

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

1 - 3 and 15 - 17 March 1977

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THE NORTHERN TERRITORY OF AUSTRALIA
Aboriginal Lands and Sacred Sites Ordinance
1977

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To provide for Access to Aboriginal
Lands and Protection of Sacred
Sites

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 Aboriginal Lands and Sacred Sites
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.

Commence-
ment

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

Defini-
tions

"Aboriginal land" means Aboriginal
land within the meaning of the
Aboriginal Land Rights (Northern
Territory) Act 1976;

"Aboriginal Land Commissioner" means
the Aboriginal Land Commissioner
established under the Aboriginal
Land Rights (Northern Territory)
Act 1976 and includes any person
acting as the Aboriginal Land Com-
missioner under the Aboriginal
Land Rights (Northern Territory)
Act 1976;

"authorized Aboriginal", in relation
to an area of Aboriginal land,
means the person or persons who,

in accordance with Aboriginal tradition, may control the entry of persons upon that area of land;

"Land Council" means an Aboriginal Land Council established under the Aboriginal Land Rights (Northern Territory) Act 1976.

PART II - ENTRY ON TO ABORIGINAL LAND

Entry on
Aboriginal
land

4. Subject to the laws in force in the Northern Territory, a person, including an Aboriginal, may enter and remain on an area of Aboriginal land only at the invitation of the authorized Aboriginal for that area.

Issue of
permits by
the
authorized
Aboriginal

5.(1) The authorized Aboriginal for an area of Aboriginal land may issue a permit to persons generally or to a specified person or class of persons to enter and remain on that area, or a part of that area, of Aboriginal land.

(2) A permit issued under sub-section (1) may be issued -

(a) orally; or

(b) in writing.

(3) A permit issued under sub-section (1) is subject to such conditions and restrictions, if any, as the authorized Aboriginal specifies.

(4) A person issuing a permit under sub-section (1) may request the Administrator to publish in the Gazette a notice of the permit.

Appoint-
ment of
agents

6.(1) The authorized Aboriginal for an area of Aboriginal land may appoint -

(a) the person for the time being holding, or acting in, or performing the

duties of an office;

(b) the Land Council for that area; or

(c) any other person or group or class of people,

as his agent for the purpose of issuing permits under section 5(1).

(2) An appointment made under sub-section (1) may indicate whether generally or in specified cases or classes of cases -

(a) the permit shall be in writing;

(b) the permit shall contain the name and signature of the holder of the permit;

(c) the permit shall specify the area of Aboriginal land that the holder is permitted to enter upon; and

(d) the permit shall or may contain conditions and restrictions subject to which the permit is issued.

(3) A person making an appointment under sub-section (1) may request the Administrator to publish in the Gazette the name and address of the appointee and all or specified terms and conditions of the appointment.

(4) An agent who issues a permit in pursuance of an appointment made under sub-section (1) shall provide the person making the appointment, at such intervals as that person directs, with such reports as that person directs concerning the number and nature of the permits that he has issued.

Cemeteries
on
Aboriginal
land

7.(1) Subject to this section, a person who is a bona fide visitor to a public cemetery on Aboriginal land is entitled to reasonable access without a permit to that Aboriginal land for the purpose of visiting the cemetery.

(2) The power of a Board of Trustees of a public cemetery on Aboriginal land to make by-laws includes power to make by-laws, at the request of the authorized Aboriginal for that area of land, regulating the access to the cemetery, and to the Aboriginal land for the purpose of visiting the cemetery, of a person who does not hold a permit under this Ordinance.

(3) The Administrator in Council may, by instrument in writing served, by post or otherwise, or a named person, at the request of the authorized Aboriginal for an area of land on which there is a public cemetery -

(a) forbid that person to enter upon that Aboriginal land for the purpose of visiting the cemetery without a permit issued under this Ordinance; or

(b) restrict the access of that person to that Aboriginal land for the purpose of visiting the cemetery.

Powers of
Police to
enter
Aboriginal
land

8.(1) Subject to this section, a member of the Northern Territory Police Force acting in the course of his duty may enter and remain on Aboriginal land.

(2) Subject to section 5, before, or at the first reasonable opportunity after, a member of the Northern Territory Police Force enters on an area of Aboriginal land, he shall cause notice of his entry to be given to the person who is apparently the authorized Aboriginal for that area.

(3) Where a person who claims to be the authorized Aboriginal for an area of Aboriginal land asks a member of the Northern Territory Police Force to leave, or to refrain from entering, that area or a part of that area, the member shall not enter or remain on that area or part, as the case may be, without a warrant unless he -

- (a) is investigating an alleged offence and has reason to believe that an alleged offender is on that area or a part of that area; or
- (b) has reason to believe that the person claiming to be the authorized Aboriginal is not the authorized Aboriginal.

(4) Where a person who claims to be the authorized Aboriginal for an area of Aboriginal land asks a member of the Northern Territory Police Force to leave, or to refrain from entering, that area or part of that area, the member shall advise the Commissioner of Police that the request has been made.

(5) Where the Commissioner of Police is given advice under sub-section (4), he shall, unless -

- (a) he has reason to believe that the person claiming to be the authorized Aboriginal is not the authorized Aboriginal; or
- (b) he is satisfied that the request was directed only towards a specified person or persons,

ensure that no member of the Northern Territory Police Force enters or remains without a warrant on the land that is the subject of the request unless the member of the

Northern Territory Police Force is investigating an alleged offence and has reason to believe that an alleged offender is on that area or a part of that area.

(6) A member of the Northern Territory Police Force shall not, except as an invitee, enter or remain without a warrant on Aboriginal land that is the subject of a lease unless he is investigating an alleged offence and has reason to believe that an alleged offender is on that area or a part of that area.

Power of
Adminis-
trator to
issue
general
permits

9.(1) Where -

- (a) the holder of an office that is established by or under an Act or an Ordinance, or regulations under an Act or an Ordinance, is required or permitted to enter upon land in the performance of his duties; and
- (b) in the opinion of the Administrator in Council it is necessary for the administration of the Northern Territory that the holder of that office be empowered to enter and remain on an area of Aboriginal land in the performance of his duties,

the Administrator may issue to him a permit to enter on an area of Aboriginal land in the performance of his duties.

(2) A permit issued under sub-section (1) -

- (a) shall contain the name, signature and identification photograph of the holder of the permit;
- (b) shall specify the area of Aboriginal land that the holder is permitted to enter upon; and

- (c) may contain conditions and restrictions subject to which the permit is issued.

(3) Subject to this section, a person to whom a permit is issued under sub-section (1) may, while the permit remains in force and subject to the conditions and restrictions, if any, subject to which the permit was issued, enter and remain on the area of Aboriginal land specified in the permit in the performance of his duty.

(4) Subject to section 5, before, or at the first reasonable opportunity after, a person who holds a permit issued under sub-section (1) enters on an area of Aboriginal land, he shall cause notice of his entry to be given to the person who is apparently the authorized Aboriginal for that area.

(5) Where a person who claims to be the authorized Aboriginal for an area of Aboriginal land asks a person who holds a permit issued under sub-section (1) to leave, or to refrain from entering, that area or a part of that area, the person who holds the permit shall not enter or remain on that area or part, as the case may be, unless -

- (a) he considers that it is impossible for him to carry out his duties without entering or remaining on it; or

- (b) he has reason to believe that the person claiming to be the authorized Aboriginal is not the authorized Aboriginal.

(6) Where a person who claims to be the authorized Aboriginal for an area of Aboriginal land asks a person who holds a permit issued under sub-section (1) to leave, or to refrain from entering that area or a part of that area, the member shall advise the Administrator that the request has been made.

(7) The Administrator in Council shall consider any advice given to the Administrator under sub-section (6).

(8) If the Administrator in Council is satisfied that a request made under sub-section (5) is a bona fide request by the authorized Aboriginal, the Administrator in Council shall -

- (a) restrict the entry of a person or class of persons within that area of land; or
- (b) attach conditions in accordance with the wishes of the authorized Aboriginal to a permit issued for that area of land.

(9) Where a person who holds a permit issued under sub-section (1) enters or remains upon Aboriginal land that is the subject of a lease otherwise than as an invitee, he shall at the first reasonable opportunity cause notice of his presence on the land to be given to the occupier.

Power of
Adminis-
trator to
issue
specific
permits .

10.(1) Subject to sub-section (2), the Administrator in Council or a person thereto authorized by the Administrator in Council may issue to a person a permit to enter upon a specified area of Aboriginal land for a specified purpose for a specified time.

(2) A permit shall not be issued under sub-section (1) unless, in the opinion of the Administrator in Council or authorized person, as the case may be, it is necessary for the administration of the Northern Territory that the person to whom the permit is issued be empowered to enter and remain on the specified area of land.

(3) A permit issued under sub-section (1) -

- (a) shall contain the name, signature and identification photograph of the holder of the permit;
- (b) shall specify the area of Aboriginal land that the holder is permitted to enter upon;
- (c) shall specify the purpose for which the holder may enter upon the land and the period of operation of the permit; and
- (d) may contain conditions and restrictions subject to which the permit is issued.

(4) Subject to this section, a person to whom a permit is issued under sub-section (1) may, while the permit remains in force and subject to the conditions and restrictions, if any, subject to which the permit was issued, enter and remain on the area of Aboriginal land specified in the permit for the purpose specified in the permit.

(5) Subject to section 5, before, or at the first reasonable opportunity after, a person who holds a permit issued under sub-section (1) enters on an area of Aboriginal land, he shall cause notice of his entry to be given to the person who is apparently the authorized Aboriginal for that area.

(6) Where a person who claims to be the authorized Aboriginal for an area of Aboriginal land asks a person who holds a permit issued under sub-section (1) to leave, or to refrain from entering, that area or a part of that area, the person who holds the permit -

(a) shall not enter or remain on that area or part, as the case may be, unless -

(i) he holds a certificate signed by the person who issued the permit that it is impossible for him to carry out the purpose for which the permit was issued without entering or remaining on it; or

(ii) he has reason to believe that the person claiming to be the authorized Aboriginal is not the authorized Aboriginal; and

(b) shall advise the Administrator that the request has been made.

(7) The Administrator in Council shall consider any advice given to the Administrator under sub-section (6).

(8) If the Administrator in Council is satisfied that a request made under sub-section (6) is a bona fide request by the authorized Aboriginal, the Administrator in Council shall -

(a) restrict the entry of a person or class of persons within that area of land; or

(b) attach conditions in accordance with the wishes of the authorized Aboriginal to a permit for that area of land.

(9) Where a person who holds a permit issued under sub-section (1) enters or remains upon Aboriginal land that is the subject of a lease otherwise than as an invitee, he shall, at the first reasonable opportunity thereafter, cause notice of his entry to be given to the occupier of the land.

11. The Administrator shall consult from time to time with each Aboriginal Land Council in relation to -

- (a) the classes of persons eligible for permits;
- (b) the number of permits; and
- (c) the conditions and restrictions attaching to permits,

Consulta-
tion
between
Adminis-
trator and
Land
Council

issued under section 10 for the area of the Aboriginal Land Council.

12.(1) Subject to this section -

- (a) the Administrator or an Acting Administrator acting in the course of his duty;
- (b) a Member of the Legislative Assembly engaged on the business of the Assembly;
- (c) a Member of either House of the Commonwealth Parliament engaged on the business of the Parliament; and
- (d) a candidate for election as a Senator for the Northern Territory or as a Member of the House of Representatives for a Northern Territory electorate may enter and remain on Aboriginal land that is not the subject of a lease.

Certain
persons
eligible
to enter
on con-
ditions

(2) Subject to this section, a candidate for election as a Member of the Legislative Assembly for an electorate that contains Aboriginal land may enter and remain on Aboriginal land that is within that electorate and is not the subject of a lease.

(3) This section does not authorize a person to enter or remain on an area that contains a sacred site.

(4) Before, or at the first reasonable opportunity after, a person enters an area of aboriginal land in pursuance of this section, he shall cause notice of his entry to be given to the person who is apparently the authorized Aboriginal for that area.

(5) Where a person who is apparently the authorized Aboriginal for an area of Aboriginal land asks a person who may enter that area under this section to leave, or to refrain from entering, that area or a part of that area, the person asked shall not enter or remain on that area or part, as the case may be, unless he considers that it is impossible for him to carry out his responsibilities without entering or remaining on it.

PART III - ENTRY INTO WATERS ADJACENT TO ABORIGINAL LAND

Protection of coastal waters adjacent to Aboriginal land

13.(1) The authorized Aboriginal for an area of coastal land may ask the Administrator in Council to take steps to protect an area of the coastal waters adjacent to and within 2 kilometres of that land or a part of that land.

(2) The authorized Aboriginal for an area of coastal land may ask the Administrator in Council to take steps under section 13 of the Fisheries Ordinance to close waters under that Ordinance which are of significance to that authorized Aboriginal and which lie outside the waters referred to in subsection (1).

14.(1) Where a request is received under section 13, the Administrator in Council shall cause an investigation to be carried out

Investigation of claim

- (a) whether, traditionally, strangers were restricted in their right to enter those waters;
- (b) whether the use of those waters by strangers is interfering with the traditional enjoyment of the adjacent land by those Aborigines who traditionally use that land;
- (c) whether the use of those waters by strangers is interfering with or may interfere with the traditional enjoyment of those waters by those Aborigines who traditionally use those waters; and
- (d) whether any person would be disadvantaged if the waters were closed to him.

(2) The Administrator in Council shall refer all requests made under section 13 to the Aboriginal Land Commissioner and, from time to time, shall cause consultation with the Aboriginal Land Commissioner with respect to the request.

15.(1) The Administrator shall cause the results of an investigation carried out under section 14 to be discussed with the person who made the request under section 13.

Consultation after investigation

(2) If, after discussion in pursuance of sub-section (1), that authorized Aboriginal wishes the Administrator in Council to proceed, he shall ask the Administrator in Council, in writing -

(a) to make regulations closing an area of the coastal waters adjacent to and within 2 kilometres of that land or otherwise to protect those waters; or

(b) to take action under the Fisheries Ordinance.

(3) A request made under sub-section (2) shall set out a description of the waters and state whether the authorized Aboriginal considers that the waters should be -

(a) closed completely to all strangers;

(b) closed completely to specified classes of strangers;

(c) closed to all forms of exploitation or commercial exploitation by persons other than Aborigines with a traditional right to exploit those waters; or

(d) closed to specified forms of exploitation or commercial exploitation by persons other than Aborigines with a traditional right to exploit those waters.

Adminis-
trator in
Council
may close
waters

16.(1) Upon consideration of a request made under section 15, the Administrator in Council may -

(a) reject the request; or

(b) by notice in the Gazette give notice in the regulations or other action proposed by the Administrator in Council.

(2) A notice given in pursuance of sub-section (1) shall -

- (a) include a map indicating the boundaries of the area concerned, or indicate where such a map may be inspected; and
- (b) set out the proposed regulations or other action.

(3) The proposed action or regulations, or actions or regulations which are derived from discussions of the proposed action or regulations with interested persons, shall not come into force until the expiration of 28 days from the date of notification in the Gazette.

(4) Within 7 days of the publishing of the notice in the Gazette, the Administrator in Council shall cause an advertisement to be published in a newspaper circulating in the Northern Territory which shall -

- (a) include a map indicating the boundaries of the area concerned, or indicate where such a map may be inspected; and
- (b) indicate the nature of the proposed regulations or other action.

17.(1) Regulations made under this Ordinance may provide that an area of coastal waters adjacent to an area of coastal Aboriginal land is -

Regulations

- (a) closed to persons, or to specified classes of persons, other than persons who may lawfully enter and remain on that area of land; or

- (b) closed to exploitation or to commercial exploitation, or to specified forms of exploitation or commercial exploitation, by persons other than Aboriginals with a traditional right to exploit those waters or persons invited by the authorized Aboriginal of the adjacent coastal land to exploit those waters.

(2) Regulations made under this Ordinance may exempt persons or vessels from the closing of waters where the use of the waters is for transit purposes only.

Offences

18.(1) A person shall not, without lawful authority, enter or remain in closed waters in contravention of a regulation made under this Ordinance.

Penalty : 1000 dollars.

(2) A person shall not exploit waters in contravention of a regulation made under this Ordinance.

Penalty : 2000 dollars.

(3) A person shall not exploit waters for commercial purposes in contravention of a regulation made under this Ordinance.

Penalty : 50,000 dollars.

PART IV - PROTECTION OF ABORIGINAL SACRED SITES

Division I - Sacred Sites on Aboriginal Land

Notices may indicate areas containing sacred sites

19. The authorized Aboriginal for an area of Aboriginal land may erect signs to indicate that an area of that land contains a sacred site.

20. Where a person erects signs in pursuance of section 19, he may ask the Administrator in Council to make regulations prescribing the area indicated by those signs as an area that contains a sacred site.

Request
for
Regula-
tions

21. Where the Administrator receives a request under section 20, he shall cause an investigation to be carried out to ascertain whether the boundaries of the area the subject of the request has been adequately marked with signs indicating that the area contains a sacred site.

Investiga-
tion of
request

22. Regulations made under this Ordinance may prescribe an area of Aboriginal land as an area that contains a sacred site.

Regula-
tions may
prescribe
sacred
site

Division 2 - Sacred Sites Not on Aboriginal Land

23. Where an area of land, not being Aboriginal land, contains a sacred site, the person who, in accordance with Aboriginal tradition, may control the entry of persons upon that area of land may ask the Administrator in Council to take steps to protect the sacred site.

Request to
protect
sacred site
not on
Aboriginal
land

24.(1) Where a request is received under section 23, the Administrator in Council shall cause an investigation to be carried out to ascertain -

Investiga-
tion of
request

- (a) the importance of that site to Aboriginal tradition;
- (b) whether the owners, if any, of the land containing the site object to the taking of steps to protect the site;
- (c) whether any other person would be disadvantaged if steps were taken to protect the site;

(d) whether there is any other person interested in the site, and whether that person has any objections to the taking of steps to protect the site; and

(e) the most appropriate steps that should be taken, having regard to all the circumstances of the case, to protect the site.

(2) The Administrator in Council shall refer all requests made under section 23 to the Aboriginal Land Commissioner and, from time to time, shall cause consultation with the Aboriginal Land Commissioner with respect to the request.

(3) The Aboriginal Land Commissioner may use any request forwarded by the Administrator or any information gained as a result of consultation with the Administrator in the carrying out of his statutory functions.

Consulta-
tion after
investi-
gation

25.(1) The Administrator shall cause the results of an investigation carried out under section 24 to be discussed with the person who made the request under section 23.

(2) If, after discussion in pursuance of sub-section (1), the person making the request under section 23 wishes the Administrator in Council to proceed, he shall ask the Administrator in Council in writing to take steps to protect the site and shall indicate the steps that he considers should be taken to protect the site.

Adminis-
trator in
Council
may make
Regula-
tions

26.(1) Upon consideration of a request made under section 25(2), the Administrator in Council may -

(a) reject the request; or

- (b) by notice in the Gazette give notice of the proposed steps to protect the sacred site.

(2) A notice given in pursuance of sub-section (1)(b) shall -

- (a) include a map indicating an area that contains the sacred site, or indicate where such a map may be inspected; and
- (b) indicate the nature of the steps to be taken.

27.(1) Without limiting the power of the Administrator in Council to take steps to protect a sacred site, the Administrator in Council may take, or promote, or cause to be taken, steps, under such laws in force in the Northern Territory as the Administrator in Council considers appropriate -

Powers to protect sacred sites

- (a) for the acquisition of an area of land;
- (b) for the reservation of an area of Crown land;
- (c) for the vesting of title to an area of Crown land in an appropriate person;
- (d) where the land is vested in, or is under the care, control or management of, a statutory corporation, recommending the taking of special measures, including the making of by-laws, for the protection of the site; and
- (e) where a person has an estate or interest in the land, recommending, and assisting with the funding of, special measures for the protection

of the site.

(2) The Administrator in Council may authorize the person who made the request under section 25(2) to erect signs on an area of Crown land, or on an area of land the title to which has been vested in an appropriate person in pursuance of action taken under sub-section (1), to indicate that the area contains a sacred site.

(3) Regulations made under this Ordinance -

(a) may prescribe an area of land, the boundaries of which are adequately marked with signs indicating that it contains a sacred site, being an area of Crown land or of land the title to which has been vested in an appropriate person in pursuance of action taken under sub-section (1), as an area that contains a sacred site; and

(b) may include regulations providing for or in relation to the protection of that site.

Division 3 - General

Mainten-
ance of
signs in-
dicating
area con-
taining
sacred
site

28.(1) Where regulations provide that an area of land contains a sacred site, the person who, in accordance with Aboriginal tradition, may control the entry of persons upon that area shall maintain the signs that indicate the boundaries of and the approaches to that area.

(2) A sign that is maintained in pursuance of sub-section (1) shall contain, in large, clear letters, figures and symbols the words "KEEP OUT" and the prescribed penalty for the offence of entering the area without lawful authority.

29.(1) A person shall not, without lawful authority, enter or remain in an area of land that is prescribed as an area that contains a sacred site.

Offences
of enter-
ing or
remaining
on sacred
site

Penalty : 2000 dollars.

(2) It is a defence to a prosecution for an offence against sub-section (1) if the person charged proves -

- (a) that the boundaries of the area were not adequately and clearly indicated; or
- (b) that the signs indicating the boundaries did not contain, in large, clear letters, figures and symbols the words "KEEP OUT" and the prescribed penalty for the offence of entering the area without lawful authority.

30. A person shall not desecrate an Aboriginal sacred site knowing that it is a sacred site.

Offence
of dese-
cration

Penalty : 10,000 dollars

PART V - ADVISORY COUNCIL

31. The Administrator in Council may appoint Advisory Councils from the authorized Aboriginals or their representatives to advise the Administrator in Council from time to time on the administration of this Ordinance.

Appoint-
ment of
Advisory
Councils

PART VI - GENERAL PROVISIONS

Prosecu-
tions may
be on com-
plaint of
authorized
Aboriginal

32.(1) A prosecution for an offence against this Ordinance or the Regulations may be made upon the complaint of an authorized Aboriginal

(2) A prosecution for an offence against section 29 or 30 may be made upon the complaint of the person referred to in section 28.

Summary
Jurisdic-
tion

33. Proceedings for an offence against this Ordinance may be instituted in a Court of Summary Jurisdiction.

Regula-
tions

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

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Brands Ordinance

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

1. This Ordinance may be cited as the Brands Ordinance 1977.

Short
title

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

Principal
Ordinance

3. Section 42AA(4) of the Principal Ordinance is amended by omitting from the definition of "travelling stock" the word "domesticated".

Unbranded
animals
among
travelling
stock

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To amend the Cemeteries 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>Cemeteries Ordinance (No. 2) 1977.</u> | Short title |
| 2. The <u>Cemeteries Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land and Sacred Sites Ordinance 1977</u> comes into operation. | Commencement |
| 4. Section 4 of the Principal Ordinance is amended by inserting before the definition of "Board" the following definition:

"'Aboriginal land' means Aboriginal land within the meaning of the <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> ;" | Definitions |
| 5. Section 6 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section: | Establishment of cemeteries |

"(1A) The Administrator may, by notice in the Gazette, dedicate to the purpose of a public cemetery, Aboriginal land which has been leased in perpetuity at a nominal rental under the Aboriginal Land Rights (Northern Territory) Act 1976 to the Commonwealth of Australia for the purpose of a public cemetery."

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Cemeteries Ordinance

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

1. This Ordinance may be cited as the Cemeteries Ordinance 1977.

Short
title

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

Principal
Ordinance

3. After section 6 of the Principal Ordinance the following section is inserted:

"6A.(1) The purported dedication under section 6(1) of the land described in the Schedule, made on 8 February, 1973, is, and shall be deemed always to have been, as valid and effectual as it would have been if that land had not then been a reserve within the meaning of the Social Welfare Ordinance.

Nhulunbuy
Public
Cemetery

"(2) The Social Welfare Ordinance does not apply, and shall be deemed never to have applied since 7 February, 1973, to or in respect of the land described in the Schedule.

"(3) The purported appointment under section 8(1) of a Board of Trustees of the Nhulunbuy Public Cemetery, made on 6 September, 1973, is, and shall be deemed always to have been, as valid and effectual as it would have been if the land described in the Schedule had not been, on 8 February, 1973, a reserve within the meaning of the Social Welfare Ordinance."

Schedule

4. The Principal Ordinance is amended by adding at the end thereof the following Schedule:

" SCHEDULE

Section 6A

All that piece or parcel of land on the Gove Peninsula, Northern Territory of Australia, containing an area of 22 acres 3 roods 30 perches more or less being Northern Territory Portion 1398: Commencing at a point bearing 0 degrees 3083.4 links; 299 southwestern corner of Northern Territory Portion 1192; thence by lines bearing 180 degrees 984.8 links; 270 degrees 1515.2 links; 360 degrees 1515.1 links; 90 degrees 1515.2 links; 180 degrees 530.3 links to the point of commencement.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Crown Lands Ordinance

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

1. This Ordinance may be cited as the Crown Lands Ordinance 1977. Short title
2. The Crown Lands Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date on which the Aboriginal Lands and Sacred Sites Ordinance 1977 comes into operation. Commencement
- 4.(1) Section 24 of the Principal Ordinance is amended by omitting paragraph (e). Reservations in leases
- (2) Section 24 of the Principal Ordinance is amended by adding at the end the following sub-sections:
 - "(2) Subject to sub-section (3), in any lease under this Ordinance a reservation in favour of the aboriginal inhabitants of the Northern Territory shall be read as a reservation permitting the Aboriginal inhabitants of the leased land and the Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land -
 - (a) to enter and remain on the leased land;

- (b) to take and use the natural waters and springs on the leased land;
- (c) subject to any other law of the Territory, to take or kill for food or ceremonial purposes animals ferae naturae on the leased land; and
- (d) subject to any other law of the Territory, to take for food or for ceremonial purposes any vegetable matter growing naturally on the leased land.

"(3) A reservation in favour of the aboriginal inhabitants of the Northern Territory in any lease under this Ordinance does not apply to that part of the leased land which is within 2 kilometres of a home-
stead or which is within 1 kilometre of a bore.

"(4) Where a lease under this Ordinance contains a reservation in favour of the aboriginal inhabitants of the Northern Territory a person shall not, without just cause, interfere with the full and free exercise, by the persons thereby entitled, of the rights reserved to them.

Penalty : 2,000 dollars."

Repeal of section 24B 7. Section 24B of the Principal Ordinance is repealed.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Disposal of Uncollected Goods 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>Disposal of Uncollected Goods Ordinance</u> 1977. | Short title |
| 2. The <u>Disposal of Uncollected Goods Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date of commencement of the Principal Ordinance. | Commencement |
| 4. Section 8(1)(c) of the Principal Ordinance is amended- | Conditions as to sale of goods |
| (a) by inserting after "publishes" the words ", in the prescribed form in the <u>Gazette</u> ,"; and | |
| (b) by omitting "in the <u>Gazette</u> ". | |
| 5. Section 13(1) of the Principal Ordinance is amended - | Notice to be given before application |
| (a) by omitting from paragraph (a)(i) "known to him, at the time he gives the notice, as having or claiming" and substituting "who he has reason to believe has or claims to have"; and | |
| (b) by omitting from paragraphs (b)(ii) and (c)(ii) "having or claiming" and substituting "who he has reason to believe has or claims to have". | |

Payment
before
sale

6. Section 16 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following new sub-section:

"(2) If a person attempts to comply with sub-section (1) and a dispute arises as to the right of that person to the goods, the bailee, person in possession or person claiming the goods may make an application to the court to determine that dispute."

Record of
sale or
disposal

7. Section 18(1) of the Principal Ordinance is amended-

- (a) by inserting after "a record" the words "in the prescribed form"; and
- (b) by inserting at the end of paragraph (c) "and the date and place of destruction".

Provisions
as to
notices

8. Section 23 of the Principal Ordinance is amended -

- (a) by inserting in sub-section (2)(a) after "applies" the words "and there is no bailment involved";
- (b) by omitting from sub-section (5)(b) "to whom the notice is given" and substituting "entitled to possession"; and
- (c) by omitting from sub-section (5)(b)(ii) "fails to take" and substituting "takes".

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL
for
AN ORDINANCE

To amend the Fisheries Ordinance

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

1. This Ordinance may be cited as the Fisheries Ordinance 1977. Short title

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

3. Section 15A of the Principal Ordinance is amended by omitting from sub-section (7) the words "Where a licence" and substituting the words "Subject to section 17, where a licence".

4. Section 17 of the Principal Ordinance is amended by adding the following sub-section:-

"(3) Notwithstanding the provisions of sub-section (7) of section 15A, the Chief Inspector may issue an employee's licence to a person whose licence has been cancelled under sub-section (1) or (3) of section 15A if the Chief Inspector is satisfied -

(a) that hardship will be occasioned to the employee by the operation of section 15A(7); and

(b) that the person has been regularly employed in the fishing industry; and

(c) that for the period during which the person would have been debarred from applying for a licence by virtue of section 15A(7) the person will be bona fide employed on wages by the holder of a licence under section 15 of this Ordinance."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Housing 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>Housing Ordinance</u> 1976. | Short title |
| 2. The <u>Housing 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. Section 4(1) of the Principal Ordinance is amended - | Interpretation |
| (a) by omitting the definition of "market value" and substituting the following definition: | |
| " 'market value' in relation to a dwelling means the amount that, in the opinion of the Valuer-General, the dwelling, including the right to the lease of the land on which the dwelling is situated, could be sold for if offered for sale by private treaty;" and | |
| (b) by adding at the end the following definition: | |
| " 'Valuer-General' means the Valuer-General for the Territory appointed under the <u>Valuation of Land Ordinance</u> and includes a delegate of the Valuer-General." | |

Function
of
Commission

5. Section 12(2) of the Principal Ordinance is amended by omitting paragraph (ea) and substituting the following paragraph:

"(ea) selling dwellings that are detached single residential units; and".

6. Section 13A of the Principal Ordinance is repealed and the following sections substituted:

Sale of
dwelling
to tenant

"13A(1) The Administrator in Council may by notice published in the Gazette -

(a) set out details of a scheme, not inconsistent with this Ordinance, to apply to the sale of dwellings by the Commission in pursuance of this section; and

(b) specify a class or classes of tenants to be approved tenants for the purposes of this section,

and in this section 'approved tenant' means a member of a class so specified.

"(2) An approved tenant may make application in writing in his own name, or jointly with his spouse (including a bona fide de facto spouse), to purchase a dwelling that is a detached single residential unit.

"(3) The Commission may, in its discretion, sell to a person making application under sub-section (2), or jointly to that person and his spouse where the application is made in their joint names, a dwelling of which he is the tenant, or a dwelling chosen by him from alternative dwellings offered for sale to him by the Commission.

"(4) Subject to sub-section (5), the price at which a dwelling may be sold under sub-section (3) is not less than one half of the sum of -

(a) the capital cost of the dwelling; and

(b) the market value of the dwelling, not including improvements made by the approved tenant with the approval of the Commission.

"(5) The price at which a dwelling may be sold shall be reduced by an amount determined by the

Commission being an amount not less than that part of the annual amortization allowance referred to in section 31(1) that represents the repayment of the capital cost, paid by the approved tenant to the Commission in rent, in respect of that or any other dwelling, over a period of 5 years immediately before the date of the sale.

"(6) A contract for the sale of a dwelling under sub-section (3) shall contain terms and conditions providing for -

(a) payment of the price -

(i) as to an amount of 500 dollars or as to such larger amount as the purchaser may require - by way of deposit upon entering into the contract; and

(ii) as to the balance of the price - upon completion of the sale or by such instalments and over such period, not exceeding 45 years, as agreed upon between the parties;

(b) the insuring of the dwelling by the purchaser, in the name of himself and the Commission, against damage or destruction by fire, storm or tempest, while any of the price is unpaid;

(c) the maintenance, by the purchaser, of the dwelling in good repair while any of the price is unpaid; and

(d) the payment by the purchaser, while any of the price is unpaid, of such land rent, rates and other charges as are imposed on or in relation to the dwelling, or the land on which the dwelling is erected, by or under any law in force in the Territory, in respect of any period after the date on which the purchaser becomes entitled to possession pursuant to the contract.

"(7) Where a contract for the sale of a dwelling under sub-section (3) provides for the payment of the balance of the price by instalments over a period specified in the contract, the contract shall provide that the rate of interest payable on the balance of the purchase price for the time being unpaid shall be the rate declared from time to time by the Administrator in Council to be the rate applicable to the class of

purchaser to which the purchaser belongs.

Administra-
tor in
Council to
declare
rates in
respect of
classes of
purchasers

"13AAA (1) The Administrator in Council shall, by notice in the Gazette -

- (a) specify classes of purchasers of dwellings; and
- (b) declare the rates of interest payable by the members of the various classes of purchasers on the balance of purchase price for the time being unpaid under a contract of sale of a dwelling.

"(2) The Commission shall, at least once in every calendar year, review the rates of interest payable by each class of purchaser and recommend to the Administrator in Council any variation of those rates it considers necessary."

7. Section 13B of the Principal Ordinance is repealed and the following section substituted:

Restriction
on transfer
of dwelling

"13B.(1) A dwelling that has been sold under section 13A is not, during the period of 5 years immediately after the date of the agreement of sale, capable of being sub-leased, transferred or assigned either at law or in equity.

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

- (a) where the owner has at any time made an offer in writing to the Commission to resell the dwelling to the Commission and the offer has not been accepted within 6 weeks immediately after the date on which it was made;
- (b) so as to prevent a transfer or assignment of a dwelling or an interest therein -
 - (i) by operation of law;
 - (ii) by will;
 - (iii) by way of mortgage entered into with the consent of the Commission;
 - (iv) by a mortgagee in pursuance of a power of sale as mortgagee;
 - (v) between spouses (including bona fide defacto spouses); or

(vi) between the parties to a dissolved marriage; or

(c) in the case of a sub-lease, where the consent of the Commission to the sub-lease was first obtained.

"(3) Where the owner of a dwelling wishes to sell, transfer or assign the dwelling and the dwelling is the subject of a restriction by virtue of sub-section (1), he may request the Commission in writing to make known to him in writing the amount of purchase money the Commission will pay for the dwelling if the dwelling is offered to the Commission and the offer is accepted by it.

"(4) If an owner is dissatisfied with the amount of purchase money that the Commission has made known to him in answer to a request made under sub-section (3), he may request the Commission to seek the opinion of the Valuer-General as to the market value of the dwelling, and the Commission shall forthwith seek that opinion and advise the owner the amount when that opinion has been given.

"(5) Where the opinion of the Valuer-General given in pursuance of sub-section (4) differs from the amount made known by the Commission in pursuance of sub-section (3), the purchaser may, at his election, offer the dwelling to the Commission at the amount made known by the Commission or at the amount of the Valuer-General's opinion.

"(6) A certificate issued by the Commission and certifying that the owner specified in the certificate has duly made an offer in accordance with sub-section (2)(a) but that the offer has not been accepted within 6 weeks after the date on which it was made, is conclusive evidence that the sale, transfer or assignment of the dwelling is no longer prevented or restricted by this section.

"(7) An agreement entered into during the 5 years period referred to in sub-section (1) in respect of a dwelling, purporting to give a person the option of purchasing the dwelling from the owner at or after the completion of that period, is void, and no money paid

under or in consideration of such an agreement is recoverable.

"(8) Where the owner of a dwelling has made a request to the Commission in accordance with sub-section (3), and the Commission has not, within 6 weeks after receiving that request, made known to the owner the amount of the purchase money it will pay, the dwelling is deemed to have been offered for resale to the Commission in accordance with sub-section (2) and not accepted by the Commission within the 6 weeks specified in that sub-section."

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Interpretation Ordinance
and for other purposes

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

- | | |
|---|------------------------|
| 1. This Ordinance may be cited as the
<u>Interpretation Ordinance 1977.</u> | Short
title |
| 2. The <u>Interpretation Ordinance</u> is
in this Ordinance referred to as the Principal
Ordinance. | Principal
Ordinance |
| 3. Section 5 shall be deemed to have
come into operation on the date on which the
<u>Interpretation Ordinance (No. 3) 1976</u> came
into operation. | Commence-
ment |
| 4. Section 5 of the Principal Ordinance is amended - | Defini-
tions |
| (a) by inserting before the
definition of "Administrator's
Council" the following defini-
tion:
" <u>the Act</u> ' means the <u>Northern
Territory (Administration)
Act 1910</u> "; | |
| (b) by inserting after the defini-
tion of "Administrator's Council"
the following definition:
" <u>Department</u> ' means a Department
of the Northern Territory
Public Service"; and | |

- (c) by omitting from the definition of "executive member" the words "that Ordinance" and substituting "the Ordinance in which, or in respect of which, the expression is used, and includes an executive member for the time being acting for and on behalf of that executive member".

Repeal

5. Section 3 of the Interpretation Ordinance (No. 3) 1976 is repealed.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To amend the Legal Practitioners 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>Legal Practitioners Ordinance</u> 1977. | Short title |
| 2. The <u>Legal Practitioners 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. Section 5 of the Principal Ordinance is repealed. | Repeal of section 5 |
| 5. Section 6 of the Principal Ordinance is amended - | Definitions |
| (a) by inserting after the definition of "senior Judge" the following new definition: | |
| " 'Trust Committee' means the Legal Practitioners' Trust Committee established under section 79A;"; and | |
| (b) by omitting "58" from the definition of "trust moneys" and substituting "55". | |
| 6. The Principal Ordinance is amended by omitting the heading to Division 7 of Part VII and substituting " <u>Division 7 - Deposits with the Trust Committee</u> ". | Heading to Division 7 |

7. The Principal Ordinance is amended by inserting after section 79 the following new sections:

Incorporation
of Trust
Committee

"79A.(1) There is hereby constituted a body corporate by the name of the Legal Practitioners' Trust Committee.

"(2) The Trust Committee -

(a) has perpetual succession;

(b) shall have a common seal; and

(c) may sue and be sued in its corporate name.

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

"(4) The Trust Committee shall consist of the Master and 2 legal practitioners appointed by the Law Society.

"(5) A member of the Trust Committee appointed by the Law Society shall, subject to section 79B, hold office during the pleasure of the Law Society.

"(6) A person is not eligible for appointment as a member of the Trust Committee unless not less than 5 years have elapsed since he was first admitted to practise as a legal practitioner (however described) in a State or Territory and he holds a current unrestricted practising certificate.

"(7) The Master shall be Chairman of the Trust Committee.

"(8) The Trust Committee shall have the following powers:

(a) to open and operate bank accounts; and

(b) to do all things that are, in the opinion of that Committee, necessary or convenient for the proper administration of moneys deposited with that committee in accordance with this Division.

"(9) All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Trust Committee shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any member of the Trust Committee or in such other manner as the Trust Committee from time to time determines.

"(10) The Trust Committee may appoint a person to be the Secretary to the Trust Committee.

"79B.(1) The Court may, on the application of the Master, remove a member of the Trust Committee from office for misbehaviour or incapacity.

Removal of
member from
office

"(2) If a member of the Trust Committee -

(a) becomes bankrupt;

(b) ceases to be a person referred to in section 79A(6); or

(c) is absent, except on leave granted by the Trust Committee, from 3 consecutive meetings of the Committee,

the Court may remove him from office.

"79C.(1) At a meeting of the Trust Committee the Master and one other member constitute a quorum.

Quorum of
Trust Com-
mittee and
voting

"(2) Decisions of the Trust Committee shall be by vote of the majority and, if the vote is evenly divided, the Master shall, in addition to his vote as a member of the Committee, have a casting vote.

"(3) The Trust Committee shall hold meetings at such times and places as the Master directs or that Committee determines.

"79D. The moneys received by the Trust Committee under this Division shall, so far as practicable, be invested by that committee in any manner in which trust funds may, for the time being, be invested under any law in force in the Territory."

Investments
by Trust
Committee

8. Section 80 of the Principal Ordinance is amended by omitting "Master" (wherever occurring) and substituting "Trust Committee".

Legal practi-
tioner to
deposit por-
tion of trust
moneys with
Committee

Repayment of
deposit

9. Section 81 of the Principal Ordinance is amended by omitting "Master" (wherever occurring) and substituting "Trust Committee".

Variation of
notional
amount by
Trust
Committee

10. Section 83 of the Principal Ordinance is amended -

(a) by omitting "Master" (wherever occurring) and substituting "Trust Committee"; and

(b) by omitting "him" (wherever occurring) and substituting "that Committee".

11. Section 84 of the Principal Ordinance is repealed and the following sections substituted:

Keeping of
records and
audit, etc.

"84.(1) The Trust Committee shall cause records to be kept showing particulars of all moneys deposited with it in accordance with this Division, of all interest received by it from the investment of those moneys and of all payments made by it out of those moneys, and shall cause those records to be audited annually by an auditor who is a registered company auditor within the meaning of the Companies Ordinance.

"(2) The Trust Committee shall forward a copy of each report of an auditor under this section to the Crown Law Officer.

Payment of
interest
moneys by
Trust
Committee

"84A.(1) In this section, 'interest moneys' means moneys received by the Trust Committee representing interest earned on moneys deposited with that Committee in accordance with this Division.

"(2) The Trust Committee shall pay all interest moneys into a bank account.

"(3) Subject to this section, the Trust Committee shall, as soon as practicable after the first day of January and the first day of July in each year, pay the whole of the amount standing to the credit of its bank account being interest moneys into the Fidelity Fund.

"(4) Notwithstanding sub-section (3), the Trust Committee may at any time during a year pay into the Fidelity Fund the whole or any part of the interest moneys held to the credit of its bank account.

"(5) Where at any time the amount of the Fidelity Fund is greater than 250,000 dollars, the Trust Committee may, with the consent in writing of the Attorney-General given either generally or in a particular case, use up to one half of the interest moneys -

(a) to assist in the conduct of a scheme for the provision of legal aid; and

(b) to assist and promote legal education and legal research.

"(6) The costs of discharging the functions, and exercising the powers, of the Trust Committee under this Division and the costs of enforcing the rights conferred upon that Committee by this Division shall be paid out of the interest moneys in priority to any other use of those moneys authorized by this section."

12. Section 86 of the Principal Ordinance is amended -

Incorporation of
Fidelity
Fund
Committee

(a) by omitting sub-section (1) and substituting the following new sub-sections:

"(1) There is hereby constituted a body corporate by the name of the Legal Practitioners' Fidelity Fund Committee.

"(1A) The Fidelity Fund Committee -

(a) has perpetual succession;

(b) shall have a common seal; and

(c) may sue and be sued in its corporate name.

"(1B) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Fidelity Fund Committee affixed to a document and shall presume that it was duly affixed.

"(1C) The Fidelity Fund Committee shall consist of the Master and 2 legal practitioners appointed by the Law Society."; and

(b) by inserting after sub-section (4) the following new sub-sections:

"(5) The Fidelity Fund Committee shall have the following powers:

(a) to open and operate bank accounts; and

(b) to do all things that are, in the opinion of that Committee, necessary or convenient for the proper administration of moneys paid into the Fund.

"(6) All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Fidelity Fund Committee shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any member of the Fidelity Fund Committee or in such other manner as the Fidelity Fund Committee from time to time determines.

"(7) The Fidelity Fund Committee may appoint a person to be the Secretary to the Fidelity Fund Committee."

Quorum of
Committee
and voting

13. Section 88 of the Principal Ordinance is amended by inserting after sub-section (2) the following new sub-section:

"(3) The Fidelity Fund committee shall hold meetings at such times and places as the Master directs or that Committee determines."

Fidelity
Fund

14. Section 89 of the Principal Ordinance is amended -

(a) by omitting sub-section (2) and substituting the following new sub-sections:

"(2) The Fidelity Fund Committee shall cause records to be kept showing particulars of all moneys held to the credit of the Fidelity Fund, of all interest received by it from the investment of those moneys and of all payments made by it out of those moneys, and shall cause those records to be audited annually by an

auditor who is a registered company auditor within the meaning of the Companies Ordinance.

"(2A) The Fidelity Fund Committee shall forward a copy of each report of an auditor under this section to the Crown Law Officer.";

(b) by omitting '84(2)' from sub-section (3)(c) and substituting '84A'; and

(c) by omitting sub-section (4) and substituting the following new sub-section:

"(4) The Fidelity Fund Committee may invest any part of the Fidelity Fund in any manner in which trust funds may for the time being be invested under any law in force in the Territory."

15. Section 141 of the Principal Ordinance is repealed and the following section is substituted:

"141. The Administrator in Council may make Regulations regulations not inconsistent with this Ordinance, prescribing all matters that by this Ordinance are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular prescribing matters for or in relation to -

(a) the manner in which legal practitioners shall deal with trust moneys; and

(b) the manner in which an audit of trust moneys shall be carried out."

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the powers (other than legislative powers), privileges and immunities of the Legislative Assembly for the Northern Territory and for other purposes

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

1. This Ordinance may be cited as the Legislative Assembly (Powers and Privileges) Ordinance 1977. Short title

2.(1) The Legislative Council (Powers and Privileges) Ordinance 1963 and the Legislative Council (Powers and Privileges) Ordinance 1966 are repealed. Repeal

(2) The Legislative Council (Powers and Privileges) Ordinance shall be deemed to have continued to operate until the date of commencement of this Ordinance, as though on the date on which the first Legislative Assembly was first called together it had been amended -

- (a) by omitting "Council" (wherever occurring) and substituting "Assembly";
- (b) by omitting "President" (wherever occurring) and substituting "Speaker"; and
- (c) by omitting "the Northern Territory (Administration) Act 1910-1962" (wherever occurring) and substituting "the Northern Territory (Administration) Act 1910-1974".

Defini-
tions

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

"the Assembly" means the Legislative Assembly for the Northern Territory established under the Northern Territory (Administration) Act 1910;

"the Chamber" means the room or place in which the Assembly is at any time sitting;

"the Clerk" means the person appointed to be the Clerk of the Assembly and includes a Clerk-Assistant;

"committee" means a committee of the whole Assembly or a standing, select, or other committee appointed by the Assembly;

"member" means a member of the Legislative Assembly;

"officer of the Assembly" means the Clerk or any other person declared by the Speaker by notice in the Gazette to be an officer of the Assembly;

"the Speaker" means the Speaker of the Assembly and includes any person for the time being presiding over the Assembly under the provisions of the Northern Territory (Administration) Act 1910;

"Standing Orders" means the standing rules and orders of the Assembly for the time being in force.

Powers,
privileges
and immu-
nities not
elsewhere
declared

4.(1) The powers (other than legislative powers), privileges and immunities of the Assembly and of its members and committees, to the extent that they are not declared by the provisions of this Ordinance other than this section, shall be the powers (other than legislative powers), privileges and immunities

of the House of Commons of the Parliament of the United Kingdom, and of the members and committees of that House, respectively, at the establishment of the Commonwealth.

(2) For the purpose of exercising or upholding a power, privilege or immunity declared by sub-section (1) the Assembly may by resolution require a person to do or to refrain from doing an act specified in the resolution.

(3) A person shall do such an act, or refrain from doing such an act, in accordance with such a resolution of the Assembly.

5.(1) There shall be freedom of speech, debates and proceedings in the Assembly and that freedom shall not be impeached or questioned in any court or place outside the Assembly.

Freedom
of
speech

(2) Neither a member nor any other person is liable in any action, suit or other legal proceeding (whether civil or criminal), for or in respect of any statement made or act done in the course of the conduct of the business of the Assembly during a meeting of the Assembly or by or on behalf of or with the authority of the Assembly or in the course of the conduct of the business of a committee during a meeting of that committee or by or on behalf of or with the authority of a committee.

6.(1) Subject to sub-section (4), on a day to which this section applies a member or an officer of the Assembly is not required to attend as a witness in any court or tribunal.

Attendance
of members
and
officers
as wit-
nesses

(2) This section applies in respect
of -

(a) a day fixed by resolution of the Assembly or otherwise to be a day on which the Assembly will sit;

- (b) the 3 days immediately preceding such a day;
- (c) a day fixed by a committee to be a day on which the committee will sit; and
- (d) the 3 days immediately preceding such a day.

(3) The production of a certificate under the hand of the Speaker stating -

- (a) that the person named therein is a member or an officer of the Assembly; and
- (b) that the Assembly or a committee is or will be sitting at or during a specified time, shall be evidence of the facts stated.

(4) This section does not excuse the attendance of a person as a witness unless that person is required to be in attendance at the sitting of the Assembly or a committee.

Service of
process
within the
precincts

7.(1) A person shall not on any day in respect of which this section applies, within the precincts of the Assembly -

- (a) serve or tender for service or execute any writ, summons, warrant, order or other process issued by or with the authority of any court or otherwise in accordance with any law of the Territory; or
- (b) except as authorized by section 17, arrest another person.

(2) This section applies in respect of -

- (a) a day fixed by resolution of the Assembly or otherwise to be a day on which the Assembly will sit; and

- (b) a day fixed by a committee to be a day on which the committee will sit.

8.(1) A person shall not, upon any day in respect of which this section applies, arrest a member upon any civil process.

Member not to be arrested on civil process at certain times

(2) This section applies in respect of -

- (a) a day fixed by resolution of the Assembly or otherwise to be a day on which the Assembly will sit;
- (b) the 3 days immediately preceding such a day; and
- (c) the 3 days immediately succeeding such a day.

9. Neither a member nor any other person shall -

Contempts of the Assembly

- (a) by force, threat of force or by threatening or insulting words -
 - (i) compel a member to vote or declare himself for or against any motion or proposal pending or likely to be moved or brought before the Assembly or a committee;
 - (ii) prevent or attempt to prevent a member from attending a meeting of the Assembly or a committee;
- (b) interfere with, resist or obstruct an officer of the Assembly in the execution or performance of any act authorized or ordered by the Assembly or a committee or by

or under this Ordinance;

- (c) by act or words disturb the proceedings of the Assembly or a committee, or counsel or procure another person to so disturb such proceedings; or
- (d) induce or compel, by any means, a person called or to be called to give evidence before the Assembly or a committee to give false testimony, to withhold true testimony or to refuse or fail to attend before the Assembly or a committee for the purpose of giving evidence.

Publica-
tion of
contempt

10. Subject to the Defamation Ordinance, a person shall not publish any words, whether orally or in writing, or any cartoon, drawing or other pictorial representation, tending to bring the Assembly into hatred or contempt.

Publica-
tion of
documents
and
evidence

11. It shall be lawful for the Assembly to authorize the publication of any document laid before it or of any evidence given before it.

Authority
for cert-
ain pub-
lications

12.(1) When the Assembly has ordered a document or evidence to be printed the Assembly shall be deemed, unless the contrary intention appears in the order, to have authorized the Government Printer and the Clerk to publish the document or evidence.

(2) The Assembly shall be deemed to have authorized the Government Printer and the Clerk to publish the notice paper and the minutes of the proceedings of the Assembly and the report of the debates and proceedings of the Assembly.

(3) The Clerk shall, on request made by any person, supply a copy of the notice paper, of the minutes of the proceedings in the Assembly, of the reports of the debates and proceedings of the Assembly or of any

other reports, documents or papers published by the authority of the Assembly, to that person upon payment of the appropriate fee.

(4) The appropriate fee in respect of each publication referred to in subsection (3) is such fee as is fixed from time to time for that publication by resolution of the Assembly or of a Committee appointed by the Assembly and authorized to fix fees under this section.

13.(1) No action, suit or proceeding, civil or criminal, shall lie against any person for publishing any document or evidence published under an authority given in pursuance of section 11 or deemed to have been given by virtue of section 12(2).

No action
for pub-
lishing
authorized
publica-
tions

(2) In any action or prosecution commenced in respect of the publication of any document or evidence published under an authority given in pursuance of section 11 or deemed to have been given by virtue of section 12(2), the defendant may bring before the Court in which the action or prosecution is pending or before any Judge of that Court, first giving 24 hours notice of his intention so to do to the plaintiff or prosecutor, a certificate under the hand of the Speaker or Clerk, stating that the document or evidence in respect of which the action or prosecution has been commenced was published or was deemed to have been published under that authority, together with an affidavit verifying the certificate, and the Court or Judge shall thereupon stay the action or prosecution and may order the plaintiff or prosecutor to pay the defendant his costs of defence.

14. Where the Assembly has ordered that any words or matter published in the Assembly shall not be printed or published a person shall not print or publish outside the Assembly those words or that matter or any part or report thereof.

Persons
not to
print
matter
contrary
to order

Precincts
of the
Assembly

15.(1) Subject to sub-section (2), the precincts of the Assembly shall be that area of land, together with the buildings erected thereon, which is described in the First Schedule.

(2) If the Assembly, by resolution, declares that a specified portion of the area referred to in sub-section (1) or that a specified portion of one or more of the buildings referred to in that sub-section is not part of the precincts of the Assembly, the specified portion is not part of the precincts of the Assembly while the resolution is in force.

(3) Subject to the directions of the Assembly, the Speaker shall have the control and management of the precincts of the Assembly.

Ordinance
not to
limit
powers of
Speaker or
Assembly
under
Standing
Orders

16.(1) Nothing in this Ordinance shall limit the powers or the authority of the Speaker of the Assembly or a committee under the Standing Orders.

(2) It shall not be a defence to any proceedings for an offence against this Ordinance that the defendant has for that offence been excluded or removed from the precincts of the Assembly by the Speaker or by the order of the Assembly.

Removal of
persons
from the
precincts

17.(1) The Speaker may at any time direct that a member, as to whom the Assembly has ordered that he be excluded or removed from the Chamber, be excluded or removed from the Chamber.

(2) The Speaker may, at any time and whether the Assembly is sitting or not, direct that a person who is not a member be removed from the precincts of the Assembly.

(3) In the exercise of his powers under sub-sections (1) and (2) the Speaker may require a person to exclude or remove by force the member or other person as to whom the Speaker has directed that he be excluded or removed.

(4) Neither the Speaker nor any person acting under his direction is liable in civil or criminal proceedings for any act done in pursuance of this section.

18.(1) Where the Speaker has directed the exclusion of a person from the precincts of the Assembly, that person shall not -

Persons
to obey
directions
of
Speaker

- (a) refuse or fail to leave the precincts of the Assembly; or
- (b) re-enter or attempt to re-enter the precincts of the Assembly at any time during which the direction is in force.

19.(1) Upon the order of the Assembly or of a committee which has been authorized by the Assembly to send for persons and papers, the Clerk may issue under his hand a summons to a person (not being a member) to attend before the Assembly or the committee to give evidence before the Assembly or the committee or to produce to the Assembly or the committee the papers, books, documents or articles specified in the summons.

Summons
to
witness

(2) A summons issued under sub-section (1) -

- (a) may be in or to the effect of the appropriate form in the Second Schedule; and
- (b) shall be served personally on the person to whom it is directed.

20.(1) A committee which has been authorized by the Assembly to send for persons and papers may require that any facts, matters or things relating to the subject of the inquiry by the committee be verified or ascertained by the oral examination of witnesses and may cause such witnesses to be examined on oath.

Evidence
may be
taken on
oath

(2) The Clerk attending the committee may administer an oath to a witness appearing before a committee authorized by sub-section (1) to examine witnesses on oath.

(3) Where a witness is required to take an oath and it appears that he conscientiously objects to taking an oath he may make a solemn affirmation.

Witnesses
may be
compelled
to answer

21. Where, in pursuance of a summons issued under section 19, a person attends before the Assembly or a committee to give evidence or to produce any books, papers, documents or articles specified in the summons he may not be compelled to answer a question except by or with the leave of the Speaker or the Chairman of the committee.

Offences
by
witnesses

22.(1) Subject to section 23, a person who is served with a summons issued under section 19 shall not -

- (a) refuse or fail, without reasonable excuse, to appear at the time and at the place specified in the summons;
- (b) refuse to be sworn or to make an affirmation;
- (c) refuse or fail, without reasonable excuse, to answer a question put to him by or with the leave of the Speaker or the Chairman of a committee;
- (d) refuse or fail, without reasonable excuse, to produce to the Assembly or the committee the books, papers, documents or articles specified in the summons;
- (e) give false evidence or make any statement which is false or untrue in any particular; or

- (f) present to the Assembly or the committee a document which is to his knowledge false or falsified.

(2) It shall be a defence to any prosecution for an offence which relates to sub-section (1)(c) that the answer to the question which the defendant is charged to have refused or failed to answer -

- (a) would tend to incriminate him of an offence against a law of the Commonwealth or of a State or Territory; or
- (b) was irrelevant to the matter into which the Assembly was inquiring or into which the committee was authorized by the Assembly to inquire.

23.(1) Where a person attends before the Assembly or a committee to give evidence or to produce books, papers, documents or articles he may object to answering any question put to him or to produce any book, paper, document or article on the ground that to answer the question or to produce the book, paper, document or article would be contrary to the public interest.

Claim of
Crown
privilege

(2) Where a person objects to answering a question or to the production of a book, paper, document or article under sub-section (1), the Assembly or the committee shall until the expiry of the period of 48 hours referred to in sub-section (3) desist from requiring an answer to the question or the production of the book, paper, document or article and the Speaker or the Chairman of the committee, as the case may be, shall forthwith report to the Administrator the objection taken, the nature of the question asked or the book, paper, document or article required to be produced and shall make inquiry of the Administrator whether the objection is supported.

(3) Upon such inquiry being made, the Administrator may within 48 hours deliver or refuse to deliver to the Speaker or to the Chairman of the committee a certificate under his hand certifying that the answer to the question or the production of the book, paper, document or article would be contrary to the public interest and if such a certificate is delivered it shall not be lawful for the Speaker or the Chairman of the committee to require the question to be answered or the book, paper, document or article to be produced.

(4) If the Administrator refuses to deliver a certificate referred to in sub-section (3), or if, at the expiration of a period of 48 hours after the inquiry is made of him under sub-section (2), he has failed to deliver such a certificate, the objection made by the person under sub-section (1) is deemed to have been disallowed and the person may be then required by the Speaker or the Chairman of the committee to answer the question or to produce the book, paper, document or article to the answering or the production of which the objection was made.

Broadcast-
ing of
proceedings

24. No broadcast or re-broadcast of any portion of the debates or proceedings of the Assembly or of a committee shall be made except by the authority of the Assembly and in accordance with such conditions as may be determined by the Assembly.

Admission
of docu-
ments in
evidence

25. Upon any inquiry touching the powers, privileges or immunities of the Assembly or of a member, a copy of any document printed or purporting to have been printed by the Government Printer, or by the authority of the Clerk or otherwise by or under the authority of the Assembly, shall be received in all courts and places as evidence of the proceedings.

Proceedings
not to be
disclosed
without

26. Except with the leave of the Speaker, an officer, employee or member of the Assembly shall not disclose to any court or tribunal or to any person charged with a duty to inquire

into or investigate any matter the contents of - authority

- (a) any evidence given before the Assembly or a committee;
- (b) a report of the debates and proceedings of the Assembly which has not been published with the authority of the Assembly; or
- (c) a manuscript or document laid before the Assembly or a committee which has not been published with the authority of the Assembly.

27.(1) A prosecution for an offence against a provision of this Ordinance shall not be commenced except by order of the Speaker.

Commence-
ment of
prosecut-
ions

(2) Where the Speaker has ordered that prosecution for an offence against a provision of this Ordinance shall be commenced, the prosecution shall be commenced upon complaint in the name of the Clerk and the complaint shall recite that the prosecution has been commenced by order of the Speaker.

(3) In the absence of evidence to the contrary, a prosecution instituted in the name of the Clerk shall, if the complaint contains a recital that the proceedings have been commenced by order of the Speaker, be presumed to have been duly commenced.

28. Proceedings for a contravention of or failure to comply with a provision of this Ordinance may be instituted in a court of summary jurisdiction.

Summary
trial

29. A person who contravenes or fails to comply with a provision of this Ordinance is guilty of an offence punishable on conviction by a fine not exceeding 2000 dollars or imprisonment for a term not exceeding 6 months.

Punish-
ment of
offences

FIRST SCHEDULE

Section 15(1)

All that piece or parcel of land being part of Lot 3675 Town of Darwin, commencing at a point on the south-western side of Mitchell Street south-easterly 18.715 metres from the northern-most corner of the said Lot 3675, thence south-easterly 72.542 metres to the north-western edge of the concrete pavement, thence south-westerly by a line at right angles to Mitchell Street to the Esplanade, thence by the north-east side of the Esplanade north-westerly for 72.542 metres thence north-easterly to the point of commencement.

FIRST SCHEDULE

Section 19(2)

Form 1

THE NORTHERN TERRITORY OF AUSTRALIA

The Legislative Assembly

To

Whereas the Legislative Assembly for
the Northern Territory is concerned to
inquire into

Now therefore you are required by this
summons setting aside all other business
to attend before the Assembly at
in the Northern Territory on
the day of 19 at
o'clock in the noon and then and
there to give evidence touching the sub-
ject matter of that inquiry and then and
there to produce the following books,
papers, documents and articles namely:-

Dated this day of 19 .

Clerk

Form 2

THE NORTHERN TERRITORY OF AUSTRALIA

The Legislative Assembly

To

You are required by this summons
setting all other business aside to
attend before the Committee of the
Legislative Assembly appointed to
inquire and report to the Assembly
upon at in the
Northern Territory on the
 day of 19 at
 o'clock in the noon and then
and there to give evidence touching the
subject matter of that inquiry and then
and there to produce the following books,
papers, documents and articles, namely:-

Dated this day of 19 .

Clerk

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Mining Ordinance

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

1. This Ordinance may be cited as the Mining Ordinance 1977.

Short
title

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

Principal
Ordinance

3. Section 7 of the Principal Ordinance is amended by inserting before the definition "aboriginal reserve" the following definition:

Definitions

" 'Aboriginal land' has the same meaning as Aboriginal land under the Aboriginal Land Rights (Northern Territory) Act 1976."

4. Section 38Y of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-sections:

Tenement to
be granted
only to cer-
tain persons

"(1) A person is not able to take possession of, mark off or obtain a mining tenement over land that is or is included in an Aboriginal reserve unless that person is, or at the time of applying for the mining tenement was, the holder of an exploration licence or a prospecting authority over that land.

"(1A) For the purposes of sub-section (1), a prospecting authority means a prospecting authority issued under the Mining Ordinance 1939 or that Ordinance as amended from time to time."

5. Section 54B(1) of the Principal Ordinance is amended by inserting after "Crown land" the words ", of Aboriginal land".

Applications
for special
mineral
leases

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Mining Ordinance

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

1. This Ordinance may be cited as the Mining Ordinance (No. 2) 1977. Short title
2. The Mining Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. (1) This Ordinance other than section 8 shall come into operation on a date to be fixed by the Administrator by notice in the Gazette. Commencement
(2) Section 8 shall come into operation on the date of commencement of the Mines Safety Control Ordinance 1976.
4. Section 6 of the Principal Ordinance is repealed. Repeal of section 6
5. Section 7 of the Principal Ordinance is amended - Definitions
 - (a) by inserting after the definition of "dam" the following definition:

" 'Director' means the Director of Mines appointed under this Ordinance, and includes an Acting Director of Mines so appointed;"; and
 - (b) by omitting the definition of "the Director of Mines".

Compensation
for buildings
on land ex-
empted from
further occu-
pation by
holder of
miner's
right

Tenement to
be granted
only to cer-
tain persons

6. Section 32 of the Principal Ordinance is amended by omitting "Her Majesty" and substituting "the Crown".

7. Section 38Y(1) of the Principal Ordinance is amended by omitting "or a prospecting authority" and substituting ", a prospecting authority or a mining development lease".

8. After Part V of the Principal Ordinance the following Part is inserted:

"PART VA - MINING DEVELOPMENT LEASES

Application
for grant
of mining
development
lease

"102A.(1) A person who -

(a) holds an exploration licence;

(b) holds an authority granted under section 147B;
or

(c) has applied for the grant of a mineral lease or a special mineral lease or the registration of a mineral claim and who, at the time of application was the holder of an exploration licence in respect of the land that is the subject of the application,

may apply for a mining development lease of land that contains an orebody or an anomalous zone of possible economic potential, being land that, on the date of the application -

(d) is the subject of the licence, authority or application referred to in paragraph (c), as the case may be; and

(e) is not occupied under this Ordinance otherwise than under that licence, authority or application.

"(2) An application for a mining development lease shall -

(a) be made in writing;

(b) be lodged at the office of the Director in Darwin;

(c) give an address in the Northern Territory to which mail is delivered as the applicant's address for service of notices;

- (d) contain a description of the land in respect of which the application is made;
- (e) be in respect of an area that does not exceed 200 hectares;
- (f) include a brief technical description of the orebody or anomalous zone occurring on the land in respect of which the application is made;
- (g) include particulars of the applicant's proposals for work and expenditure during the first year of the lease; and
- (h) be accompanied by the amount that will be the rent for the first year if the lease is granted.

"(3) Except with the prior consent of the Administrator, an application for a mining development lease shall be in respect of a rectangle.

"(4) Upon receipt of an application, the Director -

- (a) shall transmit the application to the Administrator with a certificate that the application complies with the provisions of this Ordinance; or
- (b) request the applicant -
 - (i) to comply with section 102A;
 - (ii) to provide an adequate description of the land, or of the orebody or anomalous zone, that is the subject of the application; or
 - (iii) to provide adequate particulars of the applicant's proposals for work and expenditure during the first year of the lease.

"(5) If the applicant complies with a request made under sub-section (4)(b), the Director shall transmit the application with a certificate that the application complies with the provisions of this

Ordinance.

"(6) If the applicant fails to comply with a request under sub-section (4)(b) made by the Director in writing and served on the applicant, within a reasonable time specified in the notice, the Director may recommend to the Administrator that the application should be rejected.

Grant of
lease

"102B. (1) Subject to Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976, and subject to sub-section (5), upon receipt of an application made under section 102A for a mining development lease and a certificate of the Director that the application complies with this Ordinance the Administrator shall grant the lease.

"(2) Upon receipt of an application made under section 102A for a mining development lease and of a recommendation made under section 102A(5) the Administrator may -

(a) grant the lease; or

(b) reject the application.

"(3) If the Administrator rejects the application he shall advise the applicant in writing of the grounds upon which the application was rejected.

"(4) The Administrator may, in his absolute discretion, refuse to grant a mining development lease if the effect of granting that application, would be that the total area held under mining development lease by the applicant would exceed 4000 hectares.

"(5) A mining development lease shall not be granted in respect of land that is or includes private land as defined in section 106 unless the applicant first furnishes to the Administrator a security, in such form, from such person and in such amount as the Administrator determines, for the payment of any compensation that, under section 102U, the applicant may become liable to pay.

Term of
lease

"102C. A mining development lease shall be granted for 3 years, subject to this Ordinance, but,

subject to this Ordinance, may be renewed for one further term of not more than 3 years.

"102D.(1) The lessee under a mining development lease may apply for one renewal of his lease.

Application
for renewal
of lease

"(2) An application for renewal of a mining development lease shall -

- (a) be made in writing;
- (b) be addressed to the Administrator and lodged at the office of the Director of Mines in Darwin, subject to sub-section (3), not less than one month before the date of expiration of the lease;
- (c) give an address in the Northern Territory to which mail is delivered as the applicant's address for service of notices;
- (d) include -
 - (i) a brief resumé of the work and expenditure undertaken, and the results obtained, during the first term of the lease;
 - (ii) particulars of the applicant's proposals for work and expenditure during the first year of the renewal; and
 - (iii) the applicant's reasons for seeking renewal of the mining development lease instead of applying for a mining lease or a special mineral lease; and
- (e) be accompanied by the amount that will be the rent for the first year if the renewal is granted.

"(3) The Director may, for reasons that he deems sufficient, accept an application for renewal of a mining development lease less than one month before, but in no case after, the date of expiration of the lease.

"102E.(1) Upon receipt of an application for

Grant or
refusal of
renewal

renewal of a mining development lease, the Administrator shall by notice in writing served on the lessee -

(a) grant the renewal; or

(b) direct the lessee to apply, on or before a specified date, being a date not earlier than 60 days after the date of service of the notice, for a mining lease or leases, or a special mineral lease or leases, over the land that is the subject of the lease.

"(2) Where the Administrator gives a direction under sub-section (1), he shall, upon the expiration of the period allowed for the lessee to apply for a mining lease or special mineral lease, or, if within that period the lessee applies for a mining lease or special mineral lease, upon the determination of that application, refuse the renewal of the mining development lease.

Effective
date of
renewal of
lease

"102F. A renewal of a mining development lease or a refusal to renew a mining development lease is not effective until 14 days after notice of the renewal or refusal to renew, as the case may be, is served upon the applicant or is posted to the address specified in his application as his address for service of notices.

Continuation
of lease
pending
renewal
of decision

"102G.(1) Where an application for the renewal of a mining development lease is duly made under this Ordinance and the term of the lease expires before the renewal or refusal to renew, as the case may be, becomes effective, the lease continues in force, notwithstanding anything elsewhere contained in this Ordinance, until the renewal or refusal to renew, as the case may be, becomes effective.

"(2) Where, under sub-section (1), a lease continues in force after the expiration of the term of the lease and the lease is then renewed, the term of the renewal shall be deemed to have commenced upon the expiration of the term of the lease.

Nature of
lease

"102H.(1) A mining development lease does not authorise the recovery of any mineral for commercial purposes but it confers on the lessee the right to work for the minerals specified in the lease in order to

establish and evaluate the development potential of any ore body of that mineral which forms part of the land that is the subject of the lease.

"(2) Without limiting the effect of sub-section (1), a mining development lease confers on the lessee the right to carry out -

- (a) geological, geophysical and geochemical programmes, including drilling programmes;
- (b) mining feasibility studies;
- (c) metallurgical testing;
- (d) engineering and design studies; and
- (e) environmental impact studies.

"(3) For the purpose of exercising his rights under a mining development lease, the lessee may carry out works, including the erection of structures, as approved from time to time by the Administrator, on the land that is the subject of the lease.

"102J. The annual rent for a mining development lease shall be 5 dollars per hectare, payable annually in advance. Rent

"102K. A mining development lease shall contain- Lease covenants

- (a) a covenant to pay the rent annually in advance;
- (b) a covenant to use the land continuously and bona fide for the purposes for which it is leased;
- (c) a covenant to carry out each year the approved programme, or the required programme of expenditure for that year;
- (d) a covenant that the lessee will ensure that all industrial and domestic rubbish on the land is buried or removed;
- (e) a covenant that the lessee will ensure that his activities are so carried out as to minimise-
 - (i) the incidence and effects of soil erosion;

- (ii) the disturbance of flora and fauna and other natural resources; and
- (iii) pollution of the earth, including the surface and sub-surface waters of the earth;
- (f) a covenant that the lessee will comply with and will not contravene a notice or order served on him under the Control of Waters Ordinance or the Soil Conservation and Control Ordinance;
- (g) a covenant not to assign or part with possession of the land or any part of the land without the prior consent in writing of the Administrator; and
- (h) any further covenants that the Administrator considers necessary to control the proper use of the land the subject of the lease.

Variation
of suspension
of
covenants

"102L. The Administrator may, by agreement with the lessee, vary or suspend a term, condition or covenant of a mining development lease.

Grant of
mining
lease, etc.

"102M. (1) The lessee under a mining development lease may at any time apply in accordance with this Ordinance for a mining lease or a special mineral lease of land that is the subject of the mining development lease, and such an application may be dealt with as though the land was not subject to the mining development lease.

"(2) If a mining lease or a special mineral lease is granted in pursuance of sub-section (1) over land that is the subject of a mining development lease, the mining development lease is cancelled as far as relates to the land which is granted as a mining lease or a special mineral lease but the mining development lease shall continue with respect to the balance of the land, if any.

Surrender
of lease

"102N. (1) The lessee under a mining development lease may at any time, by notice in writing lodged with the Director at Darwin, surrender his lease.

"(2) The surrender of a lease is effective from but not including the day on which it is received by the Director in Darwin.

"102P.(1) Where the lessee under a mining development lease contravenes or fails to comply with- Cancellation of lease

(a) a covenant of the lease; or

(b) a provision of this Ordinance or of the regulations made under this Ordinance, the Administrator may serve written notice asking him to show cause why his lease should not be cancelled.

"(2) A notice served under sub-section (1) shall specify-

(a) the grounds on which it is intended to cancel the lease; and

(b) a date, not being earlier than 60 days after the notice is served, on or before which the lessee may submit any matters that he wishes the Administrator to consider,

"(3) Where the Administrator serves a notice under sub-section (1), he may, upon the expiration of the period allowed for the lessee to make submissions and after considering the submissions, if any, made by the lessee -

(a) give a further notice imposing an expiation fee not exceeding 5,000 dollars payable by the lessee under the mining development lease within a reasonable period set out in the notice; or

(b) cancel the lease.

"(4) If the expiation fee referred to in sub-section (3)(a) is paid within the period stated in the notice imposing that fee or within any further period allowed by the Administrator, the Administrator shall waive any action which he may have otherwise taken against the lessee or the mining development lease.

Gazettal
of
termination

"102Q. Upon the termination of a mining development lease, if the lease is not renewed and whether the termination is by expiration of the term, by surrender or by cancellation, the Director shall cause a notice to be published in the Gazette giving -

(a) the name of the lessee; and

(b) a description of the land that was the subject of the lease.

Determina-
tion of
first year's
expenditure

"102R. (1) Upon receipt of an application for a mining development lease the Director shall determine an expenditure requirement for the first year.

"(2) The Director shall cause a copy of the determination under sub-section (1) to be served on the applicant.

(3) Where the applicant is not satisfied with the amount determined under sub-section (1) he may by notice in writing delivered to the office of the Director in Darwin within 7 days of service of the determination, request the Administrator to review the decision of the Director.

"(4) The Director shall forward to the Administrator the request under sub-section (3) together with a copy of all papers and submission relevant to the determination and accompanying the request within 7 days of the receipt of the request.

"(5) The Administrator shall take into account all matters forwarded to him by the Director and upon the review of the decision he shall -

(a) confirm the determination of the Director; or

(b) vary the determination of the Director.

Determina-
tion of
subsequent
year's
expenditure

"102S. (1) Not more than 2 months but not less than one month prior to the expiration of each year of the term of a mining development lease, not being a year in which the term of the lease expires, the lessee shall submit to the Director -

(a) a brief written report, in non-technical terms,

of work and expenditure, and the results, if any, obtained from his work and expenditure during that year; and

- (b) written particulars of his proposals for work and expenditure during the year next following that year.

"(2) Upon receipt of a lessee's submissions under sub-section (1), the Director shall, subject to sub-section (3), determine an expenditure requirement for the following year.

"(3) The Director may before he determines an expenditure program for the following year request the lessee to provide further information to assist the Director in making his determination.

"(4) Where the applicant is not satisfied with the amount determined under sub-section (2) he may, by notice in writing delivered to the office of the Director in Darwin within 7 days of service of the determination, request the Administrator to review the decision of the Director.

"(5) The Director shall forward the request under sub-section (4) together with a copy of all papers and submissions relevant to the determination and accompanying the request within 7 days of the receipt of the request.

"(6) The Administrator shall take into account all matters forwarded to him by the Director and upon the review of the decision he shall -

- (a) confirm the determination of the Director; or
- (b) vary the determination of the Director.

"102T.(1) Within 3 months after the expiration of each year of the term of a mining development lease, the lessee shall lodge with the Director at Darwin a comprehensive review of activities during that year, giving full and accurate technical details of work and expenditure and results obtained during the period covered by the report.

Annual
report

Penalty: 500 dollars.

"(2) A comprehensive review lodged under sub-section (1) shall include -

- (a) all technical and non-technical reports and reviews completed or becoming available to the lessee during the period reviewed and not previously lodged; and
- (b) all relevant data, including copies of maps, logs and records, necessary to interpret any report or review submitted.

"(3) The holder of a mining development lease shall, within 6 months after recovering a drill core or obtaining a cutting or a soil or rock sample from the land that is the subject of the lease, or within such further time as the Director allows, deposit with the Director at Darwin, for examination and testing-

- (a) not less than one quarter, cut longitudinally, of that core or cutting; or
- (b) a representative sample of that soil or rock sample, being not less than one quarter of the full amount of the soil or rock sample, in good condition and so identified that the place from which it was taken can be exactly determined.

Penalty: 500 dollars.

"(4) The Director may, if he thinks fit, forward a lessee's report lodged pursuant to sub-section (1) to the Administrator together with his own comments on the report.

"(5) The Director may request a lessee to provide further reasonable information to assist the Director in making his comments to the Administrator on that lessee's report.

"(6) Upon receipt of a lessee's report in pursuance to sub-section (4) the Administrator may by notice in writing -

- (a) require the lessee to show cause why he should not cancel the lease; or

- (b) revise the expenditure requirement determined under section 102S for the current year.

"(7) Where the Administrator serves a notice requiring the lessee to show cause under sub-section (6)(a) and the lessee fails to satisfy the Administrator, within the period specified in the notice, that he should not cancel the lease, the Administrator may cancel the lease.

"(8) Subject to sub-section (9), the Administrator shall, upon request, permit a member of the public to peruse a report or review that is lodged under this section and that contains information relating to land that is not, on the date when the request is made, the subject of the mining development lease or any tenure derived from that lease in respect of which the report or review was made.

"(9) Where, under sub-section (8), a member of the public requests access to a report or review that contains information relating to land that is still the subject of a mining development lease or a tenure derived from that lease, the Administrator shall not make the report or review available without the written authority of the registered lessee.

"(10) During the term of a mining development lease the lessee under the lease or a person thereto authorized by him has full and free access to a drill core, cutting or soil or rock sample from the land the subject of the mining development lease that, under sub-section (3), he has deposited with the Director and he may use that core, cutting or sample for such examination as he thinks fit.

"(11) The Administrator shall, upon request, permit a member of the public to inspect a drill core, cutting or soil or rock sample that is lodged under this section and that was taken from land that is not, on the date on which the request is made, the subject of a mining development lease or a tenure derived from the lease in respect of which it was lodged.

"102U.(1) Where the lessee under a mining development lease or his servant or agent, acting under the mining development lease, damages private land to Compensation

which the mining development lease applies, or any improvements on such land, or causes a loss of the use or enjoyment of such land, the lessee under the mining development lease is liable to pay compensation to the owner or occupier or both, as the case requires, of the land in respect of the damage or loss.

"(2) If the lessee under a mining development lease and the owner or occupier, as the case requires, of the land agree as to the amount of the compensation, the amount of the compensation payable is the amount agreed upon and that amount may be sued for and recovered as a debt due to the owner or occupier of the land from the lessee under the mining development lease.

"(3) If the lessee of a mining development lease and the owner or occupier, as the case requires, of the land fail, within a reasonable time, to agree as to the amount of the compensation, the owner or occupier of the land may, upon a plaint in that behalf, apply to a warden's court for an assessment of the amount of the compensation payable.

"(4) The warden's court has jurisdiction to assess the amount of the compensation and that amount when assessed is deemed to be a judgment of the warden's court and as such is recoverable by the owner or occupier of the land or both, as the case requires, in the manner provided by this Ordinance, from the lessee under the mining development lease.

"(5) Where an amount of compensation has been determined in accordance with sub-section (2) or (3) and the lessee under the mining development lease has failed to pay the amount determined within 30 days of the agreement or the date of the assessment, as the case may be, the person entitled to the compensation may require the Administrator by notice in writing to proceed under the security furnished in accordance with sub-section (3).

"(6) Where the Administrator is so required to proceed under a security he shall demand and proceed to recover from the person who has furnished the security the amount of the compensation assessed or the amount of the security, whichever is the less, and upon that

or any lesser amount being received by him shall pay the amount received to the person entitled to the compensation.

"(7) A notice given to the Administrator under sub-section (5) does not prevent the person entitled to compensation from taking any other action to recover, or from receiving the amount of the compensation, but he is not entitled to receive more than the amount agreed upon or assessed as the case may be.

"102V.(1) An instrument of transfer of a mining development lease, or any other instrument by which a legal or equitable interest in or affecting a mining development lease is or may be created, assigned, affected or dealt with, whether directly or indirectly, has no effect either at law or in equity unless it is in writing and until it has been approved by the Administrator. Transfer, etc., of lease

"(2) The lessee under a mining development lease shall forthwith upon the execution of an instrument referred to in sub-section (1), lodge the instrument and one duly executed copy of the instrument at the office of the Director in Darwin for the Administrator's approval.

Penalty: 500 dollars.

"(3) An instrument other than a mortgage lodged under sub-section (2) for the Administrator's approval shall be accompanied by -

(a) such particulars of -

- (i) the technical qualifications of the parties executing the instrument and of their employees;
- (ii) the technical advice available to the parties executing the instrument; and
- (iii) the financial resources of the parties executing the instrument, as the holder of the lease wishes the Administrator to consider;

(b) such other information, if any, as the lessee wishes the Administrator to consider; and

(c) the prescribed fee.

"(4) The transfer of a mining development lease in respect of land that is private land as defined in section 106 shall not be registered unless the proposed transferee furnishes to the Administrator a security, in such form, from such person and in such amount as the Administrator determines, for the payment of any compensation that under section 102U, the proposed transferee may become liable to pay.

"(5) The Administrator may, at any time after an instrument is lodged under this section for his approval, request the lessee to provide further information to assist the Administrator in considering whether to approve the instrument.

"(6) The Administrator has an absolute discretion to approve or not to approve an instrument lodged under this section for his approval.

"(7) An instrument that is lodged under sub-section (2) shall be retained by the Principal Registrar.

"(8) A copy of an instrument that is lodged under sub-section (2) shall be returned to the person who lodges it.

Register
of Mining
Development
Leases

"102W.(1) The Principal Registrar shall keep a Register of Mining Development Leases and shall enter in it, in relation to each mining development lease that is granted -

(a) a copy of the instrument by which it is granted or a memorial of the grant; and

(b) a memorial of any renewal, surrender, cancellation, devolution, transfer, mortgage, charge or other dealing.

"(2) Forthwith upon receipt of -

- (a) an application for renewal of a mining development lease;
- (b) evidence of devolution of a mining development lease; or
- (c) an instrument of surrender or transfer of a mining development lease or an instrument otherwise dealing with a mining development lease,

the Principal Registrar shall note on the instrument or a copy of the instrument the date and time of receipt of the instrument and, where 2 or more instruments relating to the same mining development lease are received simultaneously, the priority of the instruments for the purposes of registration.

"(3) The Principal Registrar shall keep a journal and shall enter in it a memorial of each note made by him under sub-section (2).

"(4) For the purposes of sub-section (2)-

- (a) where the Principal Registrar receives 2 or more instruments relating to the same mining development lease simultaneously, he may require the lessee to allot priorities to them for the purposes of registration; and
- (b) where the Principal Registrar is not permitted to retain the original of any instrument referred to in sub-section (2), the person lodging the instrument shall also lodge a copy, certified as a true copy, of the instrument.

"102X.(1) Upon the granting or renewal of a mining development lease, the Director shall cause-

- (a) the Principal Registrar to register the lease or renewal in accordance with this Part; and
- (b) a notice to be published in the Gazette, giving-
 - (i) the name of the lessee;
 - (ii) the date of registration of the lease or renewal;

(iii) the term of the lease or of the renewal;
and

(iv) a description of the land that is the
subject of the lease or of the renewal.

Inspection
of register

"102Y.(1) A person may -

- (a) upon payment of the prescribed fee, inspect the Register of Mining Development Leases and any memorial in the register; and
- (b) upon payment of the prescribed fee, obtain from the Principal Registrar a copy of, or an extract from, the register.

"(2) The lessee of a mining development lease or a person acting with his authority may upon payment of the prescribed fee inspect any instrument relating to his mining development lease and obtain from the Principal Registrar a copy of, or an extract from, a page of an instrument that under this section he is entitled to inspect.

"(3) The Administrator may authorize the Principal Registrar to release any instrument for inspection, upon payment of the prescribed fee, to a specified person or class of persons.

"(4) Any person specified under sub-section (3) or belonging to a class specified under sub-section (3) may, upon payment of the prescribed fee, obtain from the Principal Registrar a copy of, or an extract from, a page of an instrument that the Principal Registrar is authorized to release under sub-section (3).

Evidentiary
provisions

"102Z.(1) The Register of Mining Development Leases, or a copy of or an extract from the register certified under the hand of the Principal Registrar, is evidence of a fact stated in the register.

"(2) For the purposes of sub-section (1), judicial notice shall be taken of the signature of the Principal Registrar."

9. Section 105F(d) of the Principal Ordinance is amended by omitting "Mines Regulation Ordinance" and substituting "Mines Safety Control Ordinance".

Provisions
to be in-
cluded in
tribute
agreements

10. Section 147 of the Principal Ordinance is amended by omitting from sub-section (1) ", and pending a recommendation to the Administrator a warden," and substituting "or a warden".

Administrator
or warden may
temporarily
reserve land
from occu-
pation

11.(1)Section 9(1) of the Principal Ordinance is amended by omitting "of Mines" (first occurring).

Amendments
of certain
sections

(2) Sections 9(2), 12(1), 17, 38E, 38G(1), 380, 38P, 38R(2), 38S, 38U(2), 87A(2), 105F(d), 144(2), 148(1), 159(1), 169, 171(3) and 191 of the Principal Ordinance are amended by omitting "of Mines" (wherever occurring).

(3) Sections 37A(2), 74, 76, 133(2) and 154 of the Principal Ordinance are amended by omitting "Mines Branch" (wherever occurring) and substituting "office of the Director".

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ORDINANCE

To amend the Mining 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>Mining Ordinance (No. 3) 1977</u> . | Short title |
| 2. The <u>Mining Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land and Sacred Sites Ordinance 1977</u> comes into operation. | Commencement |
| 4. Section 3 of the Principal Ordinance is amended by omitting "the Schedule" and substituting "the First Schedule". | Repeal |
| 5. Section 7 of the Principal Ordinance is amended - | Definitions |
| (a) by omitting the definition of "aboriginal reserve" and substituting the following definition: | |
| " 'Aboriginal reserve' means land that - | |
| (a) is, or is part of, a reserve within the meaning of the <u>Social Welfare Ordinance</u> ; and | |
| (b) is not Aboriginal land;" | |

- (b) by inserting after the definition of "authorized holding" the following definition:

" 'authorized Aboriginal', in relation to an area of Aboriginal land, means the person or persons who, in accordance with Aboriginal tradition, may control the entry of persons upon that area of land;": and

- (c) by inserting after the definition of "improvements" the following definition:

" 'Land Council' means an Aboriginal Land Council established under the Aboriginal Land Rights (Northern Territory) Act 1976";.

Rights
conferred
by
miner's
right

6. Section 23 of the Principal Ordinance is amended by inserting in sub-section (1) after "the Soil Conservation and Control Ordinance" the words ", section 75 of the Aboriginal Land Rights (Northern Territory) Act 1976."

Adminis-
trator may
grant or
renew
explora-
tion
licence

7. Section 38B of the Principal Ordinance is amended -

- (a) by inserting in sub-section (1) after "Ordinance" the words "and to Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976";
- (b) by omitting from sub-section (1)(a)(iii) the word "and";
- (c) by inserting after sub-section (1)(a)(iii) the following subparagraph:
- "(iv) Aboriginal land; and"; and

- (d) by inserting after sub-section (1) the following sub-section:

"(1A) Subject to section 38Z(6), the Administrator shall not grant an exploration licence in respect of Aboriginal land unless -

- (a) the authorized Aboriginal for that area of land has consented in writing to the making of the grant;
- (b) in the opinion of the Administrator there is no authorized Aboriginal for that area who is reasonably ascertainable ; or
- (c) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant be made."

8. The heading to Part IVB of the Principal Ordinance is amended by adding at the end thereof the words "AND ABORIGINAL LAND". Part IVB

9. After section 38Y of the Principal Ordinance the following section is inserted in Part IVB:

"38Z.(1) Subject to sub-section (6), a person is not able to take possession of, mark off or obtain a mining tenement over Aboriginal land unless he is, or at the time of applying for the mining tenement was, the holder of an exploration licence, prospecting authority or mining development lease over

Mining
tenements
on
Aboriginal
land

that land, and -

- (a) the authorized Aboriginal for that land has consented to the mining tenement;
- (b) in the opinion of the Administrator there is no authorized Aboriginal for that land who is reasonably ascertainable; or
- (c) the Governor-General has, by Proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant of a mining interest be made.

"(2) Where an authorized Aboriginal, after considering proposals before him by an applicant for an exploration licence in respect of Aboriginal land, being proposals for the exploration for minerals on that land and the recovery of any minerals found as a result of that exploration, has for the purpose of section 38B(1A) consented to the grant of that licence, sub-section (1) does not apply to a later grant to the applicant or his successor in title or to registration of a mining tenement in respect of that land where that later grant or registration is substantially in accordance with the proposals.

"(3) Where an authorized Aboriginal, after considering proposals before him by an applicant for a mining development lease in respect of Aboriginal land, has for the purpose of sub-section (1) consented to the grant of the mining development lease, that sub-section does not apply to a later grant to that applicant or his successor in title or to registration of a mining tenement in respect of that land where that later grant or registration is substantially in accordance with the proposals.

"(4) Sub-section (1) does not apply to or in relation to an application for a mining

tenement lodged before 4 June 1976 by a person who, at the time of lodging the application, was the holder of an exploration licence or prospecting authority in respect of the land for which the mining tenement had been applied.

"(5) For the purposes of this section, a prospecting authority means a prospecting authority issued under the Mining Ordinance 1939 or that Ordinance as amended from time to time.

"(6) If the lands, or part of the lands, described in Schedule 2, being the Ranger Project Area and the Eastern Areas of Groote Eylandt respectively, become Aboriginal land, section 38B(1A) and this section shall not apply in relation to those lands or any part thereof."

10. Section 50A of the Principal Ordinance is amended -

Special
provis-
ions con-
cerning
royalty on
washed
bauxite

(a) by omitting from sub-section (1) "
", 50 and 50B" and substituting
"and 50";

(b) by omitting from sub-section (1)
all the words from and including
"comprised in" and substituting
"comprised in -

(a) a mining lease; or

(b) a claim registered under
the regulations.";

(c) by omitting from sub-sections
(2), (3), (4) and (5) "specified
in sub-section (1)"; and

(d) by omitting from sub-section (6)
all the words from and includ-
ing "specified in" and substitut-
ing "is one and one quarter cents
in the dollar on the value
of washed bauxite as determined

in accordance with this section."

Royalty in
respect of
leases and
claims on
Aboriginal
land

11. Section 50B of the Principal Ordinance is amended -

- (a) by omitting "and 50, but subject to section 50A," and substituting ", 50 and 50A,";
- (b) by omitting ", or at any time after the date of the commencement of the Mining Ordinance 1953 has been, an aboriginal reserve or included in an aboriginal reserve" and substituting "an Aboriginal reserve or included in an Aboriginal reserve, or is Aboriginal land or included in Aboriginal land";
- (c) by omitting "or 50" and substituting ", 50 or 50A";
- (d) by inserting in paragraph (b) after "special mineral lease" the words ", but not including a mineral lease or special mineral lease for washed bauxite";
- (e) by inserting after paragraph (b) the following paragraph:

"(ba) in the case of a claim, a mineral lease or special mineral lease for washed bauxite - section 50A;"; and
- (f) by inserting in paragraph (d) after the word "minerals" (first occurring) the words ", but not including a claim for the mining of washed bauxite".

Royalty on
gold found
on mineral
lease or
claim

12.(1) Section 52(1)(b) of the Principal Ordinance is amended by omitting ", or at any time after the date of the commencement of the Mining Ordinance 1953 has been, an aboriginal reserve or included in an aboriginal reserve - " and substituting

"an Aboriginal reserve or included in an Aboriginal reserve, or is Aboriginal land or included in Aboriginal land -".

(2) Section 52(2) of the Principal Ordinance is amended by omitting ", or at any time since the commencement of the Mining Ordinance 1953 has been, an aboriginal reserve or included in an aboriginal reserve," and substituting "an Aboriginal reserve, or included in an Aboriginal reserve, or is Aboriginal land or included in Aboriginal land,".

13. Section 106 of the Principal Ordinance is amended by inserting after "any land" the words ", other than Aboriginal land ,".

Definitions

14. The heading to the Schedule to the Principal Ordinance is omitted and the following heading substituted:

First
Schedule

"FIRST SCHEDULE".

15. The Principal Ordinance is amended by adding at the end thereof the following Schedule:

Second
Schedule

SECOND SCHEDULE

Section 38Z(6)

Part I

RANGER PROJECT AREA

All that piece of land in the Northern Territory of Australia containing an area of 83 square kilometres more or less bounded by lines described as follows: Commencing at the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 53 minutes thence proceeding to the intersection of latitude 12 degrees 35 minutes with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of latitude 12 degrees 35 minutes with a line joining the intersections of latitude 12 degrees 29 minutes with longitude 132 degrees 51 minutes and latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 56 minutes 22 seconds with a line joining the intersections of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes and latitude 12 degrees 33 minutes 20 seconds with longitude 133 degrees thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 56 minutes 22 seconds thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 53 minutes with a line joining the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds and latitude 12 degrees 39 minutes 50 seconds with longitude 132 degrees 49 minutes thence proceeding to the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds.

Part II

EASTERN AREAS OF GROOTE EYLANDT

All those pieces of land in the Northern Territory of Australia containing an area of 43.96 square kilometres more or less:

Firstly

Commencing at the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds.

Secondly

Commencing at the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 34

minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 34 minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 31 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 31 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 30 minutes thence proceeding to the intersection of latitude 14 degrees 05 minutes with longitude 136 degrees 30 minutes thence proceeding to the intersection of latitude 14 degrees 05 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for
AN ORDINANCE

To amend the Police and Police Offences Ordinance and for other purposes

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

1. This Ordinance may be cited as the Police and Police Offences Ordinance 1977. Short title
2. The Police and Police Offences Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. After section 8 of the Principal Ordinance the following section is inserted:

"9.(1) For the purposes of this Ordinance, a person who holds, under the Public Service Ordinance, or regulations or by-laws made under that Ordinance, a Northern Territory Police designation shown in the table in this sub-section -

(a) is a member of the Police Force;	Members of the Police Force
(b) holds the rank so designated; and	
(c) shall be deemed to be a	

commissioned officer or a non-commissioned officer according to the designation so indicated in that Table.

TABLE
Northern Territory Police Designations

Commissioned Officers:

Commissioner of Police
Assistant Commissioner
Superintendent
Chief Inspector
Inspector

Non-commissioned Officers:

Sergeant, First Class
Sergeant, Second Class
Sergeant, Third Class

"(2) For the purposes of this Ordinance, a person, other than a Police Cadet, who holds, under the Public Service Ordinance, or regulations or by-laws made under that Ordinance, a Northern Territory Police designation of Constable -

(a) is a member of the Police Force;
and

(b) holds the rank of Constable or, subject to the regulations made under this Ordinance, the rank of Constable First Class or Senior Constable.

"(3) A reference in this or any other law in force in the Northern Territory, or in any determination, agreement or other instrument, to a person being appointed under this Ordinance to be a member of the Police Force of the Northern Territory shall be read as including a reference to a person being such a member by virtue of the operation of this section."

4. Section 9AA of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

Appoint-
ment,
powers and
duties of
Police
Cadets

"(5) An appointment of a person to be a member of the Police Force with the rank, on appointment, of constable shall not be made, whether under this Ordinance or under the Public Service Ordinance, if there is a Police Cadet who is qualified for promotion to that rank."

5. A person shall not be held to have ceased to be a member of the Police Force of the Northern Territory by reason only of the effect of the amendments made by the Transfer of Powers Ordinance 1976.

Continua-
tion of
appoint-
ments

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Prisons 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>Prisons Ordinance</u> 1977. | Short title |
| 2. The <u>Prisons 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 published in the <u>Gazette</u> . | Commencement |
| 4. Section 4 of the Principal Ordinance is repealed. | Repeal of section 4 |
| 5. Section 5 of the Principal Ordinance is amended by omitting the definition of "Comptroller" and substituting:
" 'Director' means the Director of Correctional Services appointed under this Ordinance;". | Definitions |
| 6. Section 6 of the Principal Ordinance is repealed and the following sections substituted:
"6.(1) The Administrator in Council may appoint an employee of the Public Service of the Northern Territory to be Director of Correctional Services. | Director of Correctional Services |

"(2) Subject to this Ordinance and subject to the direction of the Executive Member, the Director shall have the control of all prisons in the Territory.

Delegation
by the
Director

"6A.(1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an employee of the Public Service of the Northern Territory any of his powers under this Ordinance or the Regulations, other than this power of delegation.

"(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Ordinance or the Regulations, be deemed to have been exercised by the Director.

"(3) A delegation under this section does not prevent the exercise of a power by the Director."

Prison
Officers

7. Section 7 of the Principal Ordinance is amended by omitting "Executive Member" and substituting "Director".

Police
Prisons

8. Section 13 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:

"(2) Subject to this Ordinance and subject to the direction of the Executive Member the Director shall have the care, direction and control of all police prisons in the Territory."

Visiting
justices

9. Section 14(4) of the Principal Ordinance is amended by omitting "Executive Member" (second occurring) and substituting "Director".

10. Section 22 of the Principal Ordinance is repealed and the following section substituted:

"22. The Director may cause all or any of the prisoners confined in a prison or police prison to be removed to any other prison or police prison."

Removal
of prison-
ers by
Director

11. Sections 10(1), 18(2), 19, 20, 30, 31, 32 and 34 of the Principal Ordinance are amended by omitting "Comptroller" (wherever occurring) and substituting "Director".

Amendments
of certain
sections

12. An appointment duly made, or other action duly taken or done, before the commencement of this Ordinance under or for the purposes of a provision of the Principal Ordinance and having effect immediately before the commencement of this Ordinance is as valid and effectual as if duly made, taken or done under or for the purposes of that provision as amended by this Ordinance.

Savings

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Public Service 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>Public Service Ordinance 1977</u> . | Short title |
| 2. The <u>Public Service Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 4(3) of the Principal Ordinance is amended by omitting "section 27(2)(a)" and substituting "section 27". | Interpretation |
| 4. Section 19 of the Principal Ordinance is amended by omitting sub-section (4) and substituting: | Departmental Heads and other Chief Executive Officers |
| "(4) Where there is, or is expected to be, a vacancy in a position of Chief Executive Officer, or a Chief Executive Officer is, or is expected to be, absent or unable to act, the Administrator may temporarily promote an employee to that position during the vacancy, absence or inability, and the employee so promoted may perform or exercise any duty or power of the Chief Executive Officer under this Ordinance while temporarily in the position." | |

Terms and
conditions
of employ-
ment of
employees

5. Section 27 of the Principal Ordinance is amended by inserting after sub-section (2) the following sub-sections:

"(2A) The Commissioner may, as a term or condition of employment in respect of a specified designation of employee, determine that, unless in respect of a specified employee he determines otherwise, employees holding that designation shall be employed initially only for a specified period.

"(2B) Where an employee who is initially employed only for a specified period in pursuance of sub-section (2A) is still employed immediately before the expiration of that period, the period is extended until the Commissioner makes a determination under sub-section (2C).

"(2C) Where an employee continues in employment in pursuance of sub-section (2B) -

(a) the Commissioner shall, as soon as practicable after the expiration of the initial period, make a determination in relation to that employee; and

(b) if the Commissioner determines that that employee should continue to be employed, otherwise than for a specified period only, the employment shall be deemed, for the purposes of probation and increments of salary, to have commenced at the commencement of the initial period."

6. Section 29 of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:

Filling
vacancies

"(4) Except where the Commissioner otherwise directs, all appointments, transfers and promotions shall be notified in the Gazette or in such other publication as the Commissioner determines."

7. Section 36(2) of the Principal Ordinance is amended by inserting after "The promotion" the words ",otherwise than under section 19(3) or (4),".

Appeals
against
promotions

8. Section 60(2) of the Principal Ordinance is amended by omitting "section 4(3) of the Regulations Publication Ordinance" and substituting "the Regulations Publication Ordinance other than section 4(1) and (2)".

By-laws
and deter-
minations

9. After section 60 of the Principal Ordinance the following section is inserted:

"60A.(1) The following days, or any days prescribed, proclaimed or declared by the Governor-General or the Administrator, or by or under an Act or Ordinance, to be observed in lieu thereof, shall be observed as holidays in the Public Service:

Public
holidays

New Year's Day, 1 January
Australia Day, 26 January
Christmas Day, 25 December, and Boxing
Day, 26 December
Good Friday and the following Satur-
day and Monday
The anniversary of the birthday
of the Sovereign
Anzac Day, 25 April

"(2) If a day listed in subsection (1), other than Anzac Day, falls upon a Sunday, the next following Monday shall be observed as a holiday in lieu of that day.

"(3) In addition to the holidays elsewhere provided for by this section, the Commissioner may authorize the observance in the Public Service in the Territory or in any part of the Territory of a number of holidays and half-holidays not exceeding 4 days in the aggregate in any one calendar year in relation to any part of the Territory.

"(4) The Administrator may at any time for any special occasion appoint, in addition to the holidays elsewhere provided for by this section, any specified day or half-day to be observed as a holiday or half-holiday in the Public Service in the Territory or in any part of the Territory.

"(5) The Executive Member or the Chief Executive Officer of a Department or unit of administration may require the whole or a part of the Department or unit of administration to be kept open in the public interest for the whole or part of a day observed as a holiday in pursuance of this section, and may require the attendance and services of any employee in the Department or unit of administration on that day."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Seeds Ordinance

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

1. This Ordinance may be cited as the Citation
Seeds Ordinance 1977.
 2. The Seeds Ordinance is in this Ordinance Principal
referred to as the Principal Ordinance, Ordinance
 3. This Ordinance shall come into operation on a Commencement
date to be fixed by the Administrator by notice in the
Gazette.
 4. The Principal Ordinance is amended by omitting Sale of
section 7(2). Seeds
 5. Section -9 of the Principal Ordinance is Invoice to
amended by inserting at the end the following new be given
sub-section: by vendor
- "(8) In this section 'exempted sale' means a sale of seeds where the mass or value of the seeds sold does not exceed the mass of value (whichever is applicable) prescribed."
- =====

"(1A) The Administrator may, by notice in the Gazette, dedicate to the purpose of a public cemetery, Aboriginal land which has been leased in perpetuity at a nominal rental under the Aboriginal Land Rights (Northern Territory) Act 1976 to the Commonwealth of Australia for the purpose of a public cemetery."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To amend the Social Welfare 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>Social Welfare Ordinance 1977</u> . | Short title |
| 2. The <u>Social Welfare 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. Section 3 of the Principal Ordinance is repealed. | Repeal |
| 5. Before section 17 of the Principal Ordinance the following section is inserted in Part IV: | |
| "16A. This Part does not apply to or in respect of a reserve or a part of a reserve which is granted as Aboriginal land under the <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> ." | This Part not to apply to Aboriginal land |

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Soil Conservation and Control Ordinance

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

1. This Ordinance may be cited as the Soil Conservation and Land Utilization Ordinance 1977. Short title

2.(1) The Soil Conservation and Control Ordinance is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance and citation

(2) The Principal Ordinance, as amended by this Ordinance, may be cited as the Soil Conservation and Land Utilization Ordinance.

3. Section 2 of the Principal Ordinance is repealed. Repeal

4. Section 3 of the Principal Ordinance is amended- Definitions

(a) by omitting the definition of "inspector";

(b) by inserting after the definition of "instrument of approval" the following definition:

" 'land' includes all land in the Territory of whatever title or tenure;";

(c) by inserting after the definition of "landholder" the following definition:

" 'Officer' means Soil Conservation Officer;";
and

- (d) by omitting the definition of "work" and substituting the following definition:

" 'treatment' means structural or agronomic work for the purpose of the conservation of soil or reclamation of land."

Soil Conser-
vation
Officers

5. Section 5 of the Principal Ordinance is amended-

- (a) by omitting from sub-section (1) "Inspectors" and substituting "Officers"; and
- (b) by omitting "inspector" (wherever occurring) and substituting "Officer".

Appointment
of Commis-
sioner and
Officers

6. Section 6 of the Principal Ordinance is amended by omitting "inspector" and substituting "Officer".

7. The Principal Ordinance is amended by inserting before Part III the following Part:

"PART IIA - POWERS AND FUNCTIONS

Functions of
Committee

"9A. The Committee shall have the following functions:

- (a) to advise the Administrator in Council on matters relating to this Ordinance and the regulations, and in particular as to -
 - (i) the state of erosion on land;
 - (ii) the progress being made with erosion control;
 - (iii) the measures which it recommends for further control of erosion or the reclamation of land; and
 - (iv) matters relating to the future utilization of land;
- (b) to provide a forum for the discussion and consideration of matters concerning soil conservation;

(c) to receive and consider reports and recommendations from the Commissioner on action taken by him under this Ordinance and, where necessary, approve of or ratify that action; and

(d) to hear and consider submissions put before it by members of the public and, in particular, persons affected by the operation of this Ordinance.

"9B.(1) Subject to sub-section (2), where an Officer has reasonable cause to suspect that - Officer's power to enter on land

(a) soil erosion is occurring on land; or

(b) there is a danger of soil erosion occurring on land because of the use to which that land has been put by the landowner or some other person, that Officer may -

(c) enter upon that land together with any other persons or any animals, plant, machinery and equipment; and

(d) dig or bore into the land, make surveys, place marks and carry out investigations.

"(2) Except with the permission of the occupier, an Officer shall not, under this section, enter upon land unless 28 day's notice in writing of his intention to enter has been served on the occupier."

8. Section 11 of the Principal Ordinance is repealed and the following section substituted:

"11.(1) The Commissioner may, by agreement with a person who is a landholder and subject to such conditions (if any) as are included in the agreement - Carrying out of treatment

(a) carry out treatment; or

(b) provide assistance in the carrying out of treatment, on land of which a person is a landholder.

"(2) The Commissioner may share in the cost of -

(a) carrying out a treatment; or

(b) providing assistance in the carrying out of a treatment,
under sub-section (1).

"(3) The assistance that may be provided under sub-section (1) includes -

- (a) the preparation of maps, plans and specifications;
- (b) the supervision of the carrying out of treatment; and
- (c) the hiring to the landowner of equipment (including plant and machinery)."

Commission
may carry
out treat-
ment

9. Section 12 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "works" and substituting "treatment";
- (b) by omitting from sub-section (2)(a) "works" and substituting "treatment";
- (c) by omitting from sub-section (2)(b) -
 - (i) "works" (first occurring) and substituting "treatment"; and
 - (ii) "those works" (twice occurring) and substituting "that treatment";
- (d) by omitting from sub-section (3) "a work" and substituting "treatment"; and
- (e) by omitting from sub-section (3) "work" and substituting "treatment".

Heading of
Division 2
of Part III

10. The Principal Ordinance is amended by omitting the heading to Division 2 of Part III and substituting "Division 2 - Precautionary and Corrective Measures".

Commissioner
may issue
Soil
Conservation
Order

11. Section 14 of the Principal Ordinance is amended-

- (a) by omitting sub-section (1)(c) and substituting the following:

"(c) the number of livestock carried on an area of land exceeds a particular number, or were to increase beyond a particular number,";

(b) by omitting sub-section (2)(c) and substituting the following:

"(c) not to increase the number of livestock carried on an area of land specified in the order beyond a number specified in that order or, subject to sub-section (2A), to reduce the number of livestock carried on an area of land specified in the order below a number specified in that order.";

(c) by inserting after sub-section (2) the following sub-sections:

"(2A) A Soil Conservation Order requiring a person to reduce the number of livestock carried on an area of land shall not be valid or enforceable unless it has first been approved of by the Administrator in Council.

"(2B) The Commissioner may, under a Soil Conservation Order, require a landowner to produce a plan of the existing use of land referred to in that order and of that landowner's proposals for the future use of that land."; and

(d) by omitting from sub-section (4) "100 dollars" and substituting "1,000 dollars".

12. Section 15 of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) "are specified in the order" and substituting "he specifies"; and

Commissioner may order offender to reduce danger of erosion

- (b) by omitting from sub-section (2) "100 dollars" and substituting "1,000 dollars".

13. The Principal Ordinance is amended by inserting after section 16 in Division 2 the following section:

Entry of
memorial of
Soil Conser-
vation Order
in register
by Registrar-
General

"16A.(1) In this section -

'proprietor' means -

- (a) a registered proprietor within the meaning of the Real Property Act and Ordinance;
- (b) a lessee of a lease under the Crown Lands Ordinance registered under the Real Property Act and Ordinance;
- (c) a person named in a certificate issued under section 116A of the Crown Lands Ordinance and registered under section 93A of the Real Property Act and Ordinance;
- (d) a mortgagee in possession; or
- (e) a person having a registered interest in land under the Real Property Act and Ordinance, who has been served with a Soil Conservation Order;

'register' means a register kept by the Registrar-General under the Real Property Act and Ordinance.

"(2) Upon serving a Soil Conservation Order under section 14, the Commissioner may deposit with the Registrar-General -

- (a) a copy of that order certified by the Commissioner to be a true copy of the order;
- (b) a document in writing -
 - (i) stating that that order was served, the name of the person served and the date of service;

(ii) identifying the land to which that order relates with land in a register;

(iii) requesting that a memorial of that order be entered in that register; and

(iv) signed by the Commissioner.

"(3) Upon receiving the documents referred to in sub-section (2), the Registrar-General shall -

(a) on the appropriate folio in the relevant register endorse, in the manner in which he is required to enter under the Real Property Act and Ordinance a dealing with land in that register, a memorial of the making of the Soil Conservation Order; and

(b) file those documents in his office.

"(4) When a memorial has been endorsed in the manner prescribed by sub-section (3) and not withdrawn or removed, the obligation to comply with that order is binding on the proprietor for the time being of the land concerned.

"(5) When the requirements of a Soil Conservation Order in relation to which a memorial has been entered in a register in accordance with this section have been carried out to the satisfaction of the Commissioner, the Commissioner shall so notify the Registrar-General in writing and thereupon the Registrar-General shall make an entry on the appropriate folio in the relevant register discharging the memorial of the order entered on that folio and the proprietor for the time being of the land concerned shall be discharged from the obligation of complying with that order.

"(6) The Commissioner may, by notice in writing to the Registrar-General, request that the memorial of a Soil Conservation Order be noted in the register as withdrawn, whereupon the Registrar-General shall note on the memorial that the memorial is withdrawn as at the time of receipt by him of that notice.

"(7) A person affected by the entry in a register of a memorial of a Soil Conservation Order may apply, by motion, to the Supreme Court of the Northern Territory of Australia for an order that the memorial

be removed from that register and that court may, upon proof of service of that notice of motion on the Commissioner and upon such evidence as that court may require, make such order, either ex parte or otherwise, as shall seem just including the payment of costs of the motion.

"(8) Upon being served with an order made under sub-section (7) requiring removal of a memorial from a register, the Registrar shall -

(a) note on the appropriate folio of that register that the memorial is removed by the order of the court; and

(b) file that order in his office, and may make such further notation in relation to that order as to him seems necessary."

Declaration
of area of
erosion
hazard

14. Section 17(3) of the Principal Ordinance is amended by omitting "a work to be executed" and substituting "treatment to be carried out".

Notice of
proposal
to create
area of
erosion
hazard

15. Section 18(2)(b) of the Principal Ordinance is amended -

(a) by omitting "a work should be required to be executed" and substituting "treatment should be required to be carried out"; and

(b) by omitting "executing that work" and substituting "carrying out that treatment".

16. The Principal Ordinance is amended by inserting after section 20 in Part III the following Division:

"Division 4 - Control of Public on Restricted
Use Areas

Inter-
pretation

"20A. In this Division unless the contrary intention appears -

'Crown Land' means Crown Land within the meaning of the Crown Lands Ordinance but includes reserved or dedicated land;

'exempted road' means a road exempted pursuant to section 20B (8);

'open land' means land held by a landholder under any tenure and over which members of the public, whether lawfully or not, pass or may pass;

'motor vehicle' means any motor car, motor carriage, motor cycle, motor lorry, motor omnibus, motor tractor, or other vehicle propelled wholly or partly by any volatile spirit or by steam, gas, oil, or electricity, or by any means other than human or animal power;

'proper authority' means -

(a) in the case of Crown Land -

(i) that is vested in; or

(ii) that is under the control of, a person, body or authority for a public purpose - that person, body or authority;

(b) in the case of land vested in a council for a municipality - that council; or

(c) in the case of other land - the Commissioner;

'public land' means land -

(i) that is not within a municipality or a town within the meaning of the Crown Lands Ordinance; and

(ii) that is unalienated Crown Land.

"20B.(1) The Committee may recommend to the Administrator in Council that an area of land be declared a Restricted Use Area.

Declaration
by Adminis-
trator

"(2) If the Administrator in Council is satisfied, on the recommendation of the Committee, that an area of land is subject to soil erosion through use or continued use of it by the public, the Administrator in Council may, by notice in the Gazette, declare that area to be a Restricted Use Area.

"(3) A person may request the Committee to recommend that the Administrator in Council make a declaration in accordance with sub-section (2) in relation to -

- (a) open land of which that person is a landholder;
- (b) public land adjacent to land of which that person is the landholder; or
- (c) land vested in or under the control of a proper authority and adjacent to land of which that person is a landholder.

"(4) A proper authority may request the Committee to recommend that the Administrator in Council make a declaration in accordance with sub-section (2) in relation to -

- (a) land vested in, or under the management or control of, that proper authority; or
- (b) public land adjacent to land vested in, or under the management or control of, that proper authority.

"(5) The Committee shall not make a recommendation under sub-section (1) in respect of land vested in, or under the control of, a proper authority except at the request of that proper authority.

"(6) A declaration under sub-section (2) shall -

- (a) define the land to which it relates by reference to a map or plan; and
- (b) indicate where the map or plan may be inspected.

"(7) The map or plan shall be kept and displayed-

- (a) at the place indicated in the declaration; and
 - (b) at all police stations in the vicinity of the area to which the declaration relates,
- and shall at all reasonable times be available for inspection without fee by members of the public.

"(8) The Administrator in Council may exempt from

the effect of a declaration made under sub-section (2) such roads in the area of land to which the declaration relates as the Administrator in Council shall define in the declaration, and may in that declaration stipulate-

- (a) the persons or classes of persons who may use those roads; or
- (b) the types of vehicles that may be used on those roads.

"20C.(1) Except with and in accordance with the written permission of the proper authority, a person within a Restricted Use Area shall not -

Offence
relating to
use of
Restricted
Use Area

- (a) unless he is on an exempted road, have in his possession or use a motor vehicle;
- (b) remove or damage any vegetation;
- (c) take or remove any sand, gravel, rock, clay or earth;
- (d) interfere with any erosion prevention works; or
- (e) cause water or other fluid to be drained or to flow over the area.

Penalty: 500 dollars.

"(2) Where a stipulation has been made under section 20B (8)(a) or (b), in respect of an exempted road -

- (a) a person -

- (i) other than a person stipulated; or

- (ii) other than one of a class of persons stipulated,

in relation to that road shall not use that exempted road; and

- (b) a person shall not have in his possession or use a vehicle other than a stipulated type of vehicle on that exempted road.

Penalty: 500 dollars.

"(3) Where permission is granted under sub-section (1) by the proper authority, that authority-

(a) may limit the use to a use of part of the Restricted Use Area by a motor vehicle, or a class of motor vehicle; or

(b) may impose such other conditions as to the use of the Restricted Use Area as it sees fit.

Powers of officers

"20D.(1) A member of the Police Force or an Officer may require a person who, he reasonably believes, has committed an offence against section 20C to give his full name and address to that member of the Police Force or Officer.

"(2) A person -

(a) shall not refuse to give his name and address; and

(b) shall not give a false name or address, to a member of the Police Force or to an Officer.

"(3) A person shall not obstruct, hinder or molest a member of the Police Force or an Officer in the exercise of his powers under this Ordinance.

Penalty: 200 dollars."

Failure to perform obligation

17. Section 22(2)(b) of the Principal Ordinance is amended by omitting "10,000 dollars" and substituting "20,000 dollars".

Repeal

18. Section 24 of the Principal Ordinance is repealed.

Amendment to heading Part V

19. The Principal Ordinance is amended by omitting the heading to Part V and substituting the following heading:

"PART V - LOANS FOR SOIL CONSERVATION
TREATMENT OR EQUIPMENT".

Application for advance

20. Section 25 of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) "a work" and substituting "treatment";

(b) by omitting sub-section (3);

(c) by omitting from sub-section (4) -

(i) "a work to be constructed" (wherever occurring) and substituting "treatment to be carried out"; and

(ii) "the work is to be constructed" and substituting "treatment is to be carried out"; and

(d) by adding at the end the following new sub-section -

"(5) An application under this section may be for, or include, the purchase or hire of equipment to carry out treatment on land of which the person is the land holder."

21. Section 26 of the Principal Ordinance is repealed and the following section substituted -

"26.(1) On receipt of the application, the Commissioner shall obtain such information as he considers necessary concerning the application and shall then submit the application to the Committee together with -

Procedure
on receipt
by Commis-
sioner of
application

(a) a report as to the desirability of the treatment proposed;

(b) an estimate of the cost of the treatment;

(c) the Commissioner's views on whether or not a loan should be recommended; and

(d) if the Commissioner is of the view that a loan should be recommended - a statement setting out the extent and estimated cost of the treatment in respect of which he is of the view that a loan should be recommended.

"(2) The Committee shall consider the matter and, if it recommends that a loan be approved, shall forward its recommendations to the Administrator together with all reports, estimates and other documentation received from the Commissioner."

Where consent of Minister required

22. Section 28 of the Principal Ordinance is amended by omitting "10,000 dollars" (wherever occurring) and substituting "20,000 dollars".

Interest on loan

23. Section 30 of the Principal Ordinance is amended by adding at the end the following sub-section:

"(3) In determining the rate of interest payable on a loan, the Administrator shall act on the recommendation of the Commissioner."

Advance not to exceed 90 per cent of cost of work or equipment

24. Section 32 of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) "constructing the work" and substituting "carrying out the treatment";

(b) by omitting from sub-section (2) -

(i) "centum" and substituting "cent"; and

(ii) "constructing a work" and substituting "carrying out the treatment";

(c) by omitting from sub-section (3) -

(i) "constructs all or part of the work" and substituting "carries out all or part of the treatment";

(ii) "constructing the work" and substituting "carrying out the treatment".

(iii) "work or part of the work constructed" (first and second occurring) and substituting "treatment or part of the treatment carried out"; and

(iv) "construct the work or part of the work constructed" and substituting "carry out the treatment or part of the treatment carried out".

25. Section 33 of the Principal Ordinance is repealed and the following section substituted:

Administra-

"33. The Administrator shall not approve a loan

unless he is satisfied that the work in respect of treatment in respect of which the loan is applied for is, having regard to the state of development of the Territory and of the land to which the application relates, desirable for the maintenance of stability or of the productive capacity of the land."

tor to be satisfied as to certain matters before approving loan

26. Section 35 of the Principal Ordinance is amended -

Commissioner to inform applicant where loan is approved

(a) by omitting from sub-section (2) "work" and substituting "treatment";

(b) by omitting from sub-section (3)(a) and (b) "work" (wherever occurring) and substituting "treatment"; and

(c) by omitting from sub-section (3)(c) -

(i) "work is to be constructed" and substituting "treatment is to be carried out"; and

(ii) "the work" and substituting "than treatment".

27. Section 36(3) of the Principal Ordinance is amended -

Notice of acceptance, &c.

(a) by omitting "work is to be constructed" and substituting "treatment is to be carried out"; and

(b) by omitting "the work" (wherever occurring) and substituting "that treatment".

28. Section 39(3) of the Principal Ordinance is amended by omitting "100 dollars" and substituting "500 dollars".

Commissioner may require person to furnish information

29. Section 40 of the Principal Ordinance is repealed.

Repeal

30. Section 41 of the Principal Ordinance is amended by omitting "100 dollars" and substituting "500 dollars".

Obstruction of authorized persons, &c.

31. Section 44 of the Principal Ordinance is amended by adding at the end the following sub-section:

Service of notice

"(2) An order or notice under this Ordinance may be served on a company in the same manner as a document within the meaning of the Companies Ordinance may be served under that Ordinance."

THE NORTHERN TERRITORY OF AUSTRALIA

Uniting Church in Australia Ordinance

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THE NORTHERN TERRITORY OF AUSTRALIA A BILL

for

AN ORDINANCE

To make provision for the inauguration of the Uniting Church in Australia in accordance with the Basis of Union and to constitute the Uniting Church in Australia Property Trust (N.T.) and for other and incidental purposes.

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 Uniting Church in Australia Ordinance 1977. Short title

2.(1) This Ordinance, other than section 19(2), shall come into operation on a date to be fixed by the Administrator by notice in the Gazette. Commencement

(2) Section 19(2) shall come into operation on a date to be fixed by the Administrator by notice in the Gazette as the date on which that sub-section shall come into operation.

3. The South Australian Wesleyan Methodist Act 1887 and the Methodist Union Act 1900 of the State of South Australia cease to have effect in the Territory as Laws of the Territory. Repeal

4. In this Ordinance unless the contrary intention appears - Definitions

"appointed day" means the day fixed under section 2(1);

"Assembly" means the Assembly of the Church referred to in clause 15(e) of the Basis of Union and includes the inaugurating Assembly;

"Basis of Union" means the Basis of Union set out in the First Schedule;

"Church" means the Uniting Church in Australia;

"Congregational Church" means the Congregational Union of Australia and the Congregational Unions in each of the States of the Commonwealth, and includes the individual Congregational Churches which have resolved to enter into union with the Methodist and Presbyterian Churches and any department, society, auxiliary, activity, fund, service, institution, or any interest of any such individual church or Union;

"Inaugurating Assembly" means the first Assembly of the Church which is convened in accordance with the Basis of Union;

"Methodist Church" means the Methodist Church of Australasia and includes any congregation, circuit, department, society, auxiliary, activity, fund, service, institution or interest thereof save and except the Conferences of Fiji, Samoa and Tonga;

"Presbyterian Church" means the Presbyterian Church of Australia comprising the Presbyterian Church of Australia in the State of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania and the Presbyterian Church in Western Australia;

"property" includes real and personal property and any estate or interest therein and, in the case of real property, includes property held on leasehold, whether from the Crown or otherwise;

"Registrar-General" means the Registrar-General and includes an Acting or Deputy Registrar-General;

"Synod" means the Synod of the Church, within the meaning of clause 15(d) of the Basis of Union, for the region that includes the Northern Territory of Australia;

"Trust" means the Uniting Church in Australia Property Trust (N.T.), constituted by section 11;

"Trust Property" means property vested in or acquired by the Trust by or pursuant to this Ordinance;

"Uniting Churches" means the Congregational Church, the Methodist Church, and the Presbyterian Church save and except those congregations of the Presbyterian Church continuing to function after the appointed day under the Scheme of Union of 24 July, 1901, as amended, whereby there was constituted a body known as the Presbyterian Church of Australia.

PART II - INAUGURATION OF CHURCH

- | | |
|---|---------------------------|
| 5. The Uniting Churches are hereby empowered to unite in accordance with the Basis of Union, such union to take effect from the appointed day. | Authority to unite |
| 6. The Church formed by such union shall be denominated the Uniting Church in Australia. | Name of Church |
| 7. The Inaugurating Assembly shall be deemed to have been validly convened. | Inaugurating Assembly |
| 8. The Assembly is empowered to adopt a Constitution for the Church consistent with the Basis of Union. | Adoption of Constitution |
| 9. The Assembly may amend, alter, repeal or replace the Constitution adopted by the Assembly from time to time in accordance with the provisions made by the Constitution in that regard. | Amendment of Constitution |
| 10. Notwithstanding anything in this Ordinance or in the Basis of Union the Assembly may from time to time resolve that the Church enter into union with other branches of the Christian Church and to determine, declare or interpret matters of doctrine, | Further unions, etc. |

worship, government and discipline in the Uniting Church.

PART III - CONSTITUTION OF THE TRUST

Constitution
of the Trust

11.(1) There is hereby constituted a corporation under the name of "Uniting Church in Australia Property Trust (N.T.)" which shall by such name subject to this Ordinance consist of-

- (a) the Moderator of the Synod;
- (b) the Secretary of the Synod;
- (c) the Property Officer of the Synod; and
- (d) 5 other persons appointed by the Synod or, where -
 - (i) no appointment has been made to one or more of the offices referred to in paragraphs (a), (b) and (c); or
 - (ii) fewer than 3 persons have been appointed to hold all those offices,
6 other persons so appointed.

(2) Subject to this Ordinance the Inaugurating Assembly shall appoint 5 persons as members of the Trust and those 5 persons-

- (a) shall be deemed to have been duly appointed pursuant to sub-section (1)(d) as members of the Trust holding office as from the appointed day until the end of the Synod next succeeding the appointed day; and
- (b) shall be eligible for reappointment as members of the Trust.

(3) Subject to this Ordinance the members of the Trust appointed pursuant to sub-section (1) (d) at a Synod after the appointed day -

- (a) shall take office as members of the Trust immediately after the end of that Synod;

(b) shall hold office as members of the Trust until the end of the next succeeding Synod; and

(c) shall be eligible for reappointment as members of the Trust.

12.(1) The Trust shall have perpetual succession and a common seal and may enter into contracts, sue and be sued in its corporate name and may take and hold any real or personal property.

Powers and
duties of
Trust

(2) Subject to this Ordinance the Trust shall hold Trust property in trust for the Church and upon any other trust affecting the property.

(3) Subject to sub-section (2), the Trust shall hold, manage, administer and otherwise deal with Trust property in accordance with the regulations, directions and resolutions of the Assembly and with the by-laws of the Synod in so far as such by-laws are not inconsistent with the regulations directions and resolutions of the Assembly.

13. 3 members of the Trust shall constitute a quorum for the purpose of any meeting of the Trust and the decision of a majority of the members present and voting at any meeting of the Trust shall be the decision of the Trust.

Quorum

14.(1) A member of the Trust appointed pursuant to section 11(1) shall be deemed to have vacated his office if he -

Vacation of
office

(a) dies;

(b) resigns his office by notice in writing to the Trust;

(c) becomes bankrupt or makes any arrangement or composition with his creditors generally;

(d) becomes a mentally ill person within the meaning of the Mental Health Ordinance or becomes a person who, pursuant to the provisions of that Ordinance, has his affairs administered by the Public Trustee;

(e) being one of the persons appointed pursuant to section 11(1)(a), (b) or (c), ceases to hold the office there described as a member of the Trust; or

(f) if he is removed by resolution of the Synod or its Standing Committee.

(2) In the event of a member of the Trust appointed pursuant to section 11(1)(a), (b) or (c) ceasing to be a member of the Trust by reason of sub-section (1), the person for the time being entitled to exercise the respective offices of Moderator, Secretary or Property Officer of the Synod (as the case may be) shall take office as a member of the Trust for as long as he is entitled to exercise that office.

Casual vacancies

15.(1) Where by reason of the occurrence of casual vacancies the number of members of the Trust for the time being is reduced to less than 5, the continuing members shall appoint, as members of the Trust filling the vacancies until the end of the next succeeding Synod, persons not fewer in number than that required to increase to 5 the number of members.

(2) Subject to sub-section (1), where there is a casual vacancy in the membership of the Trust, the continuing members of the Trust may appoint a person to fill the vacancy until the end of the next succeeding Synod.

Common Seal

16.(1) The members for the time being of the Trust shall have the custody of its common seal and, subject to this section, the form of the common seal and all other matters relating thereto shall be determined by the Trust.

(2) The common seal of the Trust shall not be affixed to any instrument except in pursuance of a resolution passed at a duly convened meeting of the Trust and every instrument to which the common seal is so affixed shall be signed by not less than 2 members of the Trust.

(3) An instrument purporting to have been sealed with the common seal of the Trust and purporting to have been signed by not less than 2 members of the Trust shall be deemed to have been executed in

accordance with sub-section (2).

17.(1) Any deed, instrument, contract or agreement relating to any property or matter which if made or executed by an individual would be by law required to be in writing under seal may be made on behalf of the Trust in writing under the common seal of the Trust.

Form and
Execution
of certain
contracts,
etc.

(2) Any instrument, contract or agreement relating to any property or matter which if made by or between individuals would be required to be in writing signed by the parties to be charged therewith may be made on behalf of the Trust in writing by any person acting under its authority express or implied.

(3) Any contract relating to any property or matter which if made between individuals would by law be valid although made by parole only (and not reduced to writing) may be made on behalf of the Trust by any person acting under its authority express or implied.

(4) Any contract which is entered into or any instrument, contract or agreement which is signed in relation to any Trust property shall be deemed to have been entered into or signed with the express authority of the Trust, if it is entered into or signed in accordance with the resolution of the Synod for the time being in force pursuant to this Ordinance.

18. The Trust may, by writing under its common seal, expressly empower any person, in respect of any specific matter, as its agent or attorney to execute any deed, instrument, contract or agreement on its behalf, and any deed signed by such an agent or attorney on behalf of the Trust and under his seal shall bind the Trust and have the same effect as if it were under its common seal.

Execution
under seal
by agent,
etc.

PART IV - ACQUISITION AND VESTING OF TRUST PROPERTY

19.(1) All real property which, immediately before the appointed day is situated in the Territory and which -

Vesting of
certain
property in
the Trust

- (a) is described in the first column of the Second Schedule, being vested in the persons described in the second column of that Schedule opposite that property; or

(b) is vested in "The Methodist Overseas Mission Trust Association Incorporated" (also known as "Methodist Overseas Missions Trust Association", "Methodist Overseas - Missions Trust Association" and "Methodist Overseas Missions Trust Association Incorporated"), shall, upon the appointed day, without any formal assignment, transfer or other documentation, vest in the Trust to the extent that it was so vested and shall be held by the Trust in accordance with the provisions of this Ordinance.

(2) Subject to this Ordinance and to all rights created or conferred by or pursuant to or otherwise by virtue of the operation of the provisions of the Presbyterian Church of Australia Act 1971 of the State of New South Wales, any real property that, immediately before the appointed day, is situated in the Territory, and is vested in the persons described in the Third Schedule or otherwise is held in trust for the Presbyterian Church or for any congregation, board or committee of management, session, Presbytery Committee, Council, board or other institution, organization or section thereof is hereby to the extent that it was so called without any formal assignment, transfer or other documentation, vested in the Trust and shall be held by the Trust in accordance with the provisions of this Ordinance.

(3) The vesting of property effected by sub-sections (1) and (2) shall be without prejudice to-

- (a) any special trust;
- (b) any resulting trust;
- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; and
- (e) any reservation, mortgage, charge, encumbrance, loan or lease, that, immediately before the appointed day, affected the property vested.

(4) No attornment to the Trust by any lessee of

land vested in it by this section shall be necessary.

(5) In this section "special trust" shall mean any trust other than a trust for the general purposes of the Methodist or Presbyterian Churches.

20.(1) To the extent to which, by a deed, will or other instrument that takes effect on or after the appointed day, any property -

Construction
of certain
instruments

(a) is devised, bequeathed, given, granted, released, conveyed or appointed to the Church or to a person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social, educational or charitable work of the Church, or is declared or directed to be held by any person (not being the Trust) for, or for the benefit of, or in trust for, the Church or the religious, social education or charitable work of the Church;

(b) is recoverable by the Church or by any person (not being the Trust) for the Church; or

(c) is payable to, or receivable, by the Church or any person (not being the Trust) on behalf of the Church or for the religious, social, educational or charitable work of the Church, the deed, will or other instrument shall be construed and take effect as if the reference therein to the Church or, as the case may be, to that person, were a reference to the Trust.

(2) Any deed, instrument, document, gift, will or other provision in favour of or relating to the Methodist Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Methodist Church was a reference to the Church unless the context otherwise requires.

(3) Any deed, instrument, document, gift, will or

other provision in favour of or relating to the Congregational Church coming into effect on or after the appointed day shall be read and construed as though any reference therein to the Congregational Church was a reference to the Church unless the context otherwise requires.

Waiver of
certain con-
ditions,
etc., in
certain
Crown grants

21. No title to any land vested in the Trust by this Ordinance shall be held bad either at law or in equity by reason of any breach or non-performance before or after the appointed day of any condition, trust or proviso contained in the grant by the Crown of the land and every provision for forfeiture or reverter in respect of any such breach or non-performance shall be deemed to have been released by the Crown as from the date of Crown grant.

Evidence

22.(1) Subject to sub-section (2), a certificate under the common seal of the Trust to the effect that property therein specified is held by it upon trust for the Church shall, in all circumstances and all proceedings whether civil or criminal be prima facie evidence that the property so specified is so held.

(2) Sub-section (1) shall not apply in relation to any dispute concerning property between the Church and the Presbyterian Church continuing to function after the appointed day.

Certain
rights

23. Where any property is vested in the Trust pursuant to this Ordinance the Trust shall, in relation to that property, have and be subject to all the rights, powers, remedies, liabilities and obligations and may exercise and discharge, in relation to that property, all or any of the rights, powers and remedies which the person in whom the property was previously vested or by whom it was previously held, would have had and been subject to and might have exercised and discharged in relation to that property if the property had not been divested from him and vested in the Trust.

Registration
of interests
of Trust -
land

24.(1) Where the Trust -

(a) applies to the Registrar-General to be registered as the proprietor of an estate or interest in land; and

(b) furnishes the Registrar-General with -

(i) a certificate under the common seal of the Trust to the effect that the estate or interest has vested in the Trust in pursuance of this Ordinance; and

(ii) such duplicate certificates of title or other instruments as may be required by the Registrar-General, the Registrar-General shall, without further inquiry, and without fee, register the Trust as the proprietor of the relevant estate or interest.

(2) Stamp duty shall not be payable in respect of an application or certificate under sub-section (1).

PART V - GENERAL

25. Subject to any resolution or direction of the Assembly or of any Committee appointed by it for the purpose, the Trust may act in relation to the exchange, dedication or compulsory acquisition of any property vested in it, may make claims for compensation in respect thereof and may agree to and settle any such claims, for such considerations, and on and subject to any terms and conditions, as may appear advisable to it.

Claims for compensation upon compulsory acquisition, etc.

26. A receipt for moneys payable to the Trust shall exonerate the person by or on whose behalf the moneys are so payable from any liability to see to the application of those moneys and from any liability for the loss, misapplication or non-application of those moneys; if the receipt -

Receipt for certain moneys

(a) is executed in accordance with this Ordinance under the common seal of the Trust;

(b) is in writing signed by 2 members of the Trust; or

(c) is in writing signed by a person or persons duly authorized for the purpose of the Trust or the members of the Trust.

27. No purchaser, mortgagee, lessee or other person dealing with the Trust, and neither the

Exoneration from enquiry

Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange mortgage, lease or other dealing purporting to be entered into by the Trust, be concerned to see or enquire into the necessity for or the propriety of the exercise by the Trust of its powers or the mode of exercising them or be affected by notice that the exercise of any such power is unauthorized, irregular or improper.

Service of
documents

28. The service of any writ, statement of claim, summons or other legal process on the Trust may be effected by serving it on the Moderator, Secretary of the Synod, Property Officer of the Synod or on any person appearing to be authorised by the Trust to accept service thereof.

Trust may
act as
executor,
etc.

29.(1) The Trust may -

- (a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the Church has a beneficial interest, vested or contingent, in the estate of that person; or
- (b) accept appointment, and act, as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the Trust by, or pursuant to, this Ordinance, and the trust was created wholly or partly for the benefit of the Church, and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator or trustee, as the case may be.

(2) On behalf of the Trust, a member of the Trust or a person employed by the Trust may, if authorized by the Trust for the purpose, swear an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any charter, Act, Ordinance or rule of court, required to be done by a person applying for or granted probate or letters of administration or administering a trust, as the case may be.

(3) The Trust may -

- (a) renounce executorship;
- (b) decline to act as administrator of an estate;
and
- (c) retire, or decline to act, as trustee of property (not being property vested in it by or pursuant to this Ordinance).

(4) Any commission or other remuneration earned by the Trust as an executor, administrator or trustee appointed under the authority of this section shall belong to the Trust and shall be used and applied by it for or towards any object or purpose specified or approved by the Assembly.

30. The Trust may hold or acquire any real or personal property either alone or jointly with another or others as joint tenants or tenants-in-common.

Trust may
hold property
jointly

31.(1) The Assembly may make regulations for the control, management and administration of, and dealing with, trust property.

Regulations

(2) A certificate signed by the President or Secretary for the time being of the Assembly or by the Moderator or Secretary for the time being of the Synod that specified in the certificate or an annexure thereto the form of a regulation under sub-section (1) and in force on a date specified in the certificate shall be conclusive evidence that the regulation was in force in that form on that day.

(3) A regulation under sub-section (1) may from time to time be rescinded, revoked, altered or varied by the Assembly but no such rescission, revocation, alteration or variation shall take effect unless it is approved in the same manner as a regulation.

32.(1) Where it has been decided in accordance with the laws of the Church to enter into a scheme of co-operation with or involving a church of another denomination or any congregation or activity of such a church, being a scheme that involves the use of property vested in the Trust, the Trust may, while the

Co-operative
use of
property

scheme of co-operation continues in force, permit that property to be used, managed and administered in connexion with that scheme in such manner and upon such conditions as the Synod, or any committee appointed by it for the purpose, determines or prescribes, and the proceeds of sale or mortgage or any other dealing with such property and all moneys collected or held in respect of such scheme of co-operation may be paid and applied in such manner as may be determined or prescribed by the Synod or such committee.

(2) The conditions that the Synod may determine or prescribe under sub-section (1) may include conditions with respect to the making of contributions of money for the acquisition, construction, alteration, maintenance or repair of assets vested in or held on behalf of a co-operating church or congregation and the giving or taking of such security or charge as may be prescribed by any such scheme of co-operations over any property in respect of any contributions of money or in money's worth made or received pursuant to that scheme and any property of the Trust involved in any scheme is, to the extent prescribed therein, hereby charged.

(3) Neither the Registrar-General nor any person dealing bona fide and for value with any property vested in the Trust shall be bound to enquire whether any security or charge referred to in sub-section (2) exists or be deemed to have notice thereof or be bound thereby by virtue only of this Ordinance or the existence of any scheme of co-operation under this section and -

(a) a conveyance, transfer or other assurance to such a person shall operate as a discharge of any security or charge so referred to, in so far as the property conveyed, transferred or assured would, but for this sub-section, be subject thereto; and

(b) a mortgage or charge in favour of such a person shall have priority over any security or charge so referred to that affects the property mortgaged or charged in favour of that person.

Saving
provision

33. (1) The provisions of section 32 shall apply to and in relation to all property at any time held by

the Trust except to the extent that any such property is held subject to any express trust expressly forbidding its use in any manner referred to in that section.

(2) Sub-section (1) shall not prevent the use of property in a manner referred to in section 31 if the property was merely directed to be held on trust for the worship or purposes of the Church.

34.(1) In this section "previous trusts" means those trusts to which any property vested in the Trust is for the time being subject, including trusts declared under this section.

Power of
Synod to
alter
Trusts

(2) Subject to this section, in every case where by reason of the circumstances subsequent to the creation of the previous trusts, it has in the opinion of the Synod become impossible or inexpedient to carry out or observe those trusts, the Synod may -

(a) declare by resolution that it has that opinion;
and

(b) by that or any subsequent resolution declare other trusts for the use, benefit or purpose of the Church instead of the previous trusts.

(3) Upon a resolution being made under sub-section (1), the previous trusts shall by force of that resolution, cease and determine and the property concerned shall be held upon the other trusts so declared.

(4) The purposes of the other trusts so declared shall be as like as possible to those of the previous trusts unless the Synod by resolution declares that by reason of circumstances subsequent to the creation of the previous trusts it is, in the opinion of the Synod, impossible or inexpedient to deal with or apply such property or some part thereof for the same or the like purposes, that property or that part may be dealt with and applied for the use and benefit of the Church for such other purposes as shall be declared by resolution of the Synod.

Indemnifi-
cations
of certain
persons

35. A member of the Trust, and any other person, exercising a power or performing a duty in relation to trust property pursuant to this Ordinance or pursuant to any resolution or direction of the Assembly, and his executors and administrators, shall be entitled to be indemnified out of trust property against all expenses or liabilities incurred by him in connexion with the exercise by him of the power and the performance by him of the duty unless incurred in the course of fraudulent or negligent breach of trust.

Lending of
Trust Funds

36.(1) Where the Trust holds moneys on trust for different purposes or activities it shall be lawful for the Trust from time to time to invest those moneys or any part or parts thereof as one fund and to distribute income arising therefrom rateably among the several purposes for which the moneys so invested are held and any loss arising from any such investment shall likewise be borne rateably.

(2) The Trust may make advances out of the moneys referred to in sub-section (1) for any purpose of or relating to the Church.

(3) Any sum so advanced under sub-section (2) shall be deemed an investment of such moneys and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

Powers of
investment

37. The Trust unless expressly forbidden by any instrument creating any special trust, may invest any funds in its hands, whether at the time in a state of investment or not, in any form of investment authorised by statute or by the Assembly either by itself or by delegation to the Synod.

First Schedule

Basis of Union.

1. The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both Christ's gift and his will for the Church, hereby enter into union under the name of the Uniting Church in Australia. They pray that this act may be to the glory of God the Father, the Son and the Holy Spirit. They praise God for his gifts of grace to each of them in years past; they acknowledge that none of them has responded to God's love with a full obedience; they look for a continuing renewal in which God will use their common worship, witness and service to set forth the word of salvation for all mankind. To this end they declare their readiness to go forward together in sole loyalty to Christ the living Head of the Church; they remain open to constant reform under his Word; and they seek a wider unity in the power of the Holy Spirit. In this union these Churches commit their members to acknowledge one another in love and joy as believers in our Lord Jesus Christ, to hear anew the commission of the Risen Lord to make disciples of all nations, and daily to seek to obey his will. In entering into this union the Churches concerned are mindful that the Church of God is committed to serve the world for which Christ died, and that she awaits with hope the day of the Lord Jesus Christ on which it will be clear that the kingdom of this world has become the kingdom of our Lord and of his Christ, and he shall reign for ever and ever.

2. The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. Recalling the Ecumenical Councils of the early centuries, she looks forward to a time when the faith will be further elucidated, and the Church's unity expressed, in similar Councils. She thankfully acknowledges that the uniting Churches were members of the World Council of Churches and other ecumenical bodies, and she will seek to maintain such membership. She

remembers the special relationship which obtained between the several uniting Churches and other Churches of similar traditions, and will continue to learn from their witness and be strengthened by their fellowship. She is encouraged by the existence of United Churches in which these and other traditions have been incorporated, and wishes to learn from their experience. She believes that Christians in Australia are called to bear witness to a unity of faith and life in Christ which transcends cultural and economic, national and racial boundaries, and to this end she commits herself to seek special relationships with Churches in Asia and the Pacific. She declares her desire to enter more deeply into the faith and mission of the Church in Australia, by working together and seeking union with other Churches.

3. The Uniting Church acknowledges that the faith and unity of the Holy Catholic and Apostolic Church are built upon the one Lord Jesus Christ. The Church preaches Christ the risen crucified One and confesses him as Lord to the glory of God the Father. In Jesus Christ God was reconciling the world to himself. In love for the world, God gave his Son to take away the world's sin.

Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love. He himself, in his life and death, made the response of humility obedience and trust which God had long sought in vain. In raising him to live and reign, God confirmed and completed the witness which Jesus bore to him on earth, he reasserted his claim over the whole of his creation, he pardoned sinners, and made in Jesus a representative beginning of a new order of righteousness and love. To God in Christ men are called to respond in faith. To this end God has sent forth his Spirit that men may trust him as their Father, and acknowledge Jesus as Lord. The whole work of man's salvation is effected by the sovereign grace of God alone.

The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over her own life, she also confesses that he is Head over all things, the beginning of a new creation, of a new mankind. God in Christ has given to men in the Church the Holy Spirit

as a pledge and foretaste of that coming reconciliation and renewal which is the end in view for the whole creation. The Church's call is to serve that end; to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself. The Church lives between the time of Christ's death and resurrection and the final consummation of all things which he will bring; she is a pilgrim people, always on the way towards a promised goal; here she does not have a continuing city but seeks one to come. On the way Christ feeds her with Word and Sacraments, and she has the gift of the Spirit in order that she may not lose the way.

4. The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because her Lord comes, addresses, and deals with men in and through the news of his completed work. Christ who is present when he is preached among men is the Word of the God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command men's attention and awaken their faith; he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord, in his own strange way he constitutes, rules and renews them as his Church.

5. The Uniting Church acknowledges that the Church as received the books of the Old and New Testaments as unique prophetic and apostolic testimony, in which she hears the Word of God and by which her faith and obedience are nourished and regulated. When the Church preaches Jesus Christ, her message is controlled by the Biblical witnesses. The Word of God on whom man's salvation depends is to be heard and known from Scripture appropriated in the worshipping and witnessing life of the Church. The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these and to administer the sacraments of Baptism and the Lord's Supper as effective signs of the Gospel set forth in the Scriptures.

6. The Uniting Church acknowledges that Christ has commanded his Church to proclaim the Gospel both in words and in the two visible acts of Baptism and the Lord's Supper. He himself acts in and through everything that the Church does in obedience to his commandment; it is he who by the gift of the Spirit confers upon men the forgiveness, the fellowship, the new life and the freedom which the proclamation and actions promise; and it is he who awakens, purifies and advances in men the faith and hope in which alone such benefits can be accepted.

7. The Uniting Church acknowledges that Christ incorporates men into his body by Baptism. In this way he enables them to participate in his own baptism, which was accomplished once on behalf of all in his death and burial, and which was made available to all when, risen and ascended, he poured out the Holy Spirit of Pentecost. Baptism into Christ's body initiates men into his life and mission in the world, so that they are united in one fellowship of love, service, suffering and joy, in one family of the Father of all in heaven and earth, and in the power of the one Spirit. The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility.

8. The Uniting Church acknowledges that Christ signifies and seals his continuing presence with his people in the Lord's Supper or the Holy Communion, constantly repeated in the life of the Church. In this sacrament of his broken body and outpoured blood the risen Lord feeds his baptized people on their way to the final inheritance of the Kingdom. Thus the people of God, through faith and the gift and power of the Holy Spirit, have communion with their Saviour, make their sacrifice of praise and thanksgiving, proclaim the Lord's death, grow together into Christ, are strengthened for their participation in the mission of Christ in the world, and rejoice in the foretaste of the Kingdom which he will bring to consummation.

9. The Uniting Church enters into unity with the Church throughout the ages by her use of the confessions known as the Apostles' Creed and the Nicene Creed. She receives these as authoritative statements

of the Catholic Faith, framed in the language of their day and used by Christians in many days, to declare and to guard the right understanding of that faith. She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age. She commends to ministers and congregations their use for instruction in the faith, and their use in worship as acts of allegiance to the Holy Trinity.

10. The Uniting Church continues to learn of the teaching of the Holy Scriptures in the obedience and freedom of faith, and in the power of the promised gift of the Holy Spirit, from the witness of reformation fathers as expressed in various ways in the Scots Confession of Faith (1560), the Heidelberg Catechism (1563), the Westminster Confession of Faith (1647), and the Savoy Declaration (1658). In like manner she will listen to the preaching of John Wesley in his Forty-Four Sermons (1793). She will commit her ministers and instructors to study these statements, so that the congregation of Christ's people may again and again be reminded of the grace which justifies them through faith, of the centrality of the person and work of Christ the justifier, and of the need for a constant appeal to Holy Scripture.

11. The Uniting Church acknowledges that God has never left his Church without faithful and scholarly interpreters of Scripture, or without those who have reflected deeply upon, and acted trustingly in obedience to, his living Word. In particular she enters into the inheritance of literary, historical and scientific enquiry which has characterized recent centuries, and thanks God for the knowledge of his ways with men which are open to and informed faith. She lives within a world-wide fellowship of Churches in which she will learn to sharpen her understanding of the will and purpose of God by contact with contemporary thought. Within that fellowship she also stands in relation to contemporary societies in ways which will help her to understand her own nature and mission. She thanks God for the continuing witness and service of evangelist, of scholar, of prophet and of martyr. She prays that she may be ready when occasion demands to confess her Lord in fresh words and deeds.

12. The Uniting Church recognises and accepts as her members all who are recognised as members of the uniting Churches at the time of union. Thereafter membership is open to all who are baptized into the Holy Catholic Church in the name of the Father and of the Son and of the Holy Spirit. The Uniting Church will seek ways in which the baptized may have confirmed to them the promises of God, and be led to deeper commitment to the faith and service into which they have been baptized. To this end she commits herself to undertake, with other Christians, to explore and develop the relation of baptism to confirmation and to participation in the Holy Communion.

13. The Uniting Church affirms that every member of the Church is engaged to confess the faith of Christ crucified and to be his faithful servant. She acknowledges with thanksgiving that the one Spirit has endowed the members of his Church with a diversity of gifts, and that there is no gift without its corresponding service: all ministries have a part in the ministry of Christ. The Uniting Church, at the time of union, will recognise and accept the ministries of those who have been called to any task or responsibility in the uniting Churches. The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response to his call to enter more fully into her mission.

14. The Uniting Church, from inception, will seek the guidance of the Holy Spirit to recognise among her members men and women called of God to preach the Gospel, to lead the people in worship, to care for the flock, to share in government and to serve those in need in the world.

To this end:

- (a) The Uniting Church recognises and accepts as ministers of the Word all who have held such office in any of the uniting Churches, and who, being in good standing in one of those Churches at the time of union, adhere to the Basis of Union. This adherence and acceptance may take place at the time of union or at a later date. Since the Church lives by the power of the Word, she is assured that God, who has never left

himself without witness to that Word, will, through Christ and in the power of the Holy Spirit, call and set apart members of the Church to be ministers of the Word. These will preach the Gospel, administer the sacraments and exercise pastoral care so that all may be equipped for their particular ministries, thus maintaining the apostolic witness to Christ in the Church. Such members will be called Ministers and their setting apart will be known as Ordination.

The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men. She recognises his call of the individual to be his minister; she prays for the enabling power of the Holy Spirit to equip him for that service. By the participation in the act of ordination of those already ordained, the Church bears witness to God's faithfulness and declares the hope by which she lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

- (b) The Uniting Church recognises and accepts as elders or leaders those who at the time of union hold the office of elder, deacon or leader appointed to exercise spiritual oversight, and who, being in good standing in any of the uniting Churches at the time of union, adhere to the Basis of Union. She will seek to recognise in the congregation those endowed by the Spirit with gifts fitting them for rule and oversight. Such members will be called Elders or Leaders.

- (c) The Uniting Church recognises and accepts as deaconesses those who at the time of union are deaconesses in good standing in any of the uniting Churches and who adhere to the Basis of Union. She believes that the Holy Spirit will continue to call women to share in this way in the varied services and witness of the Church, and she will make provision for this. Such members will be called Deaconesses.

The Uniting Church recognises that at the time of union many seek a renewal of the diaconate in which men and women offer their time and talents, representatively and on behalf of God's people, in the service of mankind in the face of changing needs. She will so order her life that she remains open to the possibility that God may call men and women into such a renewed diaconate: in these circumstances she may decide to call them Deacons and Deaconesses, whether the service is within or beyond the life of the congregation.

- (d) The Uniting Church recognises and accepts as lay preachers those who at the time of union are accredited lay preachers (local preachers) in any of the uniting Churches and who adhere to the Basis of Union. She will seek to recognise those endowed with the gift of the Spirit for this task, will provide for their training, and will gladly wait upon that fuller understanding of the obedience of the Christian man which should flow from their ministry. Such members will be called Lay Preachers.

In the above sub-paragraphs the phrase "adhere to the Basis of Union" is understood as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in this Basis. Such adherence allows for difference of opinion in matters which do not enter into the substance of the faith.

The Uniting Church recognises that the type and duration of ministries to which men and women are called vary from time to time and place to place, and that in particular she comes into being in a period of reconsideration of traditional forms of the ministry, and of renewed participation of all the people of God in the preaching of the Word, the administration of the sacraments, the building up of the fellowship in mutual love, in commitment to Christ's mission, and in service of the world for which he died.

15. The Uniting Church recognises that responsibility for government in the Church belongs to the people of God by virtue of the gifts and tasks which God has laid upon them. The Uniting Church therefore so organises her life that locally, regionally and nationally government will be entrusted to representatives, men and women, bearing the gifts and graces with which God has endowed them for the building up of his Church. The Uniting Church is governed by a series of inter-related councils, each of which has its tasks and responsibilities in relation both to the Church and the world.

The Uniting Church acknowledges that Christ alone is supreme in his Church, and that he may speak to her through any of her councils. It is the task of every council to wait upon God's Word, and to obey his will in the matters allocated to its oversight. Each council will recognise the limits of its own authority and give heed to other councils of the Church so that the whole body of believers may be united by mutual submission in the service of the Gospel.

To this end the Uniting Church makes provision in her constitution for the following:

- (a) The Congregation is the embodiment in one place of the One Holy Catholic and Apostolic Church, worshipping, witnessing and serving as a fellowship of the Spirit in Christ. Its members meet regularly to hear God's Word, to celebrate the sacraments, to build one another up in love, to share in the wider responsibilities of the Church, and to serve the world. The congregation will recognise the need for a diversity of agencies for the better ordering of her life in such matters as education, administration and finance.

- (b) The Elders' or leaders' Meetings (the council within a congregation or group of congregations) consists of the minister and those who are called to share with him in oversight. It is responsible for building up the congregation in faith and love, sustaining its members in hope, and leading them into a fuller participation in Christ's mission in the world.
- (c) The Presbytery (the district council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority of elders/leaders and Church members being appointed by Elders'/Leaders' Meetings and/or congregations, on a basis determined by the Synod. Its function is to perform all the acts of oversight necessary to the life and mission of the Church in the area for which it is responsible, except over those agencies which are directly responsible to the Synod or Assembly. It will in particular exercise oversight over the congregations within its bounds, encouraging them to strengthen one another's faith, to bear one another's burdens, and exhorting them to fulfil their high calling in Christ Jesus. It will promote those wider aspects of the work of the Church committed to it by the Synod or Assembly.
- (d) The Synod (the regional council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by Presbyteries, Elders'/Leaders' Meetings or congregations, on a basis determined by the Assembly. It has responsibility for the general oversight, direction and administration of the Church's worship witness and service in the region allotted to it, with such powers and authorities as may from time to time be determined by the Assembly.

- (e) The Assembly (the national council) consists of such ministers, elders/leaders and other Church members as are appointed thereto, the majority being appointed by the Presbyteries and Synods. It has determining responsibility for matters of doctrine, worship, government and discipline, including the promotion of the Church's mission, the establishment of standards of theological training and reception of ministers from other communions, and the taking of further measures towards the wider union of the Church. It makes the guiding decisions on the tasks and authority to be exercised by other councils. It is obligatory for it to seek the concurrence of other councils, and on occasion of the congregations of the Church, on matters of vital importance to the life of the Church.

The first Assembly, however, will consist of members of the uniting Churches, appointed in equal numbers by them in such manner as they may determine, and is vested with such powers as may be necessary to establish the Uniting Church according to the provisions of the Basis of Union.

Until such time as councils other than the Assembly can be established, the Uniting Church recognises and accepts the various agencies for the discharge of responsibility which are in existence in the uniting Churches. She invites any such continuing bodies immediately to enter into a period of self-examination in which members are asked to consider afresh their common commitment to the Church's mission and their demonstration of her unity. She prays that God will enable them to order their lives for these purposes.

16. The Uniting Church recognises the responsibility and freedom which belong to councils to acknowledge gifts among members for the fulfilment of particular functions. She sees in pastoral care exercised personally on behalf of the Church an expression of the fact that God always deals with men personally: he would have his fatherly care known among men; he would have individual members take upon themselves the form of a servant.

17. The Uniting Church acknowledges that the demand of the Gospel, the response of the Church to the Gospel, and the discipline which it requires are partly expressed in the formulation by the Church of her law. The aim of such law is to confess God's will for the life of his Church; but since law is received by man and framed by him, it is always subject to revision in order that it may better serve the Gospel. The Uniting Church will keep her law under constant review so that her life may increasingly be directed to the service of God and man, and her worship to a true and faithful setting forth of, and response to, the Gospel or Christ. The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace.

18. The Uniting Church affirms that she belongs to the people of God on the way to the promised end. She prays God that, through the gift of the Spirit, he will constantly correct that which is erroneous in her life, will bring her into deeper unity with other Churches, and will use her worship, witness and service to his eternal glory through Jesus Christ the Lord. Amen.

Second Schedule

Section 19(1)

1st Column
Property

2nd Column
Lessees

1. Church Lands Lease No 13,
Volume 53, Folio 81
Lots 739 and 740
Town of Nightcliff

James Frederick McKay,
Louis George Kenneth
Blanchard, Cecil Frank
Gribble, Norman Henry
Fulcher Cocks and
Charles Venton Hayman,
all of Sydney N.S.W.,
all Ministers of
religion, as joint
tenants with no
survivorship; subject
to Transfer No. 64292
(lodged for
registration) from the
above-named to Louis
George Kenneth
Blanchard, Presbyterian
Minister, James
Frederick McKay,
Presbyterian Minister,
Cecil Francis Gribble,
Methodist Minister,
Henry Thomas Wells,
Congregational
Minister, Charles
Venton Hayman,
Congregational Minister
and Charles Kingston
Daws, Methodist
Minister, all care of
44 Margaret Street,
Sydney N.S.W. as joint
tenants without
survivorship.

- | | |
|--|---|
| <p>2. Lease of Town Lands
No. 607, Volume 6, Folio
36, Section No. 33,
Town of Katherine</p> | <p>Alfred William Redvers
Milligan of 2 Mont
Albert Road, Canterbury
Victoria, Minister of
Religion, Arnold Harry
Atkinson of 27
Panoramic Street,
North Balwyn Victoria,
company Secretary,
Charles Kingston Daws
of Barkers Road,
Hawthorn Victoria,
Methodist Minister and
Alec Wheaton Pederick
of 73 Walpole Street,
Kew Victoria, Metho-
dist Minister, as
tenants in common.</p> |
| <hr/> | |
| <p>4. Church Lands Lease
No. 8, Volume 31,
Folio 77, Lot 3316,
Town of Darwin</p> | <p>Louis George Kenneth
Blanchard, Presbyterian
Minister, Cecil Francis
Gribble, Methodist
Minister, Henry Thomas
Wells, Congregational
Minister, Charles
Venton Hayman,
Congregational Minister
and Charles Kingston
Daws, Methodist
Minister, all care of
44 Margaret Street,
Sydney N.S.W. as joint
tenants without
survivorship.</p> |
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5. Lease of Town Lands
No. 2826, Volume 79,
Folio 71, Lot 3136,
Town of Alice Springs

Louis George Keith
Blanchard of 8/73
Burns Bay Road, Lane
Cove N.S.W., James
Frederick McKay of 65
Barooka Street,
Northbridge N.S.W.,
Charles Kingston Daws
of 348 Barkers Road,
Hawthorn Victoria and
Cecil Frank Gribble of
6 Watkins Road, Avalon
N.S.W., Henry Thomas
Wells of 15 Russell
Street, Eastwood N.S.W.
and Charles Venton
Hayman of 4 Glover
Street, Mosman
N.S.W., all ministers of
religion as joint
tenants with no
survivorship.

6. Special Purposes
Lease No. 39,
Volume 39, Folio 43,
Lot Nos. 45 and 46,
Town of Katherine

James Anthony Vavan
Oldmeadow of 95 Water-
dale Road, Ivanhoe
Victoria, retired,
William John Johnson
of 42 Chrystobel
Crescent, Glenferrie
Victoria, Minister of
Religion and Alfred
Herbert Harrison of 11
Rochester Road,
Canterbury Victoria,
hardware merchant, as
joint tenants with no
survivorship.

7. Special Purposes	Sub-lessees
<p>Lease No. 214, Volume 75, Folio 36, Northern Territory Portion 1192 (Gove Townsite Lease) Sub-lease No. 48357 of part of the lease being Lot No. 64 as shown on Survey Plan S72/142A for a term commencing on 9 November 1971 and expiring on 21 January 2011 or one day prior to the determination of the term of the Special Purposes Lease No. 214 whichever is the earlier. Produced 21 June 1974.</p>	<hr/> <p>Trustees of the United Church in North Australia of 44 Margaret Street, Sydney N.S.W.</p>

Third Schedule

Section 19(2)

1. The Presbyterian Church (New South Wales)
Property Trust.
 2. Anne Cornelis Jan Reus, engineer,
William Leslie Clough, public servant,
John Payne Hodge, public servant,
Ronald Ross, engineer,
Rex Batterbee, artist and Charles Crawford
Stephens, powerhouse supervisor,
all of Alice Springs N.T.
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-

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 1977</u> . | Short title |
| 2. The <u>Workmen's Compensation Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. Section 10(1) of the Principal Ordinance is amended by omitting "20,000 dollars" and substituting "25,000 dollars". | Compensation for certain injuries |
| 4. Section 11(2A) of the Principal Ordinance is amended by omitting "500 dollars" and substituting "700 dollars". | Medical and surgical treatments, hospital treatments or nursing and ambulance services |
| 5. Section 12(1) of the Principal Ordinance is amended by omitting "14 dollars" and substituting "20 dollars". | Additional compensation where workman requires constant help of another person |

Second
Schedule

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

Provision amended	Omit	Insert
Paragraph 1(a)	20,000 dollars (twice occurring)	25,000 dollars
Paragraph 1(b)	7 dollars	10 dollars
Paragraph 1(c)	450 dollars	650 dollars
Paragraph 1A(a)	57 dollars	80 dollars
Paragraph 1A(b)	15 dollars	21 dollars
Paragraph 1A(c)	15 dollars	21 dollars
Paragraph 1A(d)	7 dollars	10 dollars
Paragraph 1A(e)	7 dollars	10 dollars
Paragraph 1C(a)	57 dollars	80 dollars
Paragraph 2(a)(ii)	3,300 dollars	4,650 dollars
Paragraph 8A	700 dollars (twice occurring)	1,000 dollars
Paragraph 12	20,000 dollars	25,000 dollars

Adjustment
of weekly
payments
under
prior
Ordinances

7.(1) Where, immediately before the date of commencement of this Ordinance, a person was receiving or was entitled to receive, weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Ordinance as amended by this Ordinance.

(2) Where, before the date of commencement of this Ordinance -

- (a) a workman sustained an injury or contracted a disease in respect of which weekly payments in accordance with section 12(1) of, or the Second Schedule to, the Principal Ordinance would have been payable immediately before that date but for the fact that he did not require the constant help or attention of another person or that he was not then incapacitated for work; and
- (b) on or after that date, he required the constant help or attention of another person, or became incapacitated for work, as a result of the injury or disease,

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

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

8.(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 in-
surance

(2) An employer to whom such a policy has been issued is liable to pay to the insurer, in respect of the additional liability that he may incur by reason of the application of section 7 and sub-section (1), additional premium for the period during which the additional liability is incurred under the policy, being additional premium equal to the difference between the premium for that period at the rate of premium payable under the policy and the premium for that period at the rate that would have been payable if the policy had been issued, for the purposes of the Principal Ordinance as amended by this Ordinance, upon the date of commencement of this Ordinance.

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

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

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 1977</u> . | Short title |
| 2. The <u>Workmen's Compensation 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. Section 9 of the Principal Ordinance is amended by omitting sub-sections (5), (5A), (6) and (7). | Compensation in respect of death or incapacity through disease caused by employment |
| 5. After section 9 of the Principal Ordinance the following section is inserted: | |
| "9AA.(1) Without limiting the operation of section 9, where - | Diseases related to employment |
| (a) a person is suffering from a disease, or the death of a person results from a disease, which is one of a kind specified in the first column of the Fourth Schedule as related to an employment of a kind specified in the second column of that Schedule opposite to the | |

specification of that disease in the first column of that Schedule; and

(b) that person -

(i) was, at any time before he became aware of the contraction of that disease, engaged as a workman in employment of that kind; or

(ii) died without having become so aware, but was, at any time before he died, engaged as a workman in employment of that kind, then, for the purposes of this Ordinance, unless the contrary is established, that disease shall be deemed to be due to the nature of the employment in which that person was employed.

"(2) Where, in a case to which sub-section (1) applies, a person is no longer in the employment of the employer who last employed him in employment of a kind specified in the second column of the Fourth Schedule in relation to that disease, that person shall, for the purpose of section 9, be deemed to be a workman still employed by that employer on the date on which that person became incapacitated for work or died.

"(3) For the purposes of section 25, a disease to which this section applies shall be deemed to have happened -

(a) on the date on which the workman became incapacitated for work; or

(b) in the case where a workman dies without having become aware of a disease or before it was practicable to give the notice required by that section - on the date of his death.

"(4) For the purpose of sub-sections (2) and (3), the date on which a workman became incapacitated for work shall be deemed to be -

(a) the date that a medical practitioner certifies to be the date on which the workman was incapacitated for work; or

- (b) where a medical practitioner cannot in accordance with paragraph (a) certify a date - the date of the certificate issued by that medical practitioner.

"(5) A certificate given for the purpose of sub-section (4) is prima facie evidence of the matters stated in it and shall not be barred, avoided or invalidated by reason only of a defect, omission or irregularity, whether of substance or form, if the Tribunal is satisfied, on such material as seems to it adequate -

- (a) that the workman is or was suffering from a disease to which this section applies; and
- (b) that that disease made him unable to earn full wages or caused his death."

6. The Principal Ordinance is amended by Schedule inserting after the Third Schedule the following new schedule:

"FOURTH SCHEDULE

Section 9AA

FIRST COLUMN DISEASE	SECOND COLUMN EMPLOYMENT RELATED TO DISEASE IN FIRST COLUMN
1. Poisoning by lead, its alloys or compounds, and their sequelae	Handling of ore containing lead, including fine shot in zinc factories
	Casting of old zinc and lead in ingots
	Manufacture of articles made of cast lead or of lead alloys
	Employment in the polygraphic industries

Manufacture of lead compounds

Manufacture and repair of
electric accumulators

Preparation and use of enamels
containing lead

Polishing by means of lead
files or putty powder with a
lead content

All painting operations
involving the preparation
and manipulation of coating
substances, cements or
colouring substances
containing lead pigments

2. Poisoning by mercury, its
amalgams and compounds,
and their sequelae

Handling of mercury ore

Manufacture of mercury
compounds

Manufacture of measuring and
laboratory apparatus

Preparation of raw material
for the hatmaking industry

Hot gilding

Use of mercury pumps in the
manufacture of incandescent
lamps

Manufacture of fulminate of
mercury primers

3. Anthrax infection

Work in connection with
animals infected with
anthrax

Handling of animal carcasses
or parts of animal carcasses
including hides, hoofs and
horns

Loading and unloading or
transport of merchandise

Employment as a mine-worker
or prospector within the
meaning of the Silicosis
and Tuberculosis (Mine-
workers and Prospectors)
Ordinance in an area of
silicosis risk within the
meaning of that Ordinance

4. Silicosis with or
without pulmonary
tuberculosis, but
silicosis must be an
essential factor in
causing the resultant
incapacity or death

Any process involving the
production, liberation or
utilisation of phosphorus
or its compounds

5. Phosphorus poisoning
by phosphorus or its
compounds, and its
sequelae

6. Arsenic poisoning by
arsenic or its compounds,
and its sequelae

Any process involving the
production, liberation or
utilisation of arsenic or
its compounds

7. Poisoning by benzene
or its homologues,
their nitro- and amido-
derivatives, and its
sequelae

Any process involving the
production, liberation or
utilisation of benzene or
its homologues or their
nitro- and amido-
derivatives

8. Poisoning by the
halogen derivatives of
hydrocarbons of the
aliphatic series

Any process involving the
production, liberation or
utilisation of halogen
derivatives of hydrocarbons
of the aliphatic series

9. Pathological mani-
festations due to -

Any process involving
exposure to the action of
radium, radioactive
substances or X-rays

(a) radium and other
radioactive
substances; or

(b) X-rays

10. Primary epitheliomatous
cancer of the skin

Any process involving the
handling or use of tar,
pitch, bitumen, mineral
oil, paraffin or the
compounds, products or
residues of these
substances".