

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

3 - 5 May 1977

Serial No.	Title	Sponsor
197	Architects 1977	Mr Tambling
188	Dangerous Drugs 1977	Mr Tuxworth
182	Environment 1977	Mr Withnall
198	Motor Vehicles 1977	Mr Ryan
200	Petroleum Products Subsidy 1977	Miss Andrew
178	Poisons 1977	Mr Tuxworth
189	Prohibited Drugs 1977	Mr Tuxworth
199	Traffic 1977	Mr Ryan
201	Workmen's Compensation 1977	Mr Perron

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Architects Ordinance

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

- | | |
|--|----------------------------------|
| 1. This Ordinance may be cited as the <u>Architects Ordinance</u> 1977. | Short title |
| 2. The <u>Architects Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 14 of the Principal Ordinance is amended by omitting sub-section (1) and substituting: | Persons entitled to registration |
| "(1) The Board shall authorize the registration of a person as an architect if that person satisfies the Board that he is a fit and proper person to be registered as an architect and that he - | |
| (a) is a member of the Institute;
or | |
| (b) holds a degree or diploma in architecture conferred by - | |
| (i) an institution recognized by the Royal Australian Institute of Architects or by the Architects Accreditation Council of Australia as an institution competent | |

to confer that degree
or diploma; or

(ii) a prescribed
institution.".

Savings

4. Where, immediately before the commencement of this Ordinance, a person was registered as an architect under the Principal Ordinance, that person continues, subject to section 20 of the Principal Ordinance as amended by this Ordinance, to be registered as an architect under the Principal Ordinance as amended by this Ordinance.

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to dangerous drugs, opium and psychotropic
substances

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 Dangerous
Drugs Ordinance 1977.

Short
title

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

Commencement

3.(1) The Ordinances specified in the First
Schedule are repealed.

Repeal and
saving

(2) Notwithstanding the repeal effected by
sub-section (1), the notice, published in the Gazette
on 18 December, 1968 pursuant to a power granted to the
Administrator in Council under the repealed Ordinances,
declaring certain narcotic drugs specified in that
notice to be dangerous drugs within the meaning of
those Ordinances shall continue in force as though that
notice had, immediately upon the commencement of this
Ordinance, been published pursuant to the power granted
to the Administrator in Council under this Ordinance to
declare a narcotic drug to be a dangerous drug.

(3) The declaration in force pursuant to
sub-section (2) may be amended or revoked by the Ad-
ministrator in Council, by notice published in the
Gazette.

(4) Notwithstanding the repeal effected by
sub-section (1), the provisions of the repealed

Ordinances continue to apply, as if this Ordinance had not been passed, to any offence committed against those repealed Ordinances before the commencement of this Ordinance.

Definitions

4. In this Ordinance unless the contrary intention appears -

"coca leaf" means the leaf of the Erythroxylon Coca Lamarck and the Erythroxylon novo-granatense (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceae and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

"cocaine" means methyl-benzoyl laevo-ecgonine ($\alpha_D^{20} = -16.4$ in 20 per cent. solution of chloroform), of which the formula is $C_{17}H_{21}NO_4$;

"crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

"dangerous drugs" includes -

(a) medicinal opium, crude cocaine, ecgonine, morphine, cocaine and their respective salts;

(b) all preparations officinal and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent. of morphine or more than 0.1 per cent. of cocaine; and

(c) any other narcotic drug which the Administrator in Council by notice in the Gazette declares to be a dangerous drug;

"ecgonine" means laevo-ecgonine ($\alpha_D^{20} = -45.6$ in 5 per cent. solution of water), of which the formula is $C_9H_{15}NO_3H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia whether in powder form or granulated or otherwise or mixed with neutral materials;

"morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$;

"nominated person" means a person nominated under and for the purposes of section 9(2)(c) or a person substituted for that person pursuant to section 9(9);

"opium" includes raw opium and prepared opium, and also includes any substance or fluid containing morphine, however small the quantity of morphine may be;

"prepared opium" means the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption, and includes opium ash, opium charcoal and dross and other residues of opium;

"psychotropic substance" means a substance of a kind specified in the Second Schedule and includes-

- (a) a preparation containing such a substance; and
- (b) such other substances as are structurally derived from such a substance and have psychotropic properties, but does not include a preparation exempted under section 22;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the Papaver somniferum L., which has been submitted to only the necessary manipulations for packing and transport, whatever its content of morphine;

"registered dentist" means a dentist registered under the Dentists Registration Ordinance;

"registered medical practitioner" means a medical practitioner registered under the Medical Practitioners Registration Ordinance;

"registered pharmacist" means a pharmacist registered under the Pharmacy Ordinance;

"registered premises" means premises registered in accordance with section 9;

"registered veterinary surgeon" means a veterinary surgeon registered under the Veterinary Surgeons Ordinance;

"repealed Ordinances" means the Ordinances repealed by section 3.

(2) Without restricting the meaning of the word "possession", a dangerous drug, or an article used in producing, preparing, manufacturing, consuming, smoking or administering a dangerous drug shall be deemed to be in the possession of a person -

- (a) if found upon him;
- (b) if found upon any land occupied by him; or
- (c) or if used enjoyed or controlled by him in any place whatever,

unless he proves that he had no knowledge of the dangerous drug or article being in his possession.

PART II - DANGEROUS DRUGS AND OPIUM

Smoking,
etc., of
opium an
offence

5. Subject to section 7, a person shall not -

- (a) smoke or consume opium or administer opium to himself;
- (b) be in possession or attempt to obtain possession of opium;
- (c) produce, prepare, manufacture, sell, deal in or traffic in opium or supply opium to another person; or

(d) administer opium to another person.

Penalty: In the case of an offence against paragraph (a) or (b) -

For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years;

In the case of an offence against paragraph (c) or (d)-

For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

6. Subject to section 7, a person shall not -

(a) be in possession or attempt to obtain possession of a dangerous drug;

(b) produce, prepare, manufacture, sell, deal in or traffic in a dangerous drug or supply a dangerous drug to another person; or

(c) administer a dangerous drug to another person.

Possession,
etc., of
dangerous
drugs an
offence

Penalty: In the case of an offence against paragraph (a) -

For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years;

In the case of an offence against paragraph (b) or (c)-

For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

Exception to possession, etc., of dangerous drug, etc.

7.(1) It is not an offence -

(a) for a registered medical practitioner, in the ordinary conduct of his profession -

(i) to purchase or be in possession of a dangerous drug or opium;

(ii) to sell or supply a dangerous drug or opium to a person for use by that person for a therapeutic purpose;

(iii) to administer, for a therapeutic purpose, a dangerous drug or opium to a person; or

(iv) to prepare a dangerous drug or opium;

(b) for a registered pharmacist, in the normal conduct of his profession -

(i) to purchase or be in possession of a dangerous drug or opium;

(ii) to sell or supply a dangerous drug or opium to a registered medical practitioner, a registered dentist, a registered veterinary surgeon, a registered pharmacist, a person licensed to sell poison under the Poisons Ordinance, a person for whom a registered medical practitioner has in writing prescribed that dangerous drug or opium or a person for whom a registered veterinary surgeon has in writing prescribed that dangerous drug or opium for administration to an animal; or

(iii) to produce, prepare or manufacture a dangerous drug or opium;

(c) for a registered dentist -

(i) to purchase or be in possession of a dangerous drug for use in the normal conduct of his profession; or

(ii) to administer a dangerous drug to a person in the normal conduct of his profession;

(d) for a registered veterinary surgeon -

(i) to purchase or be in possession of a dangerous drug for use; or

(ii) to sell or supply a dangerous drug, in the normal conduct of that veterinary surgeon's profession;

(e) for a person licensed to sell poison under the Poisons Ordinance -

(i) to purchase or be in possession of a dangerous drug or opium; or

(ii) to sell or supply a dangerous drug or opium,

to a person authorized under this section to be in possession of that drug or opium; or

(f) for a person to purchase or be in possession of a dangerous drug or opium if that person has been lawfully sold or supplied with that drug or opium -

(i) by a registered medical practitioner;

(ii) by a registered veterinary surgeon for the purpose of administering that drug or opium to an animal;

(iii) by a registered pharmacist in accordance with a written prescription of a registered medical practitioner, as or on behalf of the person for whom the dangerous drug or opium has been prescribed; or

- (iv) by a registered pharmacist in accordance with a written prescription of a registered veterinary surgeon, as or on behalf of the owner or keeper of an animal.

(2) A registered medical practitioner or registered veterinary surgeon who gives a person a prescription for a dangerous drug or opium shall be deemed to have supplied that dangerous drug or opium to that person.

PART III - PSYCHOTROPIC SUBSTANCES

Offence to
prepare,
etc., psy-
chotropic
substance

8. Subject to this Ordinance, a person shall not produce, prepare, manufacture, sell, deal, traffic in or supply to another person a psychotropic substance.

Penalty: For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

Registration
of premises
for
preparation,
etc., of
psychotropic
substance

9.(1) A person may apply to the Chief Medical Officer to register premises under this section for the lawful possession, production, preparation, manufacture, sale or supply of a psychotropic substance.

(2) An application under sub-section (1) shall be in writing and shall -

- (a) state the name, address and description of the person making the application;
- (b) state the nature of the operations or activities intended to be carried out in or on the premises;
- (c) nominate a person to be responsible for the carrying out of those operations and state his name, address and description;
- (d) set out details of the arrangements intended to be made for security against the theft or

unlawful removal of the psychotropic substances to be kept on those premises; and

(e) contain such other information as may be prescribed.

(3) An application under sub-section (1) shall be accompanied by a plan of the premises showing clearly -

(a) the nature of the operations or activities to be carried out in each section of those premises; and

(b) the security arrangements against the theft or unlawful removal of the psychotropic substances to be kept on those premises.

(4) If the Chief Medical Officer is satisfied -

(a) that the nominated person is a fit and proper person to have the control of a psychotropic substance;

(b) that the proposed premises are suitable for the purpose; and

(c) that the proposed security arrangements are adequate,

he may register the premises under this section.

(5) The Chief Medical Officer shall register premises under this section by entering, or causing to be entered, in a register book kept by him such details in relation to those premises as are supplied in and with the application for registration.

(6) Registration of premises under this Ordinance shall be effected in the name of the nominated person.

(7) Upon registration, the Chief Medical Officer shall issue to the nominated person a certificate of registration.

(8) Certificates issued under this section shall-

(a) be chronologically numbered;

(b) be in such form as the Chief Medical Officer approves;

(c) be signed by the Chief Medical Officer; and

(d) show -

(i) the name, address and description of the nominated person; and

(ii) the address of the registered premises to which they relate.

(9) The nominated person may be changed from time to time -

(a) upon written application, signed by the nominated person and the person to be substituted for him, being made to the Chief Medical Officer; and

(b) upon the Chief Medical Officer being satisfied that the person to be substituted is a fit and proper person to have the control of a psychotropic substance.

(10) A change effected under sub-section (9) shall be recorded by the Chief Medical Officer in the register book.

(11) Where a change is registered under sub-section (9), the certificate issued under this section shall be amended by the Chief Medical Officer or a new certificate issued in the name of the person substituted in relation to the registered premises as a nominated person.

(12) An amendment under sub-section (11) shall bear the signature or initials of the Chief Medical Officer.

(13) A certificate of registration issued under this section shall be prominently displayed by the nominated person in the premises to which it relates.

Penalty: 200 dollars.

(14) The Chief Medical Officer may cancel a registration effected under this section by noting the register book accordingly, whereupon the premises to which that registration relates shall cease to be registered premises and the nominated person concerned shall cease to be a nominated person in respect of those premises.

(15) Where the Chief Medical Officer requests a nominated person to deliver to him a certificate issued under this section, that person shall not fail, neglect or refuse to do so.

Penalty: 500 dollars or imprisonment for 6 months or both.

(16) Where premises have been registered under this section, the nominated person and his servants and agents acting with his authority, may -

- (a) on or in the registered premises, be in possession of, produce, prepare or manufacture a psychotropic substance; and
- (b) subject to sub-section (17), on, in or from those premises sell or supply to another person a psychotropic substance.

(17) Nothing in this section permits the sale or supply of a psychotropic substance-

- (a) to a person for whom a registered medical practitioner or veterinary surgeon has prescribed, for any purpose, a psychotropic substance; or
- (b) to any other person unless he is a person authorized or permitted under or pursuant to this Ordinance to be in possession of, produce, prepare, manufacture, sell, deal in, traffic in or use that psychotropic substance or to supply or administer that psychotropic substance to another person.

(18) In this section, "register book" means the register book kept in accordance with sub-section (5).

Records to
be kept by
nominated
person

10.(1) A nominated person shall keep in the registered premises a permanent record showing details-

- (a) of the names and addresses of the persons from whom he received any psychotropic substances;
- (b) of the nature and quantities of psychotropic substances which he has received, prepared, manufactured or used or sold or supplied to another person; and
- (c) the names and addresses of the persons to whom he has sold or supplied any psychotropic substances.

Penalty: 500 dollars or imprisonment for 6 months or both.

(2) On the request of a member of the Police Force, an inspector appointed under the Poisons Ordinance or a person authorized in writing under the hand of the Chief Medical Officer, a nominated person -

- (a) shall produce for inspection by that member of the Police Force, inspector or authorized person the record required to be kept under sub-section (1); and
- (b) shall permit that member of the Police Force, inspector or authorized person -
 - (i) to make a copy of that record; and
 - (ii) to inspect the psychotropic substances kept by him in or on the registered premises.

Penalty: 500 dollars or imprisonment for 6 months or both.

Offence to
have psycho-
tropic sub-
stance in
possession

11. Subject to this Ordinance, a person shall not have in his possession or attempt to obtain possession of a psychotropic substance.

Penalty: For a first offence - 5,000 dollars;

For a second offence - imprisonment for 5 years;

For any subsequent offence - imprisonment for 10 years.

12.(1) Subject to this Ordinance, a person shall not -

- (a) administer a psychotropic substance to another person; or
- (b) have in his possession a psychotropic substance for the purpose of sale or supply to another person.

Offence to administer to another or to have possession of psychotropic substance for sale or supply

Penalty: For a first offence - imprisonment for 7 years;

For a second offence - imprisonment for 15 years;

For any subsequent offence - imprisonment for 25 years.

(2) A person who has in his possession a psychotropic substance specified in the first column of the Third Schedule in a quantity in excess of the quantity specified in the second column of that Schedule opposite that psychotropic substance in the first column shall be deemed to have that psychotropic substance in his possession for the purpose of sale or supply to another person.

13.(1) The Chief Medical Officer may, in writing, authorize a person, subject to the restrictions and conditions stated in that authorization, to be in possession of and use a psychotropic substance.

Authorized use of psychotropic substance

(2) An authority granted under this section may be revoked by the Chief Medical Officer.

(3) An authority granted under sub-section (1) -

- (a) may specify the maximum quantity of the psychotropic substance which may be held at any one time for use; and
- (b) may specify the purposes for which such a substance may be used.

(4) A person shall not fail, neglect or refuse to comply with a restriction or condition contained in an authority granted to him under this section.

Penalty: 1,000 dollars or imprisonment for one year or both.

(5) It is not an offence for a person to whom an authority under this section has been granted and not revoked to be in possession of and use a psychotropic substance in accordance with the restrictions or conditions applicable to that authority.

Registered medical practitioner may sell, etc., psychotropic substance subject to conditions

14.(1) Subject to sub-sections (2) and (3), it is not an offence for a registered medical practitioner in the normal conduct of his profession -

- (a) to purchase or be in possession of a psychotropic substance;
- (b) to sell or supply a psychotropic substance to a person for use by that person for a therapeutic purpose;
- (c) to administer, for a therapeutic purpose, a psychotropic substance to a person; or
- (d) to prepare a psychotropic substance.

(2) A registered medical practitioner shall not -

- (a) sell or supply to a person; or
- (b) administer to a person,

a psychotropic substance of a kind specified in Part I of the Second Schedule except -

(c) for or in connexion with the treatment of -

- (i) narcolepsy; or
- (ii) a hyperkinetic brain damaged child; or

(d) in any other case - in accordance with the written authority of the Chief Medical Officer.

Penalty: Imprisonment for 10 years.

(3) A registered medical practitioner shall not -

(a) sell or supply to a person; or

(b) administer to a person,

a psychotropic substance of a kind specified in Parts II and III of the Second Schedule for the reason only that that person is an addict.

Penalty: Imprisonment for 25 years.

(4) For the purposes of this Ordinance, a registered medical practitioner who prescribes for a person a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

15.(1) It is not an offence for a registered pharmacist to purchase or be in possession of a psychotropic substance in the normal exercise of his profession.

Registered pharmacist may sell, etc., psychotropic substances subject to conditions

(2) Subject to sub-section (3), it is not an offence for a registered pharmacist to sell or supply a psychotropic substance to -

(a) a registered medical practitioner;

(b) a registered dentist;

(c) a registered veterinary surgeon;

(d) a registered pharmacist;

(e) a person presenting a written prescription signed by a registered medical practitioner or a registered veterinary surgeon for that psychotropic substance; or

(f) a person authorized under section 13 to be in possession of and administer such a substance.

(3) Sub-section (2) does not authorize -

(a) the sale or supply to a registered dentist or a registered veterinary surgeon of a psychotropic substance of a kind specified in Part I of the Second Schedule; or

- (b) the sale or supply of a psychotropic substance of which a registered veterinary surgeon may not be in possession to a person presenting a written prescription signed by a veterinary surgeon.

(4) Where a registered pharmacist has sold or supplied a psychotropic substance in accordance with sub-section (2)(e), he shall retain the written prescription for a period of 2 years from the date of sale or supply.

Penalty: 500 dollars or imprisonment for 6 months or both.

Registered dentist may administer certain psychotropic substance

16. It is not an offence for a registered dentist in the normal exercise of his profession -

- (a) to purchase or be in possession of a psychotropic substance; or
- (b) to administer to a person a psychotropic substance,

of a kind specified in Parts II and III of the Second Schedule.

Registered veterinary surgeon may use certain psychotropic substance

17.(1) It is not an offence for a registered veterinary surgeon -

- (a) to purchase or be in possession of a psychotropic substance of a kind specified in Parts II and III of the Second Schedule for use in the normal exercise of his profession; or
- (b) to sell or supply such a substance to a person for administration to an animal.

(2) For the purposes of this Ordinance, a registered veterinary surgeon who prescribes for a person for any purpose a psychotropic substance shall be deemed to have supplied that psychotropic substance to that person.

Person may possess, etc., psychotropic substance where

18. It is not an offence for a person -

- (a) to purchase or be in possession of or to administer to himself a psychotropic substance that has been lawfully prescribed for him by a registered medical practitioner; or

- (b) to purchase or be in possession of a psychotropic substance that has been lawfully prescribed by a registered veterinary surgeon for administration to an animal owned or kept by that person or in the possession of that person.

lawfully
prescribed

19.(1) Subject to sub-section (2), a person shall not publish an advertisement in any form-

Restrictions
on advert-
ising of
psychotropic
substance

- (a) to the effect that he or any other person is willing or entitled to sell or supply a psychotropic substance; or
- (b) promoting or encouraging the use of a psychotropic substance.

Penalty: 2,000 dollars or imprisonment for 2 years or both.

(2) This section does not apply to an advertisement in a magazine, journal, circular or paper-

- (a) circulated only amongst medical practitioners, dentists, veterinary surgeons or pharmacists; or
- (b) exempted by the Administrator from the provisions of this section by notice published in the Gazette.

20.(1) The Chief Medical Officer may, by notice published in the Gazette, direct -

Chief Med-
ical Of-
ficer may
require
containers,
packages
or leaflets
to include
certain
information

- (a) that the label attached to a container containing a specified psychotropic substance; or
- (b) an outer package containing a specified psychotropic substance or a leaflet included with such a package,

shall include directions for the use of that substance and a warning, as specified in the notice, regarding the effects which that substance may have on the health or safety of a person using that substance.

(2) A person selling or supplying a psychotropic substance to another person shall not fail, refuse or neglect to comply with the requirements of a notice published in accordance with sub-section (1).

Penalty: 2,000 dollars or imprisonment for 2 years or both.

Psychotropic substance to be kept locked in safe, etc.

21.(1) Subject to sub-section (2), a person authorized or permitted under this Ordinance to be in possession of a psychotropic substance shall, except when a psychotropic substance is being removed for use in accordance with this Ordinance, keep that substance locked in a safe, cupboard or container of a type approved in writing by the Chief Medical Officer.

Penalty: 1,000 dollars or imprisonment for one year or both.

(2) Sub-section (1) does not apply to a person authorized under section 18 to purchase or be in possession of a psychotropic substance.

Exemption of certain preparations containing psychotropic substance

22.(1) Subject to sub-section (2), the Chief Medical Officer may, by notice published in the Gazette, exempt a preparation containing a psychotropic substance from the provisions of this Ordinance or from such of the provisions of this Ordinance as are specified in that notice.

(2) Sub-section (1) applies only where the Chief Medical Officer is satisfied that the psychotropic substance cannot be separated from the preparation or that the preparation cannot be treated or used in such a manner as will allow abuse of the psychotropic substance contained in it.

PART IV - MISCELLANEOUS

Power of member of Police Force to enter and search after issue of warrant

23.(1) If it is made to appear to a Justice, by information on oath, that there is reason to suspect that an offence against this Ordinance has been, is being or is about to be committed on or in certain premises, or in relation to the use of those premises, the Justice may issue a warrant authorizing a member of the Police Force named in the warrant, with assistance, to break into, enter and search those premises.

(2) A member of the Police Force shall not, for the purpose of this Ordinance, enter and search premises except -

(a) after the issue of a warrant under sub-section (1); or

(b) as provided under section 24.

(3) In this section "Justice" has the same meaning as it has in the Justices Ordinance.

24. Where a member of the Police Force has reason to suspect that an offence against this Ordinance has been, is being or is about to be committed on or in certain premises, or in relation to the use of those premises, and the exigencies of the circumstances at the relevant time make it impractical to comply with section 23(1), he may, with assistance, break into, enter and search those premises.

Power of
member of
Police Force
in
emergency

25.(1) Where a member of the Police Force has exercised the power conferred upon him under section 24, he shall, as soon as practicable after the exercise of that power, forward a report in writing to the Administrator for submission to the Administrator in Council of all the circumstances relating to the exercise of that power, including -

Member of
Police Force
to forward
report in
case of
entering
and search-
ing
premises
without
warrant

(a) the date and time when and place where the power was exercised;

(b) details of the grounds he had for suspecting that an offence against this Ordinance had been, was being or was about to be committed; and

(c) details of the exigencies which prevailed at the time which prevented him from applying for a warrant under section 23(1).

(2) Evidence obtained by a member of the Police Force in the exercise of his power under section 24 is not admissible in any prosecution, whether under this Ordinance or any other law, unless the report referred to in sub-section (1) has been duly forwarded.

(3) In proceedings for an offence, the production of a document -

- (a) purporting to be a copy of a report made in pursuance of this section by a member of the Police Force named in that copy;
- (b) stating a date on which that report was forwarded to the Administrator; and
- (c) endorsed with the signature of the Administrator,

is evidence that a report of which the document produced is a copy was made by the member of the Police Force named in the document and, on the date stated, was duly forwarded to the Administrator by that member of the Police Force.

Power of
police to
stop, search
and detain

26. A member of the Police Force may stop, search and detain -

- (a) a vessel, aircraft, vehicle, caravan, trailer or other conveyance in which he has reason to suspect-
 - (i) that any dangerous drug;
 - (ii) that opium; or
 - (iii) that a psychotropic substance,
 may be found; and
- (b) a person who that member has reason to suspect has in his possession, or is in any way conveying a dangerous drug, opium or psychotropic substance.

Meaning of
power of
search

27. The power to search conferred by section 24 or 26 or under a warrant issued under section 23 authorizes a member of the Police Force -

- (a) to break into, enter and search the premises or conveyances to be searched;
- (b) to break open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises or in that conveyance; and

- (c) to search a person found on or in the premises being searched.

28. A search under this Ordinance of a female shall wherever possible be conducted by another female.

Search of female

29.(1) Notwithstanding anything contained in this Ordinance, the possession of a dangerous drug, opium or a psychotropic substance by a member of the Police Force or any other person authorized by a member of the Police Force is not an offence if that dangerous drug, opium or psychotropic substance -

Members of the Police Force and certain other persons may in certain circumstances be in possession of a dangerous drug, etc.

- (a) was seized or obtained in -

- (i) the execution of the duties; or

- (ii) the exercise of the powers,

- of that member or other person, under this Ordinance;

- (b) is in the possession of that member or other person pending the institution and hearing of proceedings under this Ordinance; or

- (c) is in the possession of that member or other person for a purpose associated with the administration of this Ordinance.

(2) A dangerous drug, opium or a psychotropic substance shall be deemed to be in the possession of a person for a purpose associated with the administration of this Ordinance if it is held by him for analysis for the purpose of proceedings for an offence against this Ordinance or of qualifying him to give evidence at the hearing of those proceedings.

(3) Where proceedings for an offence against this Ordinance have commenced, no member of the Police Force who has purchased a dangerous drug, opium or a psychotropic substance and no person who has purchased a dangerous drug, opium or a psychotropic substance at the request in writing of a member of the Police Force shall, by reason of that circumstance, be deemed an accomplice in that offence or guilty of an offence against this Ordinance, nor shall the evidence of the member of the Police Force or of that person be deemed,

on the hearing of the proceedings, to be the evidence of an accomplice.

Seizure of
drugs, etc.

30. (1) A member of the Police Force may seize -

- (a) a dangerous drug, opium or a psychotropic substance found in the possession of a person;
- (b) a substance that is in the possession of a person or found as the result of a search and being a substance that that member has reason to suspect is a dangerous drug, opium or a psychotropic substance;

(c) any money or valuable security found -

(i) in the possession of a person; or

(ii) as the result of a search,

being money or security that that member has reason to suspect is the proceeds of a sale of a dangerous drug, opium or a psychotropic substance; or

(d) where a person is apprehended for a breach of this Ordinance, an article -

(i) found in that person's possession; or

(ii) found as the result of a search,

being an article that is used in the production, smoking, consumption or administration of opium or the preparation of opium for smoking or the preparation, manufacture, consumption or administration of a dangerous drug or a psychotropic substance.

(2) In this section, "search" means a search under a power conferred under or by virtue of this Ordinance.

Forfeiture

31. (1) Upon the conviction of a person for an offence against this Ordinance any dangerous drug, opium or psychotropic substance in respect of which the conviction is made or any article seized in connexion with the offence is forfeited to the Crown.

(2) A dangerous drug, opium, a psychotropic substance or an article forfeited in accordance with this section shall be dealt with in such manner as the Administrator directs.

(3) Where it is proved to the satisfaction of the court, that a sum of money or valuable security, seized under section 30(1) has been obtained from the sale of a dangerous drug, opium or a psychotropic substance, then, unless the court otherwise directs, that money or valuable security is forfeited to the Crown.

32.(1) When a thing is seized under this Ordinance and no proceedings are instituted for an offence relating to the thing seized, the Commissioner of Police may, by notice in writing, or where proceedings are instituted but the thing is not forfeited, require the person from whom the thing was seized or any person appearing to the Commissioner of Police to be the owner of the thing seized, to claim delivery to him of the thing seized.

Notice to
claim things
seized

(2) If no claim is made within 21 days of the date of service of the notice in writing or the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

(3) Where a person served with a notice under sub-section (1) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance.

33. A person shall not obstruct or hinder a member of the Police Force in the performance of his duties under this Ordinance, or in the execution of the powers by this Ordinance vested in him.

Obstruction
of police

Penalty: 500 dollars or imprisonment for 6 months or both.

34.(1) All offences against this Ordinance, except those against sections 9(13) or (15), 10, 15(4) and 33, are indictable offences.

Types of
offences and
application

of Justices
Ordinance

(2) Section 120 of the Justices Ordinance does not apply to an offence against section 5(a) or (b), 6(a) or 11.

(3) Division 2 of Part V of the Justices Ordinance does not apply to an offence against section 5(c) or (d), 6(b) or (c), 8 or 12.

Regulations

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

FIRST SCHEDULE
Repealed Ordinances

Section 3

<u>Dangerous Drugs Ordinance</u>	1928
<u>Dangerous Drugs Ordinance (No.2)</u>	1928
<u>Dangerous Drugs Ordinance</u>	1933
<u>Dangerous Drugs Ordinance</u>	1934
<u>Dangerous Drugs Ordinance</u>	1939
<u>Dangerous Drugs Ordinance</u>	1941
<u>Dangerous Drugs Ordinance</u>	1956
<u>Dangerous Drugs Ordinance</u>	1964
<u>Dangerous Drugs Ordinance</u>	1967
<u>Dangerous Drugs Ordinance</u>	1969
<u>Dangerous Drugs Ordinance</u>	1973

SECOND SCHEDULE
Psychotropic Substances Sections 4,14
16 and 17

PART I

International
non-pro-
prietary names

Chemical name

1. AMPHETAMINE	(⁺) -2-amino-1-phenylpropane
2. DEXAMPHETAMINE	(+) -2-amino-1-phenylpropane
3. METHAMPHETAMINE	(+) -2-methylamino-1-phenylpropane
4. METHYLPHENIDATE	2-phenyl-2-(2-piperidyl) acetic acid, methyl ester
5. PHENCYCLIDINE	1-(1-phenylcyclohexyl) piperidine
6. PHENMETRAZINE	3-methyl-2-phenylmorpholine

PART II

International non-pro- prietary names	Chemical name
1. AMOBARBITAL	5-ethyl-5-(3-methylbutyl) barbituric acid
2. CYCLOBARBITAL	5-(1-cyclohexen-1-yl) -5-ethylbarbituric acid
3. GLUTETHIMIDE	2-ethyl-2-phenylglutarimide
4. PENTOBARBITAL	5-ethyl-5-(1-methylbutyl) barbituric acid
5. SECOBARBITAL	5-allyl-5-(1-methylbutyl) barbituric acid

PART III

International non-pro- prietary names	Other non-pro- prietary names	Chemical name
1. AMFEPRAMONE	2-(diethylamino) propiophenone
2. BARBITAL	5,5-diethylbarbituric acid
3.	ethchlorvynol	ethyl-2-chlorovinylethynyl carbinol
4. ETHINAMATE	1-ethynylcyclohexanolcarbamate
5. MEPROBAMATE	2-methyl-2-propyl-1,3-propanediol dicarbamate
6. METHAQUALONE	2-methyl-3-o-tolyl-4 (3H)-quinazolinone
7. METHYLPHENOBARBITAL	5-ethyl-1-methyl-5-phenyl-barbituric acid

8.	METHYPRYLON	..	..	..	..	3,3-diethyl-5-methyl-2,4-piperidine dione
9.	PHENOBARBITAL	..	..	..	..	5-ethyl-5-phenylbarbituric acid
10.	PIPRADROL	..	..	..	..	1,1-diphenyl-1-(2-piperidyl) methanol
11.	.. ..	SPA				(-)-1-dimethylamino-1,2-diphenylethane

THIRD SCHEDULE

Prohibited drug	Quantity
1. Amphetamine	0.5 grams
2. Dexamphetamine	0.5 grams
3. Methamphetamine	0.5 grams
4. Methylphenidate	0.5 grams
5. Phencyclidine	0.5 grams
6. Phenmetrazine	1.25 grams

THE NORTHERN TERRITORY OF AUSTRALIA

Environment Bill 1977

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

Relating to the Prevention of Nuisance and the Protection
of the Environment

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 Environment Ordinance Short title
1977.
2. This Ordinance shall commence on a date to be notified by Commencement
the Administrator in Council by notice in the Gazette.
- 3.(1) In this Ordinance unless the contrary intention Definitions
appears -

"aggrieved person" means a person aggrieved by a statu-
tory nuisance;

"beneficial use" means a use of the environment or any
part thereof that is conducive to human safety, wel-
fare, benefit or health, or the conservation or con-
trol of plant or animal species but does not include
a use that is conducive to the welfare or benefit of
a particular person or group of persons where that
use is likely to affect adversely the welfare, bene-
fit, safety or health of human beings generally or
subject to sub-section (2) tends to destroy or
adversely affect any species of animals or plants;

"dangerous substance" means any liquid, gas, powder or
other substance which is likely to poison or advers-
ely affect the health of human beings or the health
or subsistence of animals or plants;

"deleterious substance" means any substance whether
solid, liquid, gaseous or in a molecular form which,
if it were allowed to escape or were emitted into
air, water or soil, would affect or be likely to

affect the air, water or soil to the detriment of the health or well being of human beings or the health or subsistence of animals or plants;

"Director" means the Director of the Environment appointed under section 6 and includes a person appointed as Acting Director of the Environment under that section;

"emit" includes deposit and discharge;

"environment officer" means a person appointed by the Administrator to be an environment officer for the purposes of this Ordinance and includes the Director;

"environmental protection order" means an environmental protection order made under section 22, 23, 28, 31, 35 or 36 by the Administrator in Council or by the Director;

"land" includes all waters and streams within the environment and buildings and structures on land and parts of such buildings and structures;

"noise" includes infrasonic and ultrasonic vibrations;

"pollution" means any direct or indirect contamination or alteration of any part of the environment so as -

- (a) to affect adversely any beneficial use of land; or
- (b) to cause a condition that is detrimental or hazardous or is likely to be detrimental or hazardous to human health, safety or welfare, or the health or subsistence of animals or plants;

"premises" includes any land, place, vehicle or vessel;

"statutory nuisance" means a nuisance defined in section 14;

"the Board" means the Environment Protection Board appointed under section 10;

"the environment" means the biosphere insofar as it is part of the Northern Territory of Australia;

"waste" means a substance produced in the course of a trade, manufacture, mining or of farming or of the use of land or a deleterious substance left after any such operation not being a substance which is a commodity produced or suitable and in a form available for sale or use.

(2) Nothing in this Ordinance shall be read as directly prohibiting or restricting the control or destruction of animals or plants (including fungal, viral or bacterial life) which are inimical to the health, safety, comfort or welfare of human beings or tend to adversely affect or limit the production of food but an environmental protection order may contain such a prohibition or restriction.

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

Saving of other Ordinances

5. This Ordinance binds the Crown.

Ordinance binds the Crown

PART II - ADMINISTRATION

6.(1) The Administrator in Council shall appoint a Director of the Environment who, subject to the directions of the Administrator in Council, shall be responsible for the administration of this Ordinance.

Appointment of Director

(2) In the event of -

- (a) the illness of the Director;
- (b) the temporary inability of the Director to perform the duties of his office; or
- (c) the absence of the Director from the Territory,

the Administrator may appoint a person to be the Acting Director of the Environment during that illness, temporary inability or absence.

(3) An Acting Director while acting in the office of Director has all the powers and shall perform all the duties and functions of the Director.

7.(1) The Director may, either generally or in relation to a matter or class of matters and either in relation to the whole or a part of the Territory by writing under his hand, delegate all or any of his powers and functions under this Ordinance, except this power of delegation.

Delegation

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

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

Duties and
functions of
Director

8.(1) It is the duty of the Director to use his best endeavours in accordance with this Ordinance -

- (a) to protect the environment;
- (b) to exercise control over public and statutory nuisances and pollution; and
- (c) to co-ordinate all activities, by whomsoever directed or performed, as are necessary to protect or restore the environment of the Territory.

(2) Without derogating from any other provision of this Ordinance the Director has the following functions:

- (a) to initiate action for the protection of the environment and to control, abate and mitigate public or statutory nuisances or pollution with respect to which he has power by virtue of this Ordinance;
- (b) to investigate ways and means of protecting the environment;
- (c) to obtain the advice of and consult with persons having special knowledge, experience or responsibility in regard to the protection of the environment;
- (d) to keep under review the progress made in the attainment of the objects and purposes of this Ordinance;
- (e) to publish reports and provide information on the administration of this Ordinance;
- (f) to advise on standards and criteria to be observed in respect of the discharge, use or emission of a deleterious substance or of fumes, smoke, dust or noise and on methods of sampling, testing and analysis to be used under this Ordinance;
- (g) to promote, encourage, co-ordinate and carry out planning and projects related to the protection of the environment; and
- (h) to administer and give effect to the provisions of this Ordinance.

(3) Where the person having control of any premises refuses to permit the entry onto those premises of an environment officer, the environment officer may not enter those premises except in pursuance of a search warrant granted under this Ordinance or another law in force in the Northern Territory.

Environment
officers

9.(1) The Administrator may appoint such environment officers as he thinks necessary for the purposes of this Ordinance.

(2) In the course of his duties an environment officer may take such photographs in or on any premises as are reasonably necessary for the carrying out of his duties.

(3) An environment officer may, in respect of any premises at which he has reasonable cause to believe that an action or thing contrary to this Ordinance is happening or is about to happen -

- (a) by notice in writing, require the occupier or person in charge of any premises to produce to the environment officer writings, reports, books, plans, maps or other recorded information relating to -
 - (i) pollution or noise coming or emitted from those premises; or
 - (ii) any manufacturing, industrial or trade process carried on in those premises;
- (b) use or install equipment for sampling, measuring or analysing any substance, noise or waste found on the premises or being emitted from the premises; and
- (c) reproduce or copy any writings, reports, books, plans, maps or other recorded information produced under paragraph (a).

(4) An environment officer may, with respect to matters arising under this Ordinance -

- (a) question a person whom he finds on any premises entered by him under this section; and
- (b) require any such person to give such information as it is within his power to give as to the name and address of the occupier or owner of the premises.

(5) Except in the course of his duty under this Ordinance, a person shall not disclose any information acquired by him in the course of any action taken under this Ordinance and shall not make available to any person any photograph or any recorded information or document (including a reproduction or copy of a photograph, recorded information or document) which, or the original of which, came into his possession in pursuance of a notice requiring information of the kind specified in sub-section (3) (a).

Penalty : 1,000 dollars or imprisonment for 6 months or both.

(6) The Administrator shall cause to be issued to every environment officer an authority in writing bearing a photograph of the officer and, on applying for admission to any premises which he is empowered by this Ordinance to enter, the authorised officer shall, if so requested, produce the authority to the occupier or person in charge of those premises.

(7) Upon application by an environment officer, a Justice of the Peace may grant a search warrant in respect of any premises in respect of which he is satisfied upon evidence that there are grounds for believing that there may be found, detected or observed on those premises, evidence of an offence against this Ordinance.

(8) A search warrant granted under this section authorises the environment officer to whom it is directed, to enter the premises using such force as is necessary and with such assistants as he considers necessary and, on those premises to search for and to seize anything which is, in the opinion of the environment officer, likely to afford evidence of the commission of an offence against this Ordinance.

Environment
Protection
Board

10.(1) There shall be an Environment Protection Board.

(2) The Board shall consist of 3 members, appointed by the Administrator in Council, one of whom shall be a Judge of the Supreme Court of the Northern Territory or a legal practitioner within the meaning of the Legal Practitioners Ordinance of at least 5 years standing, and another of whom shall be a qualified engineer.

(3) The Board shall elect one of its members to be Chairman.

(4) The Administrator in Council shall not appoint to the Environment Protection Board a person who is employed in the Public Service of the Territory or of the Commonwealth.

Terms and con-
ditions of
office

11.(1) Subject to this section a member of the Board -

- (a) holds office for 3 years but is eligible for re-appointment;
- (b) may resign his office by writing under his hand addressed to the Administrator;
- (c) shall be paid such fees and allowances as are prescribed; and
- (d) is liable to have his appointment terminated by the Administrator in Council for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member of the Board is or is expected to be unable to attend a meeting of the Board, or there is a vacancy in the office of a member, the Administrator in Council may appoint a person to act in the place of that member during that inability or until the filling of the vacancy.

12.(1) The functions of the Board are -

Functions of
the Board

- (a) to advise the Administrator in Council upon measures to be taken for the control of pollution of the environment and upon machinery and equipment available or suitable for such control;
- (b) to review the operation and administration of this Ordinance and to report to the Administrator in Council thereon and on any amendments to this Ordinance which it considers necessary or desirable;
- (c) to recommend to the Administrator in Council the making of particular environmental protection orders; and
- (d) to hear and determine applications for the cancellation of environmental protection orders made by the Director.

(2) In addition to meetings held to hear and determine applications for the cancellation of environmental protection orders made by the Director, the Board shall meet at least 4 times in each year.

13.(1) Where the Director makes and delivers an environmental protection order to a person, the notice containing the order shall contain a statement that the person to whom it is delivered may, within 7 days, apply to the Board for a cancellation of the order.

Person may
apply for can-
cellation of
environmental
protection
order

(2) A person may apply in writing or by telegram addressed to the Board for the cancellation by the Board of an environmental protection order made by the Director and delivered to him under this Ordinance at any time within 7 days after the delivery to him of the order.

(3) Lodgement of an application as provided for in sub-section (2), subject to sub-section (4), shall operate as a stay of the environmental protection order until the application is finally disposed of by the Board.

(4) Where the Board is satisfied that a person who has applied for the cancellation of an environmental protection order is not taking all reasonable steps to expedite the hearing of an application for cancellation of an environmental protection order, the Board may order that that person shall comply forthwith or upon a date determined by the Board with the order as delivered to him and that person shall, unless and until the environmental pro-

tection order is cancelled or amended, comply with the terms of the order as delivered to him and notwithstanding that an application for cancellation is pending, shall be subject to the penalty provided by the section of this Ordinance under which the environmental protection order was made.

(5) The Director or some person authorised by him shall appear and be heard upon an application for the cancellation of an environmental protection order.

(6) The Board, the Director and the person to whom an environmental protection order has been delivered shall proceed with the hearing of an application under this section with all expedition.

(7) Upon an application for cancellation made to the Board under this section the Board may confirm, cancel or amend the environmental protection order.

(8) Where the Board confirms or amends an environmental protection order the person to whom the order was delivered shall comply with the order as confirmed or amended and in default of complying with an order as amended shall be liable to the same proceedings and penalty as he would have been liable to had the order as amended been the order originally delivered to him.

PART III - STATUTORY NUISANCES

Meaning of statutory nuisance

14.(1) A statutory nuisance exists when a person does any act or causes or permits a state of affairs to exist on land (whether public or private) which substantially and unreasonably affects or interferes with or is likely substantially and unreasonably to affect or interfere with the enjoyment or use by another person of other land or of any right with respect to other land.

(2) The provisions of sub-section (1) do not affect or limit the operation of sub-section (3).

(3) In addition to the statutory nuisances described in sub-section (1) the following acts and omissions and conditions existing on land (whether public or private) are statutory nuisances:

- (a) premises in such a condition that they are likely to be injurious or prejudicial to the health of any person not occupying the premises;
- (b) the existence of a swamp, pool, ditch, gutter, watercourse, sanitary convenience, or other accumulation of water, or a receptacle holding water, in such a state that it is a breeding ground for insect life which is or may be injurious or prejudicial to the health of any person;

- (c) the keeping or holding of an animal or bird in such a manner or under such conditions as to be or be likely to be injurious or prejudicial to the ordinary enjoyment of life of a person occupying adjoining land or land in the vicinity of the place where the animal or bird is so kept;
- (d) an accumulation or deposit of materials including solid or liquid waste, litter and garbage, which is, or is likely to be, injurious or prejudicial to the health of any person;
- (e) the infestation by rats, mice or other vermin, or by any form of insect life to an extent that causes or is likely to cause injury to the health of a person;
- (f) the maintaining of land in such a condition as to be likely to cause any injury or damage by fire to persons or to other land;
- (g) the pollution of water, whether saltwater or fresh, by any matter or waste, whether solid, liquid or gaseous so that a person's enjoyment of land is prejudicially affected;
- (h) the pollution of air, by any matter or waste, whether solid, liquid, gaseous or in a molecular form so that the enjoyment of life by persons is unreasonably and injuriously affected;
- (i) the pollution of soil by any matter or waste, whether solid, liquid or gaseous so that the enjoyment of life by persons is unreasonably and injuriously affected;
- (j) the use of pesticides or weedicides in such a way as to be, or to be likely to be, injurious or prejudicial to the health of a person; and
- (k) the emission of noise of a volume, intensity or quality that is harmful or unduly offensive to neighbouring persons.

(4) In order that an act or state of affairs should constitute a statutory nuisance under sub-section (3), it is not necessary (except where otherwise stated in that sub-section) to prove that the act or state of affairs has affected or interfered with, or is likely to affect or interfere with, the reasonable enjoyment or use by the aggrieved person of land or of a right with respect to land, but it is necessary to prove that the act or state of affairs complained of has adversely and substantially affected or interfered with, or is likely to adversely and substantially affect or interfere with, the reasonable enjoyment of life by the aggrieved person.

Common law remedies for nuisance saved

15. The provisions of this Ordinance do not affect the common law as to nuisance or any remedy or form of action available (whether at common law or by statute) to punish or restrain the commission or continuance of a nuisance or to compensate a person for any injury or damage sustained by reason of the commission or continuance of a nuisance.

Action to be brought in Supreme or Local Court

16.(1) A person aggrieved by a statutory nuisance may institute proceedings for an order or orders under section 17 or 18 in the Supreme Court established under the Supreme Court Act 1961 or a Local Court established under the Local Courts Ordinance.

(2) An order made by a Local Court under section 18 (1) (a) for payment of damages shall not award damages in excess of 2,000 dollars.

(3) Subject to this Ordinance the forms and procedures appropriate to the Supreme Court and to a Local Court shall be used in a proceeding instituted under this section and all such proceedings shall be commenced -

- (a) in the Supreme Court by a writ of summons; and
- (b) in a Local Court by the issue of a summons in the appropriate form.

Court may order abatement of nuisance

17. If, in proceedings instituted under section 16, the Court is satisfied that a statutory nuisance exists, and that the plaintiff is an aggrieved person, it may make an order -

- (a) requiring the person by whose act, default or neglect the nuisance arose, arises or continues, or if no such person can be found, the occupier or owner of the land on which the statutory nuisance exists, to abate the statutory nuisance within a time specified in the order and to do all things that are necessary for that purpose;
- (b) prohibiting the recurrence or continuance of the statutory nuisance, and directing a defendant to carry out any works necessary to prevent the recurrence or continuance of the statutory nuisance; or
- (c) both requiring abatement and prohibiting the recurrence or continuance of the statutory nuisance.

Court may order payment of damages

18.(1) The Court in which the proceedings are conducted, in addition to an order under section 17 may, if it considers that it is appropriate, in the proceeding -

- (a) order a defendant to pay to the plaintiff a sum by way of damages or recompense; or

- (b) order a defendant to pay a sum, by way of penalty, not exceeding 200 dollars, and, in any case, may make such order for costs as to the Court seems fit.

(2) The Court in which the proceedings are conducted shall not make an order under this section for the payment of a sum of money by way of penalty unless the Court is satisfied beyond reasonable doubt -

- (a) that a statutory nuisance has been proved by the plaintiff to exist; and
- (b) that the defendant to be required to pay the penalty was or is a person responsible for the creation or continuance of the statutory nuisance.

(3) A person may not be required by an order made under section 17 or 18 to refrain from doing any act or to pay any money unless he has had due notice of the proceedings under this Ordinance in which the order was made, and has had a reasonable opportunity to appear in those proceedings and to object to the making of an order against him in those proceedings.

19. An act or state of affairs which would otherwise be a statutory nuisance under this Ordinance is not a statutory nuisance if the Court in which the proceedings are instituted is satisfied that -

Defence to
action for
statutory nuisance

- (a) a standard prescribed with respect to and applicable to the act done, the existence of the state of affairs or the use of the thing or substance in respect of which the proceedings were instituted has been and is being complied with;
- (b) if no such standard has been prescribed, the person to whom the act or state of affairs or the use of the thing or substance the subject of the proceedings was or is attributable has used the best practicable means in current use to prevent the statutory nuisance; or
- (c) the act done or omitted to be done was reasonably done or omitted to be done or the state of affairs reasonably existed or the use of the thing or the substance was a reasonable use of that thing or substance in the normal and ordinary course of living or enjoyment of the use of land.

20.(1) If the Director is satisfied of the existence of a statutory nuisance, he may, upon receiving complaints from at least 6 aggrieved persons who in the opinion of the Director are independent of each other, give notice to the person by whose act, default or sufferance the statutory nuisance, in the

Director may
give notice to
abate a statutory
nuisance

opinion of the Director, arises or continues, to abate or remedy the statutory nuisance within a time specified in the notice.

(2) If a statutory nuisance, the subject of a notice under this section, is not abated or remedied within the time specified in the notice, the Director may institute proceedings for an order under section 17 and subject to sub-section (3) such proceedings shall be conducted as though the proceedings were instituted under section 16 by an aggrieved person.

(3) A court shall not proceed to determine proceedings instituted by the Director under sub-section (2) unless it is satisfied that the proceedings have been instituted as a result of bona fide complaints to the Director by at least 6 aggrieved persons.

(4) Where the Director is satisfied of the existence of a statutory nuisance as a result of the complaints of at least 6 aggrieved persons who in the opinion of the Director are independent of each other, but the person by whose act, default or sufferance the statutory nuisance arises or continues is not known or cannot be found, the Director may enter upon the land from or with respect to which the statutory nuisance arises and abate or remedy the statutory nuisance, creating as little disturbance as possible.

(5) The Director shall not be liable for any damage or injury caused by reason of an act necessarily or reasonably done in pursuance of sub-section (4).

(6) Where the Director has taken action under sub-section (4) he may, at any time, serve on the person by whose act, default or sufferance the statutory nuisance arose a notice requiring that person to pay the cost and expenses incurred by the Director in the abatement of the statutory nuisance.

(7) Where a person served with a notice under sub-section (6) fails within 14 days to pay the amount stated in the notice, the Director may institute proceedings in a court of competent jurisdiction for the recovery of the costs and expenses reasonably incurred by the Director in the abatement of the statutory nuisance.

Court may make
order as to
costs

21.(1) Where an order has been made against a person under section 17 or 18 in relation to a statutory nuisance or proceedings instituted against a person for such an order have been dismissed -

- (a) any other proceedings against the same person for the same statutory nuisance shall, upon the making of the order under section 17 or 18 or upon the dismissal of the first-mentioned proceedings, be dismissed; and

- (b) no further proceedings under this Part may be instituted against the same person in respect of the statutory nuisance the subject of the proceedings in which the order was made and is in force.

(2) A party to any proceedings which are deemed to have been dismissed by force of this section may apply to the Court in which the proceedings were pending for an order for the payment of costs of the proceedings and the Court may, in its discretion, make such order as to costs as to the Court seems fit.

PART IV - CONTROL OF INDUSTRY

22.(1) The Administrator in Council may, for the purpose of preventing or limiting pollution, by an environmental protection order published in the Gazette - Use of dangerous substances

- (a) prohibit the use of a dangerous substance either generally or in a specified area;
- (b) direct that a dangerous substance be not used except in a mixture with another specified substance at or not above a specified concentration;
- (c) direct that a dangerous substance be used only in a specified form or in a specified manner or at a specified time of the day or year;
- (d) direct that a dangerous substance be used only in conjunction with such safety equipment as is specified or after the taking of, or in conjunction with, such measures as are specified for the safety of the user or other persons;
- (e) prohibit the sale or possession in the Northern Territory of a specified dangerous substance; or
- (f) prohibit or regulate the transport of dangerous substances within the Northern Territory.

(2) The Director may, for the purpose of preventing or limiting pollution, by an environmental protection order in writing under his hand delivered to a person -

- (a) give to that person any direction that may be given by the Administrator in Council by notice in the Gazette under sub-section (1); or
- (b) prohibit that person from doing any act that may be prohibited by the Administrator in Council by notice in the Gazette under sub-section (1).

23.(1) The Administrator in Council, for the purpose of preventing or limiting serious or reasonably avoidable pollution, may, by an environmental order published in the Gazette, prohibit the use of specified machinery or of a manufacturing, industrial

Use of certain machinery or processes may be prohibited

or mining process or method -

- (a) in a specified area;
- (b) unless specified modifications are made to the machinery or in the process within a specified time;
- (c) unless specified equipment for the prevention of pollution is fitted or incorporated in the machinery or used in the process within a specified time; or
- (d) unless the process or method is altered within a specified time to use specified substances less likely to cause pollution than a substance proposed to be used in the process or method.

(2) Where the Director believes on reasonable grounds that a person is using a machine or a manufacturing, industrial or mining process or method which is or is likely to be a source of serious or reasonably avoidable pollution, he may apply to the Supreme Court for an order in the nature of an injunction restraining the person from continuing the use of the machine or manufacturing, industrial or mining process or method.

(3) If the Supreme Court is satisfied that -

- (a) the defendant is using a machine or a manufacturing, industrial or mining process; and
- (b) that use is or is likely to be a source of serious or reasonably avoidable pollution,

the Court may grant an injunction restraining the defendant from using the machine or the manufacturing, industrial or mining process unless and until the defendant complies with such conditions specified in the order as might have been specified by the Administrator in Council in an order made under sub-section (1).

Establishment
of dumps and
dangerous waste
disposal areas

24.(1) The Administrator in Council may, by notice in the Gazette, establish or proclaim for the purpose of this Ordinance, such dumps and waste disposal areas for the reception or destruction of dangerous or deleterious substances as he may think fit and may specify the conditions and occasions upon which such dumps and waste disposal areas may be used.

(2) A person shall not go upon a dump or waste disposal area established or proclaimed under sub-section (1) except -

- (a) in pursuance of a notice given under this section;
- (b) by the authority of the Director; or
- (c) for the purpose of recovering waste for recycling.

Penalty : 500 dollars.

(3) The Administrator in Council, by notice published in the Gazette, may require dangerous or deleterious substances of a specified kind to be dumped in a specified dump or waste disposal area, and in a specified manner.

(4) The Director may by an environmental protection order in writing under his hand delivered to a person, require that person to deliver dangerous or deleterious substances of a specified kind to a specified dump or waste disposal area.

(5) An environmental protection order under sub-section (3) or (4) may require dangerous or deleterious substances to be treated in a specified manner before they are dumped or delivered.

(6) The Administrator in Council shall not establish a dump or waste disposal area on private land without the consent of the owner or lessee of that land.

(7) A person (not being the owner or lessee of land on which a dump or waste disposal area is established) shall pay such fees as are prescribed for the dumping of dangerous or deleterious substances upon a dump or waste disposal area established under this section.

(8) Nothing in this section shall prevent the establishment and management by the council of a municipality of a garbage dump for the reception of domestic or industrial waste that is not ordinarily dangerous to human health or well-being.

25. A person shall not contravene or fail to comply with the terms of a notice or order given under section 22, 23 or 24 which is applicable to him. Penalty

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

PART V - POLLUTION OF AIR, WATER AND SOIL

Division 1 - Definitions

26. In this Part -

Definitions

"waters" includes -

- (a) the sea; and
- (b) a lake, river, stream, water course, billabong, marsh or swamp whether permanently, temporarily or occasionally flowing with or containing water, whether fresh or salt.

Division 2 - Clean Water

27. A person shall not wilfully or negligently -

Person not to
pollute water

- (a) discharge or place a deleterious substance into or on any waters or on or at a place from which the deleterious substance is likely to find its way into waters whether by falling, draining, blowing, percolating, evaporation or washing;

- (b) place any deleterious substance in the dry bed of any waters; or
- (c) raise the temperature of waters beyond the prescribed temperature.

Penalty : 5,000 dollars.

Daily Penalty : 500 dollars.

Director may require person to avoid pollution of water

28.(1) The Director may for the purpose of preventing or limiting pollution of the environment by an environmental protection order in writing under his hand delivered to a person, require that person -

- (a) to cease the discharge of a specified deleterious substance or waste into any waters;
- (b) to treat waste in a specified way before it is discharged into any waters; or
- (c) to limit the discharge of waste or a specified substance into waters to an extent specified in the order.

(2) A person shall comply with the requirements of an order delivered to him under this section.

Penalty : 5,000 dollars.

Daily Penalty : 500 dollars.

Director may direct repair of damage

29.(1) Where a contravention, or a failure to comply with a provision of this Division has caused damage to the environment, the Director may, by notice in writing under his hand delivered to the person responsible for that damage, direct that person to repair the damage within a time specified, and in default of that person repairing the damage within the time specified, may repair the damage himself and may sue for and recover in any court of competent jurisdiction the cost of that repair from the person responsible for the damage.

(2) Upon a prosecution for an offence against section 28, the Court may, upon the conviction of the defendant, in addition to any penalty imposed under that section, order the defendant to pay the Director a sum of money for the purpose of making good any damage occasioned by the commission of the offence or for the reimbursement of the Director for any cost incurred by the Director in pursuance of sub-section (1)

(3) The amount of any claim made by the Director in a court under sub-section (1) shall be reduced by such amount as the defendant establishes to the satisfaction of the Court was excessive or unreasonable having regard to the damage occasioned and to the usual cost of carrying out the works necessary to repair that damage in the place in which it was occasioned.

Division 3 - Clean Air

30. A person shall not wilfully or negligently -

Person shall
not pollute
atmosphere

- (a) discharge, release or emit into the atmosphere any deleterious substance;
- (b) establish, otherwise than in accordance with this Ordinance or another law of the Territory, a refuse dump, garbage tip, sludge deposit site or waste injection well so that the land becomes obnoxious or offensive to the senses of human beings;
- (c) discharge or emit odours into the atmosphere which, by virtue of their nature, concentration, volume or extent, are obnoxious or offensive to the senses of human beings; or
- (d) use an internal combustion engine not equipped with a prescribed device to be fitted to that engine for the prevention of pollution.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

31.(1) The Director may, by an environmental protection order in writing under his hand delivered to a person, specify a use of machinery or premises which, in his opinion, is a contravention of this Division, and may require that person to fit within a specified time to machinery or install on premises such equipment as is specified in the order for the purpose of preventing or limiting the discharge or emission into the atmosphere of a deleterious substance.

Director may
require equip-
ment to be
attached to
machinery to
prevent pollu-
tion

(2) A person to whom an order made under this section is delivered shall comply with the order.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

Division 4 - Soil and Underground Water Pollution

32. A person shall not wilfully or negligently -

Person not to
pollute soil

- (a) place in or on soil or in or at any place from which it may gain access to any soil, any deleterious substance;
- (b) use land or premises in such a way as to adversely affect or be likely to adversely affect the quality of underground water; or
- (c) leave a well or borehole in such a condition that it is likely that the quality of underground water will be adversely affected.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

Person not to
allow mineral-
ised water to
escape into
usable water

33. A person who in a well or borehole, taps or exposes an aquifer the water in which, by reason of the amount of mineral salts dissolved in it, is unusable for humans, animals or plants shall take all reasonable steps to ensure that that water does not escape into any adjoining aquifer containing potable or usable water.

Penalty : 2,000 dollars.

Division 5 - Control of Noise

Person not to
emit noise
from land

34. A person shall not emit or cause or permit to be emitted from any land or premises noise of a volume, intensity or quality that is harmful or offensive to the senses of human beings, having regard to the place and time of the day at which the noise was emitted and the period of time during which it was emitted.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

Use of noisy
machinery may
be prohibited
at certain
times

35.(1) The Administrator in Council may, by notice in the Gazette, make an environmental protection order prohibiting -

- (a) the use of a machine of a specified description either generally or on specified days or during specified hours or in a specified area; or
- (b) the use of a specified machine unless it is fitted with a specified device eliminating or limiting the volume or intensity of noise.

(2) A person who uses a machine in contravention of an environmental protection order made under this section is guilty of an offence.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

Director may
order suppress-
ion of noise

36.(1) The Director may by an environmental protection order in writing under his hand delivered to a person, require that person -

- (a) to cease the emission of noise from specified premises either generally or during specified times;
- (b) to cease to carry on a specified noisy trade, occupation, manufacture or process on specified premises;
- (c) to fit or install specified equipment, fittings or baffles for the reduction or limiting of noise whether on premises or on mobile machinery or a vehicle; or

- (d) to limit the emission of noise from premises to an extent specified in the order.

(2) A person shall comply with the terms of an order delivered to him under this section.

Penalty : 2,000 dollars.

Daily Penalty : 200 dollars.

PART VI - GENERAL

37. It is a defence to a prosecution under this Ordinance for any offence relating to the pollution of water, air or soil or the emission of noise if the defendant proves that -

Defence to
prosecution
for pollution

- (a) a standard relating to the emission of the noise or to the discharge or use of the substance alleged to have been discharged or used which has resulted in the pollution charged has been prescribed and the defendant has complied with the standard so prescribed;
- (b) where no standard relating to the emission of the noise or to the discharge or use of the substance has been prescribed, that the defendant has used the best known practicable means to prevent or limit the noise or the pollution; or
- (c) in cases of a prosecution for an offence against section 27 or 32 -
 - (i) the deleterious substance was placed in a waste disposal area proclaimed or established under section 24; or
 - (ii) there was at the time of the alleged offence no waste disposal area established or proclaimed within a reasonable distance and the defendant has taken all reasonable steps to limit pollution.

38.(1) Where in or at the foot of any section or sub-section of a section there appears the expression "Daily Penalty", it indicates that a person who is convicted of an offence against this Ordinance in relation to that section is guilty of a further offence against this Ordinance on each day during which the act or state of affairs continues after he is so convicted, and that for each such further offence he is liable to an additional penalty for each day during which the offence continues of the amount expressed in the section or sub-section as the amount of the daily penalty.

Penalty for
continuing
offences

(2) A prosecution for further offences in respect of which a daily penalty is fixed may be instituted by one complaint made in respect of any number of days on which the further offences are alleged to have been committed.

Regulations

39. 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 -

- (a) prescribing the duties and regulating the exercise and discharge of all or any of the powers or functions of the Director and other officers appointed or employed under this Ordinance;
 - (b) prescribing standards to be complied with in the use of any substances that contain pollutants or dangerous or deleterious substances;
 - (c) prescribing methods of analysis and testing and sampling;
 - (d) relating to the making or emission of noise;
 - (e) prohibiting or regulating the burning of specified kinds of fuel;
 - (f) requiring the fitting to engines and other machinery of devices to prevent or reduce pollution or noise; and
 - (g) providing for penalties not exceeding 200 dollars for a contravention or failure to comply with a provision of a regulation.
-
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Motor Vehicles Ordinance

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

- | | |
|--|--------------------------------|
| 1. This Ordinance may be cited as the <u>Motor Vehicles Ordinance</u> 1977. | Short title |
| 2. The <u>Motor Vehicles Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3.(1) Section 11A of the Principal Ordinance is amended by inserting after "the Registrar may issue the licence to the applicant" the words ",notwithstanding that the applicant is under age,". | Licence for handicapped person |
| (2) Section 11A of the Principal Ordinance is amended by adding the following sub-section: | |
| "(2) Where the Registrar issues a licence in pursuance of sub-section (1) he may, by endorsement on the licence, exempt, conditionally or otherwise - | |
| (a) the person so licensed; or | |
| (b) a motor vehicle or a kind or class of motor vehicle, while it is being driven by the applicant under and in accordance with the licence, | |
| or both, from compliance with the whole or specified provisions of this Ordinance or the <u>Traffic Ordinance</u> or both." | |
| 4. The Fourth Schedule to the Principal Ordinance is amended by omitting Item 7(4) and by substituting the following: | Fourth Schedule |

"(4) Where -

(a) the unladen mass of a trailer exceeds 500 kilograms; or

(b) the laden mass of a trailer exceeds 1 tonne,
the trailer shall have an independant braking system
which -

(c) shall operate on at least 2 wheels of the
trailer and be capable of stopping the trailer
in the same manner as the motor vehicle; and

(d) except where the trailer has an aggregate mass
of less than 2 tonnes and has been fitted with
overrider brakes, may be operated from the
driver's seat of the motor vehicle."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Petroleum Products
Subsidy Ordinance

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

1. This Ordinance may be cited
as the Petroleum Products Subsidy Ordinance
1977.

Short
title

2. The Petroleum Products Subsidy
Ordinance is in this Ordinance referred to
as the Principal Ordinance.

Principal
Ordinance

3. Section 7 of the Principal
Ordinance is amended by omitting "Australian
Government Gazette" and substituting "Common-
wealth of Australia Gazette".

Schedule
to scheme
to be
published
in
Gazette

=====

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Poisons Ordinance

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

- | | |
|--|---------------------|
| 1. This Ordinance may be cited as the <u>Poisons Ordinance 1977</u> . | Short title |
| 2. The <u>Poisons Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. The First Schedule to the Principal Ordinance is amended - | First Schedule |
| (a) by omitting from Part II item 7; | |
| (b) by omitting from Part III items 5, 27, 88, 108, 111, 112 and 132; and | |
| (c) by omitting from Part IV items 1, 2, 3 and 5. | |

THE NORTHERN TERRITORY OF AUSTRALIA Serial 189
Prohibited
Drugs
Prohibited Drugs Bill
Mr Tuxworth

Table of Provisions

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To prohibit the possession, manufacture, sale, distribution and administration of prohibited drugs and cannabis

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

- | | |
|--|--------------------|
| 1. This Ordinance may be cited as the <u>Prohibited Drugs Ordinance</u> 1977. | Short title |
| 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 3.(1) The <u>Prohibited Drugs Ordinance</u> 1963 and the <u>Prohibited Drugs Ordinance</u> 1969 are repealed. | Repeal and savings |
| (2) Notwithstanding the repeal effected by sub-section (1), the provisions of the repealed Ordinances continue to apply, as if this Ordinance had not been passed, to any offence committed against those repealed Ordinances before the commencement of this Ordinance. | |
| 4.(1) In this Ordinance unless the contrary intention appears - | Definitions |
| "cannabis" means a plant or a part of a plant of the genus <u>Cannabis</u> , an extract, resin or tincture of such a plant or a preparation or substance containing part of such a plant or such an extract, resin or tincture; | |
| "prohibited drug" means - | |
| (a) a drug; | |
| (b) a substance; or | |

(c) a substance containing a drug,
specified in the First Schedule.

(2) Without restricting the meaning of the word "possession", a prohibited drug, cannabis or an article used in producing, preparing, manufacturing, consuming, smoking or administering a prohibited drug or cannabis shall be deemed to be in the possession of a person -

- (a) if found upon him;
- (b) if found upon any land occupied by him; or
- (c) if used, enjoyed or controlled by him in any place whatever,

unless he proves that he had no knowledge of the prohibited drug, or cannabis or article being in his possession.

Consumption,
administra-
tion, pos-
session, etc.,
of prohibited
drug

5. A person who -

- (a) has in his possession or attempts to obtain possession of a prohibited drug;
- (b) produces, prepares or manufactures a prohibited drug;
- (c) sells, supplies or administers a prohibited drug to another person; or
- (d) has in his possession a prohibited drug for the purpose of sale or supply to another person,

is guilty of an indictable offence.

Consumption,
administra-
tion, pos-
session,
etc., of
cannabis

6. A person who -

- (a) has in his possession or attempts to obtain possession of cannabis;
- (b) produces, prepares or manufactures cannabis;
- (c) sells, supplies or administers cannabis to another person; or

(d) has in his possession cannabis for the purpose of sale or supply to another person,

is guilty of an indictable offence.

7.(1) A person who has in his possession a prohibited drug of a kind specified in the first column of the Second Schedule in a quantity in excess of that specified in the second column of that Schedule opposite that drug in the first column shall be deemed to have that prohibited drug in his possession for the purpose of sale or supply to another person.

Presumption with regard to possession of certain quantities of prohibited drug or cannabis may be obtained

(2) A person who has in his possession cannabis in a quantity in excess of 25 grams shall be deemed to have that cannabis in his possession for the purpose of sale or supply to another person.

8.(1) A person who knowingly grows, cultivates or has in his possession a plant from which a prohibited drug may be obtained shall be deemed to have that prohibited drug in his possession for the purpose of sale or supply to another person.

Presumption with respect to growing, etc., plants from which prohibited drug or cannabis may be obtained

(2) A person who knowingly grows, cultivates or has in his possession cannabis in plant form shall be deemed to have that cannabis in his possession for the purpose of sale or supply to another person.

9.(1) The owner or occupier of premises who knowingly allows a prohibited drug -

Responsibility of owner or occupier of premises with relation to prohibited drug or cannabis

(a) to be produced, prepared or manufactured by another person; or

(b) to be used or kept by another person,

on those premises is guilty of an indictable offence.

(2) The owner or occupier of premises who knowingly allows cannabis -

(a) to be produced, prepared or manufactured by another person; or

(b) to be used or kept by another person,

on those premises is guilty of an indictable offence.

Power of
member of
Police Force
to enter and
search after
issue of
warrant

10.(1) If it is made to appear to a Justice, by information on oath, that there is reason to suspect that an offence against this Ordinance has been, is being or is about to be committed on or in certain premises, or in relation to the use of those premises, that Justice may issue a warrant authorizing a member of the Police Force named in the warrant, with assistance, to break into, enter and search those premises.

(2) A member of the Police Force shall not, for the purpose of this Ordinance, enter and search premises except -

(a) after the issue of a warrant under sub-section (1); or

(b) as provided under section 11.

(3) In this section "Justice" has the same meaning as it has in the Justices Ordinance.

Power of
member of
Police Force
in
emergency

11. Where a member of the Police Force has reason to suspect that an offence against this Ordinance has been, is being or is about to be committed on or in certain premises, or in relation to the use of those premises, and the exigencies of the circumstances at the relevant time make it impractical to comply with section 10(1), he may, with assistance, break into, enter and search those premises.

Member of
Police Force
to forward
report in
case of
entering and
searching
premises
without
warrant

12.(1) Where a member of the Police Force has exercised the power conferred upon him under section 11, he shall, as soon as practical after the exercise of that power, forward a report in writing to the Administrator for submission to the Administrator in Council of all the circumstances relating to the exercise of that power, including -

(a) the date and time when and place where the power was exercised;

(b) details of the grounds he had for suspecting that an offence against this Ordinance had been, was being or was about to be committed; and

(c) details of the exigencies which prevailed at the time which prevented him from applying for a warrant under section 10(1).

(2) Evidence obtained by a member of the Police Force in the exercise of his power under section 11 is not admissible in any prosecution, whether under this Ordinance or any other law, unless the report referred to in sub-section (1) has been duly forwarded.

(3) In proceedings for an offence against this Ordinance, a document -

- (a) purporting to be a copy of a report made in pursuance of this section;
- (b) stating a date on which that report was forwarded to the Administrator; and
- (c) endorsed with the signature of the Administrator,

is evidence that a report of which the document produced is a copy was made by the member of the Police Force named in that document and on the date stated in that document was duly forwarded to the Administrator by that member of the Police Force.

13. A member of the Police Force may stop, search and detain -

- (a) a vessel, aircraft, vehicle, caravan, trailer or other conveyance in which that member has reason to suspect that a prohibited drug or cannabis may be found; and
- (b) a person who that member has reason to suspect has in his possession, or is in any way conveying, a prohibited drug or cannabis.

Power of police to stop, search and detain

14. The power to search conferred by section 11 or 13 or under a warrant issued under section 10 authorizes a member of the Police Force -

- (a) to break into, enter and search the premises or conveyance to be searched;
- (b) to break open any cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, found on or in those premises or in that conveyance; and

Meaning of power to search

- (c) to search a person found on or in the premises being searched.

15. A search under this Ordinance of a female shall wherever possible be conducted by another female. Search of female

16.(1) Notwithstanding anything contained in this Ordinance, the possession of a prohibited drug or cannabis by a member of the Police Force or a person authorized by a member of the Police Force to have that prohibited drug or cannabis in his possession is not an offence if that prohibited drug or cannabis - Members of the Police Force and certain other persons may in certain circumstances be in possession of a prohibited drug or cannabis

- (a) was seized or obtained in -

- (i) the execution of the duties; or

- (ii) the exercise of the powers,

- of that member or other person under this Ordinance;

- (b) is in his possession pending the institution and hearing of proceedings under this Ordinance; or

- (c) is in his possession for a purpose associated with the administration of this Ordinance.

(2) A prohibited drug or cannabis shall be deemed to be in the possession of a person for a purpose associated with the administration of this Ordinance if it is held by him for analysis for the purpose of proceedings for an offence against this Ordinance or of qualifying him to give evidence at the hearing of those proceedings.

(3) Where proceedings for an offence against this Ordinance have commenced, no member of the Police Force who has purchased a prohibited drug or cannabis and no person who has purchased a prohibited drug or cannabis at the request in writing of a member of the Police Force shall, by reason of that circumstance, be deemed an accomplice in that offence or guilty of an offence against this Ordinance, nor shall the evidence of that member of the Police Force or of that person be deemed, on the hearing of the proceedings, to be the evidence of an accomplice.

Seizure
of drugs,
etc.

17. (1) A member of the Police Force may seize -

- (a) a prohibited drug or cannabis found in the possession of a person or as the result of a search;
- (b) a substance found in the possession of a person or as the result of a search, being a substance that that member has reason to suspect is a prohibited drug or cannabis;
- (c) any money or valuable security found -
 - (i) in the possession of a person; or
 - (ii) as the result of a search,
being money or security that that member has reason to suspect is the proceeds of the sale of a prohibited drug or cannabis; or
- (d) where a person is apprehended for a breach of this Ordinance, an article -
 - (i) found in the possession of that person; or
 - (ii) found as the result of a search,
being an article that is used in the production, preparation, manufacture, consumption, smoking or administration of a prohibited drug or cannabis.

(2) In this section "search" means a search under a power conferred under or by virtue of this Ordinance.

Forfeiture

18.(1) Upon the conviction of a person for an offence against this Ordinance any prohibited drug or cannabis in respect of which the conviction is made or any article seized in connexion with the offence is forfeited to the Crown.

(2) A prohibited drug, cannabis or an article forfeited in accordance with this section shall be dealt with in such manner as the Administrator directs.

(3) Where it is proved to the satisfaction of the court, that a sum of money, or valuable security, seized under section 17(1) has been obtained from the

sale of a prohibited drug or cannabis, then, unless the court otherwise directs, that money or valuable security is forfeited to the Crown.

19. (1) When a thing is seized under this Ordinance and no proceedings are instituted for an offence relating to the thing seized, or where proceedings are instituted but the thing is not forfeited, the Commissioner of Police shall, by notice in writing, require the person from whom the thing was seized, or any person appearing to the Commissioner of Police to be the owner of the thing seized, to claim delivery to him of the thing seized. Notice to claim thing seized

(2) If no claim is made within 21 days of the date of service of the notice in writing, or the person to whom the notice is addressed cannot be found, the thing seized is forfeited to the Crown and shall be disposed of in the manner directed by the Administrator.

(3) Where a person served with a notice under sub-section (1) makes a claim for the delivery to him of a thing seized, the Commissioner of Police shall refer the claim to a court of summary jurisdiction and the court may deal with the matter as if the claim were made by a claimant of property under section 130B of the Justices Ordinance.

20. A person who is guilty of an offence against this Ordinance - Penalties

(a) shall, if the offence is one against section 5 (a) or 9(1)(b), be liable -

(i) for a first offence - to a fine of 5,000 dollars;

(ii) for a second offence - to imprisonment for 5 years; and

(iii) for any subsequent offence - to imprisonment for 10 years;

(b) shall, if the offence is one against section 5(b), (c) or (d), 6(b), (c) or (d), 9(1)(a) or 9(2)(a), be liable -

- (i) for a first offence - to imprisonment for 7 years;
 - (ii) for a second offence - to imprisonment for 15 years; and
 - (iii) for any subsequent offence - to imprisonment for 25 years; and
- (c) shall, if the offence is one against section 6(a) or 9(2)(b), be liable -
- (i) for a first offence - to a fine of 2,000 dollars;
 - (ii) for a second offence - to imprisonment for 2 years; and
 - (iii) for any subsequent offence - to imprisonment for 5 years.

Proof of exceptions

21.(1) Where a person is charged with an offence against this Ordinance, an exception relating to a substance the subject of the charge need not be specified or negatived in the information or the indictment.

(2) The burden of proof of an exception referred to in sub-section (1) is on the person alleging it.

Application of Justices Ordinance

22.(1) Section 120 of the Justices Ordinance does not apply to or in respect of an offence against section 5(a), 6(a), 9(1)(b) or 9(2)(b).

(2) Division 2 of Part V of the Justices Ordinance does not apply to or in respect of an offence against section 5(b), (c) or (d), 6(b), (c) or (d), 9(1) (a) or 9(2)(a).

Obstruction of police

23. A person shall not obstruct or hinder a member of the Police Force in the performance of his duties under this Ordinance, or the execution of the powers by this Ordinance vested in him.

Penalty: 500 dollars or imprisonment for 6 months, or both.

FIRST SCHEDULE

Prohibited Drugs

Section 4

Allyl-iso-propyl-acetyl Urea

Amidopyrine (aminopyrine) and derivatives, including
dipyrone

Buniodyl Sodium

Desomorphine

Diacetylmorphine (Heroin)

Diethyltryptamine (DET), Dimethyltryptamine (DMT),
Baffotamine, Bufotenine, Psilocybin, Psilocine,
Psilotsin and other substances structurally derived
from 3 - (2 aminoethyl) - indole

DMHP - 3 (1, 2 dimethylheptyl) - 1 - hydroxy - 7,8,9,10
tetrahydro - 6, 6, 9 - trimethyl - 6H - dibenzo
[b, 9] pyran

Ketobemidone

Lysergic Acid, Lysergide, (Lysergic Acid Diethylamide)
(LSD) or other amides structurally derived from
Lysergic acid

Mescaline, Methylessedioxy - amphetamine (MDA),
Dimethoxymethyl - amphetamine (STP) (DOM),
Trimethoxy - amphetamine (TMA) all isomers and
other substances structurally derived from any of
those compounds

Methyl Cinchophen (methyl ester of phenylcinchoninic
acid)

Tetrahydrocannabinol

Thalidomide

Triparanol

The isomers (unless excepted under this Ordinance or
another law of the Territory) of the substances
specified in this Schedule wherever the existence
of such isomers is possible within the chemical
designation

The esters and ethers (unless excepted under this
Ordinance or another law of the Territory) of the
substances specified in this Schedule wherever the
existence of those esters or ethers is possible

The salts of the substances specified in this Schedule
(unless excepted under this Ordinance or another
law of the Territory) including the salts of
esters, ethers and isomers wherever those salts are
possible.

SECOND SCHEDULE

Section 7(1)

Trafficable Quantities of Prohibited Drugs

Prohibited drug	Quantity
Desomorphine	0.5 grams
Diacetylmorphine (heroin)	0.5 grams
Diethyltryptamine (DET)	0.5 grams
Dimethyltryptamine (DMT)	0.5 grams
Baffotamine	0.5 grams
Bufotenine	0.5 grams
Psilocybin	0.1 grams
Psilocine	0.1 grams
Psilotsin and other substances structurally derived from 3 - (2 aminoethyl) - indole	0.1 grams
DMHP - 3(1,2 dimethylheptyl) - 1 hydroxy - 7,8,9,10 tetrahydro - 6,6,9 - trimethyl - 6H - dibenzo [b,9] pyran	0.5 grams
Ketobemidone	0.5 grams
Lysergic Acid, Lysergide (Lysergic Acid Diethylamide) (LSD) or other amides structurally derived from Lysergic acid	0.002 grams
Mescaline	7.0 grams
Methylesedioxy - amphetamine (MDA)	0.5 grams
Dimethoxymethyl - amphetamine (STP), (DOM)	0.5 grams
Tetrahydrocannabinol	0.5 grams
Trimethoxy - amphetamine (TMA)	0.5 grams.

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THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Traffic Ordinance

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 1977.

Short
title

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

Principal
Ordinance

3. Section 35P of the Principal Ordinance is repealed and the following section substituted:

"35P.(1) The driver of a motor vehicle on a public street who is approaching a traffic sign that -

Stop signs

(a) bears the word "STOP";

(b) is erected, placed or displayed at or near a stop line marked across, or partly across, the carriageway at or near the intersection of that public street and another public street; and

(c) is facing in the direction from which he is travelling,

shall stop the motor vehicle immediately before reaching the stop line before proceeding beyond the stop line.

"(2) The driver of a motor vehicle on a public street who is approaching a traffic sign that -

(a) bears the word "STOP";

(b) is erected, placed or displayed at or near the intersection of that public street and another public street; and

(c) is facing in the direction from which he is travelling,

shall stop the motor vehicle at a point as near as practicable to the intersection where he has a clear view of the traffic approaching the intersection.

"(3) The driver of a motor vehicle shall not proceed into an intersection from a public street in respect of which he is required to stop the motor vehicle as provided by this section while -

(a) another vehicle is approaching the same intersection from another public street or is within that intersection; and

(b) the circumstances are such that, if he so proceeds, there is a reasonable possibility that the vehicles might arrive at the same point simultaneously or a dangerous situation might otherwise be created.".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Workmen's Compensation Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Workmen's Compensation Ordinance</u> 1977. | Short title |
| 2. The <u>Workmen's Compensation Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 7(1) of the Principal Ordinance is amended by inserting after "liable to pay" the words ", in addition to any other compensation payable under this Ordinance,". | Compensation for personal injuries to workmen |
| 4. Section 10(1) and (1A) are amended by inserting after "be" the words ", in addition to any other compensation payable under this Ordinance,". | Compensation for certain injuries |
| 5. A claim for compensation shall not fail or be reduced, and a payment shall not be stopped, reduced or recovered, on the ground only that an amendment made by this Ordinance was not in operation on the date of the accident in respect of which the claim is made. | Adjustment of benefits |
| 6.(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. | Existing policies of insurance |

(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability which he may incur by reason of the application of section 5 and sub-section (1), additional premium for the period of the unexpired balance of the currency of 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 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.
