

BILLS INTRODUCED

11-13 February 1975

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To regulate Caravan Parks and Camping Areas
and the Use of Caravans and Tents on Residential
Land

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

1. This Ordinance may be cited as the *Caravan Parks Ordinance 1975*. Short title

2. (1) The Administrator in Council may declare, by notice in the *Gazette*, that this Ordinance applies in a specified part of the Northern Territory. Application

(2) This Ordinance applies in and only in those parts of the Northern Territory in relation to which a declaration has been made under sub-section (1).

3. In this Ordinance, unless the contrary intention appears— Definitions
“caravan” means a movable dwelling that is capable of being registered under the *Motor Vehicles Ordinance* or which would be capable of registration as a trailer under that ordinance upon the addition of wheels;
“Chief Inspector” means the Chief Inspector of Caravans appointed under this Ordinance;
“inspector” means an inspector of caravan parks appointed under this Ordinance, and includes the Chief Inspector and any Inspector of Health appointed under the *Public Health Ordinance*.

4. (1) Subject to this Ordinance, a person is operating a caravan park or camping area for the purposes of this Ordinance if he receives from another person payment as consideration for permitting that other person to erect or live in a tent or park or live in a caravan on land in which that first-mentioned person has an interest. Caravan parks
or camping
areas

(2) A person is not operating a caravan park or camping area on land for the purposes of this Ordinance if the number of tents erected and caravans parked on the land is less than 3.

5. The Administrator in Council may appoint a person to be the Chief Inspector of Caravans. Chief Inspector
of Caravans

Inspectors of
caravans

6. The Administrator may appoint persons to be inspectors of caravans.

Inspector may
enter land

7. An inspector may enter upon any land on which a caravan is situated or a tent is erected to ascertain whether any person is living in that caravan or tent.

Powers of
inspectors

8. (1) Where a person is living on a piece or parcel of land in a caravan or tent, an inspector may, at any reasonable time, enter upon the land and inspect—

- (a) the caravan or tent;
- (b) all buildings and amenities that are available on that land for the use or benefit of that person; and
- (c) all things on the land that are, or could be, a source of health, safety or fire hazard.

(2) A person who occupies, is employed on or has an interest in land that is inspected under this Ordinance shall give every reasonable assistance to the inspector.

(3) Without limiting the generality of sub-section (2), a person who occupies, is employed on or has an interest in land that is inspected under this Ordinance shall, if the inspector so requests, make available to the inspector such information or documents as that person has or has access to concerning the standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installation of places inspected.

Penalty: 500 dollars.

Inspector to
consider certain
matters

9. An inspector shall have particular regard to the matters listed in the Schedule.

Report on
inspection

10. Where an inspector makes an inspection under this Ordinance—

- (a) he shall make a written report on the inspection to the Chief Inspector; and
- (b) the Chief Inspector shall deliver or forward, by post or otherwise, to the person by whose permission the caravan or tent was on the land a written report itemizing the matters inspected and indicating, in relation to each matter, whether the Chief Inspector was satisfied with the results of the inspection.

Orders by Chief
Inspector in
respect of any
land

11. Where a person is living in a caravan or tent, or is permitting another person to live in a caravan or tent, other than in a caravan park or camping area, the Chief Inspector may, if, in his opinion, such action is necessary to avoid or abate a health, safety, or fire hazard, by notice in writing served on an owner or occupier of the land, order the person upon whom the notice is served—

- (a) that a caravan or tent be removed from the land either permanently or until specified action is carried out;
- (b) that the number of persons living in caravans and tents on that land not exceed a specified number;
- (c) that a caravan or tent be resited on the land;
- (d) that specified amenities, or further amenities, be provided on the land for the use or benefit of persons living on the land in caravans or tents;

- (e) that the standard of specified caravans or tents or the standard of specified amenities provided on the land for the use or benefit of persons living on the land in caravans or tents be improved in a specified manner; or
- (f) that any other specified action be taken to avoid or abate a health, safety or fire hazard on the land.

12. Where a person is operating a caravan park or camping area on land, the Chief Inspector may, by notice in writing delivered, by post or otherwise, to that person, order—

Orders by Chief Inspector in respect of caravan parks or camping areas

- (a) that a caravan or tent be removed from the land either permanently or until specified action is carried out;
- (b) that a caravan or tent be resited on the land;
- (c) that the number of caravans or tents on the land or on an area of the land be limited to a specified number;
- (d) that caravans or tents be not placed on the land or on an area of the land except on specified sites or on specified parts of the land or area;
- (e) that specified buildings or amenities, or further buildings or amenities, be constructed or provided on the land or an area of the land for the use or benefit of person living on the land in caravans or tents; or
- (f) that the standard of specified caravans or tents or the standard of specified amenities provided on the land for the use or benefit of persons living on the land in caravans or tents be improved in a specified manner; or
- (g) that specified action be taken to avoid or abate a health, safety or fire hazard on the land.

13. Where the Chief Inspector orders that an action be taken, the order shall specify the time within which the action must be taken.

Order shall specify time, etc.

(2) In making an order that an action be taken that will involve the loss of money or the expenditure of money by the person in receipt of the order, the Chief Inspector shall have regard to economic considerations.

14. The Chief Inspector may at any time, by agreement with the person in receipt of an order under this Ordinance, amend the order.

Chief Inspector may amend order

15.(1) A person who receives an order from the Chief Inspector under this Ordinance shall comply with the order, or the order as amended from time to time.

Person shall obey order

Penalty: 2000 dollars.

(2) Where a person is convicted of an offence against sub-section (1), the court may make any order that the Chief Inspector is empowered to make under this Ordinance and an order so made by the court has effect as an order made by the Chief Inspector.

(3) Where the court makes an order under sub-section (2), the person against whom the order is made shall comply with the order.

Penalty: 2000 dollars.

(4) Where a person is convicted of an offence against sub-section (3), the court may authorize the Chief Inspector to take specified action in rela-

tion to the order or in relation to the land and, where it does so, the reasonable cost of taking that action is a debt due and payable by the person convicted to the Chief Inspector.

Compliance
with other laws

16. The Chief Inspector shall not make an order if compliance with the order would cause a contravention of any other law in force in the Northern Territory regulating the use of land.

Obligations of
operator of
caravan park or
camping area

17. A person who is operating a caravan park or camping area shall—

- (a) maintain the land in a clean and hygienic condition, free of fire, health and safety hazards and free of excessive vegetation;
- (b) cause all garbage receptacles on the land to be emptied at least twice each week; and
- (c) cause all amenities buildings on the land to be cleaned at least one each day.

Penalty: 2000 dollars.

Regulations.

18. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters which 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, and, in particular, prescribing matters for or in relation to—

- (a) standards of equipment of recreation areas;
- (b) standards of adequacy of hot and cold water supplies;
- (c) standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installation;
- (d) standards of adequacy of fire fighting equipment; and
- (e) standards for storage of explosive or inflammable substances.

SCHEDULE

MATTERS FOR AN INSPECTOR TO CONSIDER

Section 9

1. All caravans in a caravan park should be weatherproof and should be equipped with or have on site—

- (a) adequate work benches for the preparation of food;
- (b) adequate and safe cooking appliances, not being petrol or kerosene pressure appliances;
- (c) adequate facilities for washing up; and
- (d) removable and easily cleanable mattresses or cushions on each berth.

2. Each site should have a power point and should have easy access to a tap, drain and garbage receptacle.

3. A caravan park or camping area should be well drained and each site should be well drained. Each caravan site should have an annex area so drained that water that does not fall on it will not run through it and water that falls on it will run off quickly.

4. Each site should be at least 90 square metres. Where a camping area does not have individual sites, the area available for camping divided by the number of tents should give an average area per tent of 90 square metres.

5. No site or, if a camping area does not have individual sites, no part of the camping area should be closer than 7.5 metres to the frontage or 5 metres to the sides or rear of the land or 12 metres to a kitchen, fireplace or incinerator.

6. Each site should be adequately designated by a numbered sign or peg and at the corners of roads there should be adequate directional signs.

7. At least one boundary of each site should be a well drained and graded or sealed all-weather road at least 6 metres wide.

8. No site or, if a camping area does not have individual sites, no part of the camping area should be situated more than 65 metres by road or well drained footway from the toilet block. The road or footway should be sealed or made of material that does not turn to mud and should be so drained that water that does not fall on it will not run through it and water that falls on it will run off quickly.

9. A caravan park or camping area should be free of mud and dust nuisance, excessive vegetation, fire hazards and rubbish. It should have adequate trees, lawns, gardens, recreation areas and barbeque areas.

10. Recreation areas should be well equipped for toddlers, pre-school children, infants, primary school children, junior high school children, senior high school children and adults. Outdoor recreation areas should have shade trees. There should be wet weather recreation areas. The amount and variety of playground equipment should increase over the years.

11. The equipment in the amenities block should approximate the following scale:

No. of sites	No. of male water closets	Length of urinal	No. of female water closets	No. of showers for each sex	No. of hand basins for each sex	No. of laundry tubs	Length of clothes-line
Less than 6	1	0.6 metres	1	1	1	2	15 metres
7-12	2	1.2 metres	2	2	2	4	30 metres
13-20	3	1.8 metres	3	3	3	6	50 metres
for each additional 10 or part thereof	1	0.6 metres	1	1	1	2	25 metres

12. Each female toilet block should have one adequate disposal unit for sanitary napkins.

13. Each male ablutions area should have a number of power points that is not less than half the number of handbasins in that area. Each female ablutions area should have at least one power point.

14. Each handbasin in the ablutions block should have a mirror adjacent to it.

15. There should be adjacent to each set of 2 laundry tubs a washing machine, an ironing board, a work bench and a power point. Where it is not feasible to have a washing machine, a copper may be provided in its place, provided that, if the copper burns wood, it is situated not closer than 15 metres from the amenities block.

16. No kiosk, kitchen, barbeque, wood copper or fireplace should be situated closer than 15 metres to the amenities block or 30 metres to a septic tank or drainage pit.

17. A caravan park or camping area should have an adequate hot and cold water supply, capable of providing full supplies at peak periods.

18. Water that is not fit for human consumption should not be used in an area where there is a plentiful supply of water that is fit for human consumption. All water that is likely to be used for human consumption must be fit for human consumption. The water supply system, including reservoirs, pipelines, wells, pumping equipment, purification works, mains and service pipes must be free from sanitary defects.

19. Where water that is not fit for human consumption is used in a caravan park or camping area—

- (a) adequate precautions must be taken to prevent that water from being mixed with water that is likely to be used for human consumption;
- (b) taps should have adequate signs advising whether their water is fit for human consumption; and
- (c) the design and layout of the water installations for the supply of the water that is not fit for human consumption should be such as to minimise the danger that that water will be used for human consumption.

20. The standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting ventilation and electrical installation of all permanent buildings on the land should be adequate for the purposes for which the buildings are likely to be used, having regard to the area in which the land is situated.

21. Adequate fire hydrants and fire fighting equipment should be readily accessible. Fire hydrants, pumps and hoses, should be adequate to direct an effective stream of water anywhere on the premises.

22. Bulk quantities of explosives or inflammable substances should be removed from the area or, where possible, properly stored.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Workmen's Compensation Ordinance* 1949 as amended

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

1. This Ordinance may be cited as the *Workmen's Compensation Ordinance* 1975. Short title
2. The *Workmen's Compensation Ordinance* 1949 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 10(1) of the Principal Ordinance is amended by omitting "14,500 dollars" and substituting "20,000 dollars". Compensation for certain injuries
4. Section 11(2A) of the Principal Ordinance is amended by omitting "350 dollars" and substituting "500 dollars". Medical and surgical treatments, hospital treatments or nursing and ambulance services
5. Section 12(1) of the Principal Ordinance is amended by omitting "9 dollars" and substituting "14 dollars". Additional compensation where workman requires constant help of another person
- 6.(1) Where, immediately before the date of commencement of this Ordinance, a person was receiving or was entitled to receive, weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance. Adjustment of weekly payments under prior Ordinances
- (2) Where, before the date of commencement of this Ordinance
 - (a) a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance would have been payable immediately before that date but for the fact that he did not require the constant help or attention of another person or that he was not then incapacitated for work; and

- (b) on or after that date, he required the constant help or attention of another person, or became incapacitated for work, as a result of the injury or disease,

weekly payments in respect of that requirement or incapacity shall be in accordance with the Principal Ordinance as amended by this Ordinance.

(3) Where, on or after the date of commencement of this Ordinance, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under the Principal Ordinance, compensation shall be paid in respect of that death in accordance with the Principal Ordinance as amended by this Ordinance.

Existing policies
of insurance

7. (1) A policy of insurance against liability under the Principal Ordinance in force immediately before the commencement of this Ordinance has effect during the unexpired balance of the currency of the policy as if it applied to liability under the Principal Ordinance as amended by this Ordinance.

(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability that he may incur by reason of the application of section 6 and sub-section (1), additional premium for the period during which the additional liability is incurred under the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

(3) Where an insurer under a policy of insurance effected before the commencement of this Ordinance would have been liable, if this Ordinance had not been made, to indemnify a person against his liability under the Principal Ordinance arising out of an injury sustained or a disease contracted before the commencement of this Ordinance, the insurer is liable to indemnify the person against liability under the Principal Ordinance, as amended by this Ordinance, arising out of the injury or the contracting of the disease.

(4) The amendments made by sections 3 and 4 apply in relation to an injury sustained on or after the date of commencement of this Ordinance, notwithstanding that the accident or disease that caused the injury occurred before that date.

Second
Schedule

8. The Second Schedule to the Principal Ordinance is amended as set out in the following table:

Provision amended	Omit	Insert
Paragraph (1) (a)	14,500 dollars (twice-occurring)	20,000 dollars
Paragraph (1) (b)	5 dollars	7 dollars
Paragraph (1) (c)	300 dollars	450 dollars
Paragraph (1A) (a)	43 dollars	57 dollars
Paragraph (1A) (b)	11 dollars	15 dollars
Paragraph (1A) (c)	11 dollars	15 dollars
Paragraph (1A) (d)	5 dollars	7 dollars
Paragraph (1A) (e)	5 dollars	7 dollars
Paragraph (1C) (a)	43 dollars	57 dollars
Paragraph (2) (a) (ii)	2,000 dollars	3,300 dollars
Paragraph (8A)	500 dollars (twice occurring)	700 dollars
Paragraph (12)	14,500 dollars	20,000 dollars

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To repeal the *Land Tenure (Transitional Provisions) Ordinance 1967* as amended

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

1. This Ordinance may be cited as the *Land Tenure (Transitional Provisions) Repeal Ordinance 1975*. Short title
2. The Ordinances specified in the Schedule are repealed. Repeal

THE SCHEDULE

Section 2

ORDINANCES REPEALED

Number and Year	Short title
No. 9, 1967	<i>Land Tenure (Transitional Provisions) Ordinance 1967</i>
No. 36, 1969	<i>Land Tenure (Transitional Provisions) Ordinance 1969</i>

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Local Government Ordinance 1954*
as amended

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

1. This Ordinance may be cited as the *Local Government Ordinance 1974*. Short title
2. The *Local Government Ordinance 1954* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. (1) Section 351 of the Principal Ordinance is amended—
(a) by omitting paragraphs (c), (d) and (e) and substituting the following paragraph:
“; and (c) comes into operation on the day on which notice of the confirmation of the by-law by the Administrator in Council is published in the *Gazette* or, if a later day is specified in that notice as the day on which it comes into operation, on that later day.”; and
(b) by omitting sub-section (2) and substituting the following sub-section:
“(2) Subject to this section, by-laws under this Ordinance confirmation of which as provided by sub-section (1) is notified in the *Gazette* shall be deemed to be regulations for the purposes of the *Interpretation Ordinance* and the *Regulations Publication Ordinance* as if they were made by the Administrator in Council.” By-law making procedure
- (2) The amendments of the Principal Ordinance made by this Ordinance do not affect the continuance in force of by-laws in force immediately before the commencement of this Ordinance but any such by-law may be amended or repealed by by-laws made under the Principal Ordinance as amended by this Ordinance.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Traffic Ordinance* 1949 as amended

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

1. This Ordinance may be cited as the *Traffic Ordinance* 1975 Short title
2. The *Traffic Ordinance* 1949 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 55 of the Principle Ordinance is amended— Penalties for offences
 - (a) by inserting after sub-section (1) the following sub-section:

“(2) Subject to this section, where a person is convicted of an offence against—

 - (a) section 8B; or
 - (b) this Ordinance arising out of his driving, starting the engine of or putting in motion a motor vehicle, the court may suspend that persons’s licence for such period as it thinks fit.”;
 - (b) by omitting sub-section (5); and
 - (c) by inserting in sub-section (5B) after “such” the word “further”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Motor Vehicles Ordinance 1949* as amended

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

1. This Ordinance may be cited as the *Motor Vehicles Ordinance (No. 2)* 1974. Short title
2. The *Motor Vehicles Ordinance 1949* as amended is in this ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 83 (1) of the Principal Ordinance is amended— Payment by nominal defendant
 - (a) by inserting after “against him” words “words”, or authorised insurer in respect of whom a notice has been published under section 84A,”; and
 - (b) by inserting after “by him” the words “, or that authorized insurer,”.
4. Section 84 (1) of the Principle Ordinance is amended by inserting after “against him” the words “, or an authorized insurer in respect of whom a notice has been published under section 84A”. Recovery from owner or driver
5. The Principle Ordinance is amended by inserting after section 84 the following section: Where authorized insurer insolvent

“84A.(1) Where the Administrator in Council is satisfied that an authorized insurer—

 - (a) has insufficient assets to meet all its liabilities; and
 - (b) is being wound up or has entered into a compromise or arrangement with its creditors,

he may, by notice published in the *Gazette*, declare that this section shall apply in respect of third-party policies issued by that authorized insurer.

“(2) Where a person has a claim or action against an authorized insurer in respect of whom a notice is published under sub-section (1) (whether the claim is made before or after the date of publication of the notice) or is entitled to bring such a claim or action or to enforce a judgment (whether made before or after that date) against such an authorized insurer—

 - (a) under the terms and conditions of a third-party policy issued by the authorized insurer; or

(b) in pursuance of a provision of this Part, that person may continue or bring that claim or action or continue to enforce or enforce that judgment against the nominal defendant.

“(3) Where a person brings or continues a claim or action or continues to enforce or enforces a judgment in pursuance of sub-section (2), then, notwithstanding anything elsewhere contained in this Part or any other law to the contrary, the nominal defendant has the same duties and liabilities and may exercise the same powers and rights in or relation to that claim, action or judgment as the authorized insurer would have had if it were not being wound up or had not entered into a compromise or arrangement with its creditors.

“(4) The authorized insurer specified in a notice under sub-section (1), or an officer or agent of the authorized insurer or, where the authorized insurer is being wound up, the liquidator of the authorized insurer, shall, upon the request of the nominal defendant, forthwith—

- (a) furnish the nominal defendant with such particulars as he requires relating to any third-party policies issued by the authorized insurer and to claims, actions and judgments relating to those policies;
- (b) make available to the nominal defendant all books, papers and records of the authorized insurer relating to any such policy claim, action or judgment; and
- (c) give the nominal defendant such assistance as he reasonably requires in relation to any such claim, action or judgment.

Penalty: 500 dollars

“(5) Notwithstanding the *Companies Ordinance*, the amount of money paid out or debts incurred by the nominal defendant under this section shall, in the winding up of the authorized insurer, or in any compromise or arrangement between the authorized insurer and any of its creditors, be a debt due to the nominal defendant, and the nominal defendant shall deal with an amount received by him out of the assets of the authorized insurer or recovered by him under this Part as if it were an amount recovered under section 84.”

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ORDINANCE

To amend the *Justices Ordinance* 1928 as amended

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

1. This Ordinance may be cited as the *Justices Ordinance* 1975. Short title
2. The *Justices Ordinance* 1928 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 122 of the Principal Ordinance is repealed and the following sections substituted:
 - "121A(1) Subject to section 121B and 122A, where—
 - (a) a person is charged before the Court with an offence;
 - (b) in the opinion of the Court, the charge is not one that the Court has jurisdiction, apart from this section, to hear and determine in a summary manner;
 - (c) the evidence for the prosecution is, in the opinion of the Court, sufficient to put the defendant on his trial;
 - (d) the Court is of the opinion that the case can properly be disposed of summarily;
 - (e) the defendant consents to it being so disposed of;
 - (f) in the case of an offence relating to property—the value of the property does not, in the opinion of the Court, exceed 2,000 dollars;
 - (g) in the case of an offence relating to a vehicle—the value of the vehicle does not, in the opinion of the Court, exceed 10,000 dollars; and
 - (h) in the case of an offence relating to property and a vehicle—the value of the property does not, in the opinion of the Court, exceed 2,000 dollars and the combined value of the property and the vehicle does not, in the opinion of the Court, exceed 10,000 dollars,the Court has jurisdiction to hear and determine the charge in a summary manner, and pass sentence upon the person so charged.

Offences that may be dealt with summarily with property—the value of the consent of accused

"(2) Where a person is convicted of an offence by virtue of this section, he is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding 2,000 dollars or, if he is, in the opinion of the Court, under 16 years of age, to imprisonment for a term not exceeding 6 months or a fine not exceeding 500 dollars.

“(3) In this section—

“Court” means the Court constituted by a Magistrate;

“property” means money and personal property, but does not include a vehicle; and

“vehicle” means—

- (a) any means of conveyance that runs on wheels; or
- (b) a boat, launch, yacht, raft or barge.

Certain offences not to be dealt with summarily

Defendant may be sentenced by Supreme Court

“121B. Nothing in section 121A applies to or in relation to an offence punishable by imprisonment for life or for a term exceeding 10 years.

“121C. Where a Magistrate acting under section 121A finds a defendant guilty of an offence and the Magistrate is of the opinion that, having regard to the character or antecedents of the defendant, the defendant should be sentenced by the Supreme Court, the defendant shall be dealt with under Division 3 as if he had pleaded guilty to the charge and the Magistrate did not have cognizance of the matter under that section.

4. After section 123 of the Principal Ordinance the following section is inserted:

Duty of Magistrate to inform defendant, &c.

“123AA.(1) Where a defendant appears before a Magistrate charged with an offence cognizable by the Court constituted by a Magistrate under section 121A, the Magistrate shall, when all the evidence offered on the part of the prosecution has been heard, determine whether he can properly dispose of the case summarily, and shall inform the defendant that the defendant may consent to the case being so disposed of.

“(2) If the Magistrate determines that the case is one that cannot be properly disposed of summarily, or if he determines that it can be so disposed of but the defendant does not consent to it being so disposed of, the Magistrate shall complete the preliminary examination.”.

Justice or Justices not having jurisdiction may remand for hearing by a competent Court

5. Section 124 of the Principal Ordinance is amended by omitting “section 120” and substituting “sections 120 or 121A”.

Charge to be reduced into writing and defendant required to plead

6. Section 125(1) of the Principal Ordinance is amended by inserting after “offence” the words “, or a Magistrate proceeds to dispose of a case under section 121A,”.

Repeal of section 127

7. Section 127 of the Principal Ordinance is repealed.

Powers of Court as to punishment of minor offences

8. Section 129 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) “Except” and substituting “Subject to section 121A(2) and except”;
- (b) by omitting from sub-section (2) all words after “in the case of imprisonment,” and substituting “imprisonment for 6 months, or, in the case of a fine, 500 dollars”;
- (c) by omitting from sub-section (3) all words after “exceeds” and substituting “the maximum allowable sentence permitted by this section or by section 121A(2), as the case may be.”.

9. Section 131B(2) of the Principal Ordinance is amended by omitting all words after “fine not exceeding” and substituting “500 dollars or imprisonment for a period not exceeding 6 months.”

Summary jurisdiction in certain assault cases

10. Section 131C(2) of the Principal Ordinance is amended by omitting “400 dollars” and substituting “2000 dollars.”

Summary jurisdiction in assault cases of an aggravated nature

11. Section 180 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) “*Supreme Court Ordinance 1911-1927*” and substituting “*Northern Territory Supreme Court Act 1961-1973*”; and

Supreme Court may make rules for proceedings

(b) by omitting from sub-section (2) “section 22 of the *Supreme Court Ordinance 1911-1927*” and substituting “section 55 of the *Northern Territory Supreme Court Act 1961-1973*”.



THE NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ORDINANCE

To amend the *Coroners Ordinance* 1974

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

1. This Ordinance may be cited as the *Coroners Ordinance* 1975. Short title
2. The *Coroners Ordinance* 1974 is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 20 of the Principal Ordinance is amended by omitting "A warrant" and substituting "Subject to this Ordinance, a warrant". Form of warrant for exhumation
4. The Principal Ordinance is amended by inserting after section 48 the following section:
"48A.(1) A person may make application to a Coroner for a warrant authorizing that person to exhume remains and remove those remains from the Territory or to another place in the Territory. Application for exhumation and removal of remains
"(2) Subject to sub-section (3) a Coroner may issue a warrant to the applicant for the exhumation and removal of those remains setting out the conditions under which the exhumation and removal may take place.
"(3) A Coroner shall not issue a warrant under subsection (2) unless he is satisfied that—
 - (a) the applicant is a relative of the deceased person or otherwise has a special reason for wishing to remove the remains;
 - (b) no relative of the deceased person objects to the exhumation and removal applied for;
 - (c) the person for the time being occupying the position or performing the duties of the Director of Health in the Territory has no objections to the exhumation or transportation on health grounds;
 - (d) the applicant has the necessary authority to bury the remains in the place to which he intends to remove them; and
 - (e) the applicant has arranged adequate means of transporting those remains to that place."
"(4) For the purposes of this section "relative" means, in relation to a deceased person—
 - (a) his spouse;

- (b) either of his parents;
 - (c) a child of his who has attained the age of 18 years; or
 - (d) if he is not survived by a child who has attained the age of 18 years, any brother or sister of his who has attained that age.”
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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Hospitals and Medical Services Ordinance 1953* as amended

BE it ordained by the Legislative Council for the Northern Territory as follows:

1. This Ordinance may be cited as the *Hospitals and Medical Services Ordinance 1974*. Short title
2. The *Hospitals and Medical Services Ordinance 1953* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 4 of the Principal Ordinance is amended by adding at the end of the definition of "charge" the words ", and includes an amount payable under section 5A(5);". Definitions
4. (1) Section 5A(2) of the Principal Ordinance is amended by omitting "by ambulance". Transport for persons requiring medical services
(2) Section 5A(3) of the Principal Ordinance is amended by omitting "on application being made by or on behalf of that person and".
(3) Section 5A of the Principal Ordinance is amended by omitting sub-section (5) and substituting the following sub-section:
"(5) Where the transport of a person or of a person and an attendant at the cost of the Commonwealth authorized under this section is carried out as so authorized, that person is liable—
 - (a) if he is entitled to recover an amount not less than the cost of the transport under a contract of insurance or another law in force in the Northern Territory—to reimburse to the Commonwealth an amount equal to the cost of the transport; or
 - (b) if he is not so entitled to recover or is entitled so to recover an amount that is less than that cost—to pay the charge prescribed for the purposes of this sub-section or an amount equal to the amount entitled to be so recovered, whichever is the greater."
- (4) Section 5A of the Principal Ordinance is amended by omitting from sub-section (6) "an application for the authority of the Director-General under this section shall be made to the Chief Medical Officer who" and substituting "For the purposes of making his report under sub-section (3), the Chief Medical Officer".

(5) Section 5A of the Principal Ordinance is amended by omitting sub-section (7) and substituting the following sub-sections:

“(7) The amount that a person is liable to pay under sub-section (5) is recoverable as a debt due to the Commonwealth.

“(8) Where the transport of a person or of a person and an attendant is authorized under this section, and the medical service for which the transport is authorized is a service for which the consent of the person or of a person authorized in law to give such a consent has been given, or is an operation that may be performed as provided by the *Emergency Medical Operations Ordinance*, the transport so authorized shall be deemed to be part of the medical service.”

Prescribed
charges

5. Section 6 of the Principal Ordinance is amended by omitting sub-section (1).

Hospitals

6. Section 12 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(3) Where premises that are declared, or are to be deemed, to be a hospital under this section are, or have been, altered or extended, the premises as so altered or extended shall be deemed to have been and continue to be the hospital.”

CATTLE PRICE STABILIZATION BILL 1975

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the Stabilisation of Returns from the
Sale for Slaughter of Cattle produced in the
Northern Territory

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 *Cattle Price Stabilisation Ordinance 1975*. Short title

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

3. In this Ordinance, unless the contrary intention appears— Definitions

“Board” means the Cattle Price Stabilisation Board established by this Ordinance;

“cattle” means—

(a) animals of the bovine species; and

(b) buffalo;

“Chairman” means the Chairman of the Board, and includes the Deputy Chairman when he is acting as Chairman;

“member” means a member of the Board;

“producer” means a person or an incorporated or unincorporated body of persons engaged in cattle production in the Northern Territory;

“scheme” means the scheme administered by the Board under this Ordinance.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOARD

4. There is established by this Ordinance a Board which shall be known as the Cattle Price Stabilization Board. Cattle Price
Stabilisation
Board

5. (1) The function of the Board is to administer a scheme which shall be known as the Cattle Price Stabilization Scheme. Function of the
Board

(2) The scheme shall operate as provided for by this Ordinance.

Powers of the Board

6. The Board has power to do all things necessary or convenient to be done for or in connexion with, or incidental to, the performance of its functions and the exercise of its powers.

PART III—THE SCHEME

Application to participate in scheme

7. (1) A producer may apply in writing to the Board to participate in the scheme.

(2) A producer who applies to participate in the scheme shall forward with his application—

- (a) a statement of his assets and liabilities or a statement showing that he has sufficient assets to give such security as the Board is likely to require; and
- (b) evidence of his Northern Territory cattle movements, sales and turnoff in the 5 years immediately preceding the date of his application to participate.

Board to consider application

8. (1) Upon receipt of an application to participate in the scheme the Board shall consider the application and may, in its discretion but subject to this Ordinance, accept it or reject it.

(2) A member shall not vote or participate in the deliberations of the Board concerning an application in which he has an interest.

(3) The Board shall advise an applicant whether his application has been accepted or rejected.

Security may be required

9. (1) Where a producer's application to participate in the scheme is accepted, the Board may require him, as a condition precedent to his participating in the scheme—

- (a) to deliver to the Chairman the documents of title to the pastoral leases or other land upon which the producer produces cattle in the Northern Territory; and
- (b) to give such further or other security, if any as the Board determines.

(2) The Chairman may issue a certificate that the producer is a participant in the scheme and may deliver the certificate, together with the documents of title, to the Registrar-General.

(3) The Registrar-General may register a certificate that is delivered to him under sub-section (2).

(4) Upon registration of a certificate under sub-section (3), the land is charged with the amount of advances from time to time made under the scheme to the producer and not repaid, together with interest.

(5) A charge under sub-section (4) has priority over all instruments registered after the certificate is registered.

Resignation from scheme

10. A participant in the scheme may resign from the scheme by delivering, by post or otherwise, to the Chairman a letter of resignation.

Money to remain in scheme

11. (1) Subject to this Ordinance, while a producer remains a participant in the scheme—

- (a) he is not required to repay any amount that he owes to the scheme; and
- (b) he cannot demand any amount that stands to his credit under the scheme.

(2) When a producer ceases, for whatever reason, to be a participant in the scheme—

- (a) the amount, if any, that he owes to the scheme is immediately repayable; or
- (b) the amount, if any, that stands to his credit under the scheme is immediately payable to him.

12. A participant in the scheme shall—

- (a) notify the Board of all his cattle movements; and
- (b) forward to the Board a copy of each proof of sale that he receives from an abattoir or a butcher.

Obligations of participant

13. (1) The Board shall each year, at the beginning of the killing season and from time to time during the killing season, determine minimum prices per kilogram dressed weight for cattle branded in the Northern Territory and sold for slaughter in the Northern Territory.

Minimum prices

(2) Minimum prices may be determined according to classifications, including classifications with respect of age, sex, weight and grade.

14. (1) Where a participant in the scheme markets in the Northern Territory for slaughter in the Northern Territory cattle that have been produced and branded in the Northern Territory and the price per kilogram dressed weight that he receives is less than the minimum price determined by the Board in respect of those cattle, the Board shall, subject to this Ordinance, pay to him the amount of money that is determined in accordance with the formula contained in sub-section (3).

Operation of the scheme

(2) Where a participant in the scheme markets in the Northern Territory for slaughter in the Northern Territory cattle that have been produced and branded in the Northern Territory and the price per kilogram dressed weight that he receives is more than the maximum price in respect of those cattle, the participant shall, subject to this Ordinance, pay to the Board the amount of money that is determined in accordance with the formula contained in sub-section (3).

(3) The formula referred to in sub-sections (1) and (2) is the product of the number of kilograms dressed weight sold and the sum of—

- (a) one half of the amount, in cents, by which the price per kilogram dressed weight received is less than the minimum price determined or is more than the maximum price, but not being more than one-half of 2 cents;
- (b) three-quarters of the amount, if any, in cents, by which the price per kilogram dressed weight received is less than 2 cents below the minimum price determined or is more than 2 cents above the maximum price, but not being more than three-quarters of 2 cents; and
- (c) the amount, if any, in cents, by which the price per kilogram dressed weight received is less than 4 cents below the minimum price determined or is more than 4 cents above the maximum price, but not being more than 7.5 cents.

(4) In calculating the payments to be made in accordance with this section, particulars of dressed weights and prices shall be taken from proofs of sale of cattle sold by producers to abattoirs and butchers.

(5) For the purposes of this section, the maximum price is the amount that is 10 cents more than the minimum price determined.

Interest on
moneys

15. Debits and credits under the scheme to a participant in the scheme bear interest at the rate of 5 per cent or at such less rate as is prescribed.

Malpractices

16.(1) This section applies where the Board is of the opinion, formed on reasonable grounds, that a participant in the scheme—

- (a) has altered his normal turnoff to take advantage of fluctuations in prices;
- (b) has falsified a bill of sale or any other document or information relating to cattle slaughtered;
- (c) has not informed the Board of cattle sales or movements;
- (d) has engaged in collusive selling; or
- (e) has engaged in any other practice,

with a view to obtaining a greater payment or making a less payment under the scheme than he would otherwise have received or made.

(2) Where this section applies in respect of a participant, the Board may subject to this Ordinance—

- (a) refuse to make a payment to the participant, or make a less payment than it would otherwise have made;
- (b) call upon the participant to make a payment to the Board or to make a greater payment than he would otherwise have made; or
- (c) suspend or terminate the participant's participation in the scheme.

(3) Where the Board calls upon a participant under subsection (2) to make a payment or a greater payment to the Board and the participant refuses or fails to comply with the request, the Board may suspend or terminate that participant's participation in the scheme.

(4) A member shall not vote or participate in any deliberations of the Board concerning a matter in respect of which this section applies or concerning the question of whether this section applies in respect of a matter if he has an interest in that matter.

PART IV—CONSTITUTION AND MEETINGS OF THE BOARD

Constitution of
the Board

17.(1) The Board—

- (a) is a body corporate;
- (b) has perpetual succession;
- (c) shall have a common seal;
- (d) may acquire, hold and dispose of real and personal property; and
- (e) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially—

- (a) shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed; and
- (b) shall take judicial notice of the signature of a person who is or has been the Chairman of the Board and of the fact that he is or was the Chairman.

(3) The exercise or performance of a power or function by the Board is not invalidated by reason only of a vacancy or vacancies in the membership of the Board.

(4) A notice, authority or communication given or made by the Board shall be sufficiently authenticated if signed by the Chairman on behalf of the Board, and a notice, authority or communication so signed shall, in the absence of proof to the contrary, be deemed to have been given or made in pursuance of a resolution of the Board.

18.(1) The Board shall consist of—

Membership of Board

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) a finance member;
- (d) 4 representatives of Northern Territory cattle producers being one representative of each of—
 - (i) the Pastoral Lessees' Association;
 - (ii) the Cattlemen's Association of Northern Australia;
 - (iii) the Centralian Pastoralists' Association; and
 - (iv) the Northern Farmers' Association; and
- (e) 2 representatives of Northern Territory meat exporters.

(2) The members of the Board shall be appointed by the Administrator in Council and notice of their appointments shall be published in the *Gazette*.

(3) The Chairman shall be an officer of the Australian Public Service or the Northern Territory Public Service who is, in the opinion of the Administrator's Council, the head of a branch or department which has responsibility for the Northern Territory cattle industry.

(4) The Deputy Chairman shall be the Director of the Bureau of Agricultural Economics or a person nominated by that Director.

(5) Before the Administrator in Council appoints a representative of Northern Territory cattle producers, the Administrator shall give to the Association that that person is intended to represent an opportunity to nominate persons for appointment.

(6) Before the Administrator in Council appoints a representative of Northern Territory meat exporters, the Administrator shall give to persons and organizations who claim to represent the views of Northern Territory meat exporters an opportunity to nominate persons for appointment.

19.(1) A member holds office, subject to this Ordinance, for such period, not exceeding 3 years, as is specified in the instrument of appointment or, if no period is so specified, for 3 years from the date of his appointment.

Period of appointment

(2) A member is eligible for reappointment.

(3) The Administrator in Council may terminate the appointment of a member at any time and shall terminate the appointment of a member—

- (a) who becomes bankrupt or insolvent or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors;
- (b) who, except with the leave of the Board, absents himself from 3 consecutive meetings of the Board;

- (c) whose participation in the scheme is suspended or terminated by the Board;
- (d) who is convicted of an offence against this Ordinance;
- (e) who is convicted of an offence against a law of the Commonwealth or of a State or Territory of the Commonwealth and is sentenced, in respect of that offence, to imprisonment for one year or longer; or
- (f) who becomes incapable of performing his duties.

(4) A member may resign his office by writing under his hand delivered to the Administrator.

Remuneration
of members

20. A member who is not an officer of the Australian Public Service or the Northern Territory Public Service is entitled to such remuneration and allowances as are prescribed.

Meetings of
Board

21.(1) Subject to this section, meetings of the Board shall be held at such times and places as the Chairman determines, but so that the period between any two successive meetings does not exceed 4 months.

(2) The Chairman shall call a meeting of the Board within 7 days after he receives a written request to do so signed by not less than 3 members.

(3) At a meeting of the Board 6 persons, one of whom is the Chairman or Deputy Chairman, form a quorum.

(4) The Chairman shall preside at all meetings of the Board.

(5) A question arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting.

(6) The Chairman has a deliberative vote and also, in the event of an equality of votes, a casting vote.

(7) The Board shall keep a record of its proceedings.

Deputy
Chairman

22. Where there is a vacancy in the office of Chairman or the Chairman is absent from duty or cannot be contacted, the Deputy Chairman shall act as Chairman and, while he is so acting, may exercise the powers and perform the functions and duties of the Chairman.

Executive
Committee

23.(1) The Board may appoint any of its members to be an Executive Committee, and may delegate to that Committee such of its powers as the Board, subject to any direction of the Administrator in Council, determines.

(2) A delegation under this section is revocable at the will of the Board, and does not prevent the exercise of a power or the performance of its function by the Board.

Board may
accept gifts, etc.

24.(1) Subject to this section, the Board may accept a gift, devise or bequest of any property, real or personal.

(2) The Board shall not accept a gift, devise or bequest upon conditions that are inconsistent with using the gift, devise or bequest, or the proceeds of the sale of the gift, devise or bequest,

for the purposes of and
in accordance with this Ordinance.

(3) No gift duty or succession duty is payable under—

- (a) any Ordinance; or

(b) any Act of the State of South Australia in force in the Territory as a law of the Territory,
upon any property given, devised or bequeathed to the Board.

25. The Board may employ, on terms and conditions of employment (including remuneration) determined by the Board and approved by the Administrator in Council, such persons as it considers necessary to assist the Board in exercising its powers and performing its functions and duties under this Ordinance. Board may employ persons

PART V—HEARINGS BY THE BOARD AND REVIEWS OF DETERMINATIONS

26. The Board shall not—

- (a) reject an application to participate in the scheme; or
- (b) exercise any of its powers under section 16(2)

unless it first conducts a hearing. Hearing by the Board

27.(1) Where the Board proposes to conduct a hearing into the question whether an application should be accepted, it shall cause a notice in writing of the time and place of the proposed hearing to be given to the applicant concerned at least 10 days before the date of the proposed hearing. Notice of hearing

(2) Where the Board proposes to conduct a hearing into the question whether it should exercise a power under section 16(2), it shall cause a notice in writing of the time and place of the proposed hearing to be given to the participant concerned at least 10 days before the date of the proposed hearing.

(3) A notice under subsection (2) shall give particulars of the reason why the Board proposes to exercise its powers under section 16(2).

28. Where a notice has been served on a person under section 27—

- (a) that person may appear in person, or may be represented by another person, at the hearing to which the notice relates; and
- (b) if the person appears, or is represented, at the hearing, he or his representative shall be given the opportunity to give evidence, or to call witnesses, on behalf of the first-mentioned person, to examine other witnesses appearing at the hearing and to address the Board. Representation at hearing

29.(1) A hearing shall be held in private. Conduct of hearing

(2) At a hearing, the Chairman or, in the absence of the Chairman, the Deputy Chairman shall preside.

(3) The rules of evidence do not apply in relation to a hearing and the procedure for conducting the hearing is, subject to this Ordinance and the regulations, within the discretion of the member presiding.

(4) Where a document, book or writing is produced at a hearing—

- (a) a member may inspect the document, book or writing;
- (b) the member presiding at the hearing may retain the document, book or writing in his possession for such reasonable period as he thinks fit; and

(c) where the document, book or writing is so retained, a member may make copies of, or take extracts from, that document, book or writing.

(5) The member presiding at a hearing may adjourn the hearing from time to time as he thinks fit.

Evidence at hearing

30. Evidence at a hearing shall be taken on oath or affirmation and, for the purposes of this Ordinance, any member may administer an oath or affirmation.

Summons to give evidence

31. For the purposes of this Ordinance, a member may, by writing under his hand, summon a person to appear at a hearing to give evidence and to produce such document, book or writing as is referred to in the summons.

Allowances for witnesses at hearing

32. A person appearing as a witness at a hearing, whether summoned or not, is entitled to be paid such allowances for expenses in respect of his attendance before the Board as are prescribed.

Failure to attend

33. A person served with a summons to appear at a hearing shall not fail, without reasonable excuse, so to appear.

Penalty: 200 dollars.

Refusal to be sworn or to give evidence

34. (1) A person appearing as a witness at a hearing (whether summoned to appear or not) shall not, without reasonable excuse—

- (a) refuse or fail to be sworn or to make an affirmation;
- (b) refuse or fail to answer a question that he is required by a member to answer; or
- (c) refuse or fail to produce a document, book or writing that he is required under this Ordinance to produce.

Penalty: 200 dollars.

(2) A statement or disclosure made by a witness at a hearing is not admissible in evidence against him in civil or criminal proceedings in a court except in a prosecution for giving false testimony at the hearing.

(3) It is a defence in proceedings for an offence of refusing or failing, without reasonable excuse, to produce a document, book or writing if it is proved that the document, book or writing was not relevant to the subject-matter of the hearing.

Protection of persons at hearing

35. (1) A member has, in the performance of his duties, the same protection and immunity as a Justice of the High Court.

(2) A person appearing at a hearing on behalf of another person has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

(3) A person appearing at a hearing as a witness has the same protection, and is, in addition to the penalties provided by this Ordinance, subject to the same liabilities, as a witness in proceedings in the High Court.

Determination by Board

36. (1) After completion by the Board of a hearing under this Ordinance in relation to a person, the Board shall make a determination and shall serve on that person a notification in writing setting out its determination and the grounds upon which the determination is based.

(2) Where no request for review of a determination under this Ordinance is lodged within the period allowed for such a request, the determination takes effect at the expiration of that period.

(3) Where a request for review of a determination under this Ordinance is lodged within the period allowed for such a request, the determination does not have effect until reviewed and, upon the review, the determination takes effect, or takes effect as varied or does not take effect, in accordance with the decision on the review.

37. A person to whom a determination relates may, within a period of 30 days after the date upon which the notification of the determination is served on him, request the Supreme Court to review the determination. Request for review of determination

38. Where the Supreme Court reviews a determination in accordance with a request, it shall consider the matter to which the determination relates having regard to the reason for conducting the hearing, the proceedings at the hearing, the Board's determination and the grounds upon which the determination is based, and the grounds upon which the Court is asked to review the determination, and the Court shall— Proceedings on review

- (a) uphold the determination;
- (b) vary the determination in such manner as it thinks fit; or
- (c) disallow the determination.

PART VI—FINANCE

39. The Treasurer may, on behalf of the Commonwealth— Agreement with Reserve Bank for advances

- (a) enter into an agreement with the Reserve Bank of Australia for the making by that Bank of Advances to the Board for the purposes of the Board; and
- (b) guarantee the repayment of an advance made in pursuance of such an agreement and the payment of interest on the advance.

40. The Board shall keep proper accounts and records and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Board and the incurring of liabilities by the Board. Proper accounts to be kept

41. (1) The Board may open and maintain an account or accounts with an approved bank or approved banks, and shall maintain at all times at least one such account. Finance

(2) The Board shall pay all moneys received by it into an account referred to in sub-section (1).

(3) The moneys of the Board shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations of the Board;
- (b) in payment of the remuneration and allowances of members of the Board; and
- (c) in making any other payments that the Board is required or authorized by law to make.

(4) Moneys of the Board not immediately required for the purposes referred to in sub-section (3) may be invested in any investment in which a trustee may, under the law in force in the Northern Territory, invest trust funds.

(5) In this section, "approved bank" means the Reserve Bank of Australia or any other bank approved by the Administrator in Council for the purposes of this section.

Audit

42. (1) The Auditor-General may inspect and audit the accounts and records of financial transactions of the Board and shall forthwith draw to the attention of the Administrator in Council any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2) The Auditor-General shall, at least once in each year, report to the Administrator in Council the results of the inspection and audit carried out under sub-section (1).

(3) The Auditor-General or an officer of the Australian Public Service or the Northern Territory Public Service authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys by the Board or to the acquisition, receipt, custody or disposal of assets of the Board.

(4) The Auditor-General or an officer of the Australian Public Service or the Northern Territory Public Service authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(5) The Auditor-General or an officer of the Australian Public Service or the Northern Territory Public Service authorized by him may require a member of the Board, or a member of the staff of the Board, to furnish him with such information in the possession of that person or to which that person has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Ordinance, and that person shall comply with the requirement.

PART VII—MISCELLANEOUS

Reports

43. (1) The Board shall, not later than 4 months after each thirtieth day of June, furnish to the Administrator a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Administrator in Council approves.

(2) Before furnishing the financial statements to the Administrator, the Board shall submit them to the Auditor-General, who may report to the Administrator—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Board;
- (c) whether the receipt, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the year have been in accordance with this Ordinance; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Administrator.

(3) The Administrator shall, forthwith after he received them, forward to the Legislative Assembly for tabling the report and financial statements of the Board together with the report of the Auditor-General.

44. A summons or notice under this Ordinance may be served on a person either personally or by post or by leaving a copy of the summons or notice at his last known place of abode or business with a person apparently an inmate or employed at that place and apparently not less than 16 years of age.

Service of
notice

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

Regulations



THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the Executive Responsibility of Certain Members of the Legislative Assembly

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

1. This Ordinance may be cited as the *Legislative Assembly (Executive Responsibility) Ordinance 1975*. Short title

2. (1) Subject to sub-section (2), this Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*. Commence-
ment

(2) The several sub-sections of section 10 shall come into operation on such dates as are respectively fixed by the Administrator by notice in the *Gazette*.

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

“Council” means the Executive Council established by this Ordinance;

“second senior member” means the person appointed under this Ordinance to be the second senior member of the Administrator’s Council;

“senior member” means the person appointed under this Ordinance to be the senior member of the Administrator’s Council and includes the second senior member while he is acting as senior member.

Definitions

4. (1) The Administrator may appoint a member of the Administrator’s Council who is a member of the Legislative Assembly to be the senior member of the Administrator’s Council.

Senior member
of the
Administrator’s
Council

(2) The Administrator, on the advice of the senior member, may appoint another member of the Administrator’s Council who is a member of the Legislative Assembly to be the second senior member of the Administrator’s Council.

(3) Where there is a vacancy in the office of senior member or the senior member is absent from duty or from the Northern Territory or cannot be contacted or is unable to act, the second senior member shall act as senior member, and while he is so acting he has the powers and duties and may exercise the functions of the senior member.

(4) The validity of anything done by or on the advice of the second senior member acting as senior member shall not be called in question on the ground that the occasion for his so acting had not arisen or had ceased.

Executive
Council

5. (1) There shall be a Council, which shall be known as the Executive Council, to advise the senior member.

(2) The members of the Executive Council shall be known as executive members.

(3) The executive members are the members of the Administrator's Council who are members of the Legislative Assembly and such other members of the Legislative Assembly as are appointed to be executive members.

(4) For the purposes of sub-section (3), the Administrator, on the advice of the senior member, may appoint a member of the Legislative Assembly who is not a member of the Administrator's Council to be an executive member.

(5) An executive member appointed under sub-section (4) holds office, subject to this section, during the pleasure of the Administrator.

(6) An executive member shall not hold office for a longer period than 3 months after the date on which he ceases to be a member of the Legislative Assembly unless, within that period, he again becomes a member of the Legislative Assembly.

(7) An appointed executive member who desires to resign shall deliver a written resignation to the Administrator and his resignation becomes effective when it is received by the Administrator.

(8) The exercise of the functions of the Executive Council is not affected by reason of a vacancy in the membership of the Council.

Procedure of
Executive
Council

6. Subject to this Ordinance, the procedure of the Executive Council shall be as the Council determines.

Remuner-
ation

7. The executive members shall receive in respect of their services as executive members such allowances as are prescribed.

Establishment
of Departments

8. (1) The Administrator in Council may establish such Departments for the Government of the Northern Territory as he thinks fit.

(2) The functions and duties of Departments that are established under this Ordinance shall be such as are determined by the Administrator in Council.

Administration
of Departments

9. (1) The Administrator, on the advice of the senior member, may appoint an executive member to administer a Department that has been established under this Ordinance.

(2) When an executive member is or is expected to be absent from duty or from the Northern Territory or unable to be contacted or to act, the Administrator, on the advice of the senior member, may appoint another executive member to act in the place of that first-mentioned member while that member is absent or unable to be contacted or to act, and a person so appointed, while he is so acting, has the powers and duties and may exercise the functions of the person in whose place he is acting.

Transfer of
executive
responsibility to
executive
members

10. (1) The Ordinances specified in the First Schedule are respectively amended as provided by that Schedule.

(2) The Ordinances specified in the Second Schedule are respectively amended as provided by that Schedule.

(3) The Ordinances specified in the Third Schedule are respectively amended as provided by that Schedule.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Interpretation Ordinance* 1931 as amended

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

1. This Ordinance may be cited as the *Interpretation Ordinance* 1975. Short title
2. The *Interpretation Ordinance* 1931 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date on which the *Legislative Assembly (Executive Responsibility) Ordinance* 1975 comes into operation. Commencement.
4. Section 5 of the Principal Ordinance is amended by inserting after the definition of "The Administrator" the following definition:
" 'The Executive Member' means the executive member for the time being administering that Ordinance; "

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Public Service Ordinance 1928 as amended

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

1. This Ordinance may be cited as the *Public Service Ordinance 1975*. Short title
2. The *Public Service Ordinance 1928* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date on which the *Legislative Assembly (Executive Responsibility) Ordinance 1975* comes into operation. Commencement
4. Section 5 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections: Interpretation
 - “(2) Where in this Ordinance there is a reference to the Administrator, that reference shall, in relation to the Department of the Legislative Assembly, be read as a reference to the Speaker of the Legislative Assembly.
 - “(3) Where in this Ordinance there is a reference to the Administrator in Council, that reference shall, in relation to the Department of the Legislative Assembly, be read as a reference to the Administrator in Council after receiving a report from the Speaker of the Legislative Assembly.
- 5.(1) Section 6 of the Principal Ordinance is amended by omitting “the Minister” (twice occurring) and substituting “the Administrator in Council”. Ordinance not to apply to certain persons
 - (2) A declaration or a determination made by the Minister and in force under section 6 of the Principal Ordinance immediately before the commencement of this Ordinance continues to have effect, but may be revoked or varied by a declaration or determination of the Administrator in Council under the Principal Ordinance as amended by this Ordinance.
6. Section 7A of the Principal Ordinance is repealed. Repeal of Section 7A
- 7.(1) Section 8 of the Principal Ordinance is repealed and the following section substituted:

Departments
and branches

“8.(1) Subject to this Ordinance, the Public Service shall consist of such departments as are established by the Administrator in Council under the *Legislative Assembly (Executive Responsibility) Ordinance*.

“(2) There shall be a Department of the Legislative Assembly.

“(3) A department shall consist of such branches, if any, as are prescribed.”.

(2) The departments that were in existence immediately before the commencement of this Ordinance continue in existence until such time as the Administrator in Council establishes a department under the *Legislative Assembly (Executive Responsibility) Ordinance*.

(3) While a department is continued in existence by sub-section (1)—

(a) it continues to have the functions and duties that it had immediately before the commencement of this Ordinance; and

(b) it continues to consist of such branches, if any, as it consisted of immediately before the commencement of this Ordinance.

Classifications

8.(1) Section 10(1) of the Principal Ordinance is amended by omitting “The Minister” and substituting “The Administrator in Council”.

(2) Section 10(1), of the Principal Ordinance is amended by omitting “The Minister” and substituting “the Administrator in Council”.

(3) Notwithstanding the amendment made by sub-section (1), a classification made under the Principal Ordinance and in force immediately before the commencement of this Ordinance continues to have effect but an office so classified may be re-classified under the Principal Ordinance as amended by this Ordinance.

Appointments

9.(1) Section 12(1), (1B), (2), (4), (4A), (4B), (4C) and (4D) of the Principal Ordinance are amended by omitting “Minister” (wherever occurring) and substituting “Administrator”.

(2) Section 12(3), (4) and (4A) of the Principal Ordinance are amended by omitting “, upon a report from the Administrator,”.

(3) Section 12 of the Principal Ordinance is amended by omitting sub-section (5).

(4) An action taken by the Minister under section 12 of the Principal Ordinance continues to have effect notwithstanding the amendments made by this Ordinance.

Re-appointment
of persons who
have retired
from the Public
Service to
become
candidates at
elections

10. Section 12A(1) and (3) of the Principal Ordinance are amended by omitting “the Minister” (wherever occurring) and substituting “the Administrator”.

Salary on
appointment to
be fixed by
Administrator

11. Section 13 of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”.

12.(1) Section 15 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

Power to create and abolish offices and to alter classification or grading

“(1) The Administrator may—

- (a) create an office;
- (b) abolish an office; or
- (c) raise or lower the classification or grading of an office in a Department.”.

(2) Section 15(3) of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”.

(3) An action taken by the Minister under Section 15 of the Principal Ordinance before the commencement of this Ordinance continues to have effect notwithstanding the amendments made by this Ordinance.

13.(1) Section 16(1A)(b) of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”.

Increments

(2) Section 16(4) of the Principal Ordinance is amended by omitting “to the Minister”.

(3) Section 16(5) of the Principal Ordinance is amended by omitting “shall forward the appeal with a report to the Minister and the Minister shall” and substituting “shall re-consider his opinion and shall”.

14. Section 17 of the Principal Ordinance is repealed and the following section substituted:

“17. Where a vacancy occurs which it is expedient to fill by the promotion or transfer of an officer, the Administrator may promote or transfer an officer to fill the vacancy.”

Filling of vacancies

15. Section 18(2) of the Principal Ordinance is amended by omitting “or the Minister, as the case may be,”.

Efficiency and seniority

16.(1) Section 22(d) (v) of the Principal Ordinance is amended by omitting “recommend to the Minister the dismissal of” and substitute “dismiss”.

Serious offences

(2) The proviso to section 22(d) of the Principal Ordinance is amended by omitting “or recommended”.

(3) Section 22 of the Principal Ordinance is amended by omitting paragraph (e).

17. Section 23(1) of the Principal Ordinance is amended by omitting all the words after “shall be final”.

Grounds on which Appeal may be made

18. (1) Section 24(1) of the Principal Ordinance is amended by omitting paragraph (c) and substituting the following paragraph:

Appeal Board

“(c) an officer of the Department to which the appellant belonged, being an officer elected as a representative by the members of that Department.”.

(2) Section 24(3) of the Principal Ordinance is amended by omitting “the Branch” and substituting “the Department”.

(3) Section 24 of the Principal Ordinance is amended by omitting subsection (3A).

Proceeding of
Appeal Board

19. Section 26(3) of the Principal Ordinance is amended by omitting "the Minister" and substituting "the Administrator".

Proceedings on
appeal

20.(1) Section 29(3) of the Principal Ordinance is amended by omitting "the Minister" and substituting "the Administrator".

(2) Section 29(4) of the Principal Ordinance is amended by omitting "the Minister, upon report of".

Procedure
where address
of officer
unknown

21. Section 30(1) of the Principal Ordinance is amended by omitting "the Minister,".

Officer
convicted of
criminal offence

22. Section 31(2) and (3) of the Principal Ordinance are amended by omitting "the Minister" and substituting "the Administrator".

Officers taking
part in strikes
against the
Government

23. Section 32 of the Principal Ordinance is amended—

(a) by omitting "the Minister, upon report from"; and

(b) by omitting "the Minister" (second occurring) and substituting "the Administrator".

Leave for
illness or
pressing
necessity

24. (1) Section 34(1) of the Principal Ordinance is amended by omitting "with the concurrence of the Minister, and".

(2) Section 34(2) of the Principal Ordinance is amended—

(a) by omitting "with the concurrence of the Minister,"; and

(b) by omitting "the Minister" (second occurring) and substituting "the Administrator".

Leave without
pay

25. (1) Section 35(1) of the Principal Ordinance is amended—

(a) by omitting "the Minister may, on the recommendation of the Administrator," and substituting "the Administrator may"; and

(b) by omitting "the Minister" (second occurring) and substituting "the Administrator".

(2) Section 35(2) and (3) of the Principal Ordinance are amended by omitting "the Minister" (wherever occurring) and substituting "the Administrator".

Furlough

26. Section 36(1), (3), (4) and (5) of the Principal Ordinance are amended by omitting "the Minister" (wherever occurring) and substituting "the Administrator".

Extended leave
or pay in lieu to
officers not
entitled to
furlough

27. (1) Section 37(1) of the Principal Ordinance is amended by omitting "The Minister, on the recommendation of the Administrator," and substituting "The Administrator".

(2) Section 37(3) of the Principal Ordinance is amended by omitting "the Minister" and substituting "the Administrator".

- (3) Section 37(4) of the Principal Ordinance is amended—
- by omitting “the Minister” (first occurring) and substituting “the Administrator”; and
 - by omitting “the Minister may, on the recommendation of the Administrator,” and substituting “the Administrator may”.
- (4) Section 37(4A) of the Principal Ordinance is amended by omitting “the Minister” (wherever occurring) and substituting “the Administrator”.
- (5) Section 37(5) of the Principal Ordinance is amended by omitting “the Minister may, on the recommendation of the Administrator,” and substituting “the Administrator may”.
- 28.** Section 39A(1) of the Principal Ordinance is amended by omitting “the Minister” (wherever occurring) and substituting “the Administrator”. Temporary employment of persons who have retired from the Public Service to become candidates at elections
- 29.** (1) Section 41(1) of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator in Council”. Retirement of officers
- (2) Section 41(3) of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”.
- 30.** Section 42(2) of the Principal Ordinance is amended by omitting “the Minister” (wherever occurring) and substituting “the Administrator”. Officers attaining age of 65 to retire unless required to continue
- 31.** Section 44(1) of the Principal Ordinance is amended—
- by omitting “the Minister” (first occurring) and substituting “the Administrator”; and
 - by omitting “the Minister may, on the recommendation of the Administrator,” and substituting “the Administrator may”.
- Incapacity of officers
- 32.** (1) Section 45(1) of the Principal Ordinance is amended by omitting “, who shall forward the same to the Minister with any remarks he may desire to make thereon”. Bankruptcy of officer
- (2) Section 45(2) of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”.
- (3) Section 45(4) of the Principal Ordinance is amended by omitting “the Minister may, on the recommendation of the Administrator,” and substituting “the Administrator may”.
- 33.** Section 49A of the Principal Ordinance is amended by omitting “the Minister” and substituting “the Administrator”. Annual Report
- 34.** Section 50(1) of the Principal Ordinance is amended—
- by omitting from paragraph (c) “the Department of the Administrator” and substituting “Departments”; and
 - by omitting paragraph (o).
- Regulations
- 35.** The Third Schedule to the Principal Ordinance is repealed. Third Schedule

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To provide for the application of Insurance Money on the Completion of Sale or Exchange of Property

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 (Insurance Money Application) Ordinance 1975*. Short title

2.(1) In this Ordinance, unless the contrary intention appears— Interpre-
tation
“completion” in relation to an option to purchase means completion of a sale on the option being exercised;
“property” includes any thing in action and any interest in real or personal property;
“sale” includes an option to purchase.

(2) In this Ordinance “sale or exchange” includes a sale or exchange by an order of a court as if—

- (a) for a reference to “vendor” there were substituted a reference to “person bound by a court order”;
- (b) for a reference to “completion of the sale or exchange” there were substituted a reference to “payment of the purchase or equality money (if any) into court”; and
- (c) for a reference to “date of contract” there were substituted “time when a contract becomes binding”.

3. This Ordinance shall be deemed to have come into operation on 25 December 1974. Commence-
ment

4.(1) Where after the date of a contract for the sale or exchange of property money becomes payable under a policy of insurance maintained by the vendor in respect of damage to or destruction of property included in the contract, the money shall, on completion of the contract, be held or receivable by the vendor on behalf of the purchaser and paid by the vendor to the purchaser on completion of the sale or exchange, or so soon thereafter as the money shall be received by the vendor. Application of
insurance
money

(2) Sub-section (1) has effect subject to—

- (a) a stipulation to the contrary contained in the contract;
- (b) a requisite consent of the insurers; and
- (c) the payment by the purchaser of the proportionate part of the premium from the date of the contract.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To provide for the extension of the Period of Office
of the Mayor and Aldermen of the Council of the
City of Darwin

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

1. This Ordinance may be cited as the *Local Government (Extension of
Terms of office) Ordinance 1975*. Short title

2. Subject to this Ordinance and notwithstanding the provisions of the
Local Government Ordinance, the mayor and aldermen of the City of Darwin
holding office on the date of commencement of this Ordinance continue to
hold office under the *Local Government Ordinance* until the election date. Extension of
term of office

3.(1) For the purposes of this Ordinance "election date" means a date
fixed by the Corporation of the City of Darwin being a Saturday in the
month of April, May or June in the year 1976, or such earlier date fixed by
the Administrator in Council by notice in the *Gazette*. Election date

(2) The Administrator in Council shall not fix a date under sub-section
(2) that is earlier than 60 days after the date on which the notice of that date
is published in the *Gazette*.

4. Where an election date fixed by the Administrator in Council is later
than 31 December 1975, the date of the next succeeding 3 yearly election
under the *Local Government Ordinance* for mayor and aldermen of the City
of Darwin shall be fixed by the Corporation of the City of Darwin to be a
Saturday in the month of April, May or June occurring in the period of 12
months after the third anniversary of the election date. Date of first
subsequent 3
yearly election

5. Where in the *Local Government Ordinance* reference is made to "3
yearly election", that expression shall, where applicable, include the election
held or to be held on the election date. Interpretation

6. For the purposes of the *Local Government Ordinance* and not with-
standing section 87 of that Ordinance, "nomination day" in respect of the
first election of the mayor and aldermen of the City of Darwin to be held
after the making of this Ordinance shall be the twenty-eighth day before the
election date. Nomination
day for election

Ordinance to
cease as a law
of the Territory

7.(1) The provisions of this Ordinance, other than this section, shall cease as a law of the Territory on the day after the 3 yearly election for mayor and aldermen of the City of Darwin held next after the election date, and this Ordinance shall, on that first-mentioned day, be regarded as having been repealed.

(2) On the provisions of this Ordinance ceasing as a law of the Territory, the cessation shall not—

- (a) affect the previous operation of this Ordinance or anything duly done or suffered under this Ordinance;
- (b) affect any right, privilege, obligation or liability acquired accrued or incurred under this Ordinance; or
- (c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if sub-section (1) had not been passed.

BILLS INTRODUCED

19 March 1975

<i>Serial No.</i>	<i>Title</i>	<i>Sponsor</i>
21	Cyclone Disaster Emergency (No. 2) 1975	Dr Letts
25	Encouragement of Primary Production 1975	Dr Letts
26	Caravan Parks (No. 2) 1975	Mrs Lawrie
27	Police and Police Offences 1975	Mrs Lawrie
28	Criminal Law Consolidation 1975	Mrs Lawrie
29	Local Government (Post-Cyclone Elections) 1975	Mr Tambling
30	Licensing 1975	Mr Pollock
31	Drunkenness 1975	Mr Everingham
32	Police and Police Offences 1975	Mr Everingham
33	Explosives 1975	Mr Ryan

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Cyclone Disaster Emergency Ordinance 1975*

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

1. This Ordinance may be cited as the *Cyclone Disaster Emergency Ordinance (No. 2) 1975*. Short title

2. The *Cyclone Disaster Emergency Ordinance 1975* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 2 of the Principal Ordinance is amended—

- (a) by inserting “this section and” after “other than”;
 - (b) by omitting “31 March 1975” and substituting “30 June, 1975”;
 - and
 - (c) by adding at the end the following sub-section:
- Duration of Ordinance

“(2) On the provisions of this Ordinance ceasing as a law of the Territory, the cessation shall not—

- (a) affect the previous operation of this Ordinance or anything duly done or suffered under this Ordinance;
- (b) affect any right privilege obligation or liability acquired accrued or incurred under this Ordinance;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against this Ordinance; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if sub-section (1) had not been passed.”

4. Section 8(1) of the Principal Ordinance is amended by omitting “(f) and”. Director may delegate, etc.

5.(1) Section 10(1) of the Principal Ordinance is amended by omitting paragraphs (c), (d), (e), (f), (g), (j), (k), (l), (n), (p) and (q). Powers of Director

(2) Section 10 of the Principal Ordinance is amended by omitting sub-section (2).

(3) Section 10(3) of the Principal Ordinance is amended by omitting “, other than under sub-section (1)(j),”.

Offence

6.(1) Section 12(1) of the Principal Ordinance is amended by adding at the foot thereof the words—

“Penalty: 500 dollars, or imprisonment for 3 months, or both.”.

(2) Section 12 of the Principal Ordinance is amended by omitting sub-sections (2) to (6) inclusive.

Repeal of
section 13

7. Section 13 of the Principal Ordinance is repealed.

Statute of
limitations

8. Section 15(1) of the Principal Ordinance is amended by omitting “on the date on which provisions of this Ordinance other than section 3 and this section cease to be a law of the Territory under section 2” and substituting “or 31 March, 1975”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Encouragement of Primary
Production Ordinance 1931* as amended

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

1. This Ordinance may be cited as the *Encouragement of Primary Production Ordinance 1975*. Short title

2. The *Encouragement of Primary Production Ordinance 1931* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3.(1) Section 4(1) of the Principal Ordinance is amended by omitting "4" and substituting "5". Constitution of Board

(2) Section 4(2) of the Principal Ordinance is amended by omitting "Administrator" and substituting "Administrator in Council".

4. The members, the Chairman and the Deputy Chairman of the Board holding office under the Principal Ordinance immediately before the commencement of this Ordinance continue to hold office as if appointed under the Principal Ordinance as amended by this Ordinance. Saving

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Caravan Parks Ordinance 1975*

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

1. This Ordinance may be cited as the *Caravan Parks Ordinance (No. 2)* Short title
1975.

2. The *Caravan Parks Ordinance 1975* is in this Ordinance referred to as Principal
the Principal Ordinance. Ordinance

3. After section 13 of the Principal Ordinance the following section is
inserted:

“13A.(1) A person against whom an order under section 11 or 12 is directed may, within 7 days of receipt of notice of the order, or within such
Appeals
further time as is allowed under sub-section (2), appeal against a provision
of the order to a Magistrate appointed under the *Justices Ordinance*.

“(2) A Magistrate may, on application made during or after the period
of 7 days referred to in sub-section (1), extend the time for lodging an
appeal.

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

“(4) The appellant shall annex to the application referred to in sub-
section (3) a copy of the order that is the subject of the appeal, and shall
specify the provisions to which he objects and the reasons for his objection.

“(5) Notice of an application under sub-section (3) shall be served on
the Chief Inspector and such other persons as the Magistrate may determine.

“(6) A Magistrate may, after the filing of an application under sub-
section (3), on application *ex parte* or otherwise, direct the suspension of the
order appealed against, or direct the suspension of a provision of the order,
pending determination of the appeal.

“(7) A Magistrate, on the hearing of an appeal under sub-section (1)
may—

- (a) uphold the order;
- (b) order the Chief Inspector to amend the order; or

(c) set the order aside.

“(8) Notwithstanding section 15, a person is not required to comply with a provision of an order of the Chief Inspector while it is suspended, or, where the order is set aside, after the order is set aside.”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Police and Police Offences Ordinance 1923* as amended

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

1. This Ordinance may be cited as the *Police and Police Offences Ordinance 1975*. Short title

2. The *Police and Police Offences Ordinance 1923* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 50 of the Principal Ordinance is amended— Indecent exposure
 - (a) by omitting “Any” and substituting “(1) Subject to sub-section (2), any”; and
 - (b) by adding at the end of the following subsections:
 - “(2) A person shall not commit an offence against this section if he exposes his person on a free beach or in waters immediately adjacent to a free beach.
 - “(3) The Administrator shall cause the boundaries of a free beach to be marked.
 - “(4) The Administrator shall cause signs to be erected at the approaches to a free beach indicating the presence of that free beach.
 - “(5) For the purposes of this section ‘free beach’ means an area of coastal beach prescribed as a free beach.”.

4. Section 106 of the Principal Ordinance is amended— Regulations
 - (a) by omitting from the end of paragraph (j) the word “and”; and
 - (b) by adding at the end of the following:

“and (1) prescribing areas of coastal beach as free beaches for the purposes of nude bathing.”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Criminal Law Consolidation Act
and Ordinance 1876-1969* as amended

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

1. This Ordinance may be cited as the *Criminal Law Consolidation Ordinance 1975*. Short title

2. The *Criminal Law Consolidation Act and Ordinance 1876-1969* as amended is in this Ordinance referred to as the Principal Statute. Principal Statute

3. Section 315 of the Principal Statute is repealed. Repeal of section 315

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the election of Mayor and Aldermen of the City of Darwin

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

1. This Ordinance may be cited as the *Local Government (Post-Cyclone Elections) Ordinance 1975*. Short title

2. (1) This Ordinance applies only in relation to—

(a) the first 3 yearly election of mayor and aldermen of the City of Darwin held under the *Local Government Ordinance* after 24 December 1974; and

(b) supplementary elections of mayor or aldermen of the City of Darwin held under that Ordinance after that 3 yearly election but before the next succeeding 3 yearly election of mayor and aldermen of the City of Darwin.

Applica-
tion

(2) This Ordinance applies notwithstanding the *Local Government Ordinance*.

3. Words and expressions used in this Ordinance have the meanings that they have in the *Local Government Ordinance*.

Interpre-
tation

4. (1) A person is qualified to be enrolled as an elector for the City of Darwin if on 24 December 1974, he was qualified to be so enrolled.

Electors

(2) A person who is qualified to be enrolled by virtue of this Ordinance shall be deemed to be qualified by reason of the provisions of section 57 of the *Local Government Ordinance*.

5. Upon the commencement of this Ordinance, the clerk of the City of Darwin shall include on the electors roll for the City of Darwin the names of all persons who are, by virtue of this Ordinance, qualified to be so enrolled and whose names are not already included on the roll.

Adjustment of
roll

6. A notice may be served on a person who is qualified by virtue of this Ordinance—

Service of
notices

(a) in the manner in which a notice may be served on a person under the *Local Government Ordinance*; or

(b) by inserting advertisements in newspapers circulating in the various

States and Territories of the Commonwealth addressed to all residents of Darwin who are temporarily unable to return to Darwin.

Wards

7. (1) All the wards of the City of Darwin are abolished.
- (2) The number of aldermen to be elected for the City of Darwin is 10.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Licensing Ordinance* 1939 as amended

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

1. This Ordinance may be cited as the *Licensing Ordinance* 1975. Short title
 2. The *Licensing Ordinance* 1939 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
 3. (1) Section 46(1) of the Principal Ordinance is amended by omitting all the words from and including "to carry on his business" and substituting "to suspend the carrying on of his business or to carry on his business in a part only of his premises or in some neighbouring premises (although not having the accommodation or equipment required by this Ordinance) for such period not exceeding, at any one time, 12 months and not exceeding, in total, 3 years as, having regard to the nature and extent of the repairs or rebuilding work required, the licensing magistrate thinks reasonable". Application for temporary licence or permission to make alteration or addition
- (2) Section 46 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-sections:
- "(1A) Where a licensing magistrate makes an order under sub-section (1) authorizing a person temporarily to suspend the carrying on of his business—
- (a) the licensee is entitled, if he has paid an annual fee in respect of all or part of the period of the suspension, to a refund of so much of that fee as is proportionate to the part of the year during which the carrying on of the business is suspended;
 - (b) no annual fee is payable in respect of the period of the suspension; and
 - (c) the annual fee payable when the licensee resumes the carrying on of his business is the amount of the annual fee last payable before he ceased to carry on business less so much of that fee as is proportionate to the part, if any, of the year during which the carrying on of the business was suspended.
- "(1B) Where a licensee suspends the carrying on of his business in pursuance of an order under sub-section (1), he shall not resume the carrying on of his business until a licensing magistrate has approved the premises as fit for the carrying on of his business as a licensee.
- "(1C) A licensing magistrate shall not approve premises under sub-section (1B) until he has received a report from an inspector on the condition of the premises."

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to Drunkness

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

1. This Ordinance may be cited as the *Drunkness Ordinance 1975*. Short title

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

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

“Director of Health” means the person for the time being holding, or acting in or performing the duties of, the office established under the *Public Service Act 1922-1973* of Director of Health for the Northern Territory;

“Director of Social Welfare” means the Director of Social Welfare appointed under the *Social Welfare Ordinance* and includes an acting Director;

“inspector” means a person appointed under section 5 to be an inspector of places of custody for the purposes of this Ordinance;

“Justice of the Peace” means a acting of the Peace within the meaning of the *Justices Ordinance*;

“member of the Police Force” means a member of the Police Force within the meaning of the *Police and Police Offences Ordinance*;

“place of custody” means a place declared under section 4 to be a place of custody for the purposes of this Ordinance.

4.(1) The Administrator may, by notice in the *Gazette*, declare a place where there are facilities for detaining persons against their will to be a place of custody for the purposes of this Ordinance. Places of
custody

(2) For the purposes of this Ordinance, every police station and every place that is a prison within the meaning of the *Prisons Ordinance* is a place of custody.

5. The Director of Health, by notice in the *Gazette*, may appoint a person who is— Inspector of
places of
custody

(a) a registered medical practitioner within the meaning of the *Medical Practitioners Registration Ordinance*; or

(b) a nurse within the meaning of the *Nurses Registration Ordinance*, to be an inspector of places of custody for the purposes of this Ordinance.

Apprehension of drunken persons without warrant

6. Where a member of the Police Force has reasonable grounds for believing that a person in a public place is drunk, he may, without warrant, apprehend that person and take him—

- (a) home;
- (b) to a hospital;
- (c) to a place where that person will be cared for without being detained against his will; or
- (d) to a place of custody.

Holding in custody

7.(1) Where a member of the Police Force brings a person to a place of custody in pursuance of this Ordinance, the person in charge of that place at the time may take that person into custody.

(2) Subject to this Ordinance, a person who has been taken into custody in a place of custody under this Ordinance shall be held in the custody of the person from time to time in charge of that place, but only—

- (a) for so long as it reasonably appears to him that that person is drunk; or
- (b) for 6 hours,

whichever is the shorter time.

(3) A person who is in custody under this Ordinance after midnight and before half past seven o'clock in the morning on any day may be held in custody until half past seven o'clock in the morning on that day.

(4) A person in custody under this Ordinance who is asleep at the time when, if he was awake, he would be released from custody, may be held in custody until—

- (a) one hour after he wakes up; or
- (b) eleven o'clock in the morning,

whichever first occurs.

Powers of search, etc.

8.(1) The person in charge of a place of custody may—

- (a) search or cause to be searched a person whom he takes into custody under this Ordinance; and
- (b) remove from that person for safe keeping until the person released from custody any money or valuables that are found on or about that person and any items found on or about that person that are likely to cause harm to that person or any other person or that could be used by that person or any other person to cause harm to himself or another.

(2) For the purposes of this section, a woman shall not be searched except by a woman or an inspector.

Sobriety test

9.(1) The person in charge of a place of custody may require a person who is in custody under this Ordinance and who claims that he is not drunk to take a sobriety test that does not involve blood sampling.

(2) Evidence that a person refused to take a sobriety test that he was required under subsection (1) to take is evidence of drunkenness.

10. The person in charge of a place of custody may, with the consent of the person concerned or, if that person is incapable of giving consent, without that consent— Medical attention, etc.

- (a) give or cause to be given to a person held in custody under this Ordinance first aid or emergency medical or surgical treatment; and
- (b) take a person held in custody under this Ordinance or cause such a person to be taken—
 - (i) home;
 - (ii) to a hospital; or
 - (iii) to a place where that person will be cared for without being detained against his will.

11. A person who had been taken into custody under this Ordinance shall not be held in custody in the same room as a person who has been charged with or convicted of an offence unless there is no other place where he can reasonably be held in custody. Separate accommodation

12. A person who is being held in a place of custody— Visitors

- (a) shall be permitted reasonable access to a telephone; and
- (b) may receive visitors.

13. A person who is taken into custody under this Ordinance shall be offered a meal before he is released from custody. Meal

14.(1) Where a person in charge of a place of custody takes a person into custody under this Ordinance and, at the time, there is no other person in custody under this Ordinance in that place, that person in charge of the place shall forthwith notify an inspector that he has taken a person into custody. Inspector to visit

(2) When an inspector is notified under this section that a person is in custody in a place of custody, an inspector shall forthwith visit that place of custody and thereafter an inspector shall visit that place at intervals of not more than 4 hours until there is no longer a person in custody in that place.

15.(1) An inspector may at any time— Powers of inspector

- (a) inspect a place of custody;
- (b) examine a person held in custody under this Ordinance in that place; and
- (c) inspect and copy a record kept under this Ordinance.

(2) An inspector may order the person in charge of a place of custody—

- (a) to release a person held in custody under this Ordinance in that place; or
- (b) to take such steps as that person in charge is reasonably able to take for the comfort, health or safety of a person held in custody under this Ordinance in that place.

16.(1) A person specified or who is a member of a class specified in subsection (2) may, at any time— Powers of certain other persons

- (a) inspect a place of custody; and
- (b) inspect and copy a record kept under this Ordinance.

(2) For the purposes of subsection (1), the following persons and classes of persons are specified:

The Administrator
 The Director of Health
 The Director of Social Welfare
 Justices of the Peace
 Members of the Legislative Assembly for the Northern Territory

Records

17.(1) The person in charge of a place of custody shall maintain a record book of persons held in custody under this Ordinance in that place.

(2) A record kept under this section shall include—

- (a) the name of each person taken into custody under this Ordinance in that place;
- (b) the date and time when that person was taken into custody; and
- (c) the date and time when that person was released.

(3) On each occasion on which an inspector visits a place of custody, he shall sign the record kept under this section in respect of that place and shall note—

- (a) the date and time of his visit;
- (b) the names of the persons in custody whom he saw during that visit; and
- (c) the wording of any orders that he gave to the person in charge of that place during that visit.

(4) The signature of an inspector under this section shall be countersigned by the person in charge of that place.

(5) A record kept under this section shall be kept for not less than 5 years.

Release of persons from custody

18.(1) Where a person is held in custody in a place of custody under this Ordinance and it ceases to be lawful under this Ordinance to hold him in that place, the person in charge of that place shall, without any further or other authority than this section, release that person from custody without his entering into any recognizances of bail.

(2) A person shall not be charged with an offence while he is in custody under this Ordinance, but nothing in this Ordinance prevents a person from being apprehended and charged with an offence after his release from custody under this section.

(3) Section 34 of the *Police and Police Offences Ordinance* does not apply in relation to the apprehension of a person under this Ordinance, but nothing in this Ordinance affects the application of that section in relation to the apprehension and charging with an offence of a person released from custody under this section.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Police and Police Offences
Ordinances 1923* as amended

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

1. This Ordinance may be cited as the *Police and Police Offences Ordinance 1975*. Short title
2. The *Police and Police Offences Ordinance 1923* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date on which the *Drunkness Ordinance 1975* comes into operation. Commence-
ment
4. Section 33A of the Principal Ordinance is repealed. Repeal of
section 33A

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Explosives Ordinance* 1964 as amended

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

1. This Ordinance may be cited as the *Explosives Ordinance* 1975. Short title
 2. The *Explosives Ordinance* 1964 as amended is in this referred to as the Principal Ordinance. Principal Ordinance
 3. Section 46 (1) of the Principal Ordinance is amended by inserting after paragraph (t) the following paragraph: Regulations
“(ta) regulating (by licence or otherwise) the purchase and possession of explosives;”
 4. Regulations made under the Principal Ordinance before the commencement of this Ordinance are as valid and effectual as if they had been made under the Principal Ordinance as amended by this Ordinance. Clarification
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