearing."

Removal
into
local
court

7. The Principal Ordinance is amended by omitting from the Schedule, Forms 1 and 2 and substituting the following forms:

Schedule

"FORM I

Section 6

THE NORTHERN TERRITORY OF AUSTRALIA

Trespassers (Temporary Provision) Ordinance

NOTICE TO QUIT

TO
(name of trespasser)

TAKE NOTE that the owner of
(identity of land)

. upon which you are trespassing requires you immediately and permanently -

- (a) to vacate and yield possession of the land;
and
- (b) to remove from the land all your goods and chattels.

It is the intention of the owner, unless you comply with this notice within 24 hours, to make application in chambers to a magistrate of the Local Court of Darwin for an order for recovery of possession of the land.

If you wish to make submissions to the magistrate at the hearing of the application, you should contact the clerk of the Local Court of Darwin at the court office (telephone 816461) to be advised of the time that the application will be heard and attend that hearing.

A notice advising of the time of the hearing will be published in "The Northern Territory News" at least one working day before the time of the hearing.

.....
(Signature of owner, or of
employee or agent for the owner)

.....
(name and address of owner)

.....
(date of service)

"FORM 2

Section 6

THE NORTHERN TERRITORY OF AUSTRALIA

Trespassers (Temporaary Provision) Ordinance

NOTICE TO QUIT

TO ALL TRESPASSERS

TAKE NOTE that the owner of this land requires all trespassers immediately and permanently -

- (a) to vacate and yield possession of the land; and
- (b) to remove from the land all their goods and chattels.

It is the intention of the owner, unless all trespassers comply with this notice within 24 hours of the date hereunder, to make application in chambers to a magistrate of the Local Court of Darwin for an order for recovery of possession of the land.

It is an offence (Penalty: 500 dollars or imprisonment for 3 months) to take down, remove, damage, disfigure, cover or otherwise interfere with

this notice.

If you wish to make submissions to the magistrate at the hearing of the application, you should contact the clerk of the Local Court of Darwin at the court office (telephone 816461) to be advised of the time that the application will be heard and attend that hearing.

A notice advising of the time of the hearing will be published in "The Northern Territory News" at least one working day before the time of the hearing.

.....
(Signature of owner, or of
employee or agent for the owner)

.....
(name and address of owner)

.....
(date of service)

THE NORTHERN TERRITORY OF AUSTRALIA

Seeds Bill

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To regulate the sale of seeds, to provide
for the inspection and grading of seeds,
and for other related purposes

BE it ordained by the Legislative Assembly for the Northern Territory
of Australia as follows:

1. This Ordinance may be cited as the Seeds
Ordinance 1976.

Short
title

2. This Ordinance shall come into operation on a
date to be fixed by the Administrator by notice in the
Gazette.

Commencement

3. In this Ordinance, unless the contrary
intention appears -

Definitions

"accepted seed certification scheme" means a seed
certification scheme, whether in operation in
Australia or elsewhere, which has not been
declared by the Administrator by notice in the
Gazette as one unsatisfactory for the purposes
of this Ordinance;

"approved" means approved in writing by the
Senior Seed Testing Officer;

"denature" means to alter seeds in such a
manner as to render them incapable of life and
growth;

"examination" includes an analysis or test
or any combination of these;

"exempted sale" means a sale of seeds where
the mass or value of the seeds sold does not
exceed the mass or value (whichever is
applicable) prescribed;

"foreign ingredients", in relation to any kind of seeds, means weed seeds, inert matter, other crop seeds and any other things prescribed as foreign ingredients;

"germination" means germination of pure seed;

"hybrid" means a hybrid as prescribed;

"injurious weed seeds" means bulbs, corms, seeds or tubers prescribed as injurious weed seeds;

"Inspector" means a person appointed under section 5(2);

"label" includes a tag or sticker;

"packaging" means, in respect of seeds, the enclosure of the seeds in the parcel in which they are to be sold;

"parcel" includes barrel, case, package, packet, sack or any other container;

"pure seed" means pure seed as prescribed;

"seed mixture" means a mixture of 2 or more kinds of seeds, but does not include a mixture where the seeds are mixed, after sale, to a purchaser's requirements;

"seeds" includes seeds to which, or to clusters of which, any fruit or part of a fruit normally adheres, seeds in pods or burrs normally used in agricultural practice and any seeds artificially encased;

"seed testing laboratory" includes a person or body carrying out the testing of seeds, whether in Australia or elsewhere, but does not include a person or body declared by the Senior Seed Testing Officer, by notice in the Gazette, as not being a seed testing laboratory for the purposes of this Ordinance;

"sell" includes -

- (a) selling by wholesale or retail;
- (b) bartering or exchanging;
- (c) selling by auction;

- (d) agreeing to sell;
- (e) offering or exposing for sale;
- (f) keeping or having in possession for sale;
- (g) sending, forwarding or receiving for or on sale; and
- (h) authorizing, directing, causing, suffering or permitting any of the acts mentioned above;

"Senior Seed Testing Officer" means the person appointed under section 5(1) as Senior Seed Testing Officer, and includes a person appointed to act in that office.

4.(1) In this Ordinance, unless otherwise expressly provided, a reference to seeds shall be read and construed as a reference to seeds sold or intended for sale for the purpose of sowing.

Construction
of Ordinance

(2) The provisions of this Ordinance apply to a case where seeds are supplied to a grower within the terms of a written agreement for the growing of a crop which is to be purchased in whole or in part by the supplier of the seeds, and, for the purposes of this Ordinance, the supplier and the grower of the seeds, in such a case, are the vendor and the purchaser respectively.

(3) The provisions of this Ordinance do not apply to seeds to be used for such experimental or breeding purposes as are authorized by the Senior Seed Testing Officer.

(4) The burden of proving that seeds are seeds to which the provisions of this Ordinance do not apply lies on the vendor.

5.(1) The Administrator in Council may appoint a person to be Senior Seed Testing Officer.

Appointment
of Senior
Seed Testing
Officer and
Inspectors

(2) The Administrator in Council may appoint such Inspectors as he considers necessary for the purposes of this Ordinance.

(3) Where -

(a) there is a vacancy in the office of Senior Seed Testing Officer; or

(b) the Senior Seed Testing Officer is, or is expected to be, absent or is unable, for

any reason, to exercise the powers or perform the functions of Senior Seed Testing Officer, the Administrator may, by instrument in writing, appoint a person to act in the office of Senior Seed Testing Officer during the absence or incapacity or until the filling of the vacancy.

(4) While the appointment of a person to act in the office of Senior Seed Testing Officer remains in force, he has all the powers and functions under this Ordinance of that Senior Seed Testing Officer.

Delegation

6.(1) The Senior Seed Testing Officer may, by instrument in writing, delegate to a person or authority all, or any, of his powers, functions and authorities under this Ordinance (except this power of delegation) in relation to a matter or class of matters or to a district or part of the Territory so that the delegated powers, functions and authorities may be exercised by the delegate with respect to a matter or class of matters or the district or part of the Territory specified in the instrument of delegation.

(2) A delegation under sub-section (1) is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Senior Seed Testing Officer.

Sale of seeds

7.(1) A person shall not sell seeds unless -

- (a) the seeds are contained in a parcel bearing on it, or on a label securely attached to it, a clearly written statement setting out the particulars required by sub-section (2);
- (b) the seeds are of the kind or kinds stated on the parcel or label;
- (c) in the case where the seeds are harvested or treated in the Territory, the seeds have been sampled by the method referred to in section 19 and the sample -
 - (i) has been marked so as to be clearly identifiable with the lot of seeds from which it was taken; and
 - (ii) has, been submitted for examination by a seed testing laboratory,

and a statement of the results of the examination has been received from that laboratory;

- (d) in the case of seeds harvested, cleaned or treated outside the Territory -

(i) there is a certificate in the possession of the person who imported the seeds into the Territory which complies with sub-section (4); or

(ii) the seeds have been sampled, the sample has been marked and submitted in the manner required by paragraph (c) for seeds harvested or treated in the Territory and a statement of the results has been received from the seed testing laboratory;

- (e) the seeds contain -

(i) no greater number of injurious weed seeds than the number prescribed; and

(ii) no greater number of seeds affected by a prescribed disease than the number prescribed in respect of that disease;

- (f) the seeds have a germination percentage not less than that stated on the parcel or label;

- (g) in the case of a seed mixture, the percentage of each kind of seed is that stated in the parcel or label;

- (h) the seeds comply with such other standards as are prescribed; and

- (i) the seeds are sold in parcels the mass of which is less than the prescribed mass.

- (2) On every parcel of seeds or label attached to it, there shall be set out -

- (a) subject to sub-section (5), the name of each kind of seed contained in the parcel;

- (b) the reference, brand, code or mark relating to the source of the seeds;

(c) in the case of -

- (i) hybrid varieties, the name of the particular hybrid variety; or
 - (ii) a parcel containing a seed mixture, a notification that it is a seed mixture and a statement of the percentage of each kind of seed in the mixture expressed by mass or number;
 - (d) in a case where seeds are sold in parcels the contents of which are less than the mass prescribed, the month and year in which germination examination of the seeds is due;
 - (e) in the case where seeds, described as horticultural seeds, are sold in parcels the contents of which are greater than the prescribed mass, the pure seed content of the seeds, the month and year of the last germination examination on a sample of the seeds carried out before packaging and the germination of the seeds as shown by the statement of the results of the test;
 - (f) in all other cases, a statement of the pure seed content and germination of the seeds; and
 - (g) such other particulars as may be prescribed.
- (3) Except in the case of an exempted sale, a person who sells seeds shall, for a period of not less than 2 years from the date of sale, keep -

(a) records of -

- (i) transactions relating to the seeds;
 - (ii) treatments applied to the seeds while they were in his possession; and
 - (iii) the results of examinations of samples of the seeds; and
- (b) statements, certificates and invoices, or true copies of them, received or given in connexion with the sale of seeds.

(4) The certificate referred to in sub-section (1)(d)(i) shall be one -

- (a) issued by a seed testing laboratory outside the Territory; and
- (b) which is clearly identifiable with the lot of seeds from which the relevant seeds have been taken.

(5) The provisions of sub-section (2)(a) do not apply to a parcel of seeds containing seeds mixed after sale to a purchaser's requirements but, in such a case, the parcel or label attached to it shall have endorsed on it a statement to the effect that the seeds the parcel contains have been mixed after sale to the purchaser's requirements.

8.(1) In this section, "owner" means -

- (a) the person who has submitted a seed sample for testing by a seed testing laboratory; or
- (b) the person in whose possession were the seeds from which a sample was taken.

Where seeds do not comply with the requirements of the Ordinance

(2) Where it comes to the knowledge of the Senior Seed Testing Officer that the results of an examination of seed carried out pursuant to this Ordinance show that the seeds do not comply with the requirements of this Ordinance, he shall send to the owner a written statement of the results, containing a statement -

- (a) of the reason why the lot of seeds represented by that sample does not comply with the requirements of this Ordinance; and
- (b) that compliance with the provision of this section is necessary.

(3) Where the statement of the Senior Seed Testing Officer shows that the lot of seeds does not comply with the requirements of this Ordinance because of the presence of an excess of seeds affected by a prescribed disease for which it is further prescribed that no further testing of the seeds is permitted, the owner -

(a) shall, within 28 days of receipt of the statement -

- (i) destroy or denature all seeds from which the sample was taken;
- (ii) forthwith, after such destruction or denaturing, make a statutory declaration declaring that the seeds have been so destroyed or denatured (as the case may be), and stating in the declaration the place where, and the method by which, the destruction or denaturing was carried out; and
- (iii) send the statutory declaration to the Senior Seed Testing Officer to reach him not later than 10 days after the destruction or denaturing; or

(b) shall, within 30 days, of the receipt of the statement -

- (i) inform the Senior Seed Testing Officer in writing that he intends to dispose of all the seeds from which the sample was taken in a specified manner, being a manner which does not contravene the provisions of this Ordinance; and
- (ii) state in the information whether or not the seeds are to be disposed of in the Territory.

(4) Where the statement of the Senior Seed Testing Officer shows that the sample of seeds does not comply with the requirements of this Ordinance for a reason other than that stated in sub-section (3), the owner -

- (a) may further treat the seeds, from which the sample was taken and, after treatment, may submit another sample of the seeds to a seed testing laboratory in the manner

referred to in section 7(1)(c), together with a statement that the sample is that of seeds which have been further treated; or

- (b) shall deal with the seeds in either the ways set out in sub-section (3).

(5) Where the owner intends further to treat the seeds pursuant to sub-section (4)(a), but is not able to do so within 28 days of the receipt of the statement of the Senior Seed Testing Officer, he shall -

- (a) forthwith notify the Senior Seed Testing Officer, in writing of his intention further to clean or treat the seeds; and
- (b) state the reason for him being unable to treat the seeds within the stipulated time.

(6) The Senior Seed Testing Officer, if he is not satisfied with the reasons set out by the owner for being unable to treat the seeds within the time stipulated in sub-section (5), shall within 7 days inform the owner in writing of his decision.

(7) Subject to this Ordinance, the owner shall, on the date of receipt by him of the written notification under sub-section (6), or as soon as possible after that date, destroy or denature the seeds.

(8) When an owner has complied with sub-section (7), he shall, within 28 days, comply with the requirements of sub-paragraphs (ii) and (iii) of sub-section (3)(a).

9.(1) Subject to sub-section (2), upon the sale, other than an exempted sale, of seeds, the vendor shall, at the time of the sale, or within 7 days after the delivery of the seeds (whether the seeds are paid for at the time of the sale or not), give or send to the purchaser an invoice readily identifiable with the lot of seeds sold and containing the statements required by this Ordinance.

Invoice to
be given
by vendor

(2) Sub-section (1) does not apply in the case of seeds prescribed as horticultural seeds where -

- (a) the invoice is not delivered to the purchaser with the seeds; and

(b) there is not shown, on the parcel or label attached to the parcel -

(i) the date of the most recent germination examination carried out on a sample of the seeds; and

(ii) the result of that examination or, in the case of seeds provided for in section 7(1)(d)(i), the date and result of the examination referred to in the certificate required by that section,

if the vendor delivers with the seeds to the purchaser a docket containing the statements required by this Ordinance.

(3) On every invoice or docket produced in compliance with sub-sections (1) and (2), there shall be clearly written a statement specifically and correctly setting out -

(a) the name and address of the vendor;

(b) the name of each kind of seed included in the sale;

(c) the reference, brand, code or mark appearing on each parcel containing the seeds;

(d) in the case of -

(i) hybrid varieties, the name of the particular hybrid variety; or

(ii) a parcel containing a seed mixture, a notification that it is a seed mixture;

(e) in the case of seeds prescribed for the purpose of this paragraph, the date of the most recent germination examination carried out on a sample of the seeds, and the result of that examination or, where there is a certificate as required by section 7(1)(d)(i), the date and result of the examination referred to in the certificate,

unless that information is shown on the parcel containing the seeds or a label attached to it; and

(f) such other particulars as are prescribed.

(4) In the case of seeds other than seeds prescribed for the purpose of sub-section (3)(e), if particulars as required by that sub-section of the date and result of the most recent germination examination are not shown on the parcel or label or on the invoice or docket, then, in addition to any other statements required by this Ordinance to be set out in the invoice or docket, there shall appear prominently on the invoice or docket a statement that, on the request of the purchaser, the date and result of the most recent germination examination will be given or sent without delay by the vendor to the purchaser.

(5) When the requirements of sub-section (4) have been complied with, then, on the request of the purchaser, the vendor shall, without delay, give or send to the purchaser the date and result of the most recent germination examination.

(6) In a proceeding brought against a vendor for failing, neglecting or refusing -

- (a) to give or send to the purchaser an invoice or docket as required by this Ordinance; or
- (b) to comply with sub-section (5),

the burden of proving that -

- (c) upon the sale an invoice or docket complying with this Ordinance was given or sent; or
- (d) the information required by sub-section (5) was given or sent without delay,

lies on the defendant.

(7) If, in the case of an exempted sale of seeds, an invoice or docket is given or sent by the vendor to the purchaser, then the statements in the invoice or docket shall comply with the provisions of this Ordinance.

Statements
to consti-
tute a
warranty

10.(1) A statement on a parcel, label, invoice or docket or in an agreement, circular or advertisement, relating to seeds, notwithstanding a warranty by the vendor that all particulars contained in it are true and correct.

(2) A statement referred to in sub-section (1) is true and correct if the results of a further examination of the seeds to which the statement relates does not differ from those contained in the statement by more than the prescribed tolerance.

(3) A statement appearing on a parcel, label, invoice or docket, or in an agreement, circular or advertisement, relating to seeds, which purports to exclude, limit or modify the operation of sub-sections (1) and (2), or to preclude any right of action or any defence based on, or arising out of, any warranty or statement relied upon by virtue of those sub-sections, is void.

Right to
submit
sample of
seeds for
examination

11.(1) A person in possession of seeds is, upon payment of the prescribed fee, entitled to have a sample of the seeds examined by the Senior Seed Testing Officer and to receive from him a statement of the results of the examination.

(2) Where a sample -

(a) is taken in such manner as may be prescribed for a particular kind of seed or, failing any prescribed manner, in the manner referred to in section 19; and

(b) is marked so as to be clearly identifiable with the lot of seeds from which it is taken,

the results set out in a statement given under sub-section (1) may be used for trade or advertising purposes, but the statement itself, or a copy of it, shall not be used in an advertisement.

(3) Where the sample is not taken or marked as mentioned in sub-section (2), a person shall not use the statement, a copy of it or the results set out in the statement for trade purposes or as an advertisement.

(4) In this section "seeds" includes seeds whether

or not they are sold or intended for sale for the purposes of sowing.

12.(1) A purchaser intending to submit a sample of seeds for examination by the Senior Seed Testing Officer shall, if the examination is sought with a view to taking legal proceedings, apply to the Senior Seed Testing Officer in writing, within 60 days after the delivery to him of the seeds, requesting that an officer take a sample of the seeds.

Samples sent for examination with a view to taking legal proceedings

(2) The purchaser shall forthwith send a copy of the application to the vendor or to his agent.

(3) In the application to the Senior Seed Testing Officer, the purchaser shall state the address to which the copy has been sent pursuant to sub-section (2).

(4) An Inspector shall -

- (a) within 14 days after the application has been received by the Senior Seed Testing Officer and the prescribed fee paid by the purchaser, take a sample as requested; and
- (b) at least 3 days before taking the sample, notify the vendor and the purchaser of the date and the approximate time when the sample will be taken.

13.(1) An Inspector may -

- (a) at a reasonable time, enter and inspect a place which he believes is kept or used for the sale, storage, delivery, treatment, packaging or other preparation for sale of seeds and he may inspect the seeds;
- (b) require any person at such a place and who is apparently in charge of any records relating to the seeds to produce the records for his inspection, and may inspect and take copies of, or extracts from, any of those records;
- (c) inspect seeds being conveyed by any means of transit apparently for the purpose of sale;

General powers of Inspectors

- (d) require a person, apparently in charge for the time being of seeds, to produce for the Inspector's inspection any parcel in which those seeds are contained, and to permit him to take a sample from the seeds;
- (e) examine and open a parcel containing seeds in any place, or when being conveyed as referred in paragraph (c);
- (f) take samples of seeds for examination by the Senior Seed Testing Officer;
- (g) detain or seize seeds which do not comply, or which he reasonably suspects do not comply, with the provisions of this Ordinance, and he may detain or seize a parcel containing these seeds;
- (h) detain or seize any parcel containing seeds, where the parcel, or a label attached to the parcel, is not marked in accordance with section 7(2); and
- (j) attach a warning tag to, or mark, a parcel of seeds which has been detained or seized.

(2) Where an Inspector has attached a warning tag to or marked a parcel of seeds in accordance with section 13(1)(j), a person shall not remove the seeds, tamper or interfere with the parcel or do any thing in relation to the seeds or parcel contrary to the instructions written on the tag or marked on the parcel.

Duties of
Inspector
when seeds
are detained
or seized

14.(1) Where, for the purpose of an inspection, an Inspector opens a parcel containing seeds, he shall, at the completion of his inspection, to the best of his ability fasten, secure or seal it.

(2) Where an Inspector detains or seizes seeds which do not comply, or which he reasonably suspects do not comply, with the provisions of this Ordinance, he shall forthwith -

- (a) give notice in writing of the detention or seizure -

- (i) to the owner or consignor, if the

name and address of the owner or consignor appear on the parcel enclosing the seeds or any label attached to it, and the address is an address in the Territory; or

- (ii) to the person in whose possession the seeds were found, if the name and address of the owner or consignor do not appear on the parcel enclosing the seeds or any label attached to it, or if the name and address appear but the address is not one in the Territory; and

- (b) take and send to the Senior Seed Testing Officer for examination a sample of the seeds.

(3) In the notice referred to in sub-section (2), the Inspector shall state the reasons why it is alleged that the seeds do not comply with the provisions of this Ordinance.

(4) Where the results of the examination of the sample sent to the Senior Seed Testing Officer show that the seeds comply with the requirements of this Ordinance, the Inspector shall immediately release or return the seeds to the owner or consignor or the person in whose possession the seeds were found (as the case may be).

(5) Where the results of the examination of a sample sent to the Senior Seed Testing Officer show that the seeds do not comply with the requirements of this Ordinance, an Inspector shall -

- (a) in writing, inform the owner or consignor or person in whose possession the seeds were found (as the case may be) of that fact;
- (b) if the seeds are not already the subject of a detention or seizure notice, detain or seize the seeds but, in doing so, he is not obliged again to comply with the provision of sub-section (2)(b); and

(c) after consultation with the owner, consignor or person, submit a report and recommendation to the Senior Seed Testing Officer, within 30 days of the date of the statement of the results of the examination of the sample, as to the action which the owner, consignor or person should take in relation to the seeds.

(6) Where an officer detains or seizes a parcel containing seeds and the parcel or label attached to the parcel is not marked as required by section 7(2), he shall, in writing, direct the owner or consignor of the seeds or the person in whose possession the seeds were found (as the case may be) to make the parcel or label attached to the parcel (as the case may be) comply with that section, and he shall not release the parcel until such direction has been complied with.

(7) Nothing in this section shall be construed so as to limit an Inspector's right to institute legal proceedings in respect of any lot of seeds found not to comply with this Ordinance.

Administra-
tor may
take action
to prevent
further
contraven-
tion

15. The Senior Seed Testing Officer may forward a copy of the report and recommendation of an Inspector made pursuant to section 14(5)(c) to the Administrator who may, in writing, direct the owner, consignor or person to whom the report and recommendation relates, to take such action as the Administrator decides necessary to prevent a further contravention of this Ordinance.

Review of
Administra-
tor's deci-
sion

16. (1) A person aggrieved by a direction of the Administrator made pursuant to section 15 may, within 7 days of the receipt of the Administrator's direction, appeal against it to a Stipendiary Magistrate, appointed under the Justices Ordinance.

(2) An appeal under sub-section (1) shall be by application in writing and be subject to such directions as the Magistrate may determine.

(3) The appellant shall annex to the application referred to in sub-section (2) a statement of the grounds of his appeal.

(4) Notice of the application under sub-section (2) shall be served on the Senior Seed Testing Officer

or such other person as the Magistrate may determine.

(5) The Magistrate may, after the filing of an application under sub-section (2), on the application of the appellant order the suspension of the direction appealed against pending determination of the appeal.

(6) On hearing an appeal under this section, the Magistrate may -

- (a) uphold the Administrator's direction;
- (b) order that it be amended;
- (c) order that the appellant comply with the direction as amended; and
- (d) set aside the decision.

17.(1) Subject to section 16, a person who receives a direction pursuant to section 15 shall comply with the direction within 30 days, and, within 7 days of compliance, shall send a statutory declaration to the Senior Seed Testing Officer stating that he has complied as required.

Requirement
for compli-
ance with
direction

(2) Where an order has been made under section 16(5) and the decision of the Magistrate upholds the direction of the Administrator, the person to whom the direction refers shall comply with that direction within -

- (a) 30 days of the date of the Magistrate's decision; or
- (b) such time as the Magistrate may direct,

and shall within 7 days of compliance furnish the statutory declaration referred to in sub-section (1).

(3) The provisions of sub-section (2) apply to a case where the Magistrate, on hearing an appeal under section 16, orders that the Administrator's direction be amended and the appellant is ordered to comply with that direction as amended.

(4) The seeds that have been detained or seized shall not be released until the statutory declaration required by sub-sections (1) and (2) have been received by the Senior Seed Testing Officer.

Power to
demand,
select and
take
samples

18. Where seeds are kept for sale by retail in parcels the contents of which are less than the mass or value prescribed, an Inspector, on payment or offer of the current market value of the seeds to a person -

(a) selling any of the seeds;

(b) apparently acting as the agent or in the employ of a person referred to in paragraph (a); or

(c) apparently in charge of the seeds,

may demand and select, and may take or obtain, parcels of the seeds for the purpose of taking samples pursuant to this Ordinance.

Manner in
which
sample is
to be
taken

19.(1) Subject to this Ordinance, every sample of seeds shall be taken as provided in this section.

(2) The sample shall be taken from the parcel or parcels in which the lot of seeds is contained and, wherever possible, in the presence of the vendor or his agent, or the owner, consignor or person apparently in charge of the seeds.

(3) A sample taken for the purpose of this Ordinance shall be of a quantity not less than that prescribed for -

(a) seeds of the kind taken; or

(b) the amount of seeds involved.

(4) Portions of seed shall be taken from the parcel or parcels in which the lot of seeds is contained, and these portions shall be mixed thoroughly and divided into 3 samples.

(5) Notwithstanding sub-section (4), when the quantity of seeds contained in the parcel is less than the quantity prescribed in accordance with sub-section (3), additional parcels which purport to contain similar seeds may be taken or obtained, and the contents of 2 or more of these parcels may be mixed together and the mixture divided into 3 samples.

(6) Each sample shall be fastened up and sealed in such manner as its nature permits, and shall be marked in such a manner as to enable it to be clearly identified with the lot of seeds from which it was

taken.

(7) The person taking the samples shall -

- (a) sign his name on each sample;
- (b) write on each sample the date and time when, and the place where, the samples were taken; and
- (c) write on each sample the name of the vendor or his agent, or the owner, consignor or person apparently in charge of the seeds when the samples were taken.

(8) Upon complying with sub-section (7), the person taking the sample shall -

- (a) send or deliver one sample to the vendor or his agent, or the owner, consignor or person apparently in charge of the seeds when the sample was taken;
- (b) send or deliver one sample to the Senior Seed Testing Officer for examination; and
- (c) retain one sample.

(9) Notwithstanding sub-section (8) where, pursuant to section 11, an Inspector takes samples on behalf of a purchaser -

- (a) one sample shall be retained by the purchaser;
- (b) one sample shall be sent or delivered to the vendor; and
- (c) one sample shall be sent or delivered to the Senior Seed Testing Officer for examination.

(10) On receipt of a sample of seeds, the Senior Seed Testing Officer shall examine the sample and give a statement of the results of his examination -

- (a) to the person from whom the seeds were purchased or obtained;
- (b) to the person who took the sample; and
- (c) where the samples were taken on behalf of the purchaser, to the purchaser.

(11) Sub-sections (1) to (10) (inclusive) do not apply to a sample of seeds taken and sent to the Senior Seed Testing Officer for examination by virtue of sections 7, 11 or 20, where the seeds are not taken and sent with a view to taking legal proceedings.

(12) Unless expressly permitted by this Ordinance-

(a) a statement given under this section or a copy of it; and

(b) the results set out in the statement,

shall not be used for trade purposes or as an advertisement.

Inspector
may take
reasonable
samples

20.(1) An Inspector may, in the course of his duties, take a reasonable sample of seeds in the manner prescribed for seeds of the kind taken for examination by the Senior Seed Testing Officer without detaining or seizing, or (except where the seeds are in a parcel referred to in section 18) purchasing or offering to purchase the seeds.

(2) The results of the examination of a sample taken pursuant to sub-section (1) shall not be used in any legal proceedings.

Contraven-
tion with
regard to
sample
deemed a
contraven-
tion with
regard to
whole

21. Where, in a prosecution or proceeding under this Ordinance, a contravention of a provision of this Ordinance is proved in regard to a sample, the contravention shall be deemed to have been proved with regard to the lot from which the sample was taken.

Imported
seeds not
to be sold
in the Ter-
ritory with-
out compli-
ance with
Ordinance

22. All seeds imported into the Territory shall, before being sold, in the Territory, comply with the requirements of this Ordinance.

Seed
certifica-
tion
schemes

23.(1) The Administrator may approve and implement schemes for the purpose of testing and certifying -

(a) the strain, variety, origin or trueness to type; and

(b) the freedom from, or resistance or immunity to, prescribed diseases, of any kind of seeds.

(2) The approval of a scheme in accordance with this section shall be notified in the Gazette.

24.(1) A person shall not, in an invoice, agreement, circular or advertisement relating to seeds or on a parcel of seeds or a label attached to the parcel, use or caused to be used, the words "approved", "certified", "certificated", "verified" or any word of a like kind unless -

Restriction on use of "approved", "certified", "certificated" or "verified"

- (a) the seeds have been certified under this Ordinance; or
- (b) the seeds have been certified in a place outside the Territory under an accepted seed certification scheme; and
- (c) in the case of -
 - (i) seeds from a State of Australia, there is clearly stated in the invoice or agreement that the seeds have been certified in Australia; and
 - (ii) seeds from a country other than Australia, there is clearly stated in the circular or advertisement and on the parcel of seeds or label attached to the parcel the name of the country in which the seeds have been certified.

(2) A statement in an invoice, agreement, circular or advertisement or on a parcel or label attached to the parcel that seeds have been certified as provided in this Ordinance shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor to that effect.

(3) A person shall not sell any seeds as approved, certified, certificated or verified unless the seeds are contained in a sealed parcel.

(4) Sub-section (3) shall not apply to the sale of seeds contained in a parcel the contents of which are less than the mass prescribed.

25.(1) A person shall not, in any invoice, agreement, circular or advertisement relating to seeds

Restriction on use of

"disease free", "disease resistant", "disease immune", &c.

or on any parcel of seeds or on any label attached to the parcel, use or cause to be used -

- (a) the words "disease free", "disease tolerant", "disease resistant", "disease immune" or any word or words intended or apparently intended to imply that any plants grown from the seeds would be tolerant, resistant or immune to disease generally; and
- (b) a word intended or apparently intended to imply that seeds are free from a particular disease, unless the seeds have been certified as being free from that disease under this Ordinance or, in any place outside the Territory, under an accepted seed certification scheme, and the name of the disease is specifically stated.

(2) A statement in an invoice, agreement, circular or advertisement, or on a parcel or label attached to the parcel, that the seeds to which the invoice, agreement, advertisement, parcel or label relates are free from a particular disease shall, notwithstanding any agreement to the contrary, constitute a warranty by the vendor that the seeds have been certified as required by sub-section (1)(b).

Power to demand information

26.(1) An Inspector may require the purchaser of seeds -

- (a) to state the name and address of the vendor from whom he purchased the seeds, and the price charged or paid for the seeds; and
- (b) to produce for inspection a parcel, label, invoice, docket, agreement, circular or advertisement given or sent to him by a vendor of seeds.

(2) A person who fails or refuses to comply with the requirements of an Inspector made pursuant to sub-section (1) is guilty of an offence.

Statement of Senior Seed Testing Officer

27.(1) In any proceedings against a person for an offence against this Ordinance, where a copy of a statement of the results of an examination of seeds issued by the Senior Seed Testing Officer has been served with the summons, the production of the statement is sufficient evidence of the facts in it, unless the defendant, within 7 days after the service

of the summons, has notified the informant that he requires -

- (a) that the said Senior Seed Testing Officer be called as a witness; and
- (b) that the sample in the possession of -
 - (i) the Senior Seed Testing Officer;
 - (ii) the vendor or his agent;
 - (iii) the owner, consignor or person apparently in charge of the seeds or in whose possession they have been found; or
 - (iv) the person or Inspector who took or obtained the sample,

(as the case may be) be produced.

(2) Service of the copy of the statement referred to in sub-section (1) may be proved in the same manner as service of the summons.

28. Where an offence for which a vendor is liable to a penalty has in fact been committed by an agent, that agent is liable to the like penalty as if he was the vendor.

Agent who is actual offender liable in like manner as vendor

29. Where a vendor is charged with an offence against a provision of this Ordinance, he is entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the hearing of the charge and if, after the commission of the offence has been proved, the vendor, proves to the satisfaction of the court -

Exemption of vendor from penalty on conviction of actual offender

- (a) that he had used due diligence to enforce the execution of this Ordinance; and
- (b) that the other person was his agent and had committed the offence in question without his knowledge, consent or connivance and in contravention of his orders,

the other person shall be summarily convicted of such offence and shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings, and the vendor is exempted from penalty.

Simplification of proof in certain cases

30. In a prosecution or other proceedings under this Ordinance instituted by a person authorized by the Administrator, no proof shall be required -

(a) of an order to prosecute or of the particular or general appointment of the person prosecuting; or

(b) of the authority of a person to prosecute.

Forfeiture

31.(1) In the case of a conviction under this Ordinance, the lot or lots of seeds to which the conviction relates may, by order of the court, be forfeited to the Crown.

(2) All seeds forfeited under this Ordinance shall be disposed of as the Administrator directs.

Expenses of examination to be paid for by offender

32.(1) Where a person is convicted of an offence against this Ordinance, the court may order that all fees and other expenses incidental to the examination of any seeds in respect of which the conviction is obtained be paid by the person convicted.

(2) The fees and expenses shall be part of the costs attending the conviction, and are recoverable in the same manner as costs are recoverable.

Purchase of sample deemed a purchase of seeds

33. The purchase and sale of a sample of seeds under this Ordinance for the purpose of examination shall be deemed to be a purchase and sale of the seeds for sowing, unless the vendor proves that the lot of seeds from which the sample was taken was not intended for sowing.

Saving

34. Nothing contained in this Ordinance, and no proceeding taken under it against a person, shall in any way interfere with a right or remedy by civil process which a person aggrieved by a contravention of a provision of this Ordinance might have had if this Ordinance had not been passed.

Offences and penalties

35.(1) A person -

(a) who sells any seeds -

(i) in contravention of this Ordinance; or

(ii) in a parcel which is not marked or labelled in accordance with this Ordinance;

- (b) who, being the vendor of any seeds, fails, neglects or refuses to give to the purchaser an invoice or docket as required by this Ordinance, or sells to the purchaser any seeds which are not solely of the kind specified in an invoice, docket, agreement, circular or advertisement relating to the sale of the seeds;
- (c) who, being in possession of seeds, does not submit for examination or re-examination a sample of the seeds in accordance with the provisions of this Ordinance;
- (d) who refuses to allow an Inspector to take a sample demanded in accordance with this Ordinance, or tampers with any sample taken under this Ordinance;
- (e) who assaults, intimidates or obstructs, or gives, procures, offers or promises a bribe, recompense, inducement or reward to influence, an Inspector in the exercise of his powers or in the discharge of his duties under this Ordinance, or attempts so to do;
- (f) who retakes, or attempts to retake, seeds detained, seized, taken or obtained under this Ordinance, or resists, or attempts to prevent a detention, seizure, taking or obtaining;
- (g) who, without authority (the proof of which lies upon him), opens, alters, breaks, removes or erases a label, mark, warning tag, fastening or seal placed by an Inspector, in pursuance of this Ordinance, upon seeds or upon a parcel containing seeds; or
- (h) who, contrary to the provisions of this Ordinance, uses a statement of the results of an examination of seeds issued by the Senior Seed Testing Officer or a seed laboratory, or a copy of the statement, for trade purposes or an advertisement,

is guilty of an offence and, upon conviction, liable, for a first offence, to a penalty not exceeding 500

dollars, for a second offence, to a penalty not exceeding 750 dollars and, for each subsequent offence, to a penalty not exceeding 1,000 dollars.

(2) A person who contravenes or fails to comply with this Ordinance in a manner not referred to in sub-section (1) is guilty of an offence and, upon conviction, liable to a penalty not exceeding 500 dollars.

Prosecutions

36. A prosecution for a contravention of a provision of this Ordinance may be instituted by a person authorized by the Administrator in writing or, by a person aggrieved under this Ordinance.

Service of notices, &c.

37.(1) A notice, direction, requirement, document or thing to be given, sent or made under this Ordinance to a person is given or made if -

(a) it is delivered by the person by hand; or

(b) it is sent by pre-paid post addressed to him at his address, or his last known address.

(2) The provisions of sub-section (1) apply where, under this Ordinance, a person is obliged to inform or notify another in writing.

Regulations

38.(1) The Administrator in Council may make regulations, - not inconsistent with this Ordinance, prescribing all matters and things which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

(2) Matters which are required or permitted or are necessary to be prescribed for the purposes of this Ordinance may be prescribed for seeds generally or for any particular kind or kinds of seeds, and different prescriptions may be made for different kinds of seeds and for different types and sizes of parcels containing seeds.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

For the Formal Revision of certain Ordinances

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the Ordinances Revision Ordinance 1976.

Short
title

2.(1) Sections 3 and 4 shall be deemed to have come into operation on 11 December 1973.

Commencement

(2) Section 5 shall be deemed to have come into operation on 24 October 1974.

3. Section 3(2) of the Ordinances Revision Ordinance 1973 is amended by inserting after "(wherever occurring)" the words "and, if that expression is immediately preceded by the definite article, by omitting the definite article wherever it so occurs,".

Amendments
of Ordinances - refer-
ential
provisions

4. Section 7(a) of the Ordinances Revision Ordinance 1973 is amended by inserting after "being an" the word "unrepealed".

Amendments
of refer-
ences in
Ordinance to
other
Ordinances
or State
Acts

5.(1) Section 3(2) of the Ordinances Revision Ordinance (No 2) 1974 is amended by inserting after "before" the words "the date that, but for this section, would be".

Ordinance
No. 69 of
1974

(2) Section 4(1) of the Ordinances Revision Ordinance (No 2) 1974 is amended by omitting -

"1941 as amended, after the amendment of section 4A-

'Section 24D "

and substituting -

"1949 as amended, after the reference to and amendment of section 19(1) -

'Section 24(d) ".

Amendments
of certain
Ordinances

6.(1) The Ordinances specified in the First and Second Schedules are respectively amended as provided by those Schedules.

(2) An amendment of an Ordinance provided by the Second Schedule shall be deemed to have come into operation on the date on which the provision amended came into operation.

FIRST SCHEDULE

Section 6

AMENDMENT OF ORDINANCES

Ordinance	Provision	Amendment
<u>Control of Roads Ordinance</u>	Section 5 (definition of "pneumatic tyre")	Omit "tube:", substitute "tube;".
	Section 42(c)	Omit "of this Ordinance".
	Section 50H(d)	Omit " <u>Ordinance.</u> ", substitute " <u>Ordinance.</u> ".
<u>Crown Lands Ordinance</u>	Section 38A(10C)	Omit "The last 2 preceding sub-sections",

Darwin Town
Area Leases
Ordinance

Section 68A(3)
(b)(ii)

substitute
"Sub-sections
(10A) and
(10B)".

Omit " or that
Ordinance as
amended".

Section 68C(3)

Omit ", or that
Ordinance as
amended".

Section 12B(4)

Omit "author-
ize", substi-
tute ",author-
ize".

Section 16AA(3)
(b)(ii)

Omit "or that
Ordinance as
amended".

Section 29AF(1)

Omit "the sub-division",
substitute
", the sub-division".

Firearms
Ordinance

Section 10(2)(b)

Omit "enter",
substitute "he
shall enter".

Third Schedule

Omit "(iv) .32/40",
substitute
"(iv) .32/20".

Freehold Titles
Ordinance

Section 3

Omit from the
definition of
"municipality"
the words "or
that Ordinance
as amended".

Omit the fol-
lowing defin-
itions:

"the Church
Lands Leases
Ordinance"

Motor Vehicles
Ordinance

Section 5(2)

"PART XV - BAILIFF'S FEES AND
COSTS".

Omit.

Section 9(3)(a)

Omit "occupying", substitute
"occupying".

Section 10(5)

Omit "Section", substitute
"section".

Sections 27A(3)(b)
and 27B(6)(b)

Omit "sub-regulation",
substitute "sub-section".

Section 81(3)

Omit "had been not",
substitute "had not been".

Section 103(1D)

Omit "the last 2 preceding
sub-sections", substitute
"sub-sections (1B) or (1C)".

First Schedule -
Form C

Omit "CHANGES", substitute
"CHANGE".

Police and
Police Offences
Ordinance

Section 65A

Omit "(1)".

Section 106

Omit "(1)".

Omit from paragraph (e) "state
or territory", substitute
"State or Territory".

Ports Ordinance

Section 17(3)

Omit "Council" (twice occurring)
substitute "Assembly".

Section 27(1)

Omit "the last preceding
sub-section", substitute
"section 26".

Public Service
Ordinance

Section 8(10)

Omit "the last 2 preceding
sub-sections", substitute
"sub-section (8)".

Section 22(c)

Omit "with", substitute "within"

Tourist Board
Ordinance

Section 21(3)

Omit "Council" (twice
occurring), substitute
"Assembly".Workmen's
Compensation
Ordinance

Section 9(6)

Omit "the last 2 preceding
sub-sections", substitute
"sub-sections (5) and (5A)".

SECOND SCHEDULE

Section 6

AMENDMENT OF ORDINANCES

Ordinance	Provision	Amendment
<u>Control of Roads Ordinance</u> 1974	Second Schedule	<p>Omit "55 inches", substitute "55 feet 6 inches".</p> <p>Omit "42(a)(c) and (d)", sub- stitute "43(a),(c) and (d)".</p> <p>Omit "inches" (last occurring), substitute "inches (twice occurring)".</p>
<u>Juries Ordinance</u> (No 2) 1974	Section 5(a)	Omit "(b)", substitute "(a)".
<u>Justices Ordinance</u> 1974	Schedule	<p>Omit from the amendment of section 57A(4) "a" and "the", and substitute "A" and "The" respectively.</p> <p>Omit from column 1 -</p> <p>"131B 131B(b)", substitute -</p> <p>"131E 131E(b)".</p> <p>Omit from the first amendment of section 162(1) "any" and "the", and substitute "Any" and "The" respectively.</p>

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To validate certain appointments as members
of the Police Force.

BE it ordained by the Legislative Assembly for the Northern Territory
of Australia as follows:

1. This Ordinance may be cited as the **Short**
Police and Police Offences (Appointments Validation) **title**
Ordinance 1976.

2. If the Administrator in Council makes the **Administrator**
regulation specified in the Schedule, to amend the **in Council**
Police Regulations made under the Police and Police **may make**
Offences Ordinance, then the Administrator in Council **regulations**
may make the operation of that regulation retrospective
to a date not earlier than 29 August 1974.

THE SCHEDULE

AMENDMENT OF THE POLICE REGULATIONS

(1) Regulation 16(1) of the Police Regulations is **Qualifica-**
amended - **tions for**
appointment

(a) by adding at the end of paragraph (b) "and";

(b) by omitting from the end of paragraph (c)
"and"; and

(c) by omitting paragraph (d).

(2) Regulation 16(2) of the Police Regulations is
amended -

(a) by adding at the end of paragraph (b) "and";
and

(b) by omitting paragraphs (d) and (e).

(3) Regulation 16 of the Police Regulations is amended by omitting sub-regulation (3).
