

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly

Parliamentary Record

**Tuesday 2 May 1978
Wednesday 3 May 1978
Thursday 4 May 1978
Tuesday 9 May 1978
Wednesday 10 May 1978
Thursday 11 May 1978**

Part IV—Bills Introduced

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

2 - 11 May 1978

Serial No.	Title	Sponsor
106	Allocation of Funds (Appropriation) (No. 3) 1977-78	Mr Perron
103	Amendments Incorporation 1978	Mr Everingham
75	Claims By and Against the Government 1978 ...	Mr Everingham
59	Construction Safety 1978	Mr Steele
89	Consumer Protection 1978	Mr Robertson
76	Contracts 1978	Mr Everingham
98	Criminal Law and Procedure 1978	Mr Everingham
77	Criminal Law (Conditional Release of Offenders) 1978	Mr Robertson
78	Crown Lands (No. 2) 1978	Mr Perron
57	Dangerous Drugs 1978	Mr Tuxworth
97	Financial Administration and Audit 1978	Mr Perron
109	Housing 1978	Mr Perron
110	Housing Loans 1978	Mr Perron
71	Inspection of Machinery 1978	Mr Steele
79	Interpretation 1978	Mr Everingham
92	Juries 1978	Mr Everingham
93	Lands Acquisition 1978	Mr Perron
82	Law Officers 1978	Mr Everingham
90	Legislative Assembly (Remuneration of Members) 1978	Mr Everingham
83	Local Government (No. 2) 1978	Mr Robertson
105	Local Government Elections (1978) Validating 1978	Mr Robertson
104	Lottery and Gaming (No. 3) 1978	Mr Perron
111	Magistrates 1978	Mr Everingham
85	Mining (No. 2) 1978	Mr Tuxworth
86	Mining (No. 3) 1978	Mr Tuxworth
101	Museums and Art Galleries 1978	Mr Perron
53	Pawnbrokers 1978	Mr Everingham
84	Pay-Roll Tax 1978	Mr Perron
102	Ports 1978	Mr Perron
68	Prohibited Drugs 1978	Mr Tuxworth
99	Public Trustee 1978	Mr Everingham
87	Radiation Safety Control 1978	Mr Tuxworth
91	Stamp Duty 1978	Mr Perron
81	Taxation (Administration) 1978	Mr Perron
49	Territory Development Corporation 1978	Mr Steele
108	Territory Parks and Wildlife Conservation (No. 3) 1978	Mr Perron
88	Territory Motor Vehicles (Liability) 1978 ...	Mr Steele
100	Tourist Board 1978	Mr Perron
95	Transfer of Powers (Self-Government) 1978 ...	Mr Everingham
48	Workmen's Compensation 1978	Mr Steele

THE NORTHERN TERRITORY OF AUSTRALIA A BILL

for

AN ORDINANCE

To make provision with respect to the expenditure of moneys appropriated by the Parliament for expenditure in respect of the year ending on 30 June 1978 in respect of matters specified in determinations made under section 4ZE of the Northern Territory (Administration) Act 1910

B E It ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the Allocation of Funds (Appropriation) Ordinance (No. 3) 1977-78.

Short
title

2. The sum of \$3,631,700 being part of the sum appropriated by the parliament by virtue of Division 457-1 of the Appropriation Act (No. 3) 1977-78, Division 899 of the Appropriation Act (No. 4) 1977-78 and savings expected in allocations made in the Allocation of Funds (Appropriation) Ordinance (No. 1) 1977-78 and the Allocation of Funds (Appropriation) Ordinance (No. 2) 1977-78 as set out in Schedule 1 is allocated for the matters specified in Schedule 2 for expenditure in respect of the year ending 30 June 1978.

Alloca-
tion of
moneys

3. Subject to this Ordinance, the sum allocated by section 2 is deemed to have been allocated as from 1 July 1977, for the matters expressed in Schedule 2 in respect of the financial year that commenced on that date.

Amalgama-
tion with
previous
alloca-
tion

4. Where a unit of administration was, during any part of the period from 1 July 1977 to the date of commencement of this Ordinance, contained in a Department other than the Department under which it is

Former
Depart-
ments

accounted for in Schedule 2, for the purposes of this Ordinance that unit of administration shall be deemed to have been contained in the Department under which it is accounted for under Schedule 2.

Variation
of allo-
cation

5.(1) Where, in respect of the financial year ending on 30 June 1978 -

- (a) no provision has been made in Schedule 2 in respect of a Department of the Public Service of the Northern Territory or in respect of works or services of a kind to which this Ordinance applies or the allocation of funds for works or services in a sub-division in Schedule 2 is deficient; and
- (b) the Executive Member for Finance and Planning is of the opinion that it is necessary in the interests of the administration of the government of the Territory for funds, or additional funds, as the case may be, to be provided for that Department or those works or services in the financial year,

he may, notwithstanding anything elsewhere contained in any Ordinance but subject to this section, by instrument in writing, order that there shall be applied in the financial year in aid of the Department or the works or services in respect of which no or insufficient funds have been allocated, as the case may be, an amount out of any surplus arising on another sub-division in Schedule 2 or from an amount provided by the Treasurer out of funds made available to the Treasurer by the Parliament of the Commonwealth.

(2) The Executive Member shall not make an order under sub-section (1) for the application of an amount -

- (a) that exceeds \$250,000 or such amount as the Executive Council approves in a particular case; or
- (b) that, in the aggregate with all other amounts for the application of which orders under sub-section (1) have been made, exceeds \$2,000,000 or such amount as the Executive Council approves.

(3) The Executive Member for Finance and Planning shall, within 3 sitting days after the making of an order under sub-section (1), table a copy of the order in the Legislative Assembly.

(4) The total of expenditure from funds allocated in Schedule 2 and from funds applied in pursuance of orders under sub-section (1) shall not, at any time, exceed the sum of the amount specified in section 3 and the amount provided by the Treasurer referred to in sub-section (1).

SCHEDULE 1

Section 2

STATEMENT OF SAVINGS EXPECTED IN ALLOCATIONS
made by the

Allocation of Funds (Appropriation) Ordinance (No. 1) 1977-78
and

Allocation of Funds (Appropriation) Ordinance (No. 2) 1977-78

	Estimated savings for 1977-78	Allocation made by Allocation of Funds (Appropriation Ordinances Nos 1 and 2 1977-78
NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	\$	\$
DIVISION 11 - ADMINISTRATION		
2. - Administrative Expenses		
06. Incidental and other expenditure	22,500	151,000
Total NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	22,500	151,000
DEPARTMENT OF THE CHIEF SECRETARY		
DIVISION 13 - POLICE UNIT		
2. - Administrative		
03. Postage, telegrams and telephone services	40,000	240,000
Total DEPARTMENT OF THE CHIEF SECRETARY	40,000	240,000

	Estimated savings for 1977-78	Allocation made by Allocation of Funds (Appropriation) Ordinances Nos 1 and 2 1977-78
	\$	\$
DEPARTMENT OF COMMUNITY AND SOCIAL DEVELOPMENT		
VISION 16 - ADMINISTRATIVE		
- Salaries and Payments in the Nature of Salary		
02. Overtime	300	98,800
- Administrative Expenses		
01. Travelling and subsistence	1,350	147,600
05. Printing	350	6,600
- Other Services - Operational Expenditure		
13. Mosquito control (Alice Springs)	5,000	9,000
VISION 55 - CAPITAL WORKS AND SERVICES		
- Construction of roads, footpaths and drainage - Payments to Local Government Authorities	19,000	1,000,000
Total DEPARTMENT OF COMMUNITY AND SOCIAL DEVELOPMENT	26,000	1,262,000

	Estimated savings for 1977-78	Allocation made by <u>Allocation</u> <u>of Funds</u> <u>(Appropriations</u> <u>Ordinances</u> <u>Nos 1 and 2</u> <u>1977-78</u>
	\$	\$
DEPARTMENT OF FINANCE AND PLANNING		
DIVISION 21 - ADMINISTRATIVE		
2. - Administrative Expenses		
04. Printing	4,000	14,000
4. - Other Services		
01. Town Management Board	2,000	6,000
Total DEPARTMENT OF FINANCE AND PLANNING	6,000	20,000
DEPARTMENT OF TRANSPORT AND INDUSTRY		
DIVISION 75 - CAPITAL WORKS AND SERVICES		
3. - Primary Producers Board - for expenditure under the <u>Encouragement of Primary</u> <u>Production Ordinance</u>	600,000	2,400,000
Total DEPARTMENT OF TRANSPORT AND INDUSTRY	600,000	2,400,000

SCHEDULE 2

Section 2

ABSTRACT

Page Reference	Departments and Services	Total
8	NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	1,100
8	DEPARTMENT OF THE CHIEF SECRETARY	1,121,800
9	DEPARTMENT OF COMMUNITY AND SOCIAL DEVELOPMENT	104,550
10	DEPARTMENT OF FINANCE AND PLANNING	320,650
10	DEPARTMENT OF RESOURCES AND HEALTH	6,200
11	DEPARTMENT OF TRANSPORT AND INDUSTRY	941,900
12	DEPARTMENT OF LAW	1,135,500
	TOTAL	<u>3,631,700</u>

	Additional allocation for 1977-78	Information with respect to previous allocation and expenditure	
		Allocation made by Allocation of Funds (Appropri- ation) Ordinances Nos 1 and 2 1977-78	Expendi- ture for 1976-77
NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	\$	\$	\$
DIVISION 11 - ADMINISTRATION			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries	1,100	364,000	256,17
Total-NORTHERN TERRITORY LEGISLATIVE ASSEMBLY	1,100	364,000	256,17
DEPARTMENT OF THE CHIEF SECRETARY			
DIVISION 12 - ADMINISTRATIVE			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries and allowances	162,100	630,000	311,26
2. - Administrative Expenses			
01. Travelling and subsistence	37,100	160,700	98,11
02. Office requisites, equipment and stationery	6,000	24,000	8,30
03. Postage, telegrams and telephone services	30,700	38,500	31,72
08. Incidental and other expenditure	20,700	27,300	6,84
Total-Division 12	256,600	880,500	456,25

DIVISION 13 - POLICE UNIT

1. - Salaries and Payments in
the Nature of Salary01. Salaries and
allowances

415,200

7,004,600

6,375,432

02. Overtime

14,000

341,600

308,749

-- - Administrative

01. Travel and subsistence

31,000

570,000

522,693

07. Clothing

5,000

230,000

254,565

Total-Division 13

465,200

8,146,200

7,461,439

DIVISION 14 - ESTABLISHMENT
GRANT

1. - Establishment Grant

400,000

Total-Division 14

400,000

Total-DEPARTMENT
OF THE CHIEF
SECRETARY

1,121,800

9,026,700

7,917,698

DEPARTMENT OF COMMUNITY
AND SOCIAL DEVELOPMENT

DIVISION 16 - ADMINISTRATIVE

1. - Salary and Payments in
the Nature of Salary01. Salaries and
allowances

6,200

2,054,700

1,625,105

2. - Administrative Expenses

02. Office requisites,
equipment and
stationery

1,000

12,100

5,266

03. Postage, telegrams and
telephone services

12,000

26,200

25,374

04. Advertising

1,400

6,100

06. Freight

950

8,900

4. - Other Services			
Operational Expenses			
04. Weights and measures	2,300	5,500	3,823
11. Local Government			
Authorities - subsidy	27,100	1,566,000	893,084
12. Town services outside			
Local Government Areas	53,600	525,000	485,118
Total-DEPARTMENT OF COMMUNITY AND SOCIAL DEVELOPMENT	104,550	4,204,500	3,037,770
DEPARTMENT OF FINANCE AND PLANNING			
DIVISION 21 - ADMINISTRATIVE			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries and allowances	98,300	429,000	231,800
02. Overtime	650	2,500	300
2. - Administrative Expenses			
01. Travelling and subsistence	14,100	57,000	26,080
02. Office requisites, equipment and stationery	9,150	3,000	
03. Advertising	1,900	2,300	
06. Incidental and other expenditure	27,550	2,500	
3. - Northern Territory Housing Commission Assistance Grants	160,000	240,000	232,040
4. - Other Services			
03. Town Planning Board	9,000		
Total-DEPARTMENT OF FINANCE AND PLANNING	320,650	736,300	490,220
DEPARTMENT OF RESOURCES AND HEALTH			
DIVISION 26 - ADMINISTRATIVE			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries and allowances	1,200	414,000	300,180

2. - Administrative Expenses			
01. Travelling and subsistence	5,000	45,600	44,289
Total-DEPARTMENT OF RESOURCES AND HEALTH	6,200	459,600	344,475
DEPARTMENT OF TRANSPORT AND INDUSTRY			
DIVISION 31 - ADMINISTRATIVE			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries and allowances	188,950	2,297,000	2,024,509
2. - Administrative Expenses			
01. Travelling and subsistence	13,550	149,500	94,734
3. - Other Services - Operational Expenditure			
01. Advisory Boards fees and expenses	900	41,400	21,090
02. Bush fire control	65,000	230,000	212,869
05. Apprenticeship Board	73,500		
Total-Division 31	341,900	2,717,900	2,353,202
DIVISION 75 - CAPITAL WORKS AND SERVICES			
3. - Primary Producers Board for expenditure under the <u>Encouragement of Primary Production Ordinance</u>	600,000	1,800,000	1,349,986
Total-Division 75	600,000	1,800,000	1,349,986
Total-DEPARTMENT OF TRANSPORT AND INDUSTRY	941,900	4,517,900	3,703,188

DEPARTMENT OF LAW			
DIVISION 35 - ADMINISTRATIVE			
1. - Salaries and Payments in the Nature of Salary			
01. Salaries and allowances	930,000		
02. Overtime	500		
2. - Administrative Expenses			
01. Travelling and subsistence	68,700		
02. Office requisites, equipment, stationery and printing	29,900		
03. Postage, telegrams and telephone services	15,000		
04. Office services	15,100		
05. Legal expenses	13,000		
06. Witness fees and expenses	46,500		
07. Legal library	8,500		
08. Incidental and other expenditure	8,300		
Total - DEPARTMENT OF LAW	1,135,500		

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Amendments Incorporation Ordinance

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

1. This Ordinance may be cited as the
Amendments Incorporation Ordinance 1978.

Short
title

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

Principal
Ordinance

3.(1) Section 4(1) of the Principal
Ordinance is amended -

Citations
in amended
reprints
of Acts

(a) by omitting "paragraph (c) or sub-
paragraph (ii) of paragraph (d) of
sub-section (1) of section 24" and
substituting "section 39(c) or
(d)(ii)"; and

(b) by omitting "1972" and substituting
"1978".

(2) Section 4(2) of the Principal
Ordinance is amended -

(a) by omitting "sub-section (2) of section
22" and substituting "section 41(2)";
and

(b) by omitting "1972" and substituting
"1978".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Construction Safety 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>Construction Safety Ordinance</u> 1978. | Short
title |
| 2. The <u>Construction Safety Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3.(1) Sections 1, 2, 3 and 4 shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commence-
ment |
| (2) The remaining provisions of this Ordinance shall come into operation on the date of commencement of the Principal Ordinance. | |
| 4. The Principal Ordinance is amended by inserting after section 1 the following section: | |
| "1A. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> ." | Commence-
ment |

(2) A certificate filed under subsection (1) takes effect, and may be enforced, as a judgment of the Court in which it is filed, in favour of the Territory.

Action by
or
against
the
Territory

4. Subject to this Ordinance, a claim, whether in contract, tort or any other cause of action, which may be brought by or against the Territory, may be brought by an action in a Court of competent jurisdiction as if the Territory had been a resident of the place appointed for the sittings of that Court.

Method of
making the
Territory
a party
to an
action

5. An action brought by or against the Territory shall be brought in the name of the Territory.

Incidents
of actions
to which
the
Territory
is a
party

6. In an action to which the Territory is a party, the rights of the parties shall, as nearly as possible, be the same and judgment may be given and costs may be awarded on either side as in an action between persons resident in the Territory.

No
execution
against
Territory

7.(1) No execution or attachment or process in the nature of execution or attachment shall be issued against the property or revenue of the Territory but, when judgment is given against the Territory in an action, the Master of the Supreme Court or a Clerk of the Local Court shall give to the party in whose favour the judgment is given a certificate setting out the terms of the judgment.

(2) On receipt of a certificate given under sub-section (1) the Treasurer shall satisfy the judgment out of money legally available.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To provide for and regulate legal proceedings
by and against the Government of the
Territory.

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

1. This Ordinance may be cited as the
Claims by and against the Government
Ordinance 1978.

Short
title

2. A debt, damage, duty, sum of money,
land or goods due, payable or belonging to
the Territory, or to a person for and on
behalf of the Territory may be sued for
and recovered by an action brought by the
Territory for that purpose, in accordance
with this Ordinance, in a Court of competent
jurisdiction, as if the action were
instituted by a resident of the Territory.

Recovery
of debts

3.(1) Where a person has entered into a
recognizance and a Court declares that
recognizance is forfeited or estreated, not-
withstanding any other order made by the
Court, a certificate under the hand of the
judge or magistrate who ordered the for-
feiture of, or estreated the recognizance,
may be filed in a Court of competent
jurisdiction.

Recovery
of money
due under
recogni-
zance

Repeal
and
saving

5.(1) Section 2(2) of the Principal Ordinance is amended -

- (a) by inserting after "sub-section (1)" the words "but subject to sub-section (3)"; and
- (b) by omitting "remains in force until the expiration of the term of the licence" and substituting "remains in force for a period of 2 years immediately following the commencement of this Ordinance".

(2) Section 2 of the Principal Ordinance is amended by adding at the end the following sub-section:

"(3) Where, before the expiration of the period specified in sub-section (2), a person is granted a licence under this Ordinance of a kind similar to a licence held by him under the repealed Ordinances, the licence under those Ordinances shall, on the date of issue of the licence under this Ordinance, cease to have effect.".

Interpre-
tation

6. Section 4 of the Principal Ordinance is amended -

- (a) by inserting after the definition of "constructor" the following definition:

"'cranechaser' means a person slinging and directing the movement of loads handled by a crane where those loads are at all times in the full view of the crane driver;"

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

"'dogman' means a person slinging and directing the movement of loads handled by a crane where those loads are not at all times in the full view of the crane driver;";

- (c) by inserting after the definition of "light duty work" the following definitions:

"'mine' means a mine within the meaning of the Mines Safety Control Ordinance;

'mining work' means work of any kind carried out at a mine;";

- (d) by inserting after the definition of "power-driven equipment" the following definition:

"'rigger' means a person who is responsible for the rigging and the safety of rigging involved in the erection, placing in position or dismantling of -

(a) a building (other than a wooden frame single unit dwelling house);
or

(b) any structure, structural steel, plant, equipment or material (other than scaffolding),

that involves the use of wire or fibre rope or other gear for the purpose of lifting or moving anything;"; and

- (e) by inserting after the definition of "safety supervisor" the following definition:

"'scaffolder' means a person who is directly responsible for the erection, alteration or dismantling of scaffolding or gear;"

Applica-
tion

7. Section 5 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (4) "This Ordinance" and substituting "Subject to sub-section (5), this Ordinance"; and

- (b) by adding at the end the following sub-sections:

"(5) The Administrator in Council may by notice published in the Gazette declare that, for a specified period of time, this Ordinance applies, or specified provisions of this Ordinance apply, to a specified operation in a specified mine.

"(6) Where the Administrator has made a declaration in pursuance of sub-section (5), this Ordinance or the relevant provisions shall apply accordingly."

Appoint-
ment of
Chief
Inspector
and In-
spectors
of Con-
struction
Safety

8. Section 7(1) and (2) of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring) and substituting "Executive Member".

9. Section 9 of the Principal Ordinance is amended -

Duties of
Inspector

- (a) by inserting after sub-section (3) the following sub-section:

"(3A) Where it appears to the Chief Inspector that the circumstances of a particular construction work are such that to waive strict compliance with the standards prescribed under rules made under section 30 will not prejudice safety, the Chief Inspector may give such directions in writing to the constructor as he considers necessary as to the extent to which those standards may on that particular construction work be relaxed."; and

- (b) by adding at the end the following sub-section:

"(5) It is a defence to a constructor charged with an offence against any rules made under section 30 if he proves that he acted in accordance with a direction received from the Chief Inspector under sub-section (3A).".

10. Section 12(2) of the Principal Ordinance is amended -

Notice of
intention
to carry
out work

- (a) by omitting from paragraph (a) "or" (last occurring); and
- (b) by inserting after paragraph (a) the following paragraph:

"(aa) the erection of a single unit dwelling house; or".

Require-
ments with
regard to
riggers,
scaffold-
ing and
directing
crane

11. Section 21 of the Principal Ordinance is amended -

(a) by omitting from sub-section (3) "as a dogman" and substituting "as a dogman or cranechaser";

(b) by omitting from sub-section (4) "Penalty: 200 dollars."; and

(c) by adding at the end the following sub-section:

"(5) A constructor shall not cause or permit a worker to be engaged in work to which this Ordinance applies involving the direction of the movement of loads by a crane where those loads are at all times in full view of the driver of the crane unless that worker holds a licence as a dogman or cranechaser.

Penalty: 200 dollars.".

Inquiry by
Magistrate
into cause
of
accident
involving
personal
injury

12. Section 26(1) of the Principal Ordinance is amended by omitting "Administrator" (wherever occurring) and substituting "Executive Member".

Accidents
to be
notified
to
Inspector

13. Section 22 of the Principal Ordinance is amended -

(a) by omitting "the employer, in the case of a worker employed by him who is killed or injured, shocked or overcome, or"; and

(b) by omitting ", in any other case,".

14. Section 27(1) to (6) inclusive of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring) and substituting "Executive Member".

Appeal
from
Inspector

15. Section 32(a) and (b) of the Principal Ordinance are amended by omitting "or dogman" and substituting ", dogman or cranechaser".

Regu-
lations

THE NORTHERN TERRITORY OF AUSTRALIA

CONSUMER PROTECTION BILL

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To establish a Consumer Affairs Council for the purpose of making investigations into matters affecting consumers and to make provision for matters incidental thereto

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 <u>Consumer Protection Ordinance 1978</u> . | Short
title |
| 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commence-
ment |
| 3. The <u>Consumers Protection Council Ordinance 1969</u> is repealed. | Repeal |
| 4. In this Ordinance, unless the contrary intention appears - | Interpre-
tation |
- "Bureau" means the Consumer Affairs Bureau constituted under this Ordinance;
- "chairman" means the chairman for the time being of the Consumer Affairs Council and includes a person acting in that capacity;
- "Commissioner" means the Commissioner of Consumer Affairs for the Northern Territory appointed under section 16 and includes a person acting in that capacity;
- "consumer" means a person who buys or hires goods otherwise than for re-sale or letting on hire or in the course of

a trade or business carried on by him or for whom services are supplied for fee or reward otherwise than in the course of a trade or business carried on by that person;

"Council" means the Consumer Affairs Council constituted under this Ordinance;

"goods" includes everything that is the subject of trade, manufacture or merchandise.

Delegation

5.(1) The Minister may, by instrument in writing, delegate to a person or authority all or any of his powers and functions under this Ordinance (except this power of delegation) in relation to a matter or class of matters, or to a particular place, so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the particular place, specified in the instrument of delegation.

(2) A delegation under this section is revocable at will and no delegation prevents the exercise of a power or function by the Minister.

PART II - CONSUMER AFFAIRS COUNCIL

Consumer
Affairs
Council

6.(1) There shall be a Consumer Affairs Council comprised of not less than 6 or more than 10 members appointed by the Minister.

(2) Of the members of the Council -

(a) at least 4 shall be consumers who are not engaged wholly or primarily in commerce or industry; and

(b) no more than 2 shall be engaged in commerce or the manufacture of goods or the business of advertising.

(3) Each of the members referred to in sub-section (2) shall be appointed after consultation with such body or bodies as may represent the interests of the classes of persons whose interests that member is appointed as representing.

(4) Each member shall be appointed for a period not exceeding 3 years, but, on the termination of his period of appointment, is eligible for re-appointment.

7. The Council shall have the following functions:

Functions
of Council

- (a) to act as an advisory body to the Minister on matters affecting the interests of consumers;
- (b) to investigate and make recommendations to the Minister on matters calculated to protect the interests of consumers;
- (c) to investigate and make recommendations to the Minister on matters referred to it by the Minister;
- (d) to consult, and receive submissions from manufacturers, retailers, advertisers, other persons concerned with the provision and distribution of consumer goods or services, consumers and consumer organizations in respect of matters affecting the interests of consumers;
- (e) to disseminate information to the public relating to matters affecting the interests of consumers;
- (f) to affiliate and co-operate with organizations whether formed in the Territory or elsewhere having powers to investigate matters of interest to consumers or having as part of their objects the protection of the interests of consumers; and

- (g) to establish and maintain committees for such purposes as it thinks fit including the carrying out of its functions and appoint persons (including persons who are not members of the Council) to be members of such a committee.

Chairman
and
deputy
chairman

8.(1) The Minister shall appoint one of the members of the Council as chairman and, unless he sooner resigns the office, the chairman shall remain chairman for so long as he continues to be a member of the Council.

(2) As soon as practicable after each constitution of the Council the members of the Council shall elect from amongst their number a person to be deputy chairman of the Council.

(3) Unless he sooner resigns the office, or is designated chairman, the member so elected shall be deputy chairman for so long as he continues to be a member of the Council during his term of appointment as a member existing at the date of such election.

(4) The chairman or deputy chairman may resign his office as such by writing under his hand addressed to and delivered to the Minister.

Casual
vacancies

9.(1) When a vacancy occurs in the office of a member of the Council before the expiration of his term of appointment the Minister shall, by notification published in the Gazette, appoint to the Council a person having a like qualification for membership of the Council to that of his predecessor in the office.

(2) Unless he sooner vacates his office as prescribed by this Ordinance, a person appointed to fill such a casual vacancy shall hold office until the time when his predecessor's term of appointment would have expired.

(3) When a vacancy occurs in the office of chairman of the Council before the expiration of the terms of appointment of the existing members of the Council the Minister shall, by notification published in the Gazette, designate another member of the Council to be chairman.

(4) Unless he sooner resigns the office, the person so designated shall be chairman for so long as he continues to be a member of the Council during his term of appointment as a member existing at the date of such designation.

(5) When a vacancy occurs in the office of deputy chairman of the Council before the expiration of the terms of appointment of the existing members of the Council, the members of the Council shall, as soon as practicable, elect from amongst their number a person to be deputy chairman.

10.(1) The Minister may, by notification in the Gazette, appoint any person having a like qualification for membership of the Council as the member he is intended to replace to act in the place of any member of the Council who is, or is likely to be, prevented by illness or absence from performing his duty as a member.

Temporary
vacancies

(2) A person appointed pursuant to sub-section (1) is an alternative member of the Council and, when acting in place of a member, shall be deemed to be a member of the Council, but shall not, by reason of his being or acting as an alternative member be chairman or deputy chairman of the Council.

11.(1) The chairman of the Council or, if he is not present, the deputy chairman of the Council shall preside at all meetings of the Council.

Presiding
at
meetings

(2) If both the chairman and deputy chairman are absent from a meeting of the Council, the members present at that meeting shall elect a member from amongst those present to preside at the meeting during the

absence of both the chairman and deputy chairman and the person so elected has, during such absence, all the powers of the chairman.

Removal
of member
from
office

12.(1) A member may resign his office by writing under his hand addressed to the Minister.

(2) The Minister may remove a member from office for misbehaviour or incapacity.

(3) If a member -

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) becomes of unsound mind;

(c) is convicted in Australia of an offence punishable by imprisonment for one year or longer; or

(d) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Council,

the Minister shall remove the member from office.

Vacating
office

13. If a member -

(a) dies; or

(b) ceases to have the qualifications required by this Ordinance to secure his appointment to the Council,

he shall be deemed to have vacated his office.

Meetings
of Council

14.(1) The Council shall meet as and when necessary but so that not more than 6 months shall elapse between any 2 consecutive meetings of the Council.

(2) Meetings of the Council may be convened by the chairman by notice in writing to the other members of the Council, and shall be held at the time and place specified in the notice.

(3) Where the Minister requests him to do so, the chairman shall convene a meeting of the council.

(4) At a meeting of the Council, one-half of the members for the time being of the Council constitute a quorum.

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

(6) The chairman, deputy chairman or member presiding at a meeting of the Council has a deliberative vote only and, in the event of an equality of votes, the question shall be decided in the negative.

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

(8) Subject to this section, the procedure at meetings of the Council shall be as the Council determines.

(9) No act or proceeding of, or of the members of any committee of, the Council is invalidated by reason of -

- (a) a defect in the appointment or election of a member;
- (b) a disqualification of a member;
- (c) a defect in the convening of a meeting; or
- (d) a vacancy or vacancies in the membership of the Council.

15.(1) The chairman shall, on behalf of the Council, annually submit to the Minister a report on the activities -

Annual
report

(a) of the Council; and

(b) of the Bureau

(2) The chairman shall not, in any report, furnished pursuant to this section, disclose -

(a) any information with respect to a process, plant or equipment used in a business carried on by a person; or

(b) information with respect to the financial affairs of a person,

unless he is satisfied that it is in the public interest to do so.

(3) A copy of each report furnished under sub-section (1) shall be laid before the Legislative Assembly by the Minister within 3 sitting days of its receipt by him.

PART III - CONSUMER AFFAIRS BUREAU

Consumer
Affairs
Bureau

16. There shall be a Bureau to be known as the Consumer Affairs Bureau of the Northern Territory under the control of the Minister.

Commis-
sioner of
Consumer
Affairs

17.(1) There shall be a Commissioner of Consumer Affairs for the Northern Territory.

(2) The Minister shall appoint a person to be the Commissioner, and the terms and conditions of his employment shall be those applicable under the Public Service Ordinance.

(3) The Commissioner and any staff directly engaged under his control shall be the staff of the Bureau.

Functions
of
Bureau

18.(1) The functions of the Bureau shall be -

(a) to promote the interests of consumers and to assist them to a greater awareness in relation to their assessment and use of goods and services;

- (b) to collect, collate and disseminate information in respect of matters affecting the interests of consumers;
- (c) to receive complaints from consumers concerning matters touching their interests as consumers, to consider and, if the Commissioner deems it warranted, to investigate such complaints received and to take such action in respect of such complaints as seems proper to the Commissioner;
- (d) to receive complaints of fraudulent or deceptive practices in relation to matters which affect or are likely to affect the interests of consumers and to take such action in respect of such cases as seems proper to the Commissioner;
- (e) to advise and assist consumers who seek from the Bureau information or guidance on matters affecting their interests as consumers;
- (f) to arrange for investigations to be carried out on behalf of the Council;
- (g) to arrange for the collection, collation and furnishing to the Council of data to assist the Council in the performance of its function;
- (h) to carry out consumer education programmes;
- (i) to issue consumer guidelines to the public; and
- (j) to encourage and undertake the dissemination of information concerning consumer affairs to producers, manufacturers, traders and suppliers of goods or services.

(2) No provision of this section shall be construed to require the Commissioner or any officer of the Bureau to give or hold himself out as ready or competent to give to

any consumer advice touching the rights and liabilities in law of the consumer concerning any matter.

Functions
of Com-
missioner

19.(1) The Commissioner shall -

- (a) give such assistance to the Council in carrying out its functions as the Council requires;
- (b) make available to the Council and to its members any information that comes into the possession of the Bureau on matters affecting the interests of consumers; and
- (c) attend a meeting of the Council when requested by the chairman of the Council so to do.

(2) The Commissioner, attending a meeting of the Council pursuant to sub-section (1)(c), has no power to vote at that meeting.

(3) The Commissioner may institute and defend proceedings in a court of competent jurisdiction for or on behalf of a consumer or a class of consumers.

(4) The Commissioner may indemnify for any award of costs, a consumer or the representative of a class of consumers, who institutes or defends an action by or against himself alone or as such a representative and may pay the costs incurred by that person in those proceedings.

(5) Where a dispute arises concerning a consumer the Commissioner may, with the consent of all parties, act as or nominate an arbitrator to the dispute.

Power of
Commis-
sioner

20.(1) The Commissioner may require any person -

- (a) to furnish to him such information as he requires; or

- (b) to answer any question put to that person.

(2) The Commissioner may require that the information be furnished or the question be answered -

- (a) orally or in writing, and in either case at a place specified by him; or
- (b) on oath before the Commissioner (he being empowered for this purpose to administer an oath).

(3) A person shall not -

- (a) fail to furnish the information or to answer the question as required; or
- (b) furnish information or make an answer that is false in any particular.

(4) A person shall not be entitled to refuse information or to answer any question as required on the ground only that the information or answer may tend to incriminate him or render him liable to any penalty but, if he claims that the answer to any question might incriminate him and but for this sub-section he would have been entitled to refuse to answer the question, the answer to the question shall not be used in any subsequent criminal proceedings except in the case of a charge against him for perjury committed by him in answer to that question.

(5) A person shall not be taken to have committed an offence against this Ordinance by reason of a contravention of sub-section (3)(a) unless, prior to the contravention, he was warned by the Commissioner or other person requiring the information or answer that he is by this Ordinance obliged to furnish information required of him or, as the case may be, answer questions asked of him under this Ordinance.

(6) An answer made by any person as to his name, address or ownership of any business shall be admissible in evidence in any proceeding taken against him under this Ordinance.

(7) A reference to the Commissioner in this section shall be construed to include reference to a person authorized in writing by him to seek information from or to ask questions of any person concerning the matter specified in the writing.

PART IV - DANGEROUS GOODS

Dangerous goods

21.(1) The Commissioner may, or at the direction of the Minister, shall cause an investigation into the nature of goods of a particular class or description or the nature of particular goods to establish whether or not those goods are likely to cause the death, or injury to the body or health, of any person, whether directly or indirectly.

(2) Where an investigation is commenced under sub-section (1), the Minister may make an interim order in writing banning the sale of goods described in the order for a period not exceeding 28 days.

(3) Where the Commissioner reports to the Minister on the investigation carried out under sub-section (1) that goods are likely to cause death, or injury to the body or health, of any person, whether directly or indirectly, the Minister may make an order or further order in writing prohibiting or restricting the sale of those goods as are specified in the order upon such terms and conditions as the Minister thinks fit.

(4) The Minister may, at any time, refer the subject of an investigation under sub-section (1) or an order under this section to the Council for a report.

(5) A person shall not contravene an order or an interim order made under this section.

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

PART V - MISCELLANEOUS

22.(1) A civil action or proceeding does not lie against the chairman, a member of the Council, the Commissioner or any person acting under the direction or control of the Commissioner for or in respect of any act or thing done in good faith by him in his capacity as chairman, member, Commissioner or person acting under the direction or control of the Commissioner.

Protection
for members
of Council
and Commis-
sioner
and his
staff

(2) An act or thing shall be deemed to have been done in good faith if the person by whom the act or thing was done was not actuated by ill-will to the person affected or by any other improper motive.

23.(1) Subject to this Ordinance, a person who is or was at any time a member of the Council, or the Commissioner, or an officer of the Bureau, shall not, except in the course of his duty under this Ordinance, directly or indirectly communicate any information that came to his knowledge in consequence of his holding that appointment or position.

Preser-
vation of
secrecy

(2) The provisions of sub-section (1), shall not be construed to prohibit -

- (a) the Commissioner or any person thereunto authorized in writing by him from communicating to the appropriate Departmental Head or other official of the Crown whether of the Commonwealth, a State or a Territory of the Commonwealth, information which the Commissioner considers that should be communicated for the purpose of the administration of any law of Australia, the Territory or of such other State;
- (b) any person referred to in that sub-section, when called as a witness in a judicial proceeding, from answering any question that he is compellable to answer in that proceeding; or

(c) so as to restrict the power of the Commissioner to make a report under this Ordinance.

(3) In no case shall a person referred to in sub-section (1) disclose or be compelled to disclose the source of information that came to his knowledge in consequence of his holding an appointment or position under this Ordinance.

Offences

24.(1) A person who contravenes or fails to comply with a provision of this Ordinance is guilty of an offence.

(2) A proceeding for an offence may be taken by the Crown Solicitor for the Northern Territory.

Penalties

25. A person guilty of an offence is liable to a penalty of 500 dollars or imprisonment for 3 months, or both.

Saving of civil remedies

26. No proceeding against, or conviction of, a person for an offence consisting of a contravention of a non-compliance with a provision of this Ordinance shall affect any civil right or remedy available against the offender independently of this Ordinance.

Fees and allowances

27. The Administrator may determine the fees and allowances payable to members of the Council.

Regulations

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

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the making and execution of
contracts affecting the Northern Territory

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

1. This Ordinance may be cited as the Contracts Ordinance 1978. Citation

2. The Contracts Ordinance 1923 is Repeal
repealed.

3. In this Ordinance, "contract" means Definition
an agreement creating rights or liabilities
whether made orally or in writing or whether
it arises by implication from circumstances
or from acts of parties and, without dero-
gating from the generality of the foregoing
definition, includes a sale, purchase,
mortgage or other dealing with property and
an agreement for the performance of works or
services.

4.(1) Subject to sub-section (2), a Contracts
contract to which the Territory is a party by
may be entered into and executed on behalf Territory
of the Territory -

(a) by sealing with the Public Seal; or

(b) by a minister.

(2) A contract which, if it were made between natural persons would be required to be in writing or under seal to be enforceable by either party shall, be made on behalf of the Territory in writing or under seal.

This Ordinance not to be taken as appropriating money

5. Nothing in this Ordinance authorises the appropriation of money to satisfy any liability under a contract made in accordance with this Ordinance.

Delegation

6.(1) A minister may, by instrument in writing, delegate to a person his powers and functions under section 4 -

- (a) in relation to a contract or class of contracts;
- (b) in relation to a specified district or part of the Territory; or
- (c) in relation to a contract or class of contracts to be made under or for the purposes of an Ordinance or a provision of an Ordinance,

so that the delegated powers may be exercised by the delegate with respect to the contract or class of contracts specified in the instrument of delegation.

(2) A delegation given under sub-section (1) -

- (a) is revocable by the minister at will;

- (b) does not prevent the exercise of a power, function or authority by the minister; and
- (c) is subject to such limitations and conditions as are specified in the instrument of delegation.

7. Nothing in this Ordinance prevents or inhibits the power of a statutory corporation or body to enter into contracts within the competence accorded to the statutory corporation or body by any law of the Territory regulating its powers and functions.

Not to
affect
statutory
corpora-
tions or
other
bodies

THE NORTHERN TERRITORY OF AUSTRALIA
CRIMINAL LAW AND PROCEDURE BILL 1978

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THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to Offences

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
Criminal Law and Procedure Ordinance 1978.

Short
title

2. This Ordinance shall come into
operation on 1 July 1978.

Commence-
ment

3.(1) Part VI, sections 232, 249, 290-295
(inclusive), 312-314 (inclusive), 334 and
Part VIII of the Criminal Law Consolidation
Act and Ordinance are repealed and cease to
apply to the Territory as laws of the
Territory.

Repeal

(2) The Criminal Procedure Ordinance 1933
and the Criminal Procedure Ordinance 1961
are repealed.

(3) Section 75 of the Justices Ordinance
is amended by omitting sub-section (7).

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

Defini-
tions

"holder of a judicial office" includes the
holder of a judicial office under a law
of the Territory and an arbitrator or
umpire under a law of the Territory;

"judicial proceeding" means a proceeding in or before a court having jurisdiction in the Territory and includes a proceeding before a body or person acting under a law of the Territory in which evidence may be taken on oath;

"public servant" means an employee of a department or an employee in the service of a statutory corporation.

PART II - GENERAL

Applica-
tion of
the common
law

5. The principles of the common law with respect to criminal liability shall, subject to this Ordinance, apply in relation to offences against a law of the Territory.

Attempts

6. A person who attempts to commit an offence shall be guilty of an offence and shall be punishable as if the attempted offence had been committed.

Aiders and
abettors

7. A person who aids, abets, counsels or procures, or by an act or omission is directly or indirectly knowingly concerned in, or party to, the commission of an offence shall be deemed to have committed that offence and shall be punishable as if he had committed that offence.

Inciting
the com-
mission of
offences

8. A person shall not incite to, urge, aid or encourage, nor print or publish any writing which incites to, urges, aids or encourages, the commission of an offence or the commission of offences or the carrying on of any operations for or by the commission of offences.

Penalty: 2000 dollars or imprisonment for 12 months, or both.

Accessory
after the
fact

9. A person shall not receive or assist another person who is, to his knowledge, guilty of an offence in order to enable him to escape punishment or to dispose of the proceeds of the offence.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

10. If a Justice of the Peace is satisfied by evidence on oath, whether orally or by affidavit, that there are reasonable grounds for believing that there is in certain premises or a vehicle or vessel -

Search
warrants

- (a) anything with respect to which an offence against a law of the Territory has been, or is believed on reasonable grounds to have been, committed;
- (b) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of such an offence; or
- (c) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing such an offence,

he may grant a search warrant authorizing a member of the Police Force named in the warrant, with such assistance as that member of the Police Force thinks necessary, to enter premises or a vehicle or vessel named or described in the warrant, if necessary by force, and to seize any such thing which he may find in the premises, vehicle or vessel.

11.(1) A member of the Police Force may, without warrant, seize any articles which are forfeited or which he has reasonable grounds to believe are forfeited under a law of the Territory, and take them before a court of summary jurisdiction.

Seizure
and dis-
posal of
forfeit-
able
goods

(2) Where articles are taken before a court of summary jurisdiction under subsection (1) the court shall inquire into the matter and -

- (a) if the court is satisfied that the articles are forfeited - shall order that the articles be destroyed or otherwise disposed of as the court directs; or

(b) if the court is not so satisfied - shall order that the articles be delivered to such person as the court is satisfied is entitled to the articles.

(3) Where under sub-section (2)(b) the court is not satisfied that any person is entitled to the articles, the court shall order that the articles be delivered to the Crown Solicitor.

(4) A court of summary jurisdiction may, before inquiring into a matter under sub-section (2), require notice of the inquiry to be given to such persons as the court specifies by name or description.

(5) Where a prosecution is pending in relation to any articles seized under sub-section (1), an order for the destruction or other disposal, or for the delivery to a person of articles shall not be made until the prosecution is determined.

(6) All articles which are ordered to be destroyed or otherwise disposed of as forfeited or are delivered to the Crown Solicitor in accordance with sub-section (3) shall be dealt with in such manner as the Crown Solicitor directs, subject to a direction of a court under sub-section (2)(a).

Institu-
tion of
proceed-
ings in
respect of
offences

12. Unless the contrary intention appears in a law of the Territory creating an offence, any person may institute proceedings -

- (a) for the commitment for trial of a person in respect of an indictable offence; or
- (b) for the summary conviction of a person in respect of an offence punishable on summary conviction.

Prosecu-
tion on
indict-
ment

13. Indictable offences against the laws of the Territory shall be prosecuted by indictment in the name of the Attorney-General or a person appointed by the Attorney-General in that behalf.

14.(1) Notwithstanding anything contained in any other law of the Territory, the Attorney-General may present an indictment for an indictable offence against a law of the Territory without examination or commitment for trial.

Indict-
ments ex
officio

(2) Upon an indictment being presented in pursuance of sub-section (1), the Supreme Court or a judge of the Supreme Court may cause a summons to be issued to the accused person mentioned in the summons to answer the charge made in the indictment or may issue a warrant for his arrest.

(3) Upon the appearance of the accused person in pursuance of a summons issued under sub-section (2) or upon arrest under that sub-section, the court may fix a date for the trial of the indictment and may -

(a) direct that the accused person be held in custody until that date or further order; or

(b) admit the accused person to bail,

and may direct that the Attorney-General deliver to the accused person within a time specified, a list of witnesses to be called upon the trial of the indictment and a precis of the evidence that those witnesses are expected to give.

(4) Where the court has directed that a list of witnesses be delivered to the accused person, no witness whose name is not so listed may be called for the prosecution except by leave of the court.

(5) Subject to this section, the laws of the Territory relating to indictments, trial on indictment and matters subsequent to trial on indictment shall apply to an indictment presented under sub-section (1).

Burden of
proof of
lawful
authority

15. Where an act, if done without lawful authority or without lawful excuse or without permission, is an offence, the burden of proving that the act was done with lawful authority or excuse or with permission, as the case may be, shall be upon the person accused.

PART III - PENALTIES

Penalties
to which
corporation
liable

16. Unless the contrary intention appears, a provision of an Ordinance relating to offences shall be read as referring to bodies corporate as well as to individuals, but, where the penalty prescribed in respect of an offence is a term of imprisonment only, the court before which the offence is tried may, in the case of a body corporate, impose a pecuniary penalty not exceeding -

- (a) where the maximum term of imprisonment does not exceed 3 months - 500 dollars; and
- (b) where the maximum term of imprisonment exceeds 3 months - the total sum of 500 dollars plus further amounts of 500 dollars in respect of each period of 3 months by which the maximum term of imprisonment exceeds 3 months.

No one to
be pun-
ished
twice for
same act
or
omission

17.(1) Where an act or omission constitutes an offence under 2 or more laws, neither of which is a law of the Commonwealth, the offender shall be liable to be prosecuted under either of those laws but shall not be liable to be punished twice for the same act or omission.

(2) Where an act or omission constitutes an offence under a law of the Commonwealth and another law in force in the Territory and an offender has been punished for that offence under the law of the Commonwealth, he shall not be liable to be punished for the offence against the other law.

(3) Where an act or omission constitutes an offence against a law of the Territory the validity of that law is not affected by reason

only that the act or omission also constitutes an offence against a law of the Commonwealth.

18.(1) Unless the contrary intention appears, the penalty, pecuniary or otherwise, set out -

Penalties

(a) at the foot of a section of an Ordinance; or

(b) at the foot of a sub-section of an Ordinance,

indicates that a contravention of the section or of the sub-section, respectively, is an offence against the Ordinance punishable on conviction by a penalty not exceeding the penalty so set out.

(2) A penalty set out as provided in sub-section (1) which is expressed to apply only to a part of the section or sub-section applies according to the tenor of the provision.

19. Unless the contrary intention appears, offences against an Ordinance which are punishable by imprisonment for a period exceeding 6 months shall be indictable offences.

Indictable offences

20. Unless the contrary intention appears, offences against an Ordinance which -

Summary prosecution

(a) are punishable by imprisonment but not for a period exceeding 6 months; or

(b) not being punishable by imprisonment, are not declared to be indictable offences,

are punishable on summary conviction.

21. Unless the contrary intention appears, all pecuniary penalties for an offence against an Ordinance may be recovered in a court of summary jurisdiction.

Recovery of pecuniary penalties

Cumulative
punishment

22.(1) Where a person convicted of an offence is, at the time of his conviction, serving a term of imprisonment for an offence (whether against a law of the Territory or against a law of the Commonwealth) the court before which the offender is convicted may direct that a sentence of imprisonment in respect of the first-mentioned offence shall commence at the expiration of the term of imprisonment which the offender was serving at the time of his conviction.

(2) Where a person is convicted of more offences (whether indictable or otherwise) than one before the same court at the same sitting and is sentenced to more than one term of imprisonment, the court before which he is sentenced (if it is the Supreme Court or a court of summary jurisdiction constituted by a magistrate) may direct the sentences shall be concurrent or cumulative.

(3) Where a court gives no direction under sub-section (1) or (2), the 2 or more sentences shall be served concurrently.

(4) Where 2 or more sentences are directed to be cumulative, they shall take effect one after the other in accordance with the order in which the convictions are recorded or as the court directs.

Habitual
criminals

23. Where a person convicted of an indictable offence has been previously convicted on at least 2 occasions of indictable offences, the court before which he is convicted may declare that he is an habitual criminal and may direct, as part of his sentence, that, on the expiration of the term of imprisonment then imposed upon him, he be detained in prison during the pleasure of the Administrator.

Reparation
for
offences

24.(1) Where a person is convicted of an offence, the court may, in addition to the penalty, if any, imposed upon the person, order the offender to make reparation by way of money payment or otherwise to a person or

to a statutory corporation in respect of a loss suffered by the person or the statutory corporation as a result of the offence.

(2) Nothing in sub-section (1) shall be construed as limiting or restricting the application of any other law of the Territory.

PART IV - OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

25.(1) The holder of a judicial office, shall not corruptly ask for, receive or obtain, or agree or attempt to receive or obtain any money, property or benefit of any kind for himself or another person on account of an act done or to be done or omitted or to be omitted to be done by him in his judicial capacity.

Judicial
corruption

(2) A person shall not corruptly give to, confer upon, or procure for, or promise or offer to give to, confer upon or procure for, a person holding a judicial office any money, property or benefit of any kind on account of an act done or to be done or omitted or to be omitted by that person in his judicial capacity.

Penalty: Imprisonment for 10 years.

26.(1) A judge or magistrate not acting judicially or a public servant employed in a capacity not judicial for the prosecution, detention or punishment of offenders shall not corruptly ask for, receive or obtain any money, property or benefit of any kind for himself or another person on account of anything done or to be done, or omitted or to be omitted by him, with a view to causing corrupt or improper interference with the due administration of justice under a law in force in the Territory or to the protection of an offender or intending offender against a law in force in the Territory from detention or punishment.

Official
corruption
in re-
lation to
the ad-
ministra-
tion of
justice

(2) A person shall not corruptly give to, confer upon, or procure for such a judge, magistrate, or public servant, any money, property or benefit of any kind, on account of such an act or omission on the part of the judge, magistrate, or public servant.

Penalty: Imprisonment for 10 years.

Judicial
officer
acting
oppress-
ively

27. The holder of a judicial office who is required or authorized by law to admit to bail a person accused of an offence against a law in force in the Territory shall not, without reasonable excuse, require excessive and unreasonable bail.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Judicial
officer
acting
when
interested

28. The holder of a judicial office shall not wilfully exercise jurisdiction in a matter in which he has a personal interest.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

False
testimony

29.(1) A person shall not in a judicial proceeding or for the purpose of instituting a judicial proceeding, knowingly give false testimony touching a matter material in that proceeding.

Penalty: Imprisonment for 5 years.

(2) For the purpose of this section it is immaterial whether the testimony was given on oath or not on oath, orally or in writing, or whether the court or tribunal to which it was given was properly constituted or held in the proper place, or whether the person who gave the testimony was a competent witness or not, or whether the evidence was admissible or not.

Fabrica-
ting
evidence

30. A person shall not, with intent to mislead a tribunal in a judicial proceeding, fabricate evidence or make use of evidence knowing it to be fabricated evidence.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

31. A person shall not -

Intimida-
tion of
witnesses

- (a) threaten, intimidate or restrain;
- (b) use violence to or inflict an injury on;
- (c) cause or procure violence, damage, loss or disadvantage to; or
- (d) cause or procure the punishment of,

a person for or on account of his having appeared, or being about to appear, as a witness in a judicial proceeding.

Penalty: Imprisonment for 5 years.

32. A person shall not -

Corruption
of
witnesses

- (a) give to, confer upon or procure for, or offer or promise to give to, confer upon or procure for, a person, any money, property or benefit of any kind, on account of an agreement or understanding that a person called or to be called as a witness in a judicial proceeding shall give false testimony or withhold true testimony;
- (b) attempt by any means to induce a person called or to be called as a witness in a judicial proceeding to give false testimony or to withhold true testimony; or
- (c) ask for, receive, obtain or agree to receive or obtain any money, property or benefit of any kind for himself or another person upon an agreement or understanding that a person shall, as a witness in a judicial proceeding, give false testimony or withhold true testimony.

Penalty: Imprisonment for 5 years.

Deceiving
witnesses

33. A person shall not practise fraud or deceit, or knowingly make or exhibit a false statement, representation, token or writing to a person called or to be called as a witness in a judicial proceeding with intent to affect the testimony of that person.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Destroying
evidence

34. A person, knowing that a book, document or other thing of any kind is or may be required as evidence in a judicial proceeding shall not wilfully destroy it or render it illegible or indecipherable or incapable of identification, with intent to prevent it from being used in evidence.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Preventing
witnesses
from
attending
in court

35. A person shall not wilfully prevent another person who has been summoned to attend as a witness in a judicial proceeding from attending as a witness or from producing anything in evidence.

Penalty: 2000 dollars or imprisonment for 12 months, or both.

Conspiracy
to bring
false
accusation
or defeat
justice

36.(1) A person shall not conspire with another person to charge a person falsely or cause a person to be falsely charged with an offence.

Penalty: Imprisonment for 10 years.

(2) A person shall not conspire with another person to obstruct, prevent, pervert or defeat the administration of justice in the Territory.

Penalty: Imprisonment for 5 years.

Compound-
ing
offences

37. A person shall not ask for, receive or obtain or agree to receive or obtain any money, property or benefit of any kind for himself or another person upon an agreement or understanding that he will compound or

conceal an indictable offence or will abstain from, discontinue or delay a prosecution for such an offence or will withhold any evidence relating to such an offence.

Penalty: Imprisonment for 3 years.

38. A person shall not, without lawful authority, or knowing the advertisement to be false in a material particular, insert in the Gazette or in a newspaper an advertisement purporting to be published under the authority of a court.

Inserting
unauthorized
or false
advertisements

Penalty: 4000 dollars or imprisonment for 2 years, or both.

39.(1) A person shall not -

Escape
from
custody

(a) aid a person to escape or to attempt to escape from custody where that person is held in lawful custody under a law of the Territory; or

(b) convey anything into a prison or other place of confinement with intent to facilitate the escape from custody of a person who is in lawful custody under a law of the Territory.

(2) A person, being in lawful custody under a law of the Territory, shall not escape from that custody.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

40. When property has been attached or taken under the authority of a court, a person shall not, with intent to hinder or defeat the attachment or process, receive, remove, retain, conceal or dispose of the property.

Removing
property
under
seizure

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Obstruct-
ing court
officers

41. A person shall not wilfully obstruct or resist a person lawfully charged with the execution of an order or warrant of a court.

Penalty: 2000 dollars or imprisonment for 12 months, or both.

PART V - FORGERY

What
amounts
to
forgery
and
uttering

42.(1) A person shall be deemed to forge a seal, signature, document, register or record -

- (a) if he makes a counterfeit of the seal, or of the impression of the seal;
- (b) if he makes a counterfeit of the signature; or
- (c) if he, without lawful authority, alters a genuine document, register or record in a material particular,

with intent that the counterfeit seal, impression of the seal or the signature of the false or altered document, register or record may be used, acted on or accepted as genuine to the prejudice of the Territory or a person, or with intent that the Territory or a person may, in the belief that it is genuine, be induced to do or refrain from doing an act whether in the Territory or elsewhere.

(2) A person shall be deemed to make a counterfeit of a seal, or of an impression of a seal, or of a signature if he, without lawful authority -

- (a) in the case of a seal, makes a seal in the form of the genuine seal, or in a form resembling or apparently intended to resemble or pass for the genuine seal;
- (b) in the case of an impression of a seal, makes an impression of the genuine seal, or an impression resembling or apparently intended

to resemble or pass for the impression of the genuine seal;
or

- (c) in the case of a signature, makes a signature in the form of the genuine signature, or in a form resembling or apparently intended to resemble or pass for the genuine signature.

(3) A person is deemed to utter a forged seal, signature, document, register or record, if he tenders or passes it off, or attempts to tender or pass it off, or uses or deals with it, or attempts to use or deal with it, or attempts to induce a person to use, deal with, act upon, or accept it.

43. A person shall not forge or utter, knowing it to be forged -

Forgery
of seals

- (a) the Public Seal of the Territory;
- (b) the seal of a court established by or under a law of the Territory; or
- (c) a seal of which under a law of the Territory judicial notice is to be taken.

Penalty: Imprisonment for 10 years.

44. A person shall not, without lawful authority, make or have in his possession a die or stamp capable of making an impression in the form of any of the seals referred to in section 43 or resembling or intended to resemble or pass for any of those seals.

Making or
having
stamps or
dies of
official
seals

Penalty: 4000 dollars or imprisonment for 2 years, or both.

45. A person shall not forge or utter knowing it to be forged the signature of -

Forgery
of sig-
natures

- (a) a minister;
- (b) the holder of a judicial office;

- (c) the Speaker of the Legislative Assembly or the Chairman of a Committee of the Legislative Assembly; or
- (d) a person of whose signature judicial notice is to be taken under a law of the Territory.

Penalty: Imprisonment for 10 years.

PART VI - OFFENCES BY AND AGAINST PUBLIC SERVANTS

Bribery

46.(1) A person shall not bribe a public servant.

(2) A public servant shall not solicit, obtain or receive a bribe.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

(3) In this section, "bribe" includes the giving, conferring or procuring of money, property or benefit of any kind in respect of an act done or to be done, omitted or to be omitted, or any forbearance observed or to be observed, or any favour or disfavour shown or to be shown, in relation to a matter arising under a law of the Territory or otherwise arising in relation to the affairs or business of the Territory.

Disclosure of in- formation by public servants

47.(1) A public servant shall not publish or communicate, except to some person to whom he is authorized to publish or communicate it, information or a document which comes to his knowledge, or into his possession by virtue of his office or employment and which it is his duty not to disclose.

(2) A person who has been a public servant shall not publish or communicate, without lawful authority or excuse, information or a document which came to his knowledge or into his possession by virtue of his office or employment and which, at the time when he ceased to be such a public

servant, it was his duty not to disclose.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

48. A person shall not -

- (a) wilfully obstruct or resist a public servant while that public servant is engaged in the discharge or attempted discharge of a duty imposed on him by law; or
- (b) by violence or threats or intimidation of any kind interfere with or obstruct a person performing a service or function for or on behalf of the Territory in the performance of that service or function.

Resisting
or ob-
structing
public
servants

Penalty: 4000 dollars or imprisonment for 2 years, or both.

49. A person shall not -

- (a) impersonate a public servant on an occasion when that public servant is required to do an act or attend in a place by virtue of his office or employment; or
- (b) falsely represent himself to be a public servant and assume to do an act or attend in a place for the purpose of doing an act by virtue of his pretended office or employment.

Imperso-
nating
public
servants

Penalty: 4000 dollars or imprisonment for 2 years, or both.

PART VII - MISCELLANEOUS

50. A person, being authorized or required by a law of the Territory to give a certificate touching a matter by virtue of which the rights of a person may be affected, shall not give a certificate

False
certifi-
cates

which is, to his knowledge, false in a material particular.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Buying
and
selling
offices

51. A person shall not -

- (a) corruptly ask for, receive or obtain, or agree to receive or obtain, any money, property or benefit of any kind for himself or another person on account of anything done or omitted to be done by him or another person with regard to the appointment or contemplated appointment of a person as a public servant; or
- (b) corruptly give to, confer upon or procure for, or promise or offer to give to, confer upon or procure for, a person, any money, property or benefit of any kind on account of such an act or omission.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

False
statements
in regis-
trable
documents

52. A person shall not, in a document that is required to be registered under, or to be prepared for the purposes of, a law of the Territory, knowingly make a statement that is false in a material particular.

Penalty: 4000 dollars or imprisonment for 2 years, or both.

Conspiracy

53.(1) A person shall not conspire with another person -

- (a) to commit an offence against a law of the Territory;
- (b) to prevent or defeat the execution or enforcement of a law of the Territory;
- (c) to effect a purpose that is unlawful under a law of the Territory;

- (d) to effect a lawful purpose by means that are unlawful under a law of the Territory; or
- (e) to defraud the Territory or a statutory corporation.

Penalty: Imprisonment for 3 years or, where the offender conspired to commit an offence punishable by imprisonment for a period longer than 3 years - imprisonment for that longer period.

54.(1) A person shall not, without lawful excuse, trespass or go upon any prohibited land of the Territory.

Trespass-
ing on
prohibited
land

Penalty: 200 dollars.

(2) In this section "prohibited land of the Territory" means unalienated Crown Land, or land occupied by the Territory or a statutory corporation upon which is posted a notice in the English language to the effect that trespassing upon the land is prohibited.

(3) It is a defence to a charge under this section if the person charged proves that he did not see and could not reasonably be assumed to have been able to see a notice described in sub-section (2).

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Criminal Law (Conditional
Release of Offenders) Ordinance

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

1. This Ordinance may be cited as the
Criminal Law (Conditional Release of
Offenders) Ordinance.

Short
title

2. The Criminal Law (Conditional Release
of Offenders) Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

3. Sections 4, 5, 6 and 7 and each Part
inserted in the Principal Ordinance by
section 8 shall come into operation on such
dates as are respectively fixed by the
Administrator in the Gazette.

Commence-
ment

4. The Principal Ordinance is amended
by inserting before section 1 the following
heading:

Insertion
of
heading

"PART I - PRELIMINARY".

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

Defini-
tions

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

'advisory committee' means a committee appointed under section 31;

'approved work', in relation to a community service order, means work declared to be approved work by an advisory committee under section 31(3);

'attendance centre', in relation to an attendance order, means a place to which section 9(2) refers and includes any other place at or from which an offender is ordered or directed from time to time to carry out any activities;

'attendance order' means an order made in accordance with section 9(1);

'community service order' means an order made in accordance with Part V;

'court' means the Supreme Court or a court of summary jurisdiction;

'Director' means Director within the meaning of the Prisons Ordinance;

'Field Officer' means a Correctional Services Field Officer by virtue of, or appointed under, section 3B;

'law of the Territory' means a law in force in the Territory other than an Act or regulation under an Act;

'offender' means a person convicted of an offence against a law of the Territory;

'Supervising Officer' means a Supervising Officer appointed under section 32."

6. The Principal Ordinance is amended by inserting after section 3 the following heading and sections:

Insertion
of new
Part

"PART II - ADMINISTRATION

"3A.(1) The Director may, by instrument in writing, delegate to a person or authority all, or any, of his powers, functions and authorities under this Ordinance (except this power of delegation) in relation to a matter or class of matters or to a district or part of the Territory so that the delegated powers, functions and authorities may be exercised by the delegate with respect to a matter or class of matters or the district or part of the Territory specified in the instrument of delegation.

Delega-
tion

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

"3B.(1) All Parole Officers appointed under the Parole of Prisoners Ordinance are by virtue of that employment Correctional Services Field Officers under this Ordinance.

Appoint-
ment of
Field
Officers

(2) The Director may appoint a person not being a person referred to in sub-section (1) to be a Correctional Services Field Officer."

7. The Principal Ordinance is amended by inserting before section 4 the following heading:

New
heading
inserted

"PART III - CONDITIONAL RELEASE".

Failure
to comply
with
condition
of
recogni-
zance or
release

8. Section 6 of the Principal Ordinance is amended -

- (a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

"(1) If a member of the Police Force has reason to believe that a person released in pursuance of an order made under section 5 -

- (a) has failed during the period of good behaviour to comply with a condition specified in the order in accordance with sub-section (1)(a)(ii) of that section;
- (b) has failed to pay, as provided in the order, the penalty or an instalment of the penalty for the payment of which he has given security; or
- (c) has been convicted, whether within or outside the Territory, of an offence committed during the period of good behaviour,

that member may, without warrant, arrest that person.

"(2) If a member of the Police Force arrests a person under sub-section (1), he shall, as soon as practicably possible, take the person before a justice.

"(2A) The justice before whom a person is brought in accordance with sub-section (2) may, if the order was made -

- (a) by a court of summary jurisdiction - commit the person to appear before a court of summary jurisdiction to be dealt with by that court and either release him on bail, with or without sureties, or commit him to custody; or
- (b) by the Supreme Court - commit the person to appear before that court to be dealt with by that court and either release him on bail, with or without sureties, or commit him to custody.";
- (b) by omitting from sub-section (3) all words from and including "Where a person" to and including "under sub-section (2)" and substituting "Where a person appears before a court in pursuance of sub-section (2A) to be dealt with by the court";
- (c) by omitting from sub-section (5) all words from and including "before an appropriate" and substituting "committed to appear before an appropriate court under sub-section (2A)"; and
- (d) by omitting -

- (i) from sub-section (6)(a) all words from and including "and then deal" and substituting "and either release him on bail, with or without sureties, or commit him to custody; or"; and
- (ii) from sub-section (6)(b) all words from and including "before the court" and substituting "committed to appear before the court under sub-section (2A)".

9. Section 9 of the Principal Ordinance is repealed and the following headings and sections substituted:

" PART IV - ATTENDANCE ORDERS

Attendance orders

"9.(1) Subject to this section and to sections 10, 11 and 12, when a person is before a court for sentencing after being convicted of an offence punishable by a law of the Territory (otherwise than in default of payment of a fine), the court, instead of sentencing him, may make an order requiring him to do such things as may be required of him for such number of hours (being in the aggregate not more than 120) as may be specified in the order.

"(2) An attendance order may require the offender to present himself in person -

- (a) at or to a place and to a person specified in the order within such time (if any) as is specified in the order; or

- (b) at or to such a place and to such a person within such time and by such means as the Director may, by notice in writing served on the offender, direct.

"(3) An attendance order may require the offender to pay, on such terms and conditions as the court making the order thinks fit, such damages for injury or compensation for loss, caused by or arising out of the act or omission that constitutes the offence in respect of which the order is made, as the court thinks reasonable.

"(4) The court by which an attendance order is made shall, forthwith after the order is made, cause the order to be reduced to writing, sealed and signed and the Master or clerk of the court (as the case may be) shall -

- (a) cause a copy of it to be given to the offender before the offender is entitled to leave the precincts of the court by which the order is made; and

- (b) cause a copy of it to be sent to the Director.

"(5) Where an order made under this section contains a requirement in accordance with sub-section (2)(b), the Director shall cause the appropriate notice to be served on the offender as soon as possible after the order is made.

"(6) Nothing in this section shall be construed as preventing a court that makes an attendance order in respect of an offence from also making an order under Part III in respect of that offence or, when the law permits -

- (a) from imposing any disqualification on the offender; or
- (b) from cancelling or suspending a licence, permit or other authority held by the offender.

Circum-
stances
in which
an
attendance
order may
be made

"10.(1) A court shall not make an attendance order in respect of an offender unless the offender consents to the making of the order and to the terms of the order and the court -

- (a) has been notified by a Field Officer that arrangements have been or will be made for the offender to carry out the activities that the order will require; and
- (b) is satisfied, after considering a report from a Field Officer about the offender and his circumstances, and, if the court thinks necessary, hearing a Field Officer -
 - (i) that the offender is a suitable person to carry out those activities;
 - (ii) that, if such an order is made, suitable activities can be provided at or from an attendance centre for the offender under the

arrangements mentioned in paragraph (a); and

- (iii) that the attendance centre is a reasonable distance from the offender's place of residence.

"(2) Without prejudice to any other powers that the court may exercise, where an offender is before a court for sentencing, the court may, in order to obtain any notification, report or information for the purposes of sub-section (1), adjourn the hearing of the proceedings and release the offender on bail, with or without sureties, to appear at the adjourned hearing.

"(3) Where a court proposes to make an attendance order, it shall, before making the order, explain or cause to be explained to the person in respect of whom it is proposed to make the order in language likely to be readily understood by him -

- (a) the purpose and effect of the order;
- (b) the consequences that may follow if he fails to comply with the order; and
- (c) that the order may be reviewed on his application or on that of the Director.

"11.(1) The activities that an offender is required to do under or in pursuance of an attendance order shall be such activities, having therapeutic value for, or educational value to, the offender, as a Field Officer directs him to carry out at the attendance centre or elsewhere.

What may be done under an order

"(2) An offender shall not be required to carry out activities under an attendance order for more than 4 hours (exclusive of time allowed for meals) in any one day.

Where
more than
one order
made

"12.(1) Where a court makes attendance orders in respect of 2 or more offences of which an offender has been convicted, the court shall not order the offender to carry out activities under those orders for a number of hours that, in the aggregate, exceeds 120.

"(2) Where a court makes an attendance order in respect of an offender and there is or are in force in respect of that offender one or more other such orders, the court shall not order the offender to carry out activities for a number of hours that would require him, after the making of the first-mentioned order, to carry out activities under that order and the previous order or orders for a number of hours that, in the aggregate, exceeds 120.

Duties of
offender
and Field
Officer
in carry-
ing out
order

"13.(1) An offender in respect of whom an attendance order is in force -

(a) shall -

(i) travel, at his own expense, to the attendance centre on the days; and

(ii) report there at the times,

on which he is required so to do;

- (b) shall carry out at the attendance centre for the number of hours specified in the order such activities as a Field Officer may, in accordance with this Part, direct;
- (c) shall carry out those activities in a satisfactory manner;
- (d) shall, while carrying out those activities, comply with any reasonable direction of a Field Officer; and
- (e) shall inform a Field Officer of any change in his residential address.

"(2) In giving directions to an offender under sub-section (1), a Field Officer shall, so far as practicable, avoid -

- (a) any conflict with the offender's religious beliefs; and
- (b) any interference with the times (if any) at which the offender normally works or attends a school or other educational establishment.

"14. An attendance order remains in force until -

- (a) the offender has carried out activities in accordance with the order and this Part for the number of hours specified in the order;
- (b) the order is discharged under section 16; or

Duration
of
attend-
ance
order

- (c) the offender is sentenced for the offence in respect of which the order was made.

Breach
of terms
of order

"15.(1) An offender shall not -

- (a) fail to attend as required or otherwise fail to comply with an attendance order;
- (b) fail to carry out his obligations under section 13(1);
- (c) disturb or interfere with any other person working or doing anything under an attendance order or a community service order;
- (d) assault, threaten, insult or use abusive language to a Field Officer;
- (e) change his address for the purpose of evading the execution of this Ordinance; or
- (f) commit a breach of the regulations.

Penalty: 200 dollars.

"(2) Where a member of the Police Force has reason to suspect that an offender has committed an offence against sub-section (1), that member may, without warrant, arrest that offender.

"(3) If a member of the Police Force arrests an offender under sub-section (2), he shall, as soon as practically possible, take the offender before a justice.

"(4) The justice before whom an offender is brought in accordance with sub-section (2) may, if the attendance order was made -

- (a) by a court of summary jurisdiction - commit the offender to appear before a court of summary jurisdiction and either release him on bail, with or without sureties, or commit him to custody; or
- (b) by the Supreme Court - commit the offender to appear before that court and either release him on bail, with or without sureties, or commit him to custody.

"(5) Where, in pursuance of sub-section (4), an offender is brought or appears before a court of summary jurisdiction or the Supreme Court, the court, if it is satisfied that an offence has been committed may, instead of imposing a penalty -

- (a) revoke the attendance order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) subject to sub-section (6) and with the offender's consent, increase the number of hours for which he is required to carry out activities under the order.

"(6) Where a court exercises the power referred to in sub-section (5)(b), that court shall not increase the number of hours for which an offender is required to carry out activities under the order to such an extent as would require him, after the making of that increase, to carry out activities under that order and all other such orders in force in respect of him (if any) for a number of additional hours that, in the aggregate, exceeds 60.

"(7) In proceedings for an offence under this section, the averment in the complaint of the prosecutor that the defendant is the person in respect of whom the relevant order was made is evidence of the matter so averred.

"(8) In any proceedings under this section, upon a complaint averring the fact referred to in sub-section (7), the person charged with the offence may be asked by the court before which he appears or is brought whether he was convicted of the offence in respect of which the relevant order was made and, if he admits that conviction, no further proof of the conviction so admitted is necessary.

"(9) It is a defence in proceedings for an offence against sub-section (1)(a) for the offender to show that the failure arose -

- (a) from his conscientious objections on religious grounds to attend; or

- (b) because of a religious obligation to attend at a place for a religious worship;

at a specified time.

"16.(1) Where an attendance order is in force and, on the application of the offender or the Crown Law Officer made to the court that made the order, it appears to that court that it would be in the interests of justice to do so, having regard to circumstances that have arisen or become known since the order was made, it may -

Review of
order

- (a) discharge the order;
- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which it could deal with him if it had just convicted him of that offence; or
- (c) reduce the number of hours for which the offender is required to carry out activities under the order.

"(2) Where an application is made to a court under sub-section (1) by the Crown Law Officer, the court shall summon the offender to appear before it on the hearing of the application and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

"(3) Where an application is made to a court under sub-section (1) by the offender, the court shall cause notice of the application and of the time and place fixed for the

hearing to be served on the Crown Law Officer.

"(4) Without limiting the matters that a court may take into consideration in reviewing an attendance order, grounds for reviewing such an order include the fact -

- (a) that the offender is in custody on a charge for another offence;
- (b) that the offender's behaviour is such that the carrying out of the terms of the order is impossible; or
- (c) that the operation of the order offends other persons.

Order to
be taken
into
account
in
sentencing

"17. Where an offender in respect of whom an attendance order has been made is subsequently sentenced by a court for the offence in respect of which the order was made, the court, in sentencing the offender -

- (a) shall take into account that the order was made; and
- (b) may take into account anything done under the order.

Compensation
for
injury

"18.(1) An offender shall, in respect of -

- (a) activities carried out by him under an attendance order; and
- (b) travelling done by him in order to carry out, and in relation to, those activities,

be deemed to be a workman employed by the Crown for the purposes of the Workmen's Compensation Ordinance (notwithstanding paragraph (b) of the definition of "workman" in section 6(1) of that Ordinance) and where, for the purpose of calculating the compensation payable under that Ordinance in respect of a compensable injury suffered by an offender, reference to weekly pay is necessary, the offender shall be dealt with as though he had a weekly pay equal to the estimate published by the Commonwealth Statistician of the average weekly earnings per employed male unit (or female unit in the case of a female offender) for the last preceding June quarter in the Territory.

"(2) For the purposes of sub-section (1), the Workmen's Compensation Ordinance shall be deemed to bind the Crown.

"19.(1) If it appears to a justice that there is reason to suspect that an offender -

Abscond-
ing
offender

(a) will leave the Territory before the expiration of; or

(b) will not comply with,

an attendance order to which he is subject, the justice may issue a warrant for the offender's arrest.

"(2) On the arrest of an offender under a warrant issued under sub-section (1), he shall be brought before justices who may, if the attendance order was made -

- (a) by a court of summary jurisdiction - remand him to another court of summary jurisdiction, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) by the Supreme Court - remand him in custody to be brought before that court, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence.

"PART V - COMMUNITY SERVICE ORDERS

Community
service
orders

"20.(1) Subject to this section and to sections 21, 22 and 23(3), when a person is before a court for sentencing after being convicted of an offence against a law of the Territory (otherwise than in default of payment of a fine) the court, instead of sentencing him, may make an order requiring him to perform unpaid approved work in accordance with this Part for such number of hours (being in the aggregate not more than 240) as may be specified in the order.

"(2) A community service order may require the offender to present himself in person -

- (a) at or to a place and to a person specified in the order within such time (if any) as is specified in the order; or
- (b) at or to such a place and to such a person within such time and by such means as the Director may, by notice in writing served on the offender, direct.

"(3) A community service order may require the offender to pay, on such terms and conditions as the court making the order thinks fit, such damages for injury or compensation for loss, caused by or arising out of the act or omission that constitutes the offence in respect of which the order is made, as the court thinks reasonable.

"(4) The court by which a community service order is made shall, forthwith after the order is made, cause the order to be reduced to writing, sealed and signed and the Master or clerk of the court (as the case may be) shall -

- (a) cause a copy of it to be given to the offender before the offender is entitled to leave the precincts of the court by which the order is made; and
- (b) cause a copy of it to be sent to the Director.

"(5) Where an order made under this section contains a requirement in accordance with sub-section (2)(b), the Director shall cause the appropriate notice to be served on the offender as soon as possible after the order is made.

"(6) Nothing in this section shall be construed as preventing a court that makes a community service order in respect of an offence from also making an order under Part III in respect of that offence or, when the law permits -

- (a) from imposing any disqualifications on the offender; or
- (b) from cancelling or suspending a licence, permit or other authority held by the offender.

"(7) A person who feels himself aggrieved by an order made under this section may appeal against the severity of the order in the same way as if a penalty otherwise than the order had been imposed by the court.

Circum-
stances
in which
a
community
service
order may
be made

"21.(1) A court shall not make a community service order in respect of an offender unless the offender consents to the making of the order and to the terms of the order and the court -

- (a) has been notified by a Field Officer that arrangements have been or will be made for the offender to perform approved work under such an order; and
- (b) is satisfied, after considering a report from a Field Officer about the offender and his circumstances, and, if the court thinks necessary, hearing a Field Officer -
 - (i) that the offender is a suitable person to perform that work; and

- (ii) that work is approved work and, can be provided under the arrangements mentioned in paragraph (a) for the offender to carry out.

"(2) Without prejudice to any other powers that the court may exercise, where an offender is before a court for sentencing, the court may, in order to obtain any notification, report or information for the purposes of sub-section (1), adjourn the hearing of the proceedings and release the offender on bail, with or without sureties, to appear at the adjourned hearing.

"(3) Where a court proposes to make a community service order, it shall, before making the order, explain or cause to be explained to the person in respect of whom it is proposed to make the order in language likely to be readily understood by him -

- (a) the purpose and effect of the order;
- (b) the consequences that may follow if he fails to comply with the order; and
- (c) that the order may be reviewed on his application or on that of the Crown Law Officer.

"22.(1) Where a court makes a community service order in respect of 2 or more offences of which an offender has been convicted, the court shall not order the offender to carry out activities under those orders for a number of hours that, in the aggregate, exceeds 240.

Where
more than
one order
made

"(2) Where a court makes a community service order in respect of an offender and there is or are in force in respect of that offender one or more other such orders, the court shall not order the offender to carry out activities for a number of hours that would require him, after the making of the first-mentioned order, to carry out activities under that order and the previous order or orders for a number of hours that, in the aggregate, exceeds 240.

Duties of
offender
and Field
Officer
in
carrying
out order

"23.(1) An offender in respect of whom a community service order is in force -

- (a) shall perform for the number of hours specified in the order such approved work as a Field Officer directs;
- (b) shall perform that work in a satisfactory manner;
- (c) shall, while performing that work, comply with any reasonable direction of a Field Officer; and
- (d) shall inform a Field Officer of any change in his residential address.

"(2) In giving directions to an offender under sub-section (1), a Field Officer shall, so far as practicable, avoid -

- (a) any conflict with the offender's religious beliefs; and
- (b) any interference with the times (if any) at which the offender normally works or attends a school or other educational establishment.

"(3) An offender shall not be required to perform work under a community service order for more than 8 hours (exclusive of time allowed for meals) in any one day.

"24. A community service order remains in force until -

Duration
of
community
service
order

- (a) the offender has performed approved work in accordance with the order and this Part for the number of hours specified in the order;
- (b) the order is discharged pursuant to section 26; or
- (c) the offender is sentenced for the offence in respect of which the order was made.

"25.(1) An offender shall not -

Breach of
terms of
order

- (a) fail to attend as required or otherwise fail to comply with a community service order;
- (b) fail to carry out his obligations under section 23(1);
- (c) disturb or interfere with any other person working or doing anything under an attendance order or a community service order;
- (d) assault, threaten, insult or use abusive language to a Field Officer or Supervising Officer;

(e) change his address for the purpose of evading the execution of this Ordinance; or

(f) commit a breach of the regulations.

Penalty: 200 dollars.

"(2) Where a member of the Police Force has reason to suspect that an offender has committed an offence against sub-section (1), that member may, without warrant, arrest that offender.

"(3) If a member of the Police Force arrests an offender under sub-section (2), he shall, as soon as practically possible, take the offender before a justice.

"(4) The justice before whom an offender is brought in accordance with sub-section (2) may, if the community service order was made -

(a) by a court of summary jurisdiction - commit the offender to appear before a court of summary jurisdiction and either release him on bail, with or without sureties, or commit him to custody; or

(b) by the Supreme Court - commit the offender to appear before that court and either release him on bail, with or without sureties, or commit him to custody.

"(5) Where, in pursuance of sub-section (4), an offender is brought or appears before a court of summary jurisdiction or the Supreme Court, that court, if it is satisfied that an offence has been committed may, instead of imposing a penalty -

- (a) revoke the community service order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or
- (b) subject to sub-section (5) and with the offender's consent, increase the number of hours for which he is required to perform work under the order.

"(6) Where a court exercises the power referred to in sub-section (3)(a)(ii) or (4)(b), that court shall not increase the number of hours for which an offender is required to carry out activities under the order to such an extent as would require him, after the making of that increase, to perform work under the order and all other orders in force in respect of him (if any) for a number of additional hours that in the aggregate exceeds 112.

"(7) In proceedings for an offence under this section, the averment in the complaint of the prosecutor that the defendant is the person in respect of whom the relevant order was made is evidence of the matter so averred.

"(8) In any proceedings under this section, upon a complaint averring the fact referred to in sub-section (7), the person charged with the offence may be asked by the court before which he appears or is brought whether he was convicted of the offence in respect of which the relevant order was made and, if he admits that conviction, no further proof of the conviction so admitted is necessary.

"(9) It is a defence in proceedings for an offence against sub-section (1)(a) for the offender to show that the failure arose -

- (a) from his conscientious objection on religious grounds to attend; or
- (b) because of a religious obligation to attend at a place for religious worship,

at a specified time.

Review
of order

"26.(1) Where a community service order is in force and, on the application of the offender or the Crown Law Officer made to the court that made the order, it appears to that court that it would be in the interests of justice to do so, having regard to circumstances that have arisen or become known since the order was made, it may -

- (a) discharge the order;
- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which it could deal with him if it had just convicted him of that offence; or

- (c) reduce the number of hours for which the offender is required to carry out activities under the order.

"(2) Where an application is made to a court under sub-section (1) by the Crown Law Officer, the court shall summon the offender to appear before it on the hearing of the application and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

"(3) Where an application is made to a court under sub-section (1) by the offender, the court shall cause notice of the application and of the time and place fixed for the hearing to be served on the Crown Law Officer.

"(4) Without limiting the matters that a court may take into consideration in reviewing a community service order, the grounds for reviewing such an order include the fact -

- (a) that the offender is in custody on a charge for another offence;
- (b) that the offender's behaviour is such that the carrying out of the terms of the order is impossible; or
- (c) that the operation of the order offends other persons.

"27. Where an offender in respect of whom a community service order has been made is subsequently sentenced by a court for the offence in respect of which the order was made, the court, in sentencing the offender -

Order to be taken into account in sentencing

(a) shall take into account that the order was made; and

(b) may take into account anything done under the order.

Compensation
for
injury

"28.(1) An offender shall, in respect of -

(a) work performed by him under a community service order; and

(b) travelling done by him in order to perform, and in relation to, that work,

be deemed to be a workman employed by the Crown for the purposes of the Workmen's Compensation Ordinance (notwithstanding paragraph (b) of the definition of "workman" in section 6(1) of that Ordinance) and where, for the purposes of calculating the compensation payable under that Ordinance in respect of a compensable injury suffered by an offender, reference to weekly pay is necessary, the offender shall be dealt with as though he had a weekly pay equal to the estimate published by the Commonwealth Statistician of the average weekly earnings per employed male unit (or female unit in the case of a female offender) for the last preceding June quarter in the Territory.

"(2) For the purposes of sub-section (1), the Workmen's Compensation Ordinance shall be deemed to bind the Crown.

"29.(1) If it appears to a justice that there is reason to suspect that an offender - Absconding offender

(a) will leave the Territory before the expiration of; or

(b) will not comply with,

a community service order to which he is subject, the justice may issue a warrant for the offender's arrest.

"(2) On the arrest of an offender under a warrant issued under sub-section (1), he shall be brought before justices who may if the community service order was made -

(a) by a court of summary jurisdiction - remand him to another court of summary jurisdiction, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence; or

(b) by the Supreme Court - remand him in custody to be brought before that court, which may revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the court by which the order was made could deal with him if it had just convicted him of that offence.

Transportation
may be
provided
for
offender

"30.(1) The Director may provide transportation for an offender to attend at, or to travel part of the way to, the place where he is to carry out work in pursuance of a community service order.

"(2) If transportation is to be provided in accordance with sub-section (1), the Director shall give the offender such notice as is reasonable to enable him to avail himself of that transportation.

"(3) If an offender for whom transportation in accordance with this section has been provided finds, after due inquiry, no means of transportation as notified or no Field Officer to whom to report (as the case may be) he shall wait for it or him for one hour and, if, at the end of that hour, he still cannot travel or report, he is at liberty for the rest of the relevant day, and shall be deemed to have done all that was required of him under this section on that day.

"(4) Otherwise than as provided by this section, the offender shall provide transportation at his own expense to and from the place where he is to carry out work.

"(5) A report under sub-section (3) may be made by telephone.

Advisory
committees

"31.(1) The Executive Member may appoint one or more community service advisory committees for the purposes of this Part.

"(2) An advisory committee shall consist of such persons as are appointed by the Executive Member to be members of the committee.

"(3) An advisory committee shall have such powers and duties as are prescribed.

"32.(1) The Director may appoint a person to be a paid or unpaid Supervising Officer for the purposes of this Part.

Super-
vising
Officers

"(2) A Supervising Officer shall have such powers and duties as are prescribed.

"(3) A Supervising Officer may, with the prior approval of the Director, appoint a person to act in his stead on any day that he specifies, and that person, for the time for which he is so appointed, shall have the powers of a Supervising Officer.

"PART VI - MISCELLANEOUS

"33. The provisions of this Ordinance are in addition to, and do not derogate from, the provisions of any other law of the Territory.

Applica-
tion of
Ordinance

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

(a) with relation to attendance orders -

(i) prescribing the duties of Field Officers and offenders;

(ii) regulating the conduct of offenders;

- (iii) providing for the health and safety of Field Officers and offenders;
 - (iv) prescribing what effect an injury to or the illness of an offender has on an attendance order; and
 - (v) prescribing the periods to be taken into account when calculating the hours during which activities have been carried out under an attendance order; and
- (b) with relation to community service orders -
- (i) prescribing the duties of Field Officers, Supervising Officers and offenders;
 - (ii) regulating the conduct of offenders;
 - (iii) providing for the health and safety of Field Officers, Supervising Officers and offenders;
 - (iv) providing for travel and transport arrangements to be made for offenders;
 - (v) prescribing what effect an injury to or the illness of an offender has on a community service order;

- (vi) prescribing the periods to be taken into account when calculating the hours during which work has been carried out under a community service order; and
 - (vii) prescribing the powers and duties of advisory committees and regulating the holding of their meetings and the procedures they are to observe at those meetings."
-

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 <u>Crown Lands Ordinance (No. 2) 1978.</u> | Short
title |
| 2. The <u>Crown Lands Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 26(1A) of the Principal Ordinance is omitted and the following sub-section substituted: | Transfer,
&c., of
leases |
| "(1A) Subject to sub-section (1B) and sections 26A, 68HB and 68K, the consent of the Administrator is not required to the transfer or mortgage of a lease of town lands (other than a lease of town lands for church, mosque or synagogue purposes, or to the sub-letting of land or part of land subject to such a lease)." | |
| 4. Section 26A of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section: | Transfer
of leases
granted
under
section
68C |
| "(1A) Sub-section (1) does not apply so as to prevent a transfer or assignment of a lease or of an interest in a lease - | |

- (a) by operation of law or by will;
 - (b) by way of mortgage;
 - (c) by a mortgagee in pursuance of a power of sale as mortgagee;
 - (d) between the spouses; or
 - (e) between the parties to a dissolved marriage."
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Dangerous Drugs Ordinance

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

1. This Ordinance may be cited as the
Dangerous Drugs Ordinance 1978.

Short
title

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

Principal
Ordinance

3. Section 23(4) of the Principal
Ordinance is amended by omitting "or a copy
thereof as soon as practicable after its
issue" and substituting ", within 7 days of
its issue,".

Search
warrant

4. Section 24(a)(iii) of the Principal
Ordinance is amended by omitting "and" (last
occurring) and substituting "or".

Power of
police to
stop,
search and
detain

5. Section 28(1) of the Principal
Ordinance is amended by omitting paragraph
(b) and substituting the following para-
graphs:

Seizure
of drugs,
&c.

"(b) any money, valuable security or
other thing -

- (i) found in the possession of a person or at his disposal; or
 - (ii) found as the result of a search, being money, a security or thing that that member has reason to suspect was received or acquired by that person directly or indirectly as or from the proceeds or part of the proceeds of the sale of a dangerous drug, opium or a psychotropic substance;
- (ba) any acknowledgement, note or other thing -
- (i) found in the possession of a person or at his disposal; or
 - (ii) found as the result of a search, being an acknowledgement, note or thing that that member has reason to suspect -
 - (iii) entitles that person or any other person on his behalf to receive; or
 - (iv) is evidence that that person or another person on his behalf is entitled to receive,
- any money or money's worth that is the proceeds or part of the proceeds of the sale of a dangerous drug, opium or psychotropic substance;
- (bb) anything found -
- (i) in the possession of a person; or
 - (ii) as the result of a search,

that that member has reason to believe affords evidence of the commission of an offence; or".

6. Section 29 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-sections:

Forfeiture

"(2) Where a person is convicted of an offence, the court may order that any money, money's worth, security, acknowledgement, note or other thing found to relate to that offence be forfeited to the Crown.

"(3) Where moneys that are forfeited under sub-section (2) are in the possession or control of, or held at the direction of, a person other than the convicted person, that other person shall, upon production to him of a copy of the order made under that sub-section, pay the moneys forthwith to the Crown, and thereupon that other person's liability to the convicted person or any other person in relation to that money so paid shall be discharged.

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

"(4) A minute or memorandum of an order made under sub-section (2) and signed by a Judge or Justice of the court making the order may be transmitted by the court making it to the clerk of a Local Court and, upon registration of that minute or memorandum in the Local Court, has effect as though it were a judgment of that Local Court in favour of the Crown, as plaintiff, and the convicted person, as defendant.

"(5) Anything forfeited under this section shall be dealt with in such manner as the Administrator directs.

"(6) For the purposes of this section, any money, money's worth, security, acknowledgement, note or other thing shall be taken to relate to an offence -

- (a) if it was used in the commission of the offence;
- (b) if it was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a dangerous drug, opium or a psychotropic substance; or
- (c) if it entitles any person or is evidence that any person is entitled to receive any money or money's worth as the proceeds or part of the proceeds of the sale of a dangerous drug, opium or a psychotropic substance,

whether or not the money, money's worth, security, acknowledgement, note or other thing is or was at any time in the possession or control of the convicted person."

Types of
offences
and
applica-
tion

7. Section 31 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "and 30" and substituting ",29(3).and 34"; and
 - (b) by omitting sub-section (4).
-

Serial 97
Financial
Administration
and Audit
Mr Perron

THE NORTHERN TERRITORY OF AUSTRALIA
FINANCIAL ADMINISTRATION AND AUDIT BILL

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to Financial Administration and
Audit of Public Accounts

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 Short title
Financial Administration and Audit Ordinance
1978.

2. This Ordinance shall come into Commencement
operation on 1 July 1978.

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

"accountable officer" means an
accountable officer appointed by or
under section 25;

"accounting officer" means an employee of
a department who, by or under this
Ordinance or another law of the
Territory, the Treasurer's Directions
or the accounting and property manual
of a department -

(a) is charged with a duty relating to
the keeping of accounts;

(b) is charged with a duty relating to
collecting, receiving, keeping in
custody, banking or accounting for
Territory moneys or who collects,
receives, keeps in custody, banks
or accounts for Territory moneys;

(c) is charged with a duty relating to the disbursement of Territory moneys or who disburses those moneys; or

(d) is charged with a duty relating to the purchase, receipt, issue, sale, custody, control, management or disposal of, or the accounting for public property or who purchases, receives, issues, sells, keeps in custody, controls, manages, disposes of or accounts for public property;

"accounts" mean the records, however compiled, recorded or stored whether in written or printed form or on film or by electronic process or otherwise, of transactions in respect of Territory moneys or public property and includes books, documents, writings, money forms, vouchers and other recorded information of any kind from which accounts have been compiled;

"Administrator" means the Administrator of the Northern Territory acting with the advice of the Executive Council;

"Administrator of the Northern Territory" means the person for the time being appointed or acting as the Administrator of the Northern Territory;

"appropriation" means a sum of money appropriated by an Appropriation Ordinance for expenditure in a financial year or a sum of money, specified or unspecified, appropriated by another Ordinance with respect to any period of time;

"Appropriation Ordinance" includes a Supply Ordinance, an annual Appropriation Ordinance or an additional Appropriation Ordinance authorizing moneys to be issued and applied out of the Consolidated Fund in a financial year;

"audit" includes the inspection, investigation, examination or review of accounts;

"authorized auditor" means a person authorized or appointed by the Auditor-General under section 49 to perform an audit;

"bank" means a bank carrying on business under the authority of an Act of the Commonwealth of Australia or of a State or a law of the Territory;

"Consolidated Fund" means the Consolidated Fund established under section 5;

"department" means a department or other unit of administration of the Government of the Northern Territory and includes -

(a) where the case requires it, a subdepartment, branch or section of a department; and

(b) a statutory corporation other than a prescribed statutory corporation;

"departmental head" means a departmental head within the meaning of the Public Service Ordinance;

"division" means a head of expenditure specified in the schedule to an Appropriation Ordinance;

"employee" means an employee within the meaning of the Public Service Ordinance and includes -

(a) a member of the Police Force; and

(b) an employee of a statutory corporation other than a prescribed statutory corporation;

"expenditure" means the payment of Territory moneys and includes an advance, transfer, set off or deduction made within the Public Accounts;

"financial year" means the period of 12 months commencing on 1 July in a year and ending on 30 June in the following year;

"internal audit" means an appraisal activity established under section 27;

"internal control" means a system by which employees of a department, while carrying out their duties independently, provide a check on the work of other employees of that department;

"losses" include -

- (a) losses of or deficiencies in Territory moneys or public property;
- (b) losses arising out of the destruction, condemnation, obsolescence, deterioration of or damage to public property;
- (c) irrecoverable overpayments and debts;
- (d) expenditure made without lawful authority; and
- (e) losses of moneys due to failure to assess and levy revenue and other amounts receivable;

"negotiable instrument" means any instrument ordering or authorizing the payment of moneys being an instrument of a kind that may be lodged with a bank for the purpose of enabling the bank to collect moneys payable under the instrument and credit those moneys to an account with that bank and the term includes a bill of exchange, postal order, money order or promissory note;

"official bank account" means the Northern Territory Government Account or another bank account opened by the Treasurer in pursuance of section 8;

"prescribed requirements" mean requirements prescribed by or under this Ordinance or another law of the Territory, the Treasurer's Directions or the accounting and property manual of a department;

"prescribed statutory corporation" means a statutory corporation prescribed by the regulations as a statutory corporation to which Division 1 and 2 of Part IV apply;

"public property" means all property other than Territory moneys held by any person for or on behalf of the Territory;

"Public Service" means the Public Service of the Northern Territory;

"Public Service Commissioner" means the Public Service Commissioner for the Northern Territory;

"statutory corporation" means a body corporate constituted by name by an Ordinance for which a Minister of the Territory has responsibility;

"subdivision" means a separate subhead or classification of expenditure within a division;

"Territory moneys" mean moneys or negotiable instruments collected, received or held by any person for or on behalf of the Territory or held in an official bank account;

"Treasurer" means the Treasurer of the Northern Territory;

"Treasurer's Annual Statement" means the statement prepared annually by the Treasurer in accordance with section 29;

"Treasurer's Authority" means a Treasurer's Authority issued under section 17;

"Treasurer's Directions" mean the Treasurer's Directions issued under section 35;

"Treasurer's Warrant" means an instrument issued by the Treasurer under section 19;

"trust account" means an account kept within the Trust Fund;

"Trust Fund" means the Trust Fund established under section 5.

Application

4.(1) The provisions of this Ordinance other than the provisions of Divisions 1 and 2 of Part IV, section 70 and Part VI do not apply to a prescribed statutory corporation.

(2) This Ordinance shall not apply to moneys received by the Public Trustee of the Northern Territory under the Public Trustee Ordinance.

PART II - FINANCIAL ADMINISTRATION

Division 1 - The Public Accounts and other accounts

The Public Accounts

5.(1) The Treasurer shall establish and keep Public Accounts of the receipts and expenditures of the Territory which shall consist of -

(a) the Consolidated Fund; and

(b) the Trust Fund.

(2) There shall be credited to the Consolidated Fund all Territory moneys except those required or permitted by this Ordinance or any other law of the Territory to be credited into an account of the Trust Fund.

(3) Moneys shall be withdrawn from the Consolidated Fund by appropriation only.

(4) The Trust Fund shall consist of such trust accounts as are established under this Ordinance or by or under any other law of the Territory as accounts forming part of the Trust Fund.

(5) There shall be credited to each account of the Trust Fund -

- (a) all Territory moneys that are required or permitted by this Ordinance or any other law of the Territory to be paid into that account; and
- (b) all Territory moneys received for the purpose for which that account is established.

(6) Moneys shall be withdrawn from an account of the Trust Fund only for the purpose for which that account is established or for any other purpose authorized by this Ordinance or any other law of the Territory.

6.(1) The Treasurer may -

Trust accounts

- (a) open trust accounts to form part of the Trust Fund and specify the purpose for which each such account is opened; and
- (b) close a trust account not being a trust account authorized or required to be opened or kept by or under another law of the Territory.

(2) Subject to this Ordinance and any other law of the Territory if the Treasurer is satisfied at any time that there is available in any trust account a credit balance in excess of the amount reasonably required for the purposes of that account, he may direct that the whole or a part of that excess be transferred from that trust account to the Consolidated Fund.

(3) Upon the closure, of any trust account in pursuance of sub-section (1)(b), the balance standing to the credit of that account shall stand to the credit of the Consolidated Fund or such trust account as the Treasurer directs.

Departmental
accounts

7. Each accountable officer shall establish and keep, or cause to be established and kept, such departmental accounts as are required to be kept by the prescribed requirements.

Division 2 - Official Bank Accounts

Official bank
accounts

8.(1) Except as is otherwise provided by this Ordinance or another law of the Territory all Territory moneys shall be kept at a bank in accordance with the prescribed requirements.

(2) The Treasurer shall open an account at a bank under the name "Northern Territory Government Account" and may open such other accounts at such bank or banks as he sees fit.

Persons not to
open accounts

9. A person shall not, except by the authority of the Treasurer, open an account with a bank for the deposit and withdrawal of Territory moneys.

Overdraft accommo-
dation not to be
granted without
authority

10. Overdraft accommodation shall not be granted on any bank account kept pursuant to this Division except by the authority of the Treasurer.

11. All Territory moneys collected or received by an accounting officer shall be paid daily, or at such other intervals of time as the Treasurer directs, to the credit of the Northern Territory Government Account or such other bank account as the Treasurer directs.

Moneys to be
banked daily

Division 3 - Appropriation

12.(1) Every appropriation under an Appropriation Ordinance made out of the Consolidated Fund in respect of a financial year shall be available for that year only and the balance of an appropriation unexpended at the end of that year shall lapse and shall not be available in a future financial year.

Appropriations
not to be
available beyond
the year of
appropriation

(2) Subject to sub-section (1), where, after the passing of an Appropriation Ordinance, the Administrator redistributes, in whole or in part, the public business amongst departments with the consequence that a function of one department becomes a function of another department, the unexpended portion of the moneys appropriated by that Appropriation Ordinance for the services of that function (whether appropriated separately or as part of a division or sub-division) shall not lapse and may, by direction of the Administrator published in the Gazette, be available and applied for the services of the function so transferred.

(3) A direction given under sub-section (2) shall specify under headings of divisions and subdivisions -

- (a) the amounts still available for expenditure by the accountable officer of the department from which the function is transferred; and
- (b) the amounts available for expenditure by the accountable officer of the department to which the function is transferred.

(4) The Treasurer shall lay a direction given under sub-section (2) before the Legislative Assembly within 6 sitting days after publication in the Gazette.

Transfers between
divisions and
subdivisions

13.(1) Where the exigencies of the administration of government require it -

- (a) the Administrator may direct in writing that there be applied in aid of a division that may be deficient or for which no provision has been made a sum out of any saving arising in any other division; and
- (b) the Treasurer may direct in writing that there be applied in aid of a subdivision that may be deficient or for which no provision has been made a sum out of any saving arising in any other subdivision of the same division;

(2) The Treasurer shall lay a direction given under sub-section (1) before the Legislative Assembly within 6 sitting days of the making of the direction.

Treasurer's
Advance

14.(1) Expenditure in excess of an appropriation or not provided for by an appropriation may be charged to such heads as the Treasurer directs provided that the total expenditure so charged in a financial year, after deduction of amounts of repayments and transfers to heads of expenditure for which appropriation exists, shall not at any time exceed the amount appropriated for that year under the head "Advance to the Treasurer."

(2) The Treasurer shall lay before the Legislative Assembly, together with each Treasurer's Annual Statement, a statement setting out particulars of all expenditure which remains as a charge to the Treasurer's Advance for the financial year to which the Treasurer's Annual Statement relates.

15.(1) Where the Administrator is satisfied that moneys will be available from the Consolidated Fund in a financial year that will be in excess of the moneys required for the appropriations relating to that financial year, the appropriation to the Treasurer's Advance may be increased by an amount not exceeding 5 per centum of the total of appropriations provided by Appropriation Ordinances for that financial year or not exceeding the excess whichever is the lesser and the Consolidated Fund is appropriated accordingly.

Increase of
Treasurer's
Advance

(2) Where an increase in the appropriation to the Treasurer's Advance has been made under sub-section (1), the Treasurer shall lay before the Legislative Assembly within 6 sitting days a statement setting out -

- (a) the facts upon which the Administrator was satisfied that additional moneys would be available;
- (b) the amount by which the Treasurer's Advance has been increased; and
- (c) the purpose for which the additional appropriation is proposed to be charged.

Division 4 - Treasurer's Authority and Treasurer's Warrant

16.(1) The Treasurer may issue from time to time a Treasurer's Authority authorising the commitment of moneys for expenditure from the Consolidated Fund.

Treasurer's
Authorities

(2) A Treasurer's Authority may -

- (a) be a standing authority authorizing the commitment of moneys for expenditure in general terms;
- (b) be limited as to the period during which it may operate to authorize commitment of moneys for expenditure;

- (c) be limited as to the nature of the transactions in respect of which moneys may be committed for expenditure;
- (d) be limited to a particular transaction or series of transactions;
- (e) be contained in the Treasurer's Directions or in a separate instrument; or
- (f) authorize a particular accountable officer, accountable officers described in the Treasurer's Authority or accountable officers generally to commit moneys to expenditure.

Moneys to be
committed by
accountable
officer only

17.(1) Subject to this section, moneys shall not be committed for expenditure except by an accountable officer or by a person acting upon the authority of an accountable officer.

(2) An accountable officer shall not commit moneys for expenditure unless -

- (a) in the case of expenditure which will draw upon the Consolidated Fund, the transaction upon which the moneys are to be expended is covered by a Treasurer's Authority; or
- (b) in the case of expenditure which will draw upon a trust account the accountable officer is satisfied that when payment in respect of the transaction falls due there will be a credit in the trust account sufficient for the payment.

(3) The Minister to whom an accountable officer is responsible may direct the accountable officer to commit moneys for a purpose incidental to a function of that department.

18.(1) The Treasurer shall, from time to time, sign and issue to each accountable officer a Treasurer's Warrant which shall be the accountable officer's authority for authorizing expenditure from the Consolidated Fund.

Treasurer's
Warrants

(2) A Treasurer's Warrant -

- (a) shall lapse at the end of the financial year in which it is issued;
- (b) shall not be required for expenditure from a trust account;
- (c) may be amended, revoked or withdrawn at any time; and
- (d) shall not exceed the amount provided by the Appropriation Ordinances for the financial year as varied in accordance with this Ordinance.

19. Payment of moneys shall not be made from an official bank account unless -

Conditions for
withdrawal of
moneys from
official bank
accounts

- (a) an account is presented to the person appointed to withdraw moneys from the bank account by an accountable officer and the account is certified by the accountable officer to be in order for payment; and
- (b) in the case of a payment which will draw upon the Consolidated Fund, the amount of the payment does not exceed the unexpended balance of a Treasurer's Warrant or, in the case of a payment to be made from a trust account, there is a credit balance in the trust account sufficient to meet the payment.

20. Territory moneys shall be withdrawn by an accountable officer from the Northern Territory Government Account or another official bank account established by the Treasurer in accordance with the prescribed requirements only and not otherwise.

Withdrawals of
Territory moneys

Ex gratia
payments

21.(1) Notwithstanding anything contained in this Ordinance, if the Treasurer is satisfied that, by reason of special circumstances, it is proper to do so, he may direct the payment of an amount of money ex gratia.

(2) Subsection (1) does not authorise a payment of money ex gratia unless the special circumstances arose in the course of the business of the government of the Territory and unless money is lawfully available to make the payment.

Division 5 - Refunds and repayments

Withdrawal of
moneys wrongly
paid to official
bank accounts

22.(1) Moneys received and paid into an official bank account that are later ascertained to be not so payable may, with the approval of an accountable officer, be withdrawn from that bank account and paid to the person lawfully entitled thereto and shall be charged to that part of the Public Accounts to which the moneys received were credited.

(2) Payments from the Consolidated Fund in accordance with subsection (1) may be made without appropriation and without the authority of a Treasurer's Warrant.

Treatment of
moneys repaid

23. Moneys received in a financial year in repayment of expenditure -

- (a) made within that year from an appropriation authorized by an Appropriation Ordinance shall be taken in reduction of expenditure from that appropriation;
- (b) made from an appropriation other than an appropriation authorized by an Appropriation Ordinance shall be taken in reduction of expenditure from that appropriation in respect of the year in which the repayment is made; or

- (c) made from the Trust Fund, shall be taken in reduction of expenditure of the trust account from which the payment was made.

24. Payments made for the purpose of adjusting, between departments or between departments and statutory corporations, expenditure from an appropriation authorized by an Appropriation Ordinance in a financial year may be taken in reduction of similar expenditure in a subsequent financial year.

Internal adjustment between departments

Division 6 - Accountable officers

25.(1) Subject to this section, each departmental head shall be responsible for the financial administration of his department and shall be the accountable officer for that department.

Accountable officers

(2) In the case of a statutory corporation other than a prescribed statutory corporation or in any other case where the Treasurer thinks fit, the Treasurer shall appoint a person to be the accountable officer thereof.

(3) The Clerk of the Legislative Assembly shall be the accountable officer with respect to the Legislative Assembly.

(4) The Auditor-General shall be accountable officer with respect to the performance of his functions under this Ordinance or any other law of the Territory.

26. An accountable officer shall ensure -

Duties of accountable officers

- (a) that proper records of all transactions affecting his department are kept and that employees under his control observe the provisions of this Ordinance, the regulations and the Treasurer's Directions; and

- (b) that procedures within the department are such as will at all times afford a proper control over expenditures, receipts and public property.

Internal audit

27.(1) When so instructed by the Treasurer each accountable officer -

- (a) shall examine the nature and extent of the internal audit organization, if any, for his department; and
- (b) shall upon the completion of that examination make and furnish to the Treasurer a report setting out the action that is, in his opinion, necessary to be taken to ensure that an adequate internal audit organization is established and maintained for his department to assist him in the performance or discharge of the functions and duties conferred or imposed upon him by or under this Ordinance.

(2) An internal audit organization established for a department shall perform the functions and duties conferred or imposed upon it by the accountable officer and shall regularly appraise departmental financial administration and its effectiveness having regard to the functions and duties imposed upon the accountable officer.

(3) The officer in charge of the internal audit organization for a department shall report, at his discretion, to the accountable officer the result of any appraisal, inspection, investigation, examination or review made by that organization.

Division 7 - Financial Statements

28. As soon as practicable after the end of each quarter of a financial year, the Treasurer shall prepare and publish in the Gazette a statement in such form as he thinks fit, of the receipts and expenditure in respect of the Public Accounts during that quarter and during that year up to the end of that quarter.

Quarterly statements of receipts and expenditures

29.(1) The Treasurer shall, as soon as practicable after the end of each financial year, prepare a full and particular statement in detail of the expenditure of the Consolidated Fund for the financial year last past and of the Trust Fund for that year under the several trust accounts of that Fund and also of the receipts of the Consolidated Fund and the Trust Fund and shall transmit such statement to the Auditor-General.

Treasurer's Annual Statements

(2) For the purposes of this section, the statement of an amount to the next lower or to the next higher dollar shall be deemed to be a full and particular statement in detail of that amount.

30.(1) Where the Treasurer so directs and subject to any other law of the Territory, the accountable officer of a department that conducts any manufacturing, trading, commercial or other like activity or the accountable officer of a statutory corporation other than a prescribed statutory corporation shall, within 6 months immediately following the end of the financial year or such other period as the Treasurer in a particular case determines, prepare or cause to be prepared in such form as the Treasurer directs a statement of accounts in respect of the operations of that activity for that year.

Statements of accounts of commercial activities

(2) Each statement of accounts prepared in accordance with this section shall be signed and certified by the accountable officer concerned and transmitted to the Auditor-General.

(3) The Auditor-General shall audit the statement of accounts transmitted to him under sub-section (2) and shall within 3 months of the receipt thereof or within such further period as the Administrator of the Northern Territory fixes report thereon to the Minister administering the affairs of that department.

(4) The Minister referred to in subsection (3) shall lay the statement of accounts and the report of the Auditor-General thereon before the Legislative Assembly within 6 sitting days of the delivery of the report to the Minister by the Auditor-General.

Division 8 - Borrowings

Moneys raised on
public credit

31.(1) No money shall be raised upon the public credit of the Territory except under the authority of this Ordinance or another law of the Territory.

(2) The Administrator may enter into an agreement with the Commonwealth for the raising of loans by the Commonwealth for and on behalf of the Territory or for the lending or granting of moneys by the Commonwealth to the Territory for Territory purposes.

(3) Except as provided in sub-section (4), all moneys raised by or on behalf of or received by the Territory pursuant to a financial agreement with the Commonwealth or otherwise on the public credit of the Territory shall be paid into an official bank account for credit to the Consolidated Fund.

(4) Where the purpose for which the moneys raised or received under sub-section (3) must be applied is prescribed -

(a) by the Commonwealth; or

(b) in a law of the Territory authorizing the raising of such moneys,

the Treasurer may credit the moneys to a suitable account in the Trust Fund and without any other authority than this Ordinance the disbursement of such moneys is authorized for the purposes so prescribed.

(5) The Treasurer may pay such sums as may be required -

(a) to meet the expenses incurred in connection with the raising or conversion of loans by or on behalf of the Territory; or

(b) for the repayment of any loan raised for or on behalf of the Territory,

under this Ordinance or another law of the Territory and the Consolidated Fund is appropriated accordingly.

(6) In this section "expenses" includes expenses and charges incurred, payments made, interest paid, and discounts allowed to subscribers in connection with the raising or conversion of loans by or on behalf of the Territory.

32.(1) If at any time the moneys in the Northern Territory Government Account are insufficient to meet payments falling due under appropriations of the Consolidated Fund or falling due from the Trust Fund the Treasurer may make arrangements for obtaining temporary advances and the amount of any such advance so arranged shall be paid to the Northern Territory Government Account.

Temporary
advances

(2) All sums of moneys so raised by any temporary advance during any financial year pursuant to this section shall be -

(a) credited to a special account in the Trust Fund;

- (b) issued and applied solely for purposes for which the Consolidated Fund has been appropriated or for purposes for which a trust account has been established; and
- (c) repaid during the financial year in which the temporary advance was obtained.

(3) The interest on every temporary advance under this section shall be at a rate not exceeding that for the time being fixed by the Administrator and shall be chargeable upon the Consolidated Fund which is appropriated accordingly.

Division 9 - Investments

Investment of
moneys

33.(1) Subject to this Ordinance the Treasurer -

- (a) may determine, from time to time whether any, and if so, what amount of money standing at credit in the official bank account is available for investment; and
- (b) may invest that amount of money in such securities as are, from time to time, permitted under this Ordinance for such periods of time as he thinks fit.

(2) The Treasurer may make an investment referred to in subsection (1) -

- (a) in securities of or guaranteed by the Government of the Commonwealth or of the Territory or of a State;
- (b) on deposit at a bank;
- (c) on loan to any person or body that is authorized by an Ordinance to borrow money from the Treasurer, on a security on which the Treasurer may make that loan; or

(d) in such other securities as the Administrator determines.

(3) The Treasurer may make an investment authorized by this section with an approved dealer.

(4) For the purposes of sub-section (3) the expression "approved dealer" means a person who -

(a) is a dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort; and

(b) is approved by the Administrator by notice published in the Gazette.

(5) Moneys received by the Treasurer as a result of an investment made under this section shall be paid to the official bank account from which the moneys the subject of the investment were drawn and an amount received in excess of the amount of money invested shall be credited to the Consolidated Fund.

34. Payments of moneys made by the Treasurer in accordance with this Division may be made without appropriation of those moneys for the payments so made.

No appropriation
needed for
investment

Division 10 - Treasurer's
Directions and accounting and
property manuals

35.(1) The Treasurer may, from time to time prepare and issue directions to accountable officers with respect to the principles, practices and procedures to be observed in the administration of the financial affairs of the Territory and may at any time amend, vary or cancel a direction so issued.

Treasurer's
Directions

(2) Every accountable officer, every accounting officer and every employee shall, subject to this Ordinance, comply with the Treasurer's Directions.

Accounting and
property manuals

36.(1) Each accountable officer shall prepare and issue and may amend or vary, from time to time, an accounting and property manual for the use of officers of his department.

(2) Every accounting and property manual and every amendment, or variation thereof proposed and issued by an accountable officer in accordance with this Ordinance, shall comply with this Ordinance and any other law of the Territory with respect to financial administration and with the Treasurer's Directions and shall set forth in detail particulars of the financial systems of the department concerned and the forms, practices and procedures to be used or followed by accounting officers or other employees of the department in the financial administration of the department.

(3) An accountable officer shall furnish a copy of the accounting and property manual and every amendment and variation thereof prepared by him to the Auditor-General and the Treasurer.

(4) The Auditor-General may make comment on an accounting and property manual referred to him under sub-section (3) and each accountable officer shall pay due attention to any comments thereon made by the Auditor-General.

(5) The Treasurer may direct an accountable officer to amend or withdraw a procedure or instruction in an accounting and property manual referred to him under sub-section (3) and that officer shall amend or withdraw any procedures or instructions in a case where he has been directed so to do by the Treasurer.

(6) A copy of or, in an appropriate case, an extract from an accounting and property manual shall be issued by the accountable officer to each accounting officer or other employee of the department charged with the exercise or performance of a function or duty with respect to the financial administration of that department.

(7) Every accounting officer, or other employee engaged on duties in connection with the financial administration of a department shall, subject to this Ordinance, comply with the accounting and property manual prepared and issued in respect of that department.

Division 11 - Unclaimed moneys

37. Subject to any other law of the Territory, every payment of Territory moneys that is unclaimed for such period after it becomes payable as the Treasurer determines to the person entitled thereto shall be paid into the official bank account from which it was drawn and be credited to the Consolidated Fund or the trust account to which the unclaimed payment was debited.

Unclaimed moneys

PART III - AUDIT

Division 1 - The Auditor-General

38.(1) There shall be an Auditor-General for the Territory.

Appointment of
Auditor-General

(2) The Administrator of the Northern Territory shall by instrument in writing appoint a person to be the Auditor-General.

(3) The Auditor-General holds office on such terms and conditions not inconsistent with this Ordinance as the Administrator of the Northern Territory determines.

(4) A person who is appointed to be the Auditor-General ceases to hold office on the day on which he attains the age of 65 years.

(5) The Auditor-General may resign his office by writing signed by him and delivered to the Administrator of the Northern Territory.

(6) In the case of illness, incapacity, suspension or absence of the Auditor-General, the Administrator of the Northern Territory may, upon such terms as he thinks fit, by instrument in writing appoint some other person to act as the Auditor-General during such illness, incapacity, suspension or absence.

(7) A person appointed under sub-section (6) shall, for the time for which he so acts, have all the powers and perform all the duties of the Auditor-General.

Salary of
Auditor-General

39. The Auditor-General shall be paid salary at such rate, and an annual allowance at such rate and such other allowances as the Administrator of the Northern Territory determines and the Consolidated Fund is appropriated accordingly.

Leave of absence
of Auditor-
General

40. The Administrator of the Northern Territory may grant leave of absence to the Auditor-General upon such terms and conditions as to salary or otherwise as the Administrator of the Northern Territory determines.

Retirement,
suspension and
removal from
office of Auditor-
General

41.(1) The Administrator of the Northern Territory may, with the consent of the Auditor-General, retire the Auditor-General on the ground of invalidity.

(2) The Administrator of the Northern Territory may suspend the Auditor-General from office for misbehaviour or physical or mental incapability.

(3) The Chief Minister shall lay a statement of the ground of suspension before the Legislative Assembly within 6 sitting days of the Assembly after the suspension.

(4) Where a statement has been laid before the Legislative Assembly under sub-section (3), the Assembly may, within 6 sitting days of the Assembly by resolution, declare that the Auditor-General ought to be restored to office and, if the Assembly so resolves, the Administrator of the Northern Territory shall terminate the suspension.

(5) If, at the expiration of 6 sitting days of the Legislative Assembly, the Assembly has not passed a resolution under sub-section (4), the Administrator of the Northern Territory shall remove the Auditor-General from office.

(6) The Auditor-General shall not be removed from office except as provided by this section.

(7) The period during which the Auditor-General is suspended from office under this section shall be deemed to be a period of absence on leave with salary.

42. Where an employee of the Public Service is appointed to be the Auditor-General, he shall while holding that office retain any rights and privileges accrued or accruing to him under the Public Service Ordinance as if his service as Auditor-General were a continuation of his service as an employee of the Public Service and those rights and privileges shall continue to accrue to him during his tenure of office as Auditor-General as if he had remained an employee of the Public Service.

Saving of rights
under Public
Service Ordinance

43. The Auditor-General shall not during his continuance in that office be capable of being a member of -

Auditor-General
not to be a
member of certain
bodies

- (a) the Executive Council of the Commonwealth or of any State or Territory of the Commonwealth; or

- (b) the legislature of the Commonwealth or of any State or Territory of the Commonwealth.

Misbehaviour of
Auditor-General

44. The Auditor-General shall be deemed to have been guilty of misbehaviour -

- (a) if he directly or indirectly engages in any paid employment outside the duties of his office or any other office to which he is appointed by virtue of his office as Auditor-General or in any trade or business except as a member of a body corporate;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (c) if, except on leave granted by the Administrator of the Northern Territory, he absents himself from duty for 14 consecutive days or for 28 days in any 12 months.

Auditor-General
to make a
declaration

45. Before a person first enters upon the functions or duties or exercises the powers or authorities vested in the Auditor-General by this Ordinance, he shall make and subscribe before the Administrator a declaration in the form contained in the Schedule.

Transitional
provision

46.(1) Pending the appointment of an Auditor-General under section 38 the Administrator of the Northern Territory may appoint the Auditor-General for the Commonwealth of Australia to be the Auditor-General for the Northern Territory.

- (2) An appointment under sub-section (1) -

- (a) is subject to such terms and conditions as may be agreed between the Administrator of the Northern Territory and the Auditor-General for the Commonwealth of Australia notwithstanding any inconsistency between the terms and conditions and this Ordinance; and;
- (b) is terminated upon the appointment of an Auditor-General under section 38.

Division 2 - Audits

47.(1) Subject to this Ordinance, the Auditor-General shall audit the Public Accounts and other accounts in such manner as he thinks fit having regard to the character and effectiveness of the internal control and recognised professional standards and practices.

Duties of
Auditor-General

(2) Every audit under sub-section (1) shall be performed at such times as the Auditor-General thinks fit but once in each year at the least.

(3) Notwithstanding sub-section (2), the Auditor-General may, in any year, dispense with the audit of any unit of administration.

(4) The Auditor-General shall, where he dispenses with an audit in accordance with this section, report thereon (including a statement of the reason for the dispensation) in his report prepared under section 57.

48.(1) The Auditor-General may prepare a report on any audit performed by him or an authorized auditor.

Auditor-General's
reports

(2) A report prepared under sub-section (1) shall be forwarded to the appropriate accountable officer and may be forwarded to the Minister or the Treasurer.

(3) The accountable officer shall pay due attention to any comments made by the Auditor-General in a report under this section.

Authorized
auditors

49. The Auditor-General may appoint, in writing, a person to be an authorized auditor.

Duties of
authorized
auditor

50. The Auditor-General may by writing under his hand direct an authorized auditor to perform any audit that is required by this Ordinance or another law of the Territory to be performed by the Auditor-General and to report thereon to him and an authorized auditor to whom such a direction is given shall comply therewith.

Access to accounts
to be afforded for
audit purposes

51. (1) Without prejudice to the powers conferred by any other provision of this Ordinance, the Auditor-General or an authorized auditor shall, at all reasonable times, have full and free access to all accounts and records required by the prescribed requirements to be kept and to Territory moneys or public property that are in the possession of any person and may make copies of or extracts from those accounts and records.

(2) A person who has in his possession any accounts referred to in sub-section (1), Territory moneys or public property shall, at all reasonable times, upon request by the Auditor-General or an authorized auditor, produce to him such accounts, records, moneys or property as are specified in the request.

Production of
books, accounts,
etc.

52. The Auditor-General may by notice in writing signed by him require a person named in the notice to appear personally before him at a time and place named in the notice and produce to him such accounts, books, documents or writings in the possession or under the control of that person as appear to him to be necessary for the purposes of an audit authorized or required to be made by the Auditor-General by this Ordinance or another law by the Territory.

53.(1) The Auditor-General or an authorized auditor may require an accountable officer, accounting officer or other employee of a department to furnish to him such information, advice or explanation as he thinks necessary with respect to an audit and a person so required shall furnish the information, advice or explanation required to be furnished.

Information and explanations to be afforded

(2) The Auditor-General or an authorized auditor may at any time cause a search to be made of and extracts taken from an account, document or record in the custody of a department without payment of a fee.

54. The Auditor-General or an authorized auditor may require the manager or other officer of a bank in which Territory moneys have been deposited to permit him to make copies of or extracts from any bank account relating to those moneys in the custody of that bank including any account or record relating to an entry in that bank account and to furnish such certificates or other information as the Auditor-General or the authorized auditor requires.

Bank officers to give access to accounts

55. The Auditor-General and every authorized auditor shall preserve secrecy with respect to all matters and things that come to their knowledge in the exercise or performance of their powers, authorities, functions or duties under this Ordinance and shall not, except in the course of their duty, communicate to any person any such matter or thing.

Secrecy to be observed

56. The Auditor-General -

Supplementary reports

- (a) may, whenever he considers it expedient to do so, discharge his duty to prepare and sign a report by preparing and signing a report, and as soon as practicable thereafter, a report or reports supplementary to that report; or

- (b) may at any time make a special report to the Legislative Assembly on any matter or thing arising out of an audit to which, in his opinion, attention should be drawn.

Division 3 - Auditor-General's annual report

Audit of
Treasurer's
Annual Statement

57. The Auditor-General shall upon receipt of the Treasurer's Annual Statement audit the Statement and prepare and sign a report to the Legislative Assembly on his audit.

Transmission of
report to
Legislative
Assembly

58. The Auditor-General shall cause a signed copy of a report under section 57 to be tabled in the Legislative Assembly within 6 sitting days of the Assembly from the date of the report.

PART IV - ACCOUNTS AND AUDIT OF
CERTAIN STATUTORY CORPORATIONS AND
OTHER BODIES

Division 1 - General

Trust account for
statutory corpora-
tions

59.(1) The Treasurer shall establish an account or accounts within the Trust Fund for each prescribed statutory corporation for purposes consistent with the powers and functions of the prescribed statutory corporation under the Ordinance by which the prescribed statutory corporation is constituted.

(2) The trust accounts established under this section shall form part of the Trust Fund established by section 5.

(3) The provisions of section 6 do not apply to trust accounts established under this section.

Variation of
trust account
purposes

60.(1) Where the powers and functions of a prescribed statutory corporation are varied by an amendment of the Ordinance or regulations under which the prescribed statutory corporation is constituted, the Treasurer may

vary in a like manner the purposes of the relevant trust account or trust accounts established under section 59.

(2) The balance standing to the credit of a trust account immediately before its purposes are varied under sub-section (1) shall be the opening balance standing to the credit of the trust account as varied.

61. Subject to section 60, a trust account established under section 59 shall not be closed nor moneys represented by the balance standing to its credit at the time of closure disposed of other than as provided by an Ordinance other than this Ordinance.

Closure of trust
accounts

62.(1) Subject to this section a prescribed statutory corporation shall not make any investment.

Conditions on
which statutory
corporations may
invest

(2) The Administrator may make regulations authorizing a prescribed statutory corporation to make investments.

(3) A prescribed statutory corporation which is authorized to invest under sub-section (2) may invest in a class of investment -

(a) approved by the Treasurer; and

(b) permitted by or under section 33.

(4) Moneys received as a result of an investment made under this section shall be paid to the official bank account from which the moneys the subject of the investment were drawn for credit to a trust account established for the prescribed statutory corporation under section 59.

63.(1) A prescribed statutory corporation shall prepare estimates, in such form as the Minister for the time being administering the Ordinance that constitutes the prescribed statutory corporation directs, of its receipts and expenditures for each financial

Estimates

year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs.

(2) Moneys shall not be expended by a prescribed statutory corporation in the performance of its functions except in accordance with estimates of expenditure approved by the Minister referred to in sub-section (1).

Division 2 - Accounts and Audit of
certain Statutory Corporations

Payment of
moneys into and
from Northern
Territory Govern-
ment Account

64.(1) A prescribed statutory corporation shall pay all moneys received by it into an official bank account established by the Treasurer pursuant to section 8 for credit to a trust account established by the Treasurer pursuant to section 59.

(2) All payments by a prescribed statutory corporation shall be by cheque drawn on an official bank account established by the Treasurer pursuant to section 8 and shall be charged to a trust account established by the Treasurer pursuant to section 59 but no such payment shall be made unless moneys sufficient for the payment stand to the credit of the relevant trust account.

(3) The Treasurer shall make such arrangements as are necessary with a prescribed statutory corporation for the recording and processing of the receipts and payments of a prescribed statutory corporation in the official bank account and the relevant trust accounts.

(4) Nothing in this section authorizes the Treasurer to issue directions to a prescribed statutory corporation in respect of the exercise of its functions and duties under the Ordinance that constitutes the prescribed statutory corporation.

65. A prescribed statutory corporation shall cause to be kept proper accounts and records of its transactions and affairs in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the property of, or in the custody of the prescribed statutory corporation and over the commitment of money by the prescribed statutory corporation.

Proper accounts
to be kept

66.(1) The Auditor-General shall inspect and audit the accounts and records of a prescribed statutory corporation and shall forthwith draw the attention of the Minister for the time being administering the Ordinance that constitutes the prescribed statutory corporation to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

Audit

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

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

(4) The Auditor-General or an authorized auditor is entitled at all reasonable times to full and free access to all accounts and records of a prescribed statutory corporation and to make copies of, or take extracts from, any such accounts or records.

(5) The Auditor-General or an authorized auditor may require a person to furnish him with such information in the possession of the person or to which the person has access,

as the Auditor-General or authorized auditor considers necessary for the purposes of the functions of the Auditor-General under this Division, and the person shall comply with the requirement.

Annual report and
financial state-
ments

67.(1) A prescribed statutory corporation shall within 6 months immediately following the end of the financial year or within such other period of time as the Treasurer determines, prepare for submission to the Minister for the time being administering the Ordinance that constitutes the prescribed statutory corporation a report of its operations during that financial year, together with financial statements in respect of that year in such form as the Treasurer approves.

(2) Before submitting financial statements referred to in sub-section (1) to the Minister, the prescribed statutory corporation shall submit them to the Auditor-General, who shall, within 3 months of his receipt of each financial statement or within such further period as the Administrator of the Northern Territory allows, report to the Minister -

(a) whether, in his opinion -

- (i) the statements are based on proper accounts and are in agreement with the accounts and have been properly drawn up so as to present a true and fair view of the transactions for the financial year of the prescribed statutory corporation and the financial position of the statutory corporation at the end of that year; and
- (ii) the receipt and expenditure of moneys and the acquisition and disposal of property by the prescribed statutory corporation during the year have been in accordance with the Ordinance that constitutes the prescribed statutory corporation; and

- (b) such other matters and things arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The appropriate Minister shall cause a copy of the report and financial statements referred to in sub-section (1) together with a copy of the report of the Auditor-General to be laid before the Legislative Assembly within 6 sitting days after their receipt by the Minister.

Division III - Miscellaneous

68.(1) In this Division -

Definition of
"body"

"body" includes -

- (a) an incorporated company -
 - (i) in which the Territory has an interest; or
 - (ii) in which a statutory corporation has an interest;
- (b) an incorporated company that is related to a company referred to in paragraph (a); and
- (c) the trustee or trustees of a trust, or an organisation, association, society (whether incorporated or not) or person to which or to whom a grant or loan of money has been made by the Territory for the carrying out of its objects or a purpose;

"accounts of a body" means, in the case of the trustee or trustees of a trust, the accounts and records of the trustee or trustees relating to the trust.

(2) For the purposes of this Division -

(a) the question whether companies are related to each other shall be determined in the same manner as the question whether two corporations are related to each other is determined under the Companies Ordinance;

(b) the Territory shall be deemed to have an interest in an incorporated company -

(i) if any stock or shares in the capital of the company is or are beneficially owned by the Territory, or

(ii) in the case of a company limited by guarantee, if the Territory, or a nominee for the Territory is a member of the company; and

(c) a statutory corporation referred to in sub-paragraph (ii) of paragraph (a) of the definition of 'body' in sub-

section (1) shall be taken to have an interest in an incorporated company -

(i) if any stock or shares in the capital of the company is or are beneficially owned by that statutory corporation; or

(ii) in the case of a company limited by guarantee, if that statutory corporation, or a nominee for that statutory corporation, is a member of that company.

Audits etc., by
arrangement

69.(1) The functions of the Auditor-General under this Ordinance extend to the carrying out, at the discretion of the Auditor-General, of an audit of the accounts of a body, not being a prescribed statutory corporation -

- (a) where a Minister requests the Auditor-General to carry out the audit and arranges with the body for its accounts to be made available for the purpose; or
- (b) in accordance with an arrangement made under sub-section (2).

(2) The Auditor-General may, at the request of a Minister, make an arrangement with a body, not being a prescribed statutory corporation, for the carrying out by the Auditor-General of the audit of the accounts of the body, and may, with the consent of the Minister, vary or revoke such an arrangement.

(3) An arrangement made under sub-section (2) with a body may include provision for the payment of a fee by the body to the Northern Territory Government in respect of the carrying out of an audit to which the arrangement relates.

70.(1) Where the Auditor-General carries out, whether under this Part or otherwise, an audit of the accounts of a prescribed statutory corporation or any other body -

Audit fees

- (a) determined by the Treasurer to be a body to which this section applies; or
- (b) included in a class of bodies determined by the Treasurer to be a class of bodies to which this section applies,

or reports to a Minister concerning the financial statements of such a body, there are payable by that body to the Territory in respect of the audit, or of the giving of the report, fees and charges in accordance with a scale of fees and charges determined by the Auditor-General in a manner approved by the Treasurer, being a scale applicable to that body.

(2) The Treasurer may exempt a body included in a class of bodies referred to in sub-section (1) (b) from the payment of fees and charges under sub-section (1).

(3) Notwithstanding sub-section (1), the Treasurer may, in respect of a particular body, remit the whole or a part of the fees and charges that would, but for this sub-section, be payable by the body under sub-section (1).

PART V - GENERAL PROVISIONS

Treasurer to be
corporation sole

71.(1) For the purposes of this Ordinance, the Treasurer and his successors in office shall be a corporation sole by the name of "The Treasurer of the Northern Territory" and by that name shall have perpetual succession and an official seal and, subject to this Ordinance, shall be capable in law of suing and being sued.

(2) All courts and persons acting judicially shall take judicial notice of the official seal and, until the contrary is proved, shall assume that it was duly fixed to any document on which it appears.

Losses and
waivers

72.(1) The Treasurer has power to write off -

- (a) losses or deficiencies of Territory moneys;
- (b) irrecoverable amounts of revenue;
- (c) irrecoverable debts and overpayments; and
- (d) the value of lost, deficient, condemned, unserviceable, abandoned or obsolete public property.

(2) The Treasurer has power -

- (a) to waive the right of the Territory -

(i) to the payment of an amount, or of an amount included in a class of amounts payable to the Territory; or

(ii) to the recovery by the Territory of any public property or of public property included in a class of public property;

(b) to postpone the right (whether arising under a law of the Territory or otherwise) to payment of a debt payable to the Territory in priority to another debt or to all other debts included in a class of debts; and

(c) subject to the regulations, to dispose of public property by way of gift where he is satisfied that that course is the most appropriate action to be taken with respect to a unit of public property.

(3) The power conferred by sub-section (2) is in addition to and does not derogate from, any other power conferred on the Treasurer by another law of the Territory.

73.(1) In this section the term "person" includes -

Agency arrangements

(a) the Commonwealth of Australia, or a department thereof;

(b) the Government of a State or Territory of the Commonwealth or Australia, or a department thereof;

(c) a statutory corporation or another corporation or authority constituted under an Act or law of the Commonwealth or of a State or Territory of the Commonwealth;

(d) a local authority or a municipal or other local governing body of a State or Territory of the Commonwealth; and

(e) a body corporate.

(2) The Treasurer may enter into arrangements with a person for the performance by that person of a function or duty with which an accountable officer is charged under this Ordinance, or another law of the Territory upon such terms and conditions as are agreed upon and are not inconsistent with this Ordinance or another law of the Territory.

(3) The Treasurer may enter into arrangements for the performance by the Territory of a function or duty of a person upon such terms and conditions as are agreed upon and are not inconsistent with this Ordinance or another law of the Territory.

Recovery of
moneys and value
or property

74.(1) Where there occurs a loss of or deficiency in -

(a) Territory moneys that have been advanced to an employee of a department; or

(b) Territory moneys while those moneys are under the control of an employee of a department within the meaning of this section,

that loss or deficiency shall be a debt due to the Territory and may be recovered from the employee by action in a court of competent jurisdiction.

(2) Where an employee defends an action brought under sub-section (1) the plaintiff is entitled to judgment if, in the absence of proof to the contrary, he proves -

(a) that the defendant was an employee of a department;

(b) that the money the subject of the action was under the control of the defendant; and

- (c) that the defendant converted the money to his own use or was guilty, by act or omission, of culpable negligence in relation to the control he exercised over the money.

(3) Where loss or destruction of or damage to public property occurs while the property is in the care of a department within the meaning of this section, the value of the property lost or destroyed or, as the case may be, the cost of repairing the damage to that property shall be a debt due to the Territory and may be recovered by action in a court of competent jurisdiction brought against -

- (a) the employee in whose care the property was at the material time; or
- (b) another employee who by his culpable negligence or misconduct causes or contributes to the loss or destruction of or damage to the property.

(4) Where an employee defends an action brought under sub-section (3) the plaintiff is entitled to judgment if, in the absence of proof to the contrary, he proves -

- (a) that the defendant was an employee of a department; and
- (b) that the defendant converted the property to his own use or by his culpable negligence caused or contributed to the loss or damage of the property.

(5) Where the negligence or misconduct of an employee of a department was not the sole cause of the loss or destruction of or damage to the property, the Territory may recover from the employee so much only of the loss or damage as is just and equitable having regard to the contribution made by the employee to the loss, destruction or damage as determined by the court.

(6) In this section a reference to an employee of a department includes a reference to a person who has been such an employee.

(7) For the purposes of this section -

(a) Territory moneys shall be taken to be under the control of an employee of a department if the moneys have been collected or received by or have come into the custody of the employee but have not been paid to another person or to the credit of a bank account as required by the prescribed requirements; and

(b) public property shall be taken to be in the care of an employee of a department if the property -

(i) has been delivered to the employee; and

(ii) has not been returned to a person or delivered to another person entitled to receive it on behalf of the Territory.

(8) The provisions of this section do not affect a right of the Territory to recover an amount from an employee otherwise than under this section but the Territory shall not recover amounts from the one employee both under this section and otherwise than under this section, in respect of the same loss, deficiency, destruction or damage.

Offences

75.(1) A person who contravenes or fails to comply with any provision of this Ordinance commits an offence against this Ordinance.

(2) Where a penalty is not otherwise expressly provided, a person who commits an offence against this Ordinance is liable to a penalty of \$400.

76. A prosecution for an offence against this Ordinance may be brought in a court of summary jurisdiction within 6 months after the commission of the offence comes to the knowledge of an accountable officer.

Prosecutions

77.(1) The Administrator may make regulations not inconsistent with this Ordinance for or in respect of all matters required or permitted by this Ordinance to be prescribed and all matters that are necessary or convenient to be prescribed for the carrying out of the provisions of this Ordinance and in particular for or in relation to -

Regulations

- (a) the making of accountable advances chargeable to a fund or account of the Public Accounts in respect of which the advance is made and the keeping of such accounts as are necessary to record transactions involving the expenditure of those advances;
- (b) the collection, receipt, custody, issue, expenditure, due accounting for and the care and management of all Territory moneys and the guidance of all persons concerned therein;
- (c) the more effectual record, examination, inspection and departmental check of all receipts and expenditures and the keeping of all necessary accounts and records;
- (d) the forms for records and documents required under the provisions of this Ordinance or the regulations;
- (e) the execution of works and the supply of services for or on behalf of the Territory;
- (f) the purchase of goods and other property for or by the Territory;

- (g) the custody, issue, sale or other disposal and writing off of public property and the proper accounting for and stocktaking of that property; and
- (h) the disposal of unclaimed property found on premises or in an aircraft, vessel, vehicle, container or receptacle under the control of a department.

(2) The regulations may make provision for and in relation to -

- (a) the collection, receipt, custody, expenditure, care and management, outside Australia, of Territory moneys and the due accounting for those moneys;
- (b) the keeping of accounts and records and the provision of statements, returns and vouchers in respect of the matters referred to in paragraph (a);
- (c) the execution of works and the supply of services outside Australia for or by the Territory;
- (d) the purchase, outside Australia, of goods and other property for or by the Territory;
- (e) the custody, issue, sale or other disposal and writing off of public property and the proper accounting for and stocktaking of that public property; and
- (f) the inspection and examination by a person other than the Auditor-General and the departmental checking of books, accounts, statements, returns, records and vouchers prepared and kept outside Australia in respect of Territory moneys and public property.

(3) Notwithstanding sub-section (1) regulations made in accordance with sub-section (2) may contain provisions inconsistent with the provisions of this Ordinance other than the provisions of Part III and, to the extent that they are inconsistent with any such provision, shall have effect notwithstanding that provision.

78.(1) Subject to this section where a power or function is conferred by this Ordinance, including a power or function conferred by the regulations, on a person (whether by reference to an office or otherwise) the power may be exercised or the function performed by the authority of that person.

Delegation

(2) A power or function may not be exercised by the authority of a person under sub-section (1) unless that authority is evidenced in a written instrument.

(3) Authority may be conferred in pursuance of sub-section (1) on a named person or on the person for the time being holding acting in or performing the duties of a named office designation or position.

(4) A written instrument conferring authority on a person in pursuance of this section may be revoked, rescinded, altered or amended at any time by the person conferring the authority.

(5) The conferring of authority by a written instrument under this section does not prevent the exercise of the power or the performance of the function by the person conferring the authority or by another person upon whom authority relating to the same power or function is conferred.

(6) A conferring of authority under this section may be made subject to such conditions as are set out in the written instrument evidencing the authority.

(7) This section does not apply to -

- (a) the power to make regulations;
- (b) a power related to the investigation or detection of offences or unlawful acts; or
- (c) a power to delegate a power or function.

Annual reports
of statutory
corporations

79. The Minister for the time being administering the Ordinance that constitutes a statutory corporation may require a statutory corporation, not being a prescribed statutory corporation, to prepare and forward to him within such period as the Minister requires a report on the activities of the statutory corporation for a financial year or such other period as the Minister may stipulate.

PART VI - TRANSITIONAL PROVISIONS

Statutory
corporations to
remit moneys to
Northern Territory
Government Account

80. Within 30 days after the commencement of this Ordinance a statutory corporation shall transfer to the Northern Territory Government Account all moneys held by the statutory corporation in a bank account except such moneys as are required to provide for the payment of unrepresented or outstanding cheques and negotiable instruments.

Statutory corpor-
ations to close
investments

81.(1) Where, at the date of the commencement of this Ordinance, a statutory corporation has moneys invested which are repayable at the end of a period of time, it may maintain the investment until its maturity and, upon redemption or maturity, shall pay the amount of the investment and any interest earned by the investment into the Northern Territory Government Account for credit to the trust account established for that corporation;

(2) Where, at the date of the commencement of this Ordinance, a statutory corporation has moneys invested at call, it shall within 30 days of the commencement of the Ordinance

call up the moneys and pay the amount of the investment and the interest earned by the investment into the Northern Territory Government Account for credit to the trust account established for that corporation;

(3) Where, at the date of the commencement of this Ordinance, a statutory corporation has moneys invested upon terms which provide for reinvestment, without further instruction by the statutory corporation, of the moneys at the end of the period of investment current on the date of commencement of this Ordinance, it shall, before the date of the maturity of the investment but not later than 7 days after the date of the commencement of this Ordinance, direct the person with whom the investment is made that, at the end of the current period of investment, no reinvestment of the moneys shall be made.

82. Where, after the date of the commencement of this Ordinance, a payment is required to be made or an expenditure committed with respect to which the provisions of this Ordinance would have required an authority to be given or a procedure to be followed at a time which, in the ordinary course of events, would have been prior to the date of the commencement of this Ordinance, it shall be sufficient if a like authority was given or a like procedure was followed in relation to that payment or that commitment prior to the commencement of this Ordinance.

Previous
authorities and
procedures to
suffice

THE SCHEDULE

Section 45(1)

I, _____ do solemnly and sincerely promise and declare that according to the best of my skill and ability I will faithfully impartially and truly execute the office and perform the duties of Auditor-General (or as the case may be) according to law.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Housing 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>Housing Ordinance</u> 1978. | 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 1 July 1978. | Commencement |
| 4. Section 3 of the Principal Ordinance is repealed. | Repeal of section 3 |
| 5. Section 4(1) of the Principal Ordinance is amended - | Interpretation |
| (a) by inserting in the definition of "dwelling" after "Commission" the words "or a dwelling in the control of the Commission as agent for the purposes of Part IIIB"; and | |
| (b) by omitting from the definition of "eligible person" the words "and is not an officer within the meaning of the <u>Public Service Act 1922-1958</u> or the <u>Public Service Ordinance</u> ". | |

Constitution of
Commission

6. Section 6(4)(b) of the Principal Ordinance is amended by omitting "Administrator's" and substituting "Minister's".

7. Section 12 and 13 of the Principal Ordinance are repealed and the following sections and Part are substituted:

Functions of
Commission

"12. Subject to this Ordinance, the functions of the Commission are -

- (a) to provide and to assist in the provision of residential accommodation; and
- (b) to provide accommodation, residential, office, industrial or other, for the Commonwealth and the Territory for public purposes.

Powers of
Commission

"12A.(1) The Commission has power to do all things necessary or convenient to be done for or in connexion with the performance of its functions and the exercise of its powers.

"(2) Without limiting the generality of sub-section (1), the Commission may, for the purpose of carrying out its functions and exercising its powers -

- (a) purchase or otherwise acquire real or personal property;
- (b) prepare sites for building;
- (c) build on land, including land held by a private person;
- (d) repair, alter, extend, renovate, equip, furnish or otherwise affect premises;
- (e) let premises;
- (f) sell dwellings that are detached single residential units;

- (g) maintain, manage and control premises;
- (h) provide financial and other assistance for the acquisition of land or buildings for accommodation, and for building, repairing, altering, extending, maintaining, renovating, equipping, furnishing or otherwise affecting premises for accommodation;
- (i) act as agent for the Commonwealth or the Territory in administering housing schemes for either of those Governments;
- (j) manufacture or otherwise produce its own materials;
- (k) construct or otherwise acquire, with the approval of the Minister, and maintain premises for its own immediate or future office or industrial requirements;
- (m) construct or otherwise acquire, with the approval of the Minister, and control, manage and maintain premises for the immediate or future needs of the Government of the Commonwealth or the Territory; and
- (n) sell, lease or otherwise dispose of real or personal property, including any part of premises referred to in paragraphs (k) and (m) that is then surplus to its own, the Commonwealth's or the Territory's needs.

"(3) Except in accordance with section 13A or 13AA or Part IIIA, IIIB or IIIC, the Commission shall not sell real or personal property, other than building materials, unless the sale is made either by public auction or after inviting public tenders for the purchase of the property.

Minister-
ial
control

"12B. In the exercise of its powers and the performance of its functions, the Commission is subject to the directions of the Minister.

Power of
Commission
to enter
land and
take prop-
erty of
Commission

"12C.(1) Where any property of the Commission is upon any land either not leased to the Commission or leased to the Commission and in occupation by some other person, the Commission may, by such agents, servants and workmen as it thinks necessary for the purpose, enter upon and remove its property from that land, and, for the purpose of such removal, utilize any road, railway, tramway or other facility of transport upon the land.

"(2) The owner or lessee or person in occupation of any land entered upon in pursuance of this section shall be entitled to such amount by way of compensation in respect of any damage suffered by him in respect of the entry or use of facilities of transport as is mutually agreed upon, or in default of agreement, as is determined by arbitration in accordance with the law of the Territory.

Tenant to
be respon-
sible for
mainten-
ance of
dwelling

"12D. The tenant of a dwelling is responsible for maintaining the dwelling and its equipment in the state of repair that, in the opinion of the Commission, it was in when that person became the tenant of that dwelling or as improved from time to time by the Commission, fair wear and tear, and damage by, or arising out of, fire, storm and tempest, flood or earthquake excepted.

"PART IIA - FINANCES OF THE COMMISSION

Advances
by the
Treasurer

"12E.(1) The Commission may accept an offer by the Treasurer to advance moneys for the provision of dwellings by the Commission on terms that -

- (a) in respect of each dwelling acquired out of the advance for letting by the Commission to an eligible person -

(i) where the dwelling is situate within the town of Alice Springs or is situated elsewhere than in the town of Alice Springs and was acquired before 3 July 1962 - an amount of 1,000 dollars; and

(ii) where the dwelling is situate elsewhere than in the town of Alice Springs and was acquired on or after 3 July 1962 - an amount of 2,000 dollars,

shall not be repaid and shall not bear interest unless the dwelling is sold under section 13A;

(b) the amount of the advance, or if the term referred to in paragraph (a) is applicable in respect of one or more dwellings by which an amount or amounts of the advance shall not be repaid and shall not bear interest, the remainder of the amount of the advance, shall be repaid in equal annual instalments of principal and interest, but so that the whole of the advance, or the remainder, as the case may be, and interest on it will be repaid in 53 years computed from the beginning of the financial year next succeeding the financial year in which the advance was made, the first instalment being payable on or before the end of the financial year next succeeding the financial year in which the advance was made;

(c) the amount of the advance, or the remainder, as the case may be, shall bear interest, from the date on which it is made -

(i) at such rate as the Treasurer from time to time determines; or

- (ii) where the Treasurer has not determined a rate, at a rate that is one per centum less than the long term bond rate;
- (d) on 31 December or 30 June of the financial year during which the advance is made the Commission shall pay to the Commonwealth the interest which has accrued up to that 31 December or 30 June, as the case may be, on the advance during that financial year; and
- (e) when a dwelling is sold by the Commission under section 13A and the term referred to in paragraph (a) in respect of the dwelling is applicable in respect of the dwelling by which an amount of the advance shall not be repaid and shall not bear interest, an additional amount of 1,000 dollars if the dwelling is situate within the town of Alice Springs, or is situated elsewhere than in the town of Alice Springs and was acquired before 3 July 1962, or 2,000 dollars if the dwelling is situated elsewhere than in the town of Alice Springs and was acquired on or after 3 July 1962 -
- (i) shall be repaid by equal annual instalments of principal and interest so that the additional amount, together with interest on it as from the date of the sale of the dwelling, will be repaid in 53 years computed from the beginning of the financial year next succeeding the financial year in which the dwelling is sold, the first instalment being payable on or before the end of the financial year next succeeding the financial year in which the dwelling is sold; and

(ii) shall bear interest from the date on which the dwelling is sold -

(A) at such rate as the Treasurer from time to time determines; or

(B) where the Treasurer has not determined a rate, at a rate that is one per centum less than the long term bond rate.

"(2) The Commission may accept an offer by the Treasurer to advance moneys for the provision of dwellings by the Commission on terms as to repayment and rate of interest other than the terms specified in sub-section (1), if the Minister directs it to accept the offer but not otherwise.

"(3) In this section -

'dwelling' includes the right to a lease of the land on which the dwelling is situated;

'the long term bond rate' means the interest rate per annum payable in respect of the Commonwealth securities having a currency of not less than 5 years being offered in Australia for public subscription at the date the advance is made or, if none is being offered at that date, the interest rate per annum payable in respect of such securities last so offered prior to that date; but where the securities are or were being offered simultaneously for various currencies, each of not less than 5 years, the long term bond rate means the interest rate per annum payable in respect of those securities having the longest currency.

Advance
for rent
rebates

"12F. The Commission may accept an offer by the Treasurer to advance moneys in any financial year for the purpose of granting rebates of rents for dwellings as provided by section 26A upon terms that the amount of the advance is not repayable and shall not bear interest.

Advance
for reduc-
ing
economic
rents

"12G. The Commission may accept an offer by the Treasurer to advance moneys in any financial year for the purpose of the fixation of the economic rents of dwellings under Part III being an advance offered to offset the higher annual repayments of principal and interest payable by the Commission by reason of a determination under section 12E(1)(c)(i) of an interest rate that is higher than the rate referred to in sub-paragraph (ii) of that section in respect of an amount equal to the amount of an advance referred to in that section, upon terms that the amount of the advance under the offer is not repayable and shall not bear interest.

Advances
for other
purposes

"12H. The Commission may accept an offer by the Treasurer to advance moneys in any financial year for the purpose of carrying out a function of the Commission other than a function referred to in section 12E, 12F or 12G upon such terms and conditions as to repayment and interest as the Treasurer determines.

Repayment
of advance

"12J. The Commission shall repay, in accordance with the terms under which an advance is made, the advance or such portion of the advance as is repayable under these terms.

Moneys
of the
Commission

"12K. The moneys of the Commission consist of all moneys received by the Commission in the exercise of its powers or the performance of its functions under this Ordinance, including moneys advanced by the Treasurer to the Commission or borrowed by the Commission in accordance with this Ordinance.

"12L. The moneys of the Commission may be applied only -

Applicat-
ion of
moneys of
Commission

- (a) in payment of fees, expenses and allowances payable to members of the Commission and deputies of members of the Commission; and
- (b) in payment and discharge of the expenses, obligations and liabilities of the Commission arising under this Ordinance.

"12M. The annual report of the Commission prepared in pursuance of section 67(1) of the Financial Administration and Audit Ordinance shall show particularly -

Annual
report

- (a) the number of dwellings acquired;
- (b) the average cost of dwellings acquired;
- (c) the number of dwellings sold;
- (d) the average sale price of dwellings sold;
- (e) the number of dwellings let;
- (f) the average weekly rental of the dwellings let; and
- (g) such other information as the Minister directs the Commission to include in the report."

8. Before section 13A of the Principal Ordinance the following Part heading and section are inserted:

"PART IIIA - HOUSING COMMISSION SCHEMES

"13. This Part applies in respect of houses that are the subject of a Housing Commission scheme and not of a government housing scheme."

Applicat-
ion of
this Part

Repeal of
sections
14, 15
and 16

9. Sections 14, 15 and 16 of the Principal Ordinance are repealed.

Repeal of
certain
pro-
visions

10.(1) Divisions 3 and 4 of Part II and the heading to Part III of the Principal Ordinance are repealed.

(2) The repeal effected by sub-section (1) does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Commission and the Commission has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

(3) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

Definit-
ions

11. Section 33A(a) of the Principal Ordinance is amended by inserting after "Commonwealth" the words "or the Territory".

12. After Part IIIA of the Principal Ordinance the following Parts are inserted:

"PART IIIB - GOVERNMENT HOUSING SCHEMES

Commission
may let or
sell
dwelling
to govern-
ment
employees

"33F.(1) The Commission may, acting as agent for the Commonwealth in administering a housing scheme for the Commonwealth, let or sell a dwelling in accordance with that scheme to a person who is eligible for housing under that scheme.

"(2) The Commission may, acting as agent for the Territory in administering a housing scheme for the Territory, let or sell a dwelling in accordance with that scheme to a person who is eligible for housing under that scheme.

"PART IIIC - HOUSING LOANS SCHEMES

"33G. The Commission may administer such schemes for providing assistance in the purchase of housing as are prescribed.

Housing
loans
schemes

"33H.(1) Notwithstanding the repeal of sections 7 and 13 of the Housing Loans Ordinance, a scheme within the meaning of that Ordinance in force immediately before that repeal continues in force but may be repealed or amended as though it was a scheme in force under this Ordinance.

Continuat-
ion of
existing
schemes

"(2) A reference to the Home Finance Trustee in a scheme referred to in sub-section (1) shall be read as including a reference to the Housing Commission

"(3) Notwithstanding the repeal of section 13 of the Housing Loans Ordinance, the regulations made under that Ordinance and in force immediately before that repeal continue in force as though made under this Ordinance, but a reference in those regulations to the Home Finance Trustee shall be read as including a reference to the Housing Commission.

"33J.(1) A contract or agreement made with the Home Finance Trustee prior to 1 July 1978 may be enforced -

Enforce-
ment of
contracts
against
Home
Finance
Trustee

(a) against the Housing Commission as if the contract or agreement had been entered into by the Housing Commission; or

(b) against the Home Finance Trustee.

"(2) Where, in pursuance of sub-section (1), a contract is enforced against the Home Finance Trustee, the Housing Commission -

(a) may discharge all obligations of the Home Finance Trustee under the contract or agreement;

- (b) may defend any action or resist any arbitration proceeding arising under the contract or agreement; and
- (c) guarantees the payment of any moneys ordered or awarded to be paid by the Home Finance Trustee in the action or arbitration proceeding.

Trust
account to
be est-
ablished

"33K. The Treasurer shall establish a trust account within the Trust Fund established by the Financial Administration and Audit Ordinance and the Commission shall credit to that account any amount paid by the Home Finance Trustee into an official bank account in accordance with section 80 of the Financial Administration and Audit Ordinance and all moneys paid into an official bank account in accordance with section 33P and shall debit to that account -

- (a) all repayments of advances made to the Commission or formerly made to the Home Finance Trustee pursuant to this Part or to the Housing Loans Ordinance;
- (b) all payments of interest on those advances; and
- (c) all moneys paid or advanced by the Commission under this Part or formerly paid or advanced by the Home Finance Trustee under the Housing Loans Ordinance (including costs of administration and of maintenance, repairs or insurance of buildings).

Money may
be advanced for
certain
purposes

"33L. For the purpose of carrying out a prescribed scheme the Housing Commission may, upon such terms as the Treasurer thinks fit, make advances to any person to whom the scheme relates of money for the purpose of enabling that person -

- (a) to erect a dwelling house on land owned or leased by him;
- (b) to purchase land or a lease of land and erect a dwelling house thereon;
- (c) to purchase land upon which a dwelling house is erected or a lease of such land;
- (d) to complete a partially erected dwelling house owned by him;
- (e) to repair a damaged dwelling house owned by him;
- (f) to modify a dwelling house owned by him;
- (g) to purchase land or a lease of land on which is situated a partially erected or damaged dwelling house and complete the erection or repair of that dwelling house;
- (h) to exchange a dwelling house owned by him; and
- (i) to discharge any mortgage, charge or encumbrance already existing on any land or lease of land.

"33M. For the purpose of this Part the Housing Commission may accept an advance made to it by a bank or a body corporate, institution or person approved by the Treasurer under the Financial Administration and Audit Ordinance.

Commission
may accept
advances

"33N. The Commission shall repay, to all banks, bodies corporate, institutions or persons who have advanced money to the Home Finance Trustee under the Housing Loans Ordinance, any balance of moneys outstanding on 1 July 1978 together with all interest accrued or accruing in accordance with the terms and conditions on which the money was advanced to the Home Finance Trustee.

Repayment
of
advances

Moneys to
be paid
to official
bank
accounts

"33P. The Housing Commission shall pay into an official bank account established under the Financial Administration and Audit Ordinance -

- (a) all moneys appropriated for the purposes of the Commission under this Part;
- (b) all moneys borrowed by the Commission for the purposes of the Commission under this Part; and
- (c) all purchase moneys, repayment of advances and all other moneys received by the Commission under this Part in respect of moneys paid or advanced by the Commission under this Part or formerly paid or advanced by the Home Finance Trustee under the Housing Loans Ordinance.

Repair,
mainten-
ance and
insurance
of
houses

"33Q. The Commission may make such payments as it considers necessary for the maintenance, repair or insurance of any dwelling house sold or in respect of which an advance has been made under this Part or formerly made by the Home Finance Trustee under the Housing Loans Ordinance under any prescribed scheme in force under this Part or formerly in force under the Housing Loans Ordinance and in respect of which an amount of purchase money or the advance is owing."

13. Section 40A of the Principal Ordinance is repealed and the following section substituted:

Service
of
documents

"40A. A notice or other document (other than a notice referred to in section 39) which, under this Ordinance, is required or permitted to be served or which it is convenient to be served, may be served by delivering it to the person to be served at his last-known or usual place of residence or business or by post."

14. Section 42 of the Principal Ordinance is amended by omitting all words after "in particular" and substituting the following word and paragraphs:

Regulations

"for -

- (a) making provision for and in relation to schemes for the providing of assistance in the purchase of housing; and
- (b) prescribing penalties not exceeding a fine of 100 dollars or imprisonment for any period not exceeding 3 months, or both, for offences against the regulations."

15. Section 9 of the Principal Ordinance is amended by omitting "Administrator" (wherever occurring) and substituting "Minister".

Reference to Administrator

16. Sections 6(2), (4)(a), (5), (6)(a), (b), 13A(1), (7), 13AAA(1), (2), 13AA(2), (3) and 42 of the Principal Ordinance are amended by omitting "Administrator in Council" (wherever occurring) and substituting "Administrator".

References to Administrator in Council

17. Sections 7(1), 9(b), 10(2), 26(5), 33A(c), (d), 33B(b) and 33E of the Principal Ordinance are amended by omitting "Executive Member" (wherever occurring) and substituting "Minister".

References to Executive Member

18. 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, but

Continuation of existing appointments, &c.

any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Housing Loans 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 Loans Ordinance</u> 1978. | Short
title |
| 2. The <u>Housing Loans Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on 1 July 1978. | Commence-
ment |
| 4. Section 3 of the Principal Ordinance is repealed. | Repeal of
section 3 |
| 5. Section 4(1) of the Principal Ordinance is amended by omitting "who shall, subject to the directions of the Administrator, be responsible for the administration of this Ordinance". | Home
Finance
Trustee |
| 6. Sections 5 to 13 inclusive of the Principal Ordinance are repealed. | Repeals |
| 7.(1) Notwithstanding the repeal of section 12 of the Principal Ordinance, the Home Finance Trustee shall under section 80 of the <u>Financial Administration and Audit Ordinance</u> , pay the balance of the money standing to his credit in the Trust Account established under section 12 into an official bank account established under section 8 of the <u>Financial Administration and Audit</u> | Savings |

Ordinance for credit to a trust account established within the Trust Fund for the purposes of the Housing Commission established under the Housing Ordinance.

(2) Notwithstanding the repeal of section 12A of the Principal Ordinance, that section continues to have effect in respect of the period before the commencement of this Ordinance.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Inspection of Machinery 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>Inspection of Machinery Ordinance</u> 1978. | Short
title |
| 2. The <u>Inspection of Machinery 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> . | Commence-
ment |
| 4. Section 4 of the Principal Ordinance is repealed. | Repeal |
| 5. Section 5(1) of the Principal Ordinance is amended - | Definitions |
| (a) by inserting after the definition of "Chief Inspector" the following definition: | |
| "crane" means a structure equipped with a mechanical means for moving or placing a load by raising, lowering or transporting it, and includes the machinery, associated lifting apparatus and ropes necessary for its operation and its | |

supporting structure and foundations, but does not include a hoist, lift, escalator, conveyor or any earthmoving machinery other than an excavator equipped with a jib or boom;"; and

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

"'hoist' means a mechanical contrivance, including a forklift or similar contrivance (other than a crane, lift, escalator, winding engine or conveyor), the principal function of which is the raising, lowering or conveying of men, goods or materials, and includes builders' hoists and all equipment associated with the operation of a hoist, whether detachable or not, and any part of the structure or supporting structure that is stressed by the hoist under working conditions;".

Applica-
tion of
Ordinance

6. Section 6 of the Principal Ordinance is amended -

- (a) by omitting paragraph (d) and substituting the following paragraph:

"(d) of a motor vehicle other than -

(i) a vehicle propelled by steam and used for carrying goods or passengers for reward; or

(ii) a mobile crane or mobile hoist;";

- (b) by omitting from paragraph (g) "or" (last occurring); and

(c) by adding at the end the following word and paragraph:

"; or

(j) forming part of a winding engine used in a mine."

7. The heading to Part III is amended by omitting "AND FEMALES".

Heading
to Part
III

8. Section 17 of the Principal Ordinance is repealed.

Repeal

9. Section 37 of the Principal Ordinance is repealed and the following section substituted:

"37.(1) In this section -

'boiler' includes water tubes and economisers but does not include superheaters;

'heating surface' means -

Method of
determining
fees for
inspection
of
boilers.

(a) in the case of boilers other than electrically heated steam-generating boilers - that surface of the boiler that has water on one side and heat on the other; and

(b) in the case of electrically heated steam-generating boilers - the surface of the boiler determined by multiplying the electric energy input in kilowatts by a prescribed factor.

"(2) Fees to be charged for inspecting a boiler that is not a sterilizer or autoclave shall be determined on the heating surface of that boiler.

"(3) Fees to be charged for inspecting a boiler that is a sterilizer or an autoclave shall be determined on the internal diameter of the boiler."

10. Section 66 of the Principal Ordinance is repealed and the following section substituted:

Register
to be
kept

"66. The Chief Inspector shall keep a register of all certificates granted, issued, suspended or cancelled under this Ordinance, and of all dealings with respect to those certificates."

Metric
conver-
sion

11. The Principal Ordinance is amended in relation to weights and measures as set out in Schedule 1.

Amendments
consequent
to enact-
ment of
Mines
Safety
Control
Ordinance

12. The Principal Ordinance is further amended as set out in Schedule 2.

SCHEDULE 1

Section 11

METRIC CONVERSION

Provision	Omit	Substitute
Section 5(1) (definition of "boiler")	30 pounds to the square inch	200 kilo- pascals
	5 cubic feet	150 litres
5(3)(a)	tons of refrigera- tion	kilowatts
5(3)(b)	a ton of refrigera- tion	a kilowatt
5(3)(b) (i)	4.25 cubic feet per minute	0.57 litres per second
5(3)(b) (ii)	8.4 cubic feet per minute	1.13 litres per second
5(3)(b) (iii)	8.5 cubic feet per minute	1.4 litres per second
5(3)(b) (iv)	cubic feet per minute	litres per second
6(f)	horse-power	kilowatt
6(g)	6 horse- power	5 kilowatts

Provision	Omit	Substitute
Section 15(1)	18 inches	450 millimetres
22(3)(a)	inch	inch or kilopascals
22(3)(h)	6 horsepower	5 kilowatts
22(3)(i)	half-inch	12.5 millimetre
22(5)(v)	half-inch	12.5 millimetre
22(6)(vi)	half-inch	12.5 millimetre
22(7)(iv)	half-inch	12.5 millimetre
53(4)(b)	6 horsepower	5 kilowatts
53(4)(c)	6000 gallons	30 cubic metres
53(4)(f)	200 square inches	1300 square centimetres
53(4)(g)	5 tons of refrigeration	20 kilowatts
53(4)(h)	20 tons of refrigeration	70 kilowatts

Provision	Omit	Substitute
Section 55	5 tons of refrigeration	20 kilowatts
56(3)	114 square inches	750 square centimetres
56(8B)	30 tons of refrigeration	100 kilowatts
Third Schedule	square feet and horsepower	square metres and kilowattage
	lbs. per sq. inch	kilopascals
Fifth Schedule (Form 1)	lbs. per sq. inch	kilopascals

SCHEDULE 2

Section 12

PART I

AMENDMENTS BY WAY OF OMISSION AND SUBSTITUTION

Provision	Omit	Substitute
Section 36(1)	, winding-engine,	
36(2)	, other than a winding-engine	

Provision	Omit	Substitute
Section 39	, winding - engines, (first occurring) (other than winding- engines)	
56(2)	other than a winding engine by which men are raised or lowered at the time he is in charge	to which this Ordinance applies
56(3)	(other than winding engines)	to which this Ordinance applies
56(5)	raising material	raising, lowering or transporting men, goods or material
56(6)	applies, other than winding engines	applies
62A(a)	winding engine- driver's certificate	

Provision	Omit	Substitute
Section 79	<u>Mines Regulation Ordinance 1939</u>	<u>Mines Safety Control Ordinance</u>
Fifth Schedule (Heading to Form 2)	STEAM- DRIVEN, AND FOR WINDING ENGINES	STEAM-DRIVEN
Sixth Schedule (Heading to Form)	WINDING ENGINE- DRIVER,	

PART II

OTHER AMENDMENTS

Provision	Amendment
Section 53(4)	Omit paragraph (e)
54(2)	Omit paragraph (a)
56	Omit sub-section (1)
	Omit sub-section (7)
60	Omit sub-section (4)

THE NORTHERN TERRITORY OF AUSTRALIA

INTERPRETATION ORDINANCE

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

For the interpretation of Ordinances and for the shortening of their language and for other 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
Interpretation Ordinance 1978.

Short
title

2.(1) The Ordinances set out in the Schedule are repealed.

Repeal and
savings

(2) Where there is, in an Ordinance made before the commencement of this Ordinance, a word, expression or provision as to which there is no provision in this Ordinance which is appropriate to its interpretation, application or effect but as to which a provision of the Interpretation Ordinance 1931 as amended, would, but for the repeal effected by this section, have continued to be appropriate to its interpretation, application or effect, the provision in the Interpretation Ordinance 1931, as amended, continues to apply to the word, expression or provision in that first-mentioned Ordinance, notwithstanding the repeal effected by this section.

(3) Notwithstanding the repeal effected by this section, in the interpretation, application or effect of a word, expression or provision in an Ordinance to or in relation to anything done or suffered before the commencement of this Ordinance, reference shall be made to the Interpretation Ordinance 1931 as in force at the time when that thing was done or suffered and not to this Ordinance, and that Ordinance continues to have

effect for that purpose.

Application
of this
Ordinance

3.(1) Subject to section 2, this Ordinance applies to every Act, and to every Ordinance and Act of the State of South Australia in its application to the Northern Territory, and to every Ordinance of the Northern Territory, whether made before or after the making of this Ordinance, including this Ordinance, as though that law were an Act.

(2) This Ordinance binds the Crown.

(3) In the application of a provision of this Ordinance to a provision, whether in this Ordinance or in another law, the first-mentioned provision yields to the appearance of an intention to the contrary in that other provision.

Application
of regula-
tions, &c.

4. Where a law to which this Ordinance applies confers power to make, grant or issue any instrument (including rules, regulations or by-laws) this Ordinance shall, so far as it is applicable, apply to the interpretation, application and effect of the instrument as if the instrument were an Act.

PART II - COMMENCEMENT OF ACTS

Meaning of
"commence-
ment"

5.(1) In every Act, the word "commencement", when used with reference to an Act or to an instrument (including rules, regulations or by-laws) made, granted or issued under a power conferred by an Act, shall mean the time at which the Act or instrument comes into operation.

(2) Where an Act is expressed to come into operation on a particular day, it shall come into operation immediately on the expiration of the last preceding day.

Commencement
of Acts

6.(1) An Act assented to by the Administrator comes into operation on the day on which that assent is given.

(2) An Act reserved for the signification of the pleasure of the Governor-General comes into operation on the day upon which notification that the Governor-General has assented to the Act is published in the Gazette.

(3) Where an Act or a provision of an Act is to come into operation on a date to be fixed by proclamation or by notice in the Gazette, the proclamation or notice may be made and published at any time after the making of the Act.

7. The date appearing on a copy of an Act printed by the Government Printer and purporting to be the date upon which assent was given to the Act shall be evidence that that date was the date upon which assent was given to the Act.

Evidence
of assent

8.(1) Where a provision of an Act is expressed to confer power, or to amend a provision of another Act in such a manner that the other Act, as amended, will confer power, to take any action, including power to make an appointment or to make an instrument of a legislative or administrative character (including rules, regulations or by-laws) then, before the first-mentioned provision concerned, or the second-mentioned provision as amended, as the case may be, comes into operation, that power may be exercised and anything may be done for the purpose of enabling the exercise of that power or of bringing the appointment or instrument into effect.

Exercise
of powers
before
commencement

(2) An action taken by virtue of sub-section (1), takes effect -

- (a) on the day on which the provision first therein mentioned or the provision second therein mentioned as amended, as the case may be, comes into operation; or
- (b) on the day on which the action would have taken effect if that provision had been in operation when the action was taken,

whichever is the later day.

9. At any time after a proposed law has been presented to the Administrator for assent and before it has come into operation -

Amendment
before
commencement

- (a) it may be cited by its proposed short title; and
- (b) it may be the subject of a further proposed

law to amend or repeal it,

and if a provision of an Act to amend or repeal another Act (including a provision relating to the commencement of the Act proposed to be amended) comes into operation before or on the same day as the Act or provision amended or repealed, the Act or provision amended or repealed, as the case may be, shall not come into operation except as amended or for the purpose of making the repeal effective as though the repealed provision had never existed.

Amendment
in same
session

10. An Act may be amended or repealed in the session of the Parliament in which it was passed.

PART III - REPEAL AND EXPIRATION OF ACTS

Repeal does
not revive
previous
Act

11. The repeal of an Act or part of an Act by which a previous Act or part of an Act was repealed, does not without express words have the effect of reviving that last-mentioned Act or part.

General
effect of
repeal

12. Where an Act repeals in whole or in part a former Act, the repeal does not -

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of any Act so repealed;
- (c) affect any right, privilege, obligation, liability or immunity acquired, accrued or incurred under any Act so repealed;
- (d) affect any penalty, forfeiture or punishment incurred as a result of an offence committed against any Act so repealed; or
- (e) affect an investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, immunity, penalty, forfeiture or punishment.

Effect of
State laws
ceasing to
apply

13. Where an Act repeals in whole or in part a law of the State of South Australia in its application to the Territory or provides that such a law or any part of such a law shall cease to apply to the Territory sections 11, 12, 14 and 15 apply as if the

law of the State were an Act or a part of an Act which had been repealed.

14. Where an Act repeals in whole or in part a former Act and substitutes provisions in lieu thereof, the repealed provisions continue in force until the substituted provisions come into operation.

Continuance
of repealed
provisions

15. Where an Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted.

References
to repealed
provisions

16. The expiration of an Act shall not affect any civil proceeding previously commenced under that Act but every such proceeding may be continued and everything in relation thereto be done in all respects as if the Act continued in force.

Expiration
of Acts

PART IV - WORDS AND REFERENCES IN ACTS

17. In any Act -

Definitions
of judicial
expressions

"court of competent jurisdiction" means a court having jurisdiction to entertain the sort of legal proceeding referred to, and, where the legal proceeding relates to the recovery of money, whether on a liquidated or unliquidated claim, not having as an upper limit to its jurisdiction an amount which is less than the claim;

"court of summary jurisdiction" means 2 Justices of the Peace or a magistrate sitting as a court for the making of summary orders or the summary punishment of offences;

"Justice of the Peace" means a Justice of the Peace in and for the Northern Territory;

"oath" includes affirmation and, in the case of a person who does not understand the meaning of an oath or affirmation, includes declaration and promise;

"statutory declaration" means a statutory declaration made by virtue of the Oaths Ordinance;

Definitions
of
government
expressions

"swear" includes affirm and, in the case of a person who does not understand the meaning of an oath or affirmation, includes declare and promise.

18. In any Act -

"Act" includes an Ordinance, and an Ordinance or Act of the State of South Australia in its application to the Northern Territory;

"department" means a department of the Public Service of the Northern Territory;

"Executive Council" means the Executive Council of the Northern Territory established under the Act;

"financial year" means the period of 12 months ending on 30 June;

"Gazette", "Government Gazette", "Northern Territory Government Gazette" or "Gazette of the Northern Territory" means the Government Gazette of the Northern Territory;

"Government Printer" includes any person printing with the authority of the Territory;

"Legislative Assembly" means the Legislative Assembly for the Northern Territory established under the Act;

"Parliament" means the Parliament of the Northern Territory;

"prescribed" means prescribed by the Act or by regulations, rules or by-laws made under the Ordinance;

"proclamation" means proclamation by the Administrator published in the Gazette;

"regulations" means regulations, rules or by-laws made under an Act;

"statutory corporation" means a public corporation, commission or authority established or incorporated by name by a law of the Territory;

"the Act" means the Northern Territory Act 1910;

"the Territory" means, according to the context, the body politic established by the Act as the Northern Territory of Australia or the area with respect to which the Parliament has power to make laws.

19. In any Act -

Definitions
generally

"estate" includes any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity;

"land" includes all messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description;

"month" means calendar month;

"Ordinance" includes an Act and an Ordinance or Act of the State of South Australia in its application to the Northern Territory;

"person" and "party" include a body politic and a body corporate.

20.(1) Words, expressions and provisions contained in an instrument (including a rule, regulation or by-law) made, granted or issued under or in pursuance of an Act shall have the same interpretation, application and effect as in that Act.

Construction
of
regulations,
&c.

(2) In any regulations, rules or by-laws a reference to "the Act" shall be read as a reference to the Act under which the regulations, rules or by-laws are made.

21. In an Act, an expression "by", "under" or "in pursuance of" that Act means by, under or in pursuance of, as the case may be, that Act or regulations, rules or by-laws made under that Act.

Construction
of Acts

22. In an Act, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

Parts of
speech and
grammatical
forms

Sex and
number

23. In an Act -

- (a) words importing the male sex shall also import the female sex; and
- (b) words in the singular shall include the plural and words in the plural shall include the singular.

Service by
post

24. Where an Act authorizes or requires a document, parcel or other thing to be served by post, whether the expression "serve" or "give" or "send" or any other expression is used, service shall be deemed to be effected by enclosing the document or thing in a package and properly addressing and posting the package by prepaid post, and service is deemed to have been effected at the time at which the package would be delivered in the ordinary course of post.

References
to writing

25. In an Act, words, expressions and provisions referring to writing shall be construed as including references to any mode of representing or reproducing words, figures or symbols in a visible form whether or not an optical, electronic, mechanical or other means or process must be used before they can be perceived.

Measurement
of distance

26. In the measurement of a distance for the purposes of an Act the measurement shall be made in a straight line on a horizontal plane.

Reckoning
of time

27.(1) Where in an Act a period of time dating from a given day, act or event is prescribed, allowed or limited for any purpose, the time shall be reckoned exclusive of such day or of the day of such act or event.

(2) Where the last day of any period prescribed, allowed or limited by an Act for the doing of any thing falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

(3) Where in an Act there is a reference to time the reference shall be read as being to the standard

legal time in the Territory.

28. In any Act -

References
to Supreme
Court

- (a) a reference to the Supreme Court shall be read as a reference to the Supreme Court of the Northern Territory of Australia established under the Northern Territory Supreme Court Act 1961;
- (b) a reference to a Judge or a Judge of the Supreme Court shall be read as a reference to a Judge within the meaning of that Act; and
- (c) a reference to the senior Judge or the Chief Judge shall be read as a reference to the Judge who is the senior Judge of the Supreme Court.

29. Where in an Act the Administrator is referred to, the reference shall be read as a reference to the Administrator, or the person for the time being administering the government of the Territory, acting by and with the advice of the Executive Council.

References
to
Administrator

30. Where, in a provision of an Act reference is made to the Minister or to a specified minister or department (including a reference to a minister or department where there is no longer any such minister or department) -

References
to Minister,
&c.

- (a) the reference to the Minister or to that specified minister shall be read as or as including a reference to such minister as is specified by order of the Administrator, or to the Minister to whom the administration of the provision is allotted by order of the Administrator, and is deemed to include a minister or member of the Executive Council for the time being acting for and on behalf of that Minister; and
- (b) the reference to that specified Department shall be read as including a reference to such Department as is specified by order of the Administrator or to the Department to which the administration of the provision is allotted by order of the Administrator.

References
in agree-
ments

31. Where an agreement is entered into by or on behalf of the Territory and, after the date of the agreement, the functions of a department in relation to the administration of matters to which the agreement relates are or have been allotted to another department -

- (a) a reference in the agreement to the Minister administering the first-mentioned Department shall be read as a reference to the Minister administering the second-mentioned Department or to a minister or member of the Executive Council acting for the time being for him and on his behalf; and
- (b) a reference in the agreement to the first-mentioned Department shall be read as a reference to the second-mentioned Department.

References
to offices,
&c.

32.(1) In an Act -

- (a) a reference to an officer or office shall be construed as a reference to such an officer or office in and for the Territory; and
- (b) references to localities, jurisdictions and other matters and things shall be construed as references to such localities, jurisdictions and other matters and things in and of the Territory.

(2) Where, in relation to a power or function, there is, in a provision of an Act or in an agreement entered into by or on behalf of the Territory, reference to a person, an officer, an office, a body corporate or a body of persons and there is no longer such a person, officer, office or body, or that power or function is no longer a power or function of that person, officer, office or body, the reference shall be read as including -

- (a) a reference to a person, officer, office or body for the time being having that power or function; or
- (b) if there is no person, officer, office or body for the time being having that power or function, a reference to such person, officer, office or body as is specified by

order of the Minister administering that provision or administering the Department the functions of which include the administration of matters to which the provision relates.

(3) Where in an Act or in an order made under sub-section (2), a person holding or occupying a particular designation, office or position is mentioned or referred to in general terms, the mention or reference shall be read as including a reference to all persons who at any time for the time being hold or occupy or perform the duties of that designation, office or position.

PART V - POWERS, FUNCTIONS AND AUTHORITIES

33. An appointment or other exercise of a power does not lapse or need to be confirmed by reason only that the person making the appointment or exercising the power has ceased to hold office or otherwise to be capable of exercising the power.

Confirmation
of appoint-
ments not
required

34.(1) Where an Act confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Occasions
for exercise
of powers,
&c.

(2) Where an Act confers a power or imposes a duty on the holder of an office, position or designation as such, the power may be exercised and the duty shall be performed by the person for the time being holding or occupying or performing the duties of the office, position or designation.

35. Where an Act confers a power to take an action or to make, grant or issue any instrument (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions to repeal, rescind, revoke, amend or vary any such action or instrument.

Power to
make
includes
power to
rescind

36.(1) Subject to sub-section (2), where an Act confers on any person or authority a power to make appointments to any office, position, designation or place, the power shall be construed as including a power to remove or suspend any person appointed and to appoint another person temporarily in the place of any person so suspended or in place of any

Power to
appoint
includes
power to
remove

person who is or is expected to be a sick or absent holder of such an office, position, designation or place.

(2) Where a power to make appointments to an office or place is exercisable only upon the recommendation or subject to the approval or consent of some other person or authority, the power of removal referred to in sub-section (1) is exercisable only upon the recommendation or subject to the approval or consent of that other person or authority.

Indirect
exercise of
power, &c.

37.(1) Subject to this section, where, by, under or in pursuance of an Act or an instrument made under an Act, a power or function is conferred on a person (whether by reference to an office or otherwise), the power may be exercised or the function performed by the authority of that person.

(2) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person where that authority is not evidenced in a written instrument.

(3) Authority may be conferred in pursuance of sub-section (1) on a named person or on the person for the time being holding, acting in or performing the duties of a named office, designation or position.

(4) A written instrument conferring authority on a person in pursuance of this section may be revoked, rescinded, altered or amended at any time by the person conferring the authority.

(5) The conferring of authority by a written instrument under this section does not prevent the exercise of the power or the performance of the function by the person conferring the authority or by another person upon whom authority relating to the same power or function is conferred.

(6) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person otherwise than subject to such conditions and limitations, if any, as are set out in the written instrument evidencing the authority.

(7) Sub-section (1) does not empower the exercise of a power or the performance of a function by the authority of a person if the power or function -

- (a) is of a legislative or judicial nature;
- (b) relates to the investigation or detection of offences or unlawful acts; or
- (c) relates to the grant or the defeasance or forfeiture of a right or title to land.

38. Where, under an Act, the exercise of a power or the performance of a function by a person is dependent upon the opinion, belief or state of mind of that person in relation to a matter, that power may be exercised or that function may be performed by a delegate or by authority of that person upon the opinion, belief or state of mind of the delegate or authorized person in relation to that matter.

Discretions

PART VI - MECHANICS OF LEGISLATION

39.(1) An Act may be cited -

Citation

- (a) by its short title;
- (b) by reference to its number and the calendar year in which it received assent;
- (c) by the words contained in its short title; or
- (d) if a citation of that Act as amended by another Act is given by that other Act -
 - (i) by the citation so given; or
 - (ii) by the words contained in the citation so given.

(2) A provision of an Act may be cited by reference to the part, section, sub-section or other division of the Act in which the provision is contained.

(3) Such a reference shall be made according to the copy of the Act printed or purporting to be printed by the Government Printer.

References
to other
Acts

40.(1) A reference in an Act to another Act by its short title or by reference to its number and the calendar year in which it received assent shall -

- (a) if that Act has, at the time the Act in which the reference appears is made, itself been amended, whether or not that amendment is then in force - be read as a reference to that Act only and not to that other Act as amended; or
- (b) if that Act has not, at that time, been so amended - be read as a reference to that other Act as amended from time to time.

(2) A reference in an Act to another Act by the words contained in its short title or by a method of citation provided by section 39(1) (d) shall be read as a reference to the principal Act that may be so cited as amended from time to time.

(3) Where a provision of an Act amends another Act, a reference in that provision to that other Act shall be read as a reference to that other Act as in force as at the date immediately before the date of commencement of that provision.

References
to South
Australian
laws

41.(1) Where, in an Act, reference is made to a law of the State of South Australia in its application to the Territory and that law of the State is subsequently amended in its application to the Territory, the reference shall, from the date of the amendment, be deemed to be to that law as so amended.

(2) A law of the State of South Australia in its application to the Territory, or such a law as amended by another such law or by an Ordinance or Territory Act may be cited -

- (a) by the method of citation, or by the words contained in the method of citation, provided by that first-mentioned law; or
- (b) if a citation of that first-mentioned law as amended by another law or by an

Ordinance or Territory Act is given by that other law, Ordinance or Territory Act -

- (i) by the citation so given; or
- (ii) by the words contained in the method of citation so given.

42. Where, in an Act, reference is made to a law of the Commonwealth and that law is subsequently amended, the reference shall, from the date of the amendment be deemed to be to that law as so amended.

References
to Common-
wealth Acts

43.(1) A reference in an Act to a Part, section or Schedule shall be read as a reference to a Part or section of, or a Schedule to, that Act.

References
in an Act
to pro-
visions of
that Act

(2) A reference in a Part of an Act to a Division shall be read as a reference to a Division of that Part.

(3) A reference in a section of an Act to a sub-section or paragraph shall be read as a reference to a sub-section or paragraph of that section.

(4) A reference in a sub-section of a section of an Act to a paragraph shall be read as a reference to a paragraph of that sub-section.

(5) A reference in a paragraph of a section, or of a sub-section of a section, of an Act to a sub-paragraph shall be read as a reference to a sub-paragraph of that paragraph.

(6) A reference in a Schedule, or part of a Schedule, to an Act to a form, paragraph, item or clause, shall be read as a reference to a form, paragraph, item or clause of that Schedule or part.

(7) A reference to a form in an Act the Schedule to which or only one of the Schedule to which contains a form or forms shall be read as a reference to a form in that Schedule.

44. Every section of an Act shall have effect as a substantive enactment without introducing words.

Every sec-
tion a sub-
stantive
enactment

Headings,
Schedules,
marginal
notes, &c.

45.(1) The headings of the Parts, Divisions and Subdivisions into which an Act is divided are parts of the Act.

(2) Every Schedule to an Act is a part of the Act.

(3) The marginal notes and any footnotes or endnotes to an Act are not parts of the Act.

Numbering
of Acts

46.(1) The Acts which receive assent in each secular year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which they receive assent.

(2) For the purposes of sub-section (1), an Act which receives the Governor-General's assent is deemed to receive assent on the day upon which notification that the Governor-General has assented to the Act is published in the Gazette.

PART VII - GENERAL

Division 1 - Construction

Amending
Act to be
construed
with
amended
Act

47. An Act amending another Act or a law of the State of South Australia in its application to the Territory shall be construed with that other Act or law of the State and as part thereof.

Act to be
construed
subject to
power

48. Every Act shall be read and construed subject to the Northern Territory Act 1910 and so as not to exceed the legislative power of the Parliament, to the intent that where any Act would, but for this section, have been construed as being in excess of that power it shall nevertheless be a valid Act to the extent to which it is not in excess of that power.

Construction
of regula-
tions, &c.

49. Where an Act confers upon any authority power to make, grant or issue any instrument (including rules, regulations or by-laws), any instrument so made, granted or issued shall be read and construed subject to the Act under which it was made and so as not to exceed the power of that authority, to the intent that, where any such instrument would, but for this section, have been construed as being in

excess of the power conferred upon that authority, it shall nevertheless be a valid instrument to the extent to which it is not in excess of that power.

50. Where a resolution is passed by the Legislative Assembly purportedly in pursuance of an Act, the resolution shall be read and construed subject to the Northern Territory Act 1910 and to the Act in pursuance of which it purports to have been passed, to the intent that, where the resolution would, but for this section, have been construed as being in excess of authority, it shall, nevertheless, be a valid resolution to the extent to which it is not in excess of authority.

Construction
of resolutions
of
Legislative
Assembly

Division 2 - Regulations, Rules,
By-laws and Papers

51.(1) Where an Act contains a power to make regulations, all regulations made by virtue of that power shall -

Procedure
for making
regulations,
&c.

- (a) be notified in the Gazette;
- (b) subject to this section, take effect from the date of the notification, or, where another date is provided for in the regulations, from the date so provided for; and
- (c) be laid before the Legislative Assembly on the first sitting day of that Assembly after the making of the regulations.

(2) Where an Act contains a power to make rules or by-laws, all rules or by-laws made by virtue of that power shall be -

- (a) signed by the person making them, or, if that person is a statutory corporation, by a person authorized by it to sign them; and
- (b) forwarded to the Minister administering the provision containing the power.

(3) Subject to this section, where rules or by-laws are forwarded to a minister in pursuance of sub-section (2) -

- (a) that minister shall cause them to be notified

in the Gazette;

- (b) they take effect from the date of the notification, or, where another date is provided for in the rules or by-laws, from the date so provided for; and
- (c) that minister shall lay them before the Legislative Assembly on the first sitting day of that Assembly after they are notified in the Gazette.

(4) Where rules or by-laws are forwarded to a minister in pursuance of sub-section (2), that minister may, before he causes them to be notified in the Gazette, ask the person signing them to confirm that he wishes the by-laws or rules to be notified in the Gazette in the form in which they were signed.

(5) Regulations, rules and by-laws shall not be expressed to take effect or be in terms such that they do take effect from a date before the date of notification in the Gazette in any case where, if they so took effect -

- (a) the rights of a person (other than the Territory or a statutory corporation) existing at the date of notification would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Territory or a statutory corporation) in respect of anything done or omitted to be done before the date of notification, and any provision in regulations, rules or by-laws made in contravention of this sub-section is void and of no effect.

(6) If any regulations, rules or by-laws are not laid before the Legislative Assembly in accordance with the provisions of this section, they are void and of no effect.

(7) If the Legislative Assembly passes a resolution of which notice has been given at any time within 12 sitting days after the regulations, rules or by-laws have been laid before the Legislative Assembly disallowing any regulation, rule or by-law, the disallowance has, subject to sub-section (8), the

same effect as a repeal of the regulation, rule or by-law or part of the regulation, rule or by-law.

(8) If a provision of a disallowed regulation, rule or by-law, or a provision of a disallowed part of a regulation, rule or by-law, amended or repealed another regulation, rule or by-law in force immediately before the commencement of that provision, the disallowance revives the other regulation, rule or by-law from the date of the disallowance as if the disallowed provision had not been made.

52.(1) Where, in pursuance of section 51, the Legislative Assembly disallows a regulation, rule or by-law, no regulation, rule or by-law, being the same in substance or having the same effect as the regulation, rule or by-law so disallowed, shall be made within 6 months after the date of disallowance unless the resolution for disallowance has been rescinded by the Legislative Assembly.

No regulation, &c., to be made in terms of disallowed regulation, &c.

(2) A regulation, rule or by-law made in contravention of this section is void and of no effect.

53. Evidence of a regulation, rule or by-law made under an Act, or of such an instrument as amended, may be given in all courts by the production of a document purporting to be a copy thereof and purporting to be printed by the Government Printer or by the authority of the Territory.

Evidence of regulations

54.(1) Where an Act authorizes or requires provision to be made for or in relation to any matter by regulations, the regulations may make provision for or in relation to that matter by applying, adopting or incorporating, with or without modification -

Prescribing matters by reference to other instruments

- (a) the provisions of any Act, or of any regulations, as in force at a particular time or as in force from time to time; or
- (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned regulations take effect,

but, regulations shall not, except as provided by this sub-section, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

(2) In this section, "regulations" means regulations, rules or by-laws under an Act.

Presentation
of papers to
Legislative
Assembly

55.(1) Where, by the Northern Territory Act 1910 or by a Territory Act, provision is made permitting or requiring the presentation (however expressed) of a paper to the Legislative Assembly, it is sufficient compliance with the provision if -

- (a) the paper is presented in the Legislative Assembly in accordance with the Standing Orders of the Legislative Assembly; or
- (b) in accordance with those Standing Orders, the paper is delivered to the Clerk of the Legislative Assembly and recorded in the Minutes of Proceedings of the Legislative Assembly.

(2) Where such a provision as is mentioned in sub-section (1) provides for a specified person to present or cause the paper to be presented, it is sufficient compliance with that provision if that person or any other person who could, by virtue of this Ordinance or of any other Act, act in the place of that person, makes or causes to be made the presentation or delivery of the paper.

(3) Where such a provision as is mentioned in sub-section (1) specifies a period within which the paper is to be presented, it is sufficient compliance with that provision if the paper is presented, in accordance with sub-section (1), within that period.

(4) In this section "paper" includes -

- (a) a regulation, rule or by-law;
- (b) a report; and
- (c) any other document required or permitted to be presented.

Division 3 - Penalties

56. Every provision of an Act relating to offences shall be read as referring to bodies corporate as well as to individuals, but, where the penalty prescribed in respect of an offence is a term of imprisonment only, the court before which the offence is tried may, in the case of a body corporate, impose a pecuniary penalty not exceeding -

Penalties
to which
corporation
liable

- (a) where the maximum term of imprisonment does not exceed 3 months - \$500; and
- (b) where the maximum term of imprisonment exceeds 3 months - the total sum of \$500 plus further amounts of \$500 in respect of each period of 3 months by which the maximum term of imprisonment exceeds 3 months.

57.(1) Where an act or omission constitutes an offence under 2 or more laws, neither of which is a Commonwealth Act, the offender shall be liable to be prosecuted under either of those laws but shall not be liable to be punished twice for the same act or omission.

No one to
be punished
twice for
same act or
omission

(2) Where an act or omission constitutes an offence under an Act of the Commonwealth of Australia and another law in force in the Northern Territory and an offender has been punished for that offence under the Act of the Commonwealth of Australia, he shall not be liable to be punished for the offence against the other law.

58.(1) The penalty, pecuniary or other set out -

Penalties

- (a) at the foot of a section of an Act; or
- (b) at the foot of a sub-section of a section of an Act,

indicates that a contravention of the section or of the sub-section, respectively, is an offence against the Act punishable on conviction by a penalty not exceeding the penalty so set out.

- (2) A penalty set out as provided in sub-section

(1) which is expressed to apply only to a part of the section or sub-section applies according to the tenor of the provision.

Indictable offences

59. Offences against an Act which are punishable by imprisonment for a period exceeding 6 months shall be indictable offences.

Summary prosecution

60. Offences against an Act which -

- (a) are punishable by imprisonment but not for a period exceeding 6 months; or
- (b) not being punishable by imprisonment, are not declared to be indictable offences,

are punishable on summary conviction.

Recovery of pecuniary penalties

61. All pecuniary penalties for an offence against an Act may be recovered in a court of summary jurisdiction.

Imprisonment with or without hard labour

62. Where, under an Act, imprisonment may be awarded for any offence, it may be awarded with or without hard labour.

Division 4 - General

Powers of persons authorized to adjudicate

63. A court, Judge, Justice of the Peace, officer, commissioner, arbitrator or other person authorized by law or consent of parties to hear and determine any matter, has authority to receive evidence and examine witnesses and to administer an oath to all witnesses called before him.

Government Printer

64. For the purposes of the application of a law in which reference is made to a paper or document as having been printed by the Government Printer, the words "Government Printer of the Northern Territory" shall, in the absence of proof to the contrary, be evidence that the paper or document was printed by the Government Printer.

SCHEDULE

Section 2(1)

ORDINANCES REPEALED

Interpretation Ordinance 1931
Interpretation Ordinance 1932
Interpretation Ordinance 1933
Interpretation Ordinance 1934
Interpretation Ordinance 1938
Interpretation Ordinance 1940
Interpretation Ordinance 1948
Interpretation Ordinance 1949
Interpretation Ordinance 1952
Interpretation Ordinance (No. 2) 1952
Interpretation Ordinance 1954
Interpretation Ordinance 1956
Interpretation Ordinance 1957
Interpretation Ordinance 1959
Interpretation Ordinance 1962
Interpretation Ordinance 1968
Interpretation Ordinance (No. 2) 1968
Interpretation Ordinance 1969
Interpretation Ordinance 1972
Interpretation Ordinance 1973
Interpretation Ordinance (No. 2) 1973
Interpretation Ordinance 1976

Interpretation Ordinance (No. 3) 1976

Interpretation Ordinance 1977

Interpretation Ordinance (No. 2) 1977

Interpretation Ordinance 1978

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THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Juries Ordinance

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

1. This Ordinance may be cited as the Juries Ordinance 1978.

Short
title

2. The Juries Ordinance 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 Gazette.

Commence-
ment

4. Section 11 of the Principal Ordinance is amended by inserting after paragraph (v) the following paragraphs:

Persons
exempt

"(va) persons employed in the Public Service within the meaning of the Public Service Ordinance in the Department of Law;

(vb) a Departmental Head within the meaning of the Public Service Ordinance or a person who for any purpose has all the powers of, or exercisable by, such a Departmental Head;"

THE NORTHERN TERRITORY OF AUSTRALIA

LANDS ACQUISITION ORDINANCE

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the acquisition of land for
public 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
Lands Acquisition Ordinance 1978.

Short
title

2. This Ordinance shall come into operation
on 1 July 1978.

Commence-
ment

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

Inter-
pretation

"acquired land" means the land acquired
under this Ordinance;

"affected person", in relation to a
proposal to acquire land under
this Ordinance, means a person who is
affected by that proposal, being a
person who has an interest in that land
and who lodges a claim under section
14(3) in respect of that proposal;

"available member" means a person nominated
under section 4 to be a person
available to serve as a selected member
of the Tribunal;

"Chairman" means the Chairman of the Tribunal
and includes the Deputy Chairman;

"claimant" means a person who makes a claim
for compensation under this Ordinance;

"comparable sales" means sales of land which are comparable with land acquired under this Ordinance;

"compensation" means the compensation to which a person is entitled under this Ordinance;

"date of acquisition" in relation to land acquired by compulsory process, means the date on which the notice of acquisition under Part IV appears in the Gazette;

"Deputy Chairman" means the Deputy Chairman of the Tribunal;

"interest" in relation to land, means -

- (a) a legal or equitable estate or interest in the land; or
- (b) an easement, right, power or privilege in, under, over, affecting or in connexion with land;

"land" includes an interest in land;

"member" means a person who is the Chairman, the Deputy Chairman or an available member;

"notice of dispute" means a notice of dispute under section 32(1)(b);

"notice of intention" means a notice of intention to acquire land under section 14 (1);

"pre-acquisition hearing" means a hearing conducted under section 21;

"public purpose" means a purpose in relation to the government of the Territory and includes a purpose related to the carrying out of a function by a statutory corporation;

"Registrar" means the Registrar of the Tribunal appointed under section 59, and includes a Deputy Registrar;

"Registrar-General" means the Registrar-General for the purpose of the Real Property Act and Ordinance;

"Rules" means the Rules of the Tribunal made under section 61;

"selected member" in relation to a question or matter referred to the Tribunal, means an available member selected under section 5(2) to be a selected member in relation to that question or matter;

"Tribunal" means the Lands Acquisition Tribunal established by section 4.

PART II - ADMINISTRATION

4.(1) There is hereby established a Tribunal which is known as the Lands Acquisition Tribunal.

Lands
Acquisition
Tribunal

(2) The Minister may by notice in the Gazette appoint a person to be the Chairman and a person to be the Deputy Chairman of the Tribunal.

(3) A person shall not be appointed to a position under sub-section (2) unless he is admitted or qualified to be admitted as a legal practitioner of the Supreme Court.

(4) The Minister, by notice in the Gazette, shall nominate, in addition to the Chairman and Deputy Chairman, 9 persons available to serve as selected members of the Tribunal of whom -

- (a) 2 shall be persons registered as architects under the Architects Ordinance;
- (b) 2 shall be fellows of the Commonwealth Institute of Valuers;
- (c) 2 shall be persons engaged in the building industry as master builders;
- (d) 2 shall be members of the Institution of Engineers of Australia; and
- (e) 1 shall be a person admitted or qualified to be admitted as a legal practitioner of the Supreme Court.

(5) During a vacancy in the office of Chairman or when the Chairman is unable or unwilling to perform any of his powers, functions or duties under this Ordinance, the Deputy Chairman shall have the powers, functions and duties of the Chairman and the provisions of this Ordinance shall apply to the Deputy Chairman as though he was the Chairman.

(6) A person may not be appointed as Chairman, Deputy Chairman or as an available member if that person is an employee within the meaning of the Public Service Ordinance.

(7) The performance of the functions or the exercise of the powers of the Tribunal is not affected by reason only of there being a vacancy or vacancies in the membership of the Tribunal.

Hearings of
the Tribunal

5.(1) Where a question or matter is required or permitted to be referred to the Tribunal for hearing under this Ordinance it shall be referred to the Chairman.

(2) When a question or matter is referred to the Chairman under sub-section (1), he shall select from the available members 2 persons to be selected members and those persons, with the Chairman, shall constitute the Tribunal for the purpose of hearing and dealing with the question or matter referred.

(3) The Chairman shall appoint a date, time and place for the hearing.

(4) Hearings of the Tribunal shall, unless the Chairman otherwise directs, be open to the public and the Tribunal shall publish its determinations, directions and recommendations in accordance with the Rules.

(5) The Tribunal may adjourn a hearing from time to time and from place to place.

(6) Subject to this Ordinance and the Rules the Chairman may give directions for the arrangement of the business of the Tribunal.

6. The members of the Tribunal shall be entitled to receive in respect of their services as members, such fees, allowances and expenses and at such rates as are determined by the Administrator.

Remuneration

7. Subject to this Ordinance, the Tribunal shall -

Functions of the Tribunal

- (a) hear and determine any question or matter referred to it under this Ordinance; and
- (b) give directions and make recommendations in relation to any such question or matter.

8.(1) A person referring a question or matter to the Tribunal, the Minister or any other affected person may appear before the Tribunal and be heard and may call such witnesses and tender such evidence as the Tribunal determines to be relevant to its inquiry.

Minister or person referring a question may appear

(2) For the purposes of any hearing before the Tribunal, the Registrar shall, if directed by the Chairman, summon a person to appear before the Tribunal to give evidence and to produce such documents (if any) as are referred to in the summons.

(3) The Chairman -

- (a) may require a person appearing before the Tribunal to give evidence either to take an oath or make an affirmation; and
- (b) may administer an oath or affirmation to a person so appearing before the Tribunal.

9.(1) A person appearing before the Tribunal may be represented by a legal practitioner or agent. Representation before Tribunal

(2) A legal practitioner or agent appearing before the Tribunal has the same protection and immunity as a legal practitioner has in appearing for a party in proceedings before the Supreme Court.

(3) A witness appearing before the Tribunal has the same protection and immunity as a witness in proceedings before the Supreme Court.

Evidence and Procedure

10.(1) In a proceeding before the Tribunal or the Chairman -

- (a) the Tribunal or the Chairman is not bound by the rules of evidence but may inform itself or himself in such manner as it or he thinks fit;
- (b) the procedure before the Tribunal or the Chairman shall, subject to this Ordinance, be in accordance with the Rules; and
- (c) the proceedings shall be conducted with as little formality and technicality, and with such expedition, as the requirements of this Ordinance and the Rules and the proper consideration of the question or matter before the Tribunal or the Chairman permits.

(2) Subject to this Ordinance and the Rules, the Chairman may give directions as to the procedure to be followed at or in connection with a hearing before the Tribunal or before himself.

Costs

11.(1) Where a person refers a question or matter to the Tribunal, the Chairman may direct the payment out of moneys appropriated for the purpose of such reasonable costs as he thinks fit to that person (other than the Minister) for the presentation and preparation of his case, including any valuation costs.

(2) In directing that an amount is payable under sub-section (1) the Chairman shall have regard to -

- (a) the expedition with which the person has presented his case;
- (b) any unnecessary or irrelevant evidence or submissions which the person has led before or made to the Tribunal; and
- (c) such other matters as he considers to be relevant.

(3) In exercising his discretion under sub-section (1), the Chairman need not observe the practice or rule that costs follow the event.

12. The Chairman may direct that 2 or more questions or matters referred to the Tribunal be heard together, in whole or in part.

Consolidation of references

13.(1) Where a person, other than the Minister, or a representative party appointed under section 20 has referred a question or matter to the Tribunal, the Tribunal may, on application made to it by that person or representative party and if it is satisfied that hardship would otherwise result, recommend to the Minister that he advance to that person or representative party a sum of money to meet the costs of the hearing as and when those costs arise.

Advances for costs

(2) Where a recommendation has been made under sub-section (1), the Minister may in his discretion out of moneys appropriated for the purpose advance to the applicant such amount as he thinks fit, either in a lump sum or by instalments.

PART III - PRE-ACQUISITION HEARING

14.(1) Subject to this Ordinance, where it is proposed to acquire land for a public purpose, the Minister shall -

Notice of intention to acquire

- (a) cause to be served upon each person who after diligent enquiry can be ascertained to have an interest in the land a notice of intention, in the prescribed form, to acquire that person's land;
- (b) cause to be published the terms of that notice in the Gazette; and
- (c) where the land or, where only an interest in land is proposed to be acquired, the land in respect of which it is proposed to acquire that interest, is registered under the Real Property Act and Ordinance, cause to be lodged with the Registrar-General a copy of that notice.

(2) The Registrar-General, upon receipt of a copy of a notice of intention to acquire land, shall enter upon the relevant certificate of title or Crown lease a memorial of the notice.

(3) Any person may, before the date of acquisition, lodge with the Minister a claim in writing that he is affected by a proposal to acquire land under this Ordinance if he has an interest in that land.

(4) The Minister may, at any time before a question is referred to the Tribunal under section 16 modify, alter or abandon a proposal to acquire land, and if he does so, he shall cause all persons who have been served with a notice of intention under section 14(1)(a) or who have claimed to be an affected person to be served with notice of the modification, alteration or abandonment.

(5) Where a copy of a notice of intention has been lodged with the Registrar-General under sub-section (1), and a notice is subsequently served under sub-section (4), the Minister shall cause to be lodged with the Registrar-General a copy of the latter notice, and the Registrar-General shall enter upon the relevant certificate of title or Crown Lease a memorial of that notice.

Abandonment
of proposal
to acquire

15.(1) The serving of a notice of intention to acquire land under section 14 does not constitute a binding agreement to acquire the land the subject of the notice.

(2) Where a notice of intention to acquire land has been served under section 14 and the public purpose for which the land was to be acquired is abandoned and the land is not acquired under this Ordinance or where for any other reason the land is not acquired within the time limited by this Ordinance for its acquisition a person interested in the land which was the subject of the notice of intention shall be paid compensation for -

- (a) disturbance of the land in consequence of the proposed acquisition of the land; and
- (b) reasonable expenses or other loss incurred or suffered by that person in respect of the proposed acquisition of the land.

(3) A claim for compensation under this section may be made by delivering the claim to the Minister

and thereafter the provisions of this Ordinance relating to the assessment and payment of compensation apply (with such modifications as are necessary) to the claim as if it was a notice of dispute served on the Minister under Part V.

16.(1) Within 28 days of the date of service of a notice of intention a person served with such notice may refer to the Tribunal all or any of the following questions:

Reference
to the
Tribunal
for
investigation
of the
proposed
acquisition

- (a) whether the acquisition is necessary;
- (b) whether an alternative course of action not involving the acquisition of that land is available and should reasonably be taken;
- (c) whether the public purpose could be achieved by the use of other land or part only of the land proposed to be acquired; or
- (d) whether the use of the land would have a deleterious effect on the environment in which the land to be acquired is situated.

(2) An affected person upon becoming aware of a proposal to acquire land may, at any time before the Tribunal has commenced its pre-acquisition hearing into the proposal to acquire the land, make a reference to the Tribunal under this section as if he were a person served with a notice of intention.

17.(1) A question referred to the Tribunal under section 16 shall be in writing.

Terms of
reference

(2) The Chairman shall forward a copy of a question referred to the Tribunal under section 16 to the Minister.

18.(1) The Chairman, as soon as is reasonably practicable after the receipt of a question referred to the Tribunal under section 16, shall appoint a date, time and place at which he shall conduct a preliminary hearing into the question referred to the Tribunal.

Preliminary
hearing

(2) The Registrar shall notify the Minister, all person who have been served with a notice of intention under section 14(1)(a), and all persons who have claimed that they are affected persons, of the date, time and place appointed for a preliminary hearing.

(3) The Chairman may, at a preliminary hearing, give such directions and make such recommendations as he thinks fit relating to the pre-acquisition hearing, including a direction as to public notification of the pre-acquisition hearing, a direction under section 12 and a direction for the exchange of expert reports and other documents before the pre-acquisition hearing.

(4) Where a question referred to the Tribunal is, in the Chairman's opinion, trivial or is not genuine or is made principally to delay the process of acquisition, the Chairman may recommend to the Minister that he proceed with the proposed acquisition without a pre-acquisition hearing.

Public notice
of further
hearing

19. Where, at a preliminary hearing, the Chairman gives a direction for the public notification of the pre-acquisition hearing, the Registrar shall, in accordance with the directions of the Chairman, cause a notice to be published in a newspaper circulating in the area in which the land to be acquired is situated, specifying -

- (a) a date after which no further references under section 16 may be made to the Tribunal;
- (b) the date, time and place fixed for any further preliminary hearing; and
- (c) the date, time and place fixed for the pre-acquisition hearing.

Appointment
of a
representative
party

20. The Chairman may at a preliminary hearing, with the consent of any persons (other than the Minister) appearing before him in relation to a question or questions referred to the Tribunal under section 16, direct that a representative party appear before the Tribunal to conduct the hearing on behalf of those persons in relation to land proposed to be acquired for the same public purpose.

21.(1) Subject to this Part, the Chairman shall assemble the Tribunal in accordance with the directions given at the preliminary hearing and the Tribunal shall hear and determine any question referred to it under Section 16.

Pre-acquisition
hearing

(2) Within 30 days after the conclusion of the hearing under sub-section (1), the Tribunal shall forward its recommendations upon any question referred to it to the Minister and in addition the Tribunal may report as to whether or not the proposed acquisition and the use of the land for the public purpose proposed would, in its opinion,

- (a) seriously impair an area of scenic beauty;
- (b) destroy or adversely affect a site of architectural, historical or scientific interest;
- (c) create conditions seriously harmful to the conservation of flora and fauna that should, in the public interest, be preserved; or
- (d) affect, directly or indirectly, persons with an interest in land in the neighbourhood by the emission of fumes, smoke, noise, odours, gases or other substances or by interfering with the receipt or transmission of radio or television signals in the neighbourhood.

PART IV - ACQUISITION OF LAND

22.(1) The Minister may, after a period of 28 days from the date of service of a notice of intention, acquire the land the subject of that notice by agreement with the owner unless before the expiration of that period a question has been referred to the Tribunal under section 16 in relation to that land.

Acquisition
by
agreement

(2) When a question has been referred to the Tribunal under section 16 and the Chairman has recommended under section 18(4) that the Minister proceed with the proposed acquisition, the Minister may, after a period of 28 days from the date of receipt of that recommendation acquire the land the subject of that recommendation by agreement with the owner.

(3) When a question has been referred to the Tribunal under section 16 and the Tribunal has recommended under section 21 that the Minister proceed with the proposed acquisition, the Minister may, within a period of 28 days from the date of receipt of that recommendation, acquire the land the subject of that recommendation by agreement with the owner.

(4) Where a question has been referred to the Tribunal under section 16 and, prior to the conclusion of the pre-acquisition hearing in relation to that question, all the persons who referred the question have lodged written notice of withdrawal of the reference with the Registrar, the Minister may, after a period of 14 days from the date of lodgment, acquire the land the subject of the reference by agreement with the owner.

Compulsory acquisition

23.(1) The Minister may, after a period of 28 days from the date of service of a notice of intention, acquire the land the subject of that notice by publication of a notice of acquisition in the Gazette unless before the expiration of that period a question has been referred to the Tribunal under section 16.

(2) When a question has been referred to the Tribunal under section 16 and the Chairman has recommended under section 18(4) that the Minister proceed with the proposed acquisition, the Minister may, after a period of 28 days from the date of receipt of that recommendation acquire the land the subject of that recommendation by publication of a notice of acquisition in the Gazette.

(3) When a question has been referred to the Tribunal under section 16 and the Tribunal has recommended under section 21 that the Minister proceed with the proposed acquisition, the Minister may, within a period of 28 days from the date of receipt of that recommendation, acquire the

land the subject of that recommendation by publication of a notice of acquisition in the Gazette.

(4) Upon publication of a notice of acquisition under this section -

- (a) the land described in the notice shall vest in the Territory freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, mortgages, encumbrances, contracts, licences, leases, charges and rates of any kind; and
- (b) the interest that any person had in the acquired land shall be divested or modified to the extent that is necessary to give effect to the notice of acquisition.

24. The land acquired under section 22 or 23 may be an easement, right, power or privilege which did not previously exist as such, and whether in, under, over, affecting or in connexion with any other land.

New rights
may be
acquired

25.(1) Notwithstanding any other provisions of this Ordinance, where it is proposed to acquire land under this Ordinance and -

No pre-
acquisition
hearing in
certain cases.

- (a) the land proposed to be acquired is an easement, right, power or privilege in, under, over, affecting or in connexion with land; or
- (b) the Minister is of the opinion that, having regard to the urgency of the situation or to other exceptional circumstances, it is not practicable to follow the procedure laid down in Part III,

then, providing that the Minister has caused a notice of intention to acquire that land to be served on each person who, after diligent enquiry, can be ascertained to have an interest in that land, the provisions of Part IV apply to the acquisition of that land as if a question had been referred to the Tribunal under section 16, the Chairman had made a recommendation to the Minister under section 18(4), and the Minister had received the recommendation, prior to the period of 28 days immediately preceding the publication of a notice of acquisition of the land in the Gazette,

that he proceed with the proposed acquisition without a pre-acquisition hearing.

(2) Where land to which sub-section (1)(b) applies is acquired in accordance with sub-section (1), the Minister shall cause to be tabled in the Legislative Assembly within 3 sitting days of the publication of the notice of acquisition in the Gazette, a statement of reasons for the acquisition.

Contents of
notice of
acquisition

26. A notice of acquisition under this Part shall define the acquired land -

- (a) if the land, or where only an interest in land is acquired the land in respect of which the interest is acquired, is registered under the Real Property Act and Ordinance, by reference to the appropriate volume and folio of the Register kept under that Ordinance; or
- (b) in any other case, in such a way that the land is accurately identified.

Service of a
notice of
acquisition

27. The Minister shall cause a copy of the notice of acquisition to be served on each person who after diligent enquiry can be ascertained to have had an interest in the land acquired immediately prior to the date of acquisition and, within 14 days after the date of acquisition, shall cause a copy of such notice to be published in a newspaper circulating in the area in which the land is situated.

Notice of
acquisition
to be lodged
with Registrar-
General

28. Within 14 days after the date of acquisition, the Minister shall, if the land, or where only an interest in land is acquired the land in respect of which the interest is acquired, is registered under the Real Property Act and Ordinance, cause a copy of a notice of acquisition to be lodged with the Registrar-General who shall register the acquisition in the manner, as nearly as may be, in which dealings with land are registered and may deal with and give effect to the copy of the notice of acquisition as if it were a conveyance, memorandum or instrument of transfer of the land to the Territory duly executed under the laws of the Territory.

29.(1) Where the Minister causes a copy of a notice of acquisition to be served on a person under section 27 and the Minister is of the opinion that that person has a claim for compensation under this Ordinance, he shall also cause to be served on that person -

Documents to accompany notice of acquisition and pre-payment

(a) a statement setting out -

- (i) the amount of compensation which the Minister considers to be appropriate for the acquisition of the land the subject of the notice;
- (ii) the method of calculation of that amount; and
- (iii) if reliance is placed upon comparable sales, details of those sales; or

(b) a statement setting out an offer of re-settlement made in accordance with section 30.

(2) Upon the service on a person of a statement under sub-section (1)(a), there shall be payable to that person out of moneys appropriated for the purpose an amount of money equivalent to 90% of the amount of compensation which the Minister considers to be appropriate for the acquisition of the land the subject of the notice of acquisition.

(3) Where an amount of money payable under sub-section (2) is paid to a person, that amount shall be offset against any amount of compensation payable to that person under this Ordinance in respect of the acquired land or, where the total amount of compensation payable to that person under this Ordinance in respect of the acquired land is less than the amount paid to him under sub-section (2), the person to whom that amount was paid shall be liable to pay to the Territory as a debt due an amount of money which is equal to the difference between the amount paid to him under sub-section (2) and the total amount of compensation payable to him under this Ordinance in respect of the acquired land.

30.(1) An offer of resettlement shall contain an offer to the claimant of title to and possession of land on which is situated a building and which, in the opinion of the Minister, is substantially equivalent to the acquired land or, where it is

Resettlement

proposed to construct a building on the land to which the offer relates, land which, in the opinion of the Minister, would when the building is constructed, be substantially equivalent to the acquired land, and shall specify -

- (a) a location of the land upon which the building is situated or will be constructed;
- (b) the terms and conditions upon which title to those premises will be conveyed or transferred and possession will be given to the person to whom the offer is made; and
- (c) the nature of the title which will be conveyed or transferred to that person,

and shall be accompanied by a copy of plans and specifications of any building situated or to be constructed on that land.

(2) An offer of resettlement may be altered, modified or withdrawn by the Minister at any time before it is accepted in writing.

(3) If an offer of resettlement is made and is accepted, no compensation is payable under this Ordinance to the person accepting the offer in respect of the acquired land.

PART V - COMPENSATION

Claim for
compensation

31. Subject to this Ordinance, a person who, immediately before the publication of a notice of acquisition of land in the Gazette had an interest in the acquired land and whose interest is divested or modified by the acquisition of the land, shall have a claim for compensation in respect of the acquisition of his interest in the land.

Claimant to
reject or
accept offer

32.(1) A claimant shall, before the expiration of a period of 60 days from the date of acquisition and after being served with a copy of the notice of acquisition under section 27 and a statement under section 29 -

- (a) serve a notice in writing on the Minister that he accepts the amount of compensation

offered in the statement in satisfaction of his claim for compensation or that he accepts the offer of resettlement; or

(b) serve a notice of dispute on the Minister.

(2) Where a person served with a copy of the notice or acquisition under section 27 and a statement under section 29 fails to comply with sub-section (1) within the time limited by that sub-section the Minister may refer to the Tribunal -

(a) the question of whether that person had an interest in the acquired land immediately prior to the date of acquisition; and

(b) where that person had an interest in the acquired land, the question of the amount of compensation payable to that person under this Ordinance.

33. A notice of dispute under section 32 shall be in writing and shall state -

Contents of
notice of
dispute

(a) the amount of any compensation or additional compensation claimed;

(b) the grounds on which the claim is based; and

(c) where comparable sales are relied upon, details of those sales.

34. The Minister shall, within a period of 30 days from the date of service of a notice of dispute under section 32 on him by notice in writing which the Minister shall cause to be served on the claimant -

Action on
service of
a notice
to dispute

(a) accept the claim for compensation or additional compensation;

(b) make a counter offer; or

(c) refer the notice of dispute to the Tribunal for determination of the amount of compensation payable to the claimant under this Ordinance.

Action by
claimant

35. A claimant shall, within 30 days after receiving a counter offer under section 34(b), by notice in writing served on the Minister -

- (a) accept the counter offer; or
- (b) refer the notice of dispute to the Tribunal for determination of the amount of compensation payable to the claimant under this Ordinance.

Documents
to be sent
to the Tribunal

36. Where the Minister refers a question to the Tribunal under section 32(2) or where a notice of dispute is referred to the Tribunal the Minister shall cause to be delivered to the Registrar a copy of the notice of acquisition, a copy of any statement served under section 29 and a copy of any counter offer made by the Minister under section 34(b)

Payment
into
Tribunal

37. Where no statement has been served on any person in accordance with section 29(1) in relation to land acquired under this Ordinance by publication of a notice of acquisition in the Gazette, the Minister may pay the amount of compensation which he considers to be appropriate for the acquisition of the land into the Tribunal and shall, in any event, refer to the Tribunal for determination the question -

- (a) as to the person or persons, if any, who are entitled to be paid compensation for the acquisition of the land; and
- (b) if compensation is payable under this Ordinance for the acquired land, the amount of compensation so payable to each such person.

38.(1) Where a question is referred to the Tribunal pursuant to this Part, the Tribunal shall hear and determine the question.

Tribunal to
determine
compensation

(2) Subject to this Ordinance, a determination of the Tribunal pursuant to sub-section (1) shall be final and shall not be open to challenge in a court by any process.

39.(1) In determining the amount of compensation payable under this Ordinance for the acquisition of land, regard shall be had to the rules in the Schedule.

Rules
for
determin-
ing
compensa-
tion

(2) The Minister may, out of moneys appropriated for the purpose, advance money by way of loan in accordance with rule 9 of the Schedule.

PART VI - APPEALS

40.(1) An appeal shall lie to the Supreme Court from every determination, direction or recommendation of the Tribunal.

Appeal to
Supreme Court

(2) The Supreme Court has jurisdiction to hear and determine an appeal brought pursuant to sub-section (1), and may either dismiss the appeal or may reverse or vary any determination, direction or recommendation made or given by the Tribunal, and in doing so, may make or give any determination, direction or recommendation that the Tribunal could have made or given under this Ordinance and may make such other orders as it thinks fit.

(3) The Supreme Court may order the payment to any person of such reasonable costs as it thinks fit on an appeal, and in exercising its discretion, need not observe the practice or rule that costs follow the event.

(4) The Chief Judge may make rules prescribing the practice and procedure applicable to an appeal under this section and, pending the making of rules, a judge of the Supreme Court may give such directions as to the practice and procedure applicable to the hearing of an appeal as he thinks fit.

Reference to
Supreme Court

41.(1) The Tribunal may, at the request of all persons appearing before it on any question or matter referred to the Tribunal, refer any question or matter to the Supreme Court for hearing and determination.

(2) The Supreme Court has jurisdiction to hear and determine any question or matter referred to it under sub-section (1) in lieu of the Tribunal hearing and determining the question or matter, and may make or give any determination, direction or recommendation that the Tribunal could have made under this Ordinance and may make such other orders as it thinks fit.

(3) The Supreme Court may order the payment to any person of such reasonable costs as it thinks fit on a reference under sub-section (1), and in exercising its discretion, need not observe the practice or rule that costs follow the event.

(4) The Chief Judge may make rules prescribing the practice and procedure applicable to a reference under sub-section (1) and, pending the making of such rules, a judge of the Supreme Court may give such directions as to the practice and procedure applicable to the hearing of the reference as he thinks fit.

PART VII - TEMPORARY OCCUPATION OR USE OF LAND

Minister may
authorise
entry

42. A person may, with the written authority of the Minister and in accordance with such terms and conditions as are specified in that authority, enter and remain upon any land for the purpose of determining whether it should be acquired under this Ordinance and for that purpose perform any works.

Duty of
authorized
person

43. In the doing of an act specified by the Minister in accordance with section 42 a person shall -

- (a) do as little damage as possible to the land and to anything on or growing on the land;
- (b) unless an agreement has been made with the owner of the land, remove from the land at the conclusion of the period during which he has remained on the land all plant, machinery, equipment or goods brought upon the land except those items as are required for survey purposes; and
- (c) leave the land, as nearly as possible, in the same condition as it was immediately prior to the entry upon the land.

44. An owner of the land who suffers loss or damage by reason of the exercise of the powers conferred upon a person authorized by the Minister under section 42 may make a claim in writing to the Minister for compensation for that loss or damage.

Owner make
claim for
damage

45. The provisions of Part V shall apply, with such modifications as are necessary, to a claim made under section 44 as if the person making the claim had a claim for compensation relating to the acquisition of land under this Ordinance, and his claim constituted a notice of dispute.

Provisions
of Part
VI to apply

46.(1) Where a person enters and remains on land in pursuance of an authority given under section 42, the owner of the land may, not less than 6 months after entry is first so effected, refer to the Tribunal the question of whether the Minister should be required to acquire the land under this Ordinance.

Tribunal
may
recommend
acquisition

(2) Where a question is referred to the Tribunal under sub-section (1), the Tribunal shall hear and determine the question and may make such recommendations to the Minister as it thinks fit.

47. A person shall not -

Interference
with survey
marks

- (a) wilfully and without authority interfere with a trigonometrical station, survey peg, mark or pole, established or placed on or in land by a person authorized under section 42 or
- (b) wilfully obstruct a person acting in accordance with an authorization under section 42.

Penalty: \$500.

PART VIII - MISCELLANEOUS

Tribunal may
direct payment
of compensation

48. The Tribunal may direct that any compensation payable under this Ordinance be applied -

- (a) in the purchase, redemption or discharge of any rate, tax, debt, mortgage or encumbrance which relates to the acquired land;
- (b) in the purchase of other land or securities to be conveyed or settled upon or towards the same use, trust or purpose as the acquired land;
- (c) in removing or replacing a building or substituting another in its stead in such manner as the Tribunal may direct;
- (d) in payment to a person absolutely entitled to the compensation or, in case of incapacity or disability, to his trustee, committee or guardian; or
- (e) in such other manner, and subject to such terms and conditions, as the Tribunal thinks fit.

Execution on
behalf of
Territory

49. All instruments, receipts and documents relating to the acquisition of land or to land vested, or which has been vested, in the Territory may be executed for and on behalf of the Territory by the Minister, the Crown Solicitor or by such other person as is authorized in that behalf by the Minister.

Ordinance
not to
affect
other
acquisitions

50. Nothing in this Ordinance shall limit, impede or prevent -

- (a) the acquisition by the Territory of land by agreement other than pursuant to this Ordinance where the purpose for which the land is to be acquired and used -
 - (i) is substantially the same as the purpose for which the land is used immediately prior to the acquisition; or
 - (ii) is a purpose which is permitted by any town planning scheme affecting the land, whether conditional upon prior approval for such use or otherwise;
- (b) the payment and acceptance under any agreement of an amount in satisfaction

for compensation otherwise payable under and in accordance with this Ordinance; and

- (c) the acquisition of land by the Territory pursuant to any other law of the Territory.

51.(1) Where it is provided in this Ordinance that an act or thing may or is required to be done within a specified time or not before the lapse of a specified time the Chairman may in his discretion extend or abridge that time.

Extension of time

(2) The Chairman may extend time under sub-section (1) notwithstanding that the time prescribed by this Ordinance for the doing of an act or thing has expired.

52.(1) A notice or other document that is required to be or may be served on or lodged with a person under this Ordinance may be served on or lodged with that person personally or be sent to him by prepaid post to his last known place of residence or business, or, in the case of the Minister, by personally serving the notice or other document on or lodging it with the Crown Solicitor.

Mode of service

(2) If the whereabouts of a person who is required to be or may be served with a notice or other document is not known, the notice or other document may be served -

- (a) by publication of a copy of such notice or other document in a newspaper circulating in the Territory; or
- (b) by affixing it in a prominent place on the land to which it relates.

53.(1) Notwithstanding anything contained in this Ordinance, where any person entitled to the payment of any compensation under this Ordinance suffers from any legal incapacity or disability, the Tribunal or the Chairman shall in each case first approve the amount of compensation payable to that person.

Tribunal to approve payment to persons with limited legal capacity

(2) If compensation is paid without the approval required by sub-section (1), the claimant, or a person acting on his behalf, may refer the matter to the Tribunal at any time for its determination as to the amount of compensation payable to the claimant and the Tribunal shall determine whether an additional amount of compensation is payable to the claimant.

Interest

54.(1) Subject to this Ordinance, any compensation payable under this Ordinance bears interest from the date of acquisition or such other date as is specified by the Tribunal to the date on which payment is made or, where payment is made into the Tribunal, to the date of that payment into the Tribunal.

(2) The rate of interest payable under sub-section (1) is the rate from time to time fixed by the Minister and in fixing that rate the Minister shall have regard to the rate of interest payable from time to time by the Commonwealth Trading Bank of Australia in respect of money owed to that Bank upon a current account overdraft.

Tribunal to
invest money

55. Where money is paid into the Tribunal under section 37 the Chairman -

- (a) may authorize the investment of the money in any investment in which a trustee may invest under the Trustee Act and Ordinance; and
- (b) shall add to a determination of the amount of compensation for the acquired land the amount of interest earned upon the money invested under this section.

Entry into
possession

56.(1) Subject to sub-section (4), where land is vested in the Territory under this Ordinance, the Minister shall endeavour to obtain agreement as to the terms and conditions on which the Territory will enter into possession of that land.

(2) Subject to sub-sections (3) and (4) if, at the expiration of 3 months after the publication in the Gazette of the notice of acquisition, the Minister is unable to obtain agreement for entry into possession of the land, he may apply to the Chairman for -

- (a) a warrant, authorizing a member of the Police Force to enter on the acquired land and to deliver up possession of that land to the Territory and for those purposes to use such force and assistance as may be necessary;

- (b) a determination that a person in possession of the acquired land is a tenant of the Territory in respect of that land upon such terms and conditions and at such rent as the Chairman determines;
- (c) such other determinations in relation to the tenancy of the persons in possession of the acquired land as may seem to the Chairman to be proper.

(3) The period of 3 months referred to in sub-section (2) may be extended by agreement between the Minister and any person in possession of the acquired land.

(4) Nothing in this section shall prevent the Territory from obtaining possession of acquired land at any time after the date of acquisition where the Minister is of the opinion that, having regard to the urgency of the situation or to other exceptional circumstances, it is not practicable to follow the procedure laid down in sub-sections (1) and (2).

(5) A determination under this section that a person is a tenant of the Territory is binding on that person and the terms and conditions of the tenancy may be enforced and the rent recovered by the Territory in any court of competent jurisdiction.

57. Where land acquired by the Territory is no longer required for the public purpose for which it was acquired the Minister may publish a notice in the Gazette declaring that the land is no longer required for that purpose and upon such publication the land shall become capable of being dealt with as unalienated Crown land under a law in force in the Territory.

Disposition of
acquired land

58. The Minister shall cause such Registries of the Tribunal to be established as he thinks fit and shall designate one of the Registries to be the Principal Registry.

Registries

59.(1) The Minister shall appoint a Registrar of the Tribunal and may appoint such other officers, including a Deputy Registrar, as he thinks fit.

Officers

(2) Subject to this Ordinance and the Rules, the Registrar and other officers appointed under sub-section (1) shall have such duties and functions as the Chairman directs.

Lodgment of documents

60. Where a document is permitted or required by this Ordinance to be lodged with the Tribunal or the Chairman, it shall be lodged at the office of the Registrar or a Deputy Registrar.

Rules

61. The Chairman of the Tribunal may make Rules, not inconsistent with this Ordinance, governing the practice and procedure of the Tribunal and hearings conducted by the Chairman alone.

Failure of witness to attend

62. A person served with a summons to appear as a witness before the Tribunal shall not, without reasonable excuse, fail to attend as required by the summons.

Penalty: \$1000, or imprisonment for 6 months, or both.

Refusal to be sworn or answer questions

63. A person appearing as a witness before the Tribunal shall not, without reasonable excuse -

- (a) when required to take an oath or make an affirmation, refuse or fail to comply with the requirement;
- (b) refuse or fail to answer a question that he is required to answer by the Chairman; or
- (c) refuse or fail to produce a document that he was required to produce by a summons served on him.

Penalty: \$1000, or imprisonment for 6 months, or both.

64. A person shall not -

Contempt of
Tribunal

- (a) insult a member in or in relation to the exercise of his powers or functions as a member ;
- (b) interrupt the proceedings of the Tribunal ;
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the Tribunal or the Chairman is sitting ; or
- (d) do any other act or thing that would, if the Tribunal were a court of record, constitute a contempt of that court.

Penalty: \$1000, or imprisonment for 6 months, or both.

65.(1) The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient for giving effect to this Ordinance.

Regulations

(2) Without limiting the effect of sub-section (1), the Regulations may include provision -

- (a) prescribing forms to be used for the proposes of this Ordinance; and
- (b) prescribed fees payable to witnesses.

Section 39

RULES FOR THE ASSESSMENT OF COMPENSATION

1. The compensation payable in respect of the acquisition of land is that amount which will adequately compensate the claimant for the loss he has suffered or will suffer by reason of the acquisition of his land.

2. In assessing compensation regard shall be had to -

- (a) the market value, that is, the amount that would have been paid for the land if, at the time of acquisition, it had been sold on the open market by a willing seller to a willing buyer;
- (b) special value, that is, the value of any special additional advantage enjoyed by the claimant as an incident of his ownership or occupation of the land;
- (c) severance, that is, the amount of any reduction of value of other land of the claimant caused by its severance from the acquired land; and
- (d) disturbance, that is, any loss sustained or cost incurred, by the claimant as a natural and reasonable consequence of the acquisition and which is not otherwise compensated or compensable.

3.(1) Where land is acquired and the market value of the land is determined upon the basis of the use of the land other than the use existing at the date of acquisition no amount shall be included as compensation attributable to disturbance that would have been sustained by the claimant in putting that land to that other use.

(2) In determining whether a particular loss is a natural and reasonable consequence of the acquisition of the land regard may be had to the personal circumstances of the claimant.

4. In assessing compensation, where, at the date of acquisition, land is zoned or is shown as reserved for a public purpose pursuant to a town planning

- (a) regard shall not be had to any limitation on the use of the land imposed or proposed by that scheme; and
- (b) it shall be assumed that the land was, at the date of acquisition, affected in such manner as would have been likely if there had been no requirement or proposal for its use for a public purpose.

5. Where the interest of the claimant in the land was due to expire or was liable to be determined, regard shall be had to any reasonable prospect of renewal or continuation of the interest and the likely terms and conditions of that renewal or continuation.

6. Where, at the date of acquisition a person is using land and, but for the acquisition would have continued to use land for a purpose which is such that there is no general demand in the market for land being used for that purpose and the claimant has relocated or genuinely intends to relocate that use on reasonably alternative land suitable for such use, compensation may be assessed -

(a) by adding -

- (i) the cost of acquiring such alternative land; and
- (ii) the cost of losses incurred or likely to be incurred by the claimant as a result of or incidental to such relocation, in each case calculated as at the date when it was, or when, in all the circumstances, it would be reasonably practicable for the claimant to incur the cost or the losses; and

(b) by deducting from such sum the amount, if any, by which the claimant has improved the value of his assets by such relocation.

7. In assessing compensation no account shall be taken of -

- (a) any special suitability or adaptability of the land for a purpose to which it could be applied only pursuant to statutory powers or by a government or a statutory corporation or by a particular person;
- (b) any increase in value occasioned by a use in a manner contrary to law;
- (c) any increase or decrease in value arising from the carrying out of or the proposal to carry out the public purpose for which the land was acquired; or
- (d) any increase in value occasioned by any improvement effected on the land after notice of intention was published in the Gazette unless the approval of the Minister was obtained for the making of the improvement.

8.(1) Where the claimant or the spouse of a claimant, at the date of the publication in the Gazette of the notice of intention and thereafter until the date of acquisition -

- (a) had an interest in the acquired land; and
- (b) occupied the land the subject of the notice of intention as his principal place of residence,

the assessment of compensation may include such sum as is reasonable to compensate the claimant for the intangible losses and costs occasioned by the acquisition and in assessing such sum regard shall be had to all relevant circumstances.

(2) For the purpose of this rule the relevant circumstances include -

- (a) the claimant's interest in the land;
- (b) the length of time the claimant or the spouse of the claimant has resided on the land;
- (c) the likely inconvenience to the claimant of removal from the land;
- (d) the period after acquisition during which the claimant or the spouse of the claimant

has been or will be allowed to remain in possession of the land; and

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- (e) the intentions of the claimant or the spouse of the claimant as to continuing to reside on the land.

9.(1) Where a claimant or the spouse of a claimant, at the date of publication in the Gazette of the terms of a notice of intention and thereafter until the date of acquisition -

- (a) had an interest in the acquired land; and
- (b) occupied the land the subject of the notice of intention as his principal place or residence,

and the Minister has reasonable cause to believe that the amount of compensation payable to the claimant under this Ordinance will be insufficient to enable him to purchase reasonably comparable accommodation, the Minister may authorize the granting of a loan of such amount of money as he thinks fit to the claimant in addition to any compensation payable under the Ordinance to enable the claimant to purchase reasonably comparable accommodation.

(2) A loan authorized pursuant to sub-section (1) may be -

- (a) secured by mortgage or other security;
- (b) subject to such other terms and conditions as the Minister thinks fit.

10. In rules 8 and 9, a reference to a spouse includes a reference to a bona fide defacto spouse.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

Relating to the Attorney-General, Solicitor-General and to the Crown Solicitor

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

1. This Ordinance may be cited as the
Law Officers Ordinance 1978.

Short
title

2. This Ordinance shall come into
operation on 1 July 1978.

Commence-
ment

3. The Crown Law Officer Reference
Ordinance 1950 is repealed.

Repeal

4.(1) A reference in an Ordinance of the
Territory, or in a regulation, by-law, or
other instrument under an Ordinance to the
Crown Law Officer (wherever occurring) shall
be omitted and "Crown Solicitor" substituted.

Transi-
tional

(2) Where an action has been brought or
defended, or a proceeding instituted, in the
name of the Solicitor for the Northern
Territory, that action or proceeding may,
after the commencement of this Ordinance, be
continued in the name of the Crown Solicitor.

(3) Subject to sub-section (4), the person
who was, immediately before the commencement
of this Ordinance, the Departmental Head of
the Department of Law under the Public Service
Ordinance, shall be deemed to be the Crown

Solicitor as though he had been appointed under section 8.

(4) Upon the appointment of the Crown Solicitor under section 8, the provisions of sub-section (3) shall cease to operate.

Attorney-
General
for the
Northern
Territory

5. A person who is appointed to be a minister under section of the Northern Territory (Self Government) Act 1910, and who is given the designation of "Attorney-General" pursuant to section of that Act or such other designation as is specified by instrument in writing by the Administrator to be the appropriate designation for the purposes of this section, is the Attorney-General for the Northern Territory for the purposes of this Ordinance.

Powers and
duties of
Attorney-
General

6. The Attorney-General shall -

- (a) be the official legal adviser to the Territory and to the Executive Council;
- (b) see to the administration of law and justice in the Territory;
- (c) advise the Territory on matters concerning Territory legislation including the drafting of legislation;
- (d) be responsible for the conduct of litigation on behalf of the Territory and for this purpose may act through the Crown Solicitor or such other person as he determines;
- (e) if his name is on the Roll of Legal Practitioners kept under the Legal Practitioners Ordinance, be entitled to practise as a legal practitioner as though he was holding an unrestrict-

ed practising certificate issued under that Ordinance;

- (f) have such powers, duties and prerogatives equivalent to those of the Attorney-General of England, whether by law or usage, as are capable of application to the Territory; and
- (g) have such other powers, duties and functions as are assigned to him by the Administrator.

7. A reference in an Ordinance of the Territory, or in a regulation, by-law, or other instrument under an Ordinance to the Attorney-General shall, unless the contrary intention appears, be read as a reference to the Attorney-General for the Northern Territory referred to in section 5.

Reference
to
Attorney-
General

8.(1) The Attorney-General may appoint -

- (a) a person to be the Solicitor-General for the Northern Territory; and
- (b) a person to be the Crown Solicitor for the Northern Territory.

Offices of
Solicitor-
General
and Crown
Solicitor

(2) A person shall not be appointed under sub-section (1) unless he is admitted or is qualified to be admitted as a legal practitioner of the Supreme Court.

(3) In case of the illness or absence of the Solicitor-General or the Crown Solicitor, or during a vacancy in either of those offices, the Attorney-General may appoint a person to act as Solicitor-General or to act as Crown Solicitor during such illness or absence or until the vacancy is filled.

(4) The Crown Solicitor shall have such powers, duties and functions as are prescribed by this Ordinance or as are prescribed under any other law of the Territory.

Rights and
privileges
of Crown
Solicitor

9. Subject to any directions of the Attorney-General, the Crown Solicitor may, in his official capacity, act as solicitor for -

- (a) the Crown in right of the Territory;
- (b) the Territory;
- (c) a person suing or being sued on behalf of the Territory;
- (d) a minister;
- (e) a body or authority established by a law of the Territory;
- (f) an officer of, or a person employed by -
 - (i) the Territory; or
 - (ii) a body or authority established by a law of the Territory;
- (g) a person holding office under a law of the Territory;
- (h) clients of the Crown Solicitor for the Commonwealth by arrangement with the Crown Solicitor for the Commonwealth; or
- (i) any other person, body or authority for whom the Attorney-General requests him to act.

10. The Solicitor-General and the Crown Solicitor shall, for the purpose of carrying out their powers, duties and functions, be entitled each to practise as a legal practitioner as though he was holding an unrestricted practising certificate issued under the Legal Practitioners Ordinance.

Solicitor-General and Crown Solicitor to practise as unrestricted legal practitioner

11. A reference in an Ordinance of the Territory, or in a regulation, by-law, or other instrument under an Ordinance to the Crown Solicitor shall, unless the contrary intention appears, be read as a reference to the person from time to time appointed to be the Crown Solicitor for the Northern Territory pursuant to section 8 and shall include an acting appointment and a person deemed to be the Crown Solicitor.

Reference to Crown Solicitor

12. Judicial notice shall be taken in all courts of the signature of the Solicitor-General and of the Crown Solicitor.

Judicial notice to be taken of signatures

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

Relating to the remuneration payable to members of the
Legislative Assembly

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

1. This Ordinance may be cited as the Legislative
Assembly (Remuneration of Members) Ordinance 1978.

Short
title

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

Definitions

"member" means a member of the Legislative Assembly;

"remuneration" means salary, allowances or salary
and allowances to be paid to a member by reason
of his membership of the Legislative Assembly,
or by reason of his holding a particular
office or offices, or performing a particular
function or functions in, or in relation to,
the Legislative Assembly;

"Tribunal" means the Remuneration Tribunal
established by section 4(1) of the Remuneration
Tribunal Act 1973 of the Commonwealth.

3. Subject to this Ordinance, the Executive Council
may, from time to time, determine the remuneration to
be paid to members.

Executive
Council to
determine
remuneration
of members

4.(1) The Executive Council may, at its descretion,
by notice in writing given to the Tribunal, request
that the Tribunal inquire into and determine, from
time to time, the remuneration to be paid to members.

Executive
Council may
request
Tribunal to
determine
remuneration

(2) A request made pursuant to sub-section (1) may be rescinded by the Executive Council by notice in writing given to the Tribunal.

(3) Where a request pursuant to sub-section (1) has been made, the Executive Council shall not determine the remuneration to be paid to members unless it first rescinds that request in accordance with sub-section (2).

Commence-
ment of
determin-
ation

5. A determination of the remuneration to be paid to members shall come into operation, or shall be deemed to have come into operation, on such date as is specified in that determination.

Determin-
ation to be
tabled

6. The Executive Member shall, as soon as practicable after a determination of the remuneration to be paid to members is received by him, cause a copy of that determination to be laid before the Legislative Assembly.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Local Government 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>Local Government Ordinance (No. 2) 1978.</u> | Short
title |
| 2. The <u>Local Government Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 5 of the Principal Ordinance is amended by inserting after the definition of "Valuer-General" the following definition:

"'vehicle' means a conveyance or carriage whether capable of self propulsion or not and whether capable of registration under the <u>Motor Vehicles Ordinance</u> or not but does not include a perambulator or a device designed principally for the self propulsion of an infirm person." | Defini-
tions |
| 4. Section 333 of the Principal Ordinance is amended by omitting the figures "2,000" and substituting "6000". | Tenders
to be
called for
contracts
over a
certain
amount |

By-laws

5. Section 349 of the Principal Ordinance is amended -

- (a) by omitting sub-section (36) and substituting the following sub-section:

"(36) Regulating the depositing of material on land which may -

- (a) cause a public nuisance of any nature;
- (b) give rise to a condition dangerous to public health;
- (c) form an attraction to vermin or a harbourage for vermin on that land; or
- (d) give rise to either a real or potential danger either on or off the land."

- (b) by inserting in sub-section (55) after "Council," the words "the establishment and conducting of stables and";

- (c) by inserting in sub-section (56) after "regulating" the words "the establishment and conducting of kennels and prescribing fees for the establishment and conducting of kennels and for regulating";

- (d) by omitting sub-section (70) and substituting the following sub-section:

"(70) Regulating or prohibiting the standing of animals and vehicles, in roads, in specified parts of roads, in public places or in other places vested in or under the control of the council, and for providing for the removal, impounding and disposal of animals or vehicles left standing in contra-

vention of a by-law regulating or prohibiting such standing and for the recovery of costs involved in the removal, impounding and disposal of such animals and vehicles.";

(e) by omitting from sub-section (77)
"(being reserves adjacent to fore-shores)"; and

(f) by omitting sub-section (79) and substituting the following sub-section:

"(79) Regulating or prohibiting the admission of persons, animals or vehicles to buildings, reserves, land or enclosures which are the property of or under the control of the council and for the removal of persons, animals or vehicles from those buildings, reserves, land or enclosures, as the case may be, for breach of such by-laws;".

6. Section 354A of the Principal Ordinance is repealed and the following section substituted:

"354A.(1) In this section -

Proof of
parking
offences

'officer' means a member of the Police Force of the Territory or a person employed by a council for the purpose of enforcing by-laws made by the council that create offences;

'offence' means an offence created by a by-law regulating or prohibiting the standing of vehicles in roads or in specified parts of roads or in public places;

'park' means stand a vehicle in a road or part of a road or in a public place;

'registered owner', in relation to a vehicle, means the person in whose name the vehicle is registered under the Motor Vehicles Ordinance, or under a Statute of a State or Territory which provides for the registration of vehicles, at the time when an offence is committed by reason of the standing of the vehicle at that time in a road or in a specified part of a road or in a public place, and, subject to this section, shall be presumed to be the owner of the vehicle.

"(2) This section shall not apply to or in relation to an offence unless the by-law creating the offence provides that it shall so apply.

"(3) Subject to this section, where an offence is committed by reason of the parking of a vehicle, the owner of the vehicle shall be deemed to have committed the offence.

"(4) For the purpose of proving an offence, evidence that -

- (a) the name and address of a person were shown painted on or affixed to the outside of a vehicle; or
- (b) the name and address of a person purporting to be the name and address of the registered owner of a vehicle were shown in any manner in or upon that vehicle,

is evidence that the person whose name and address were so shown was at the time they were shown the owner of that vehicle.

"(5) Where an officer finds a vehicle so parked that an offence has been committed, and the officer does not know who committed the offence, the officer may -

- (a) hand to the registered owner of the vehicle a notice in writing in accordance with sub-section (6); or
- (b) affix such a notice in a conspicuous position to the vehicle.

"(6) The notice referred to in sub-section (5) shall -

- (a) be identified by a serial number;
- (b) be addressed to the person who is the owner of the vehicle either by his name, or, if the officer does not know his name, by his designation as the registered owner of the vehicle, identifying the vehicle by the number plate affixed to it;
- (c) describe the vehicle that was so parked that an offence was committed and identify it by the number plate affixed to it;
- (d) allege that the registered owner committed an offence at a time, date and place specified in the allegation;
- (e) state in general terms the nature of the offence alleged to have been committed;
- (f) state in general terms that the person to whom it is addressed may elect not to be dealt with in the manner prescribed in paragraph (g)

but to have the alleged offence prosecuted in a court of summary jurisdiction -

- (i) if he desires to contest the question whether the offence alleged was in fact committed;
 - (ii) if he desires to submit to such a court any matter in mitigation of penalty; or
 - (iii) if for any other reason he elects to have the offence prosecuted in such a court;
- (g) state in general terms that the person to whom it is addressed may, if he does not elect to have the offence prosecuted in a court of summary jurisdiction -
- (i) complete the form attached to or written on the notice; and
 - (ii) on or before such date, being a date not less than 14 days after the date on which the notice is given, and within such hours as are specified in the notice forward or deliver it, together with the sum of 5 dollars by way of penalty, to the clerk or an officer specified in the notice as a person authorized by the clerk to receive the form and that sum by way of penalty; and
- (h) set out in general terms the provisions of sub-section (10).

"(7) If an officer informs the clerk -

- (a) that a vehicle has been so parked that an offence has been committed; and
- (b) that no notice has been handed to the registered owner of the vehicle or affixed to the vehicle in accordance with sub-section (5),

the clerk may give to the owner of the vehicle notice in writing in accordance with sub-section (6).

"(8) Subject to sub-section (10), where -

- (a) in relation to an offence, notice has been given under sub-section (5) or (7); and
- (b) payment of the sum of money by way of penalty that is specified in the notice has not been made in accordance with the notice,

a prosecution for the offence may be commenced, upon the complaint of the clerk or a person authorized by him to make such a complaint, against the owner of the vehicle or any other person alleged to have committed the offence.

"(9) The signature of the clerk shall be judicially noticed for the purposes of a prosecution for an offence.

"(10) The owner of a vehicle shall not be deemed to have committed an offence if he was not in control of the vehicle at the time the offence was committed and -

- (a) not later than 14 days after the day on which he is served with a notice under sub-section (5) or (7) in relation to the offence he furnished to the clerk a statutory declaration in which he states facts which prove to the satisfaction of the clerk -
 - (i) that some other person was in control of the vehicle at the time when the offence was committed and that the name and address of residence of that other person are as set out in the statutory declaration;
 - (ii) that he sold the vehicle before the offence was committed and that the sale was made on the date specified in the statutory declaration to a person whose name and address are as set out in the statutory declaration and, if the sale was made through an agent, that the name and address of the agent are as set out in the statutory declaration; or
 - (iii) that at the time when the offence was committed he was unable to exercise any control over the vehicle because it had been stolen from him or was being used unlawfully without his consent; or
- (b) he satisfies the court hearing a charge for the offence as to the truth of the matters as to which he has made a statutory declaration under paragraph (a)."

7.(1) The amendments effected by this Ordinance shall not affect a by-law in force immediately prior to the commencement of this Ordinance and any such by-law shall be as valid and continue in such force as it would have had if this Ordinance has not been commenced.

Saving

(2) Any proceedings which may be or may have been instituted in relation to an alleged offence contrary to a provision of the Principal Ordinance or a by-law made under the Principal Ordinance immediately prior to the commencement of this Ordinance shall continue or may be instituted as though this Ordinance had not commenced.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To validate the elections for mayor and aldermen in each of the municipalities of Darwin, Katherine and Tennant Creek

WHEREAS, in pursuance of section 49 of the Local Government Ordinance, the Corporation of the City of Darwin fixed 29 April 1978 as the date for the election of a mayor and aldermen for the next 3 years:

And whereas, notwithstanding section 87 of the Local Government Ordinance, the clerk, as returning officer, closed nominations for those positions at noon on 31 March 1978:

And whereas it is desirable that, notwithstanding failure to comply with section 87 of the Local Government Ordinance, the elections held on 29 April 1978 should be validated:

And whereas by notice in the Gazette (No. 8B of 2 March 1978) the Acting Administrator, acting in pursuance of sections 8 and 11 of the Local Government Ordinance, constituted the town of Katherine, as described in that notice, a municipality, determined its boundaries, gave it the name of "The Municipality of Katherine", fixed 13 May 1978 to be the date for the first election of a mayor and aldermen for that municipality and fixed the number of aldermen to be elected:

And whereas by further notice in the Gazette (No. 8B of 2 March 1978) the Acting Administrator, purporting to act in pursuance of section 45 of the Local Government Ordinance,

in respect of the election last recited, purported to determine 3 April 1978 as enrolment day, purported to determine 21 April 1978 as nomination day, purported to determine the office occupied by the District Officer situated in the District Office, Giles Street, Katherine as the place at which nominations would be received and purported to appoint Graham Bruce Robinson as returning officer for that election:

And whereas Graham Bruce Robinson is unable to act as returning officer for that election:

And whereas by notice in the Gazette (No. 15 of 14 April 1978) the Executive Member, purporting to act under section 45 of the Local Government Ordinance, appointed Jonathon David Leyton to be the returning officer for the first election of a mayor and aldermen for the Municipality of Katherine:

And whereas it is desirable that the holding of the first election of the mayor and aldermen for the Municipality of Katherine be validated and the appointment of Jonathon David Leyton as returning officer in place of Graham Bruce Robinson be validated and confirmed:

And whereas by notice in the Gazette (No. 8B of 2 March 1978) the Acting Administrator, acting in pursuance of sections 8 and 11 of the Local Government Ordinance, constituted the town of Tennant Creek, as described in that notice, a municipality, determined its boundaries, gave it the name of "The Municipality of Tennant Creek", fixed 13 May 1978 to be the date for the first election of a mayor and aldermen for that municipality and fixed the number of aldermen to be elected:

And whereas by further notice in the Gazette (No. 8B of 2 March 1978) the Acting Administrator, purporting to act in pursuance of section 45 of the Local Government Ordinance, in respect of the election last recited,

purported to determine 3 April 1978 as enrolment day, purported to determine 21 April 1978 as nomination day, purported to determine the office occupied by the District Officer situated in the District Office, Windey Street, Tennant Creek the place at which nominations would be received and purported to appoint Bruce Arch McRae as returning officer for that election:

And whereas it is desirable that the holding of the first election for a mayor and aldermen for the Municipality of Tennant Creek be validated:

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

1. This Ordinance may be cited as the Local Government Elections(1978)Validating Ordinance 1978.

Short
title

2. Except as otherwise provided by this Ordinance expressions used in this Ordinance have the same meaning as those expressions have in the Local Government Ordinance.

Defini-
tions

3. The election of the mayor and the aldermen of the Corporation of the City of Darwin on 29 April 1978 is as valid as if there had been compliance with section 87 of the Local Government Ordinance.

Darwin
local
government
elections

4.(1) The determinations in the notice in the Gazette hereinbefore recited in respect of the Municipality of Katherine relating -

Katherine
local
government
elections

(a) to enrolment day and nomination day for the first election of a mayor and aldermen for that municipality; and

(b) to the place at which nominations are to be received,

are as valid and effectual as if they were made by the Executive Member ~~and as though~~ there had been compliance with section 45 of the Local Government Ordinance.

(2) The appointment of Jonathon David Leyton in the manner hereinbefore recited is, notwithstanding anything contained in the Local Government Ordinance, valid.

(3) The election of the mayor and aldermen of the Municipality of Katherine at the first election on 13 May 1978 is as valid as if there had been compliance with section 87 of the Local Government Ordinance.

Tennant
Creek
local
government
elections

5.(1) The determinations in the notice in the Gazette hereinbefore recited in respect of the Municipality of Tennant Creek relating -

- (a) to enrolment day and nomination day for the first election of a mayor and aldermen for that municipality; and
- (b) to the place at which nominations are to be received,

are as valid and effectual as if they were made by the Executive Member and as if there had been compliance with section 45 of the Local Government Ordinance.

(2) The election of the mayor and aldermen of the Municipality of Tennant Creek at the first election on 13 May 1978 is as valid as if there had been compliance with section 87 of the Local Government Ordinance.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Lottery and Gaming Ordinance

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

1. This Ordinance may be cited as the
Lottery and Gaming Ordinance (No. 3) 1978.

Short
title

2. This Ordinance shall come into operation on 1 July 1978.

Commence-
ment

3. The Lottery and Gaming Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

4. Section 83 of the Principal Ordinance is amended -

Applicat-
ion of
revenue
from tot-
alizer

(a) by omitting from sub-sections (1), (3) and (4) "to the Commonwealth" and substituting "into the Northern Territory Government account"; and

(b) by omitting from sub-section (4) "the Crown" and substituting "the Territory".

5. Section 87 of the Principal Ordinance is amended by omitting "to the Treasurer of the Commonwealth" and substituting "into the Northern Territory Government Account".

Dividends
Adjustment
Fund

6. Section 94A of the Principal Ordinance is amended by omitting from the definition of "tax ticket" the words "Stamp Ordinance and issued by the Commonwealth" and substituting "Taxation (Administration) Ordinance".

Definit-
ions

7. Section 94H of the Principal Ordinance is repealed and the following section substituted:

Moneys of
the Board

"94H. The moneys of the Board consist of such moneys as are appropriated for the purposes of the Board by a law of the Territory."

Repeal of
section
94K

8.(1) Section 94K of the Principal Ordinance is repealed.

(2) The repeal of section 94K of the Principal Ordinance does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Board and the Board has power to maintain a bank account established under section 94K of the Principal Ordinance for the purposes of, and in accordance with, that section.

Repeal of
sections
94KA,
94KB and
94KC

9.(1) Sections 94KA, 94KB and 94KC of the Principal Ordinance are repealed.

(2) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

10. Section 94KD of the Principal Ordinance is repealed and the following section substituted:

Moneys
payable to
racing
bodies, &c.

"94KD.(1) Subject to this section -

- (a) there is payable to racing bodies in each financial year an amount equal to 65% of the sum of the net amount received in respect of the issue of tax tickets; and
- (b) there is payable to charities in each financial year an amount equal to 35% of the sum of the net amount received in respect of the issue of tax tickets.

"(2) Amounts payable under sub-section (1) are payable to such racing bodies and such charities and in such amounts as the Administrator determines after consideration of any recommendations of the Board.

"(3) For the purposes of sub-section (1), the net amount received in respect of the issue of tax tickets is the gross amount received in respect of the issue of tax tickets less such deductions and expenditures as are determined by the Administrator to be properly allowable.

"(4) An amount equal to the fee paid by a licensed bookmaker under section 94AE(2A) for opening his premises on a day shall be divided in such amounts as the Minister determines and paid in those amounts to the clubs, companies, associations or other bodies established for the purpose of promoting, controlling or conducting the sport of horse racing, trotting racing, pony racing or dog racing which, on the day in respect of which the fee was paid, held a meeting at a place that was within 80 kilometres of the premises in respect of which the fee was paid."

11. Section 94BA of the Principal Ordinance is amended by omitting the definition of "Board".

Definit-
ions

12. Sections 7, 8, 22, 23, 24, 25, 26, 27, 28, 31, 68, 69, 71A, 71B, 71C, 71E, 71G, 71Q, 73, 76, 77, 78, 81, 87, 88, 90 and 91 of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring) and substituting "Minister".

References
to Adminis-
trator

13. Sections 8, 17, 19, 24, 25, 25A, 26, 31D, 71H, 74, 81, 94L and 94U of the Principal Ordinance are amended by omitting "Administrator in Council" (wherever occurring) and substituting "Minister".

References
to Adminis-
trator in
Council

References
to
Executive
Member

14. Sections 94D, 94F, 94P and 94AAR of the Principal Ordinance are amended by omitting "Executive Member" (wherever occurring) and substituting "Minister".

References
to Con-
solidated
Revenue
Fund

15. Sections 31, 34(7) and 41(3) of the Principal Ordinance are amended by omitting "Consolidated Revenue Fund" (wherever occurring) and substituting "Northern Territory Government Account".

References
to Board

16. Sections 94W, 94BB, 94BC(1), 94BD(1) and (2) of the Principal Ordinance are amended by omitting "Board" (wherever occurring) and substituting "Commissioner of Taxes".

Savings
Provision

17. 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Magistrates Ordinance

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

1. This Ordinance may be cited as the
Magistrates Ordinance 1978.

Short
title

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

Principal
Ordinance

3.(1) Section 4(1) of the Principal
Ordinance is amended by omitting paragraph
(b) and substituting the following
paragraph:

Chief
Magis-
trate
and Sti-
pendiary
Magis-
trates

"(b) so many other offices of
Stipendiary Magistrate as the
Executive Member determines."

(2) Section 4 of the Principal
Ordinance is amended by inserting after
sub-section (1) the following sub-section:

"(1A) For the purposes of sub-section
(1)(b) the **Executive** Member may from time
to time determine the number of offices of
Stipendiary Magistrate."

Savings

4.(1) Where, immediately before the commencement of this Ordinance, a person was or was acting as a Stipendiary Magistrate under the Principal Ordinance -

- (a) that person continues to hold or to act in, as the case may be, that office under, but subject to, the Principal Ordinance as amended by this Ordinance; and
- (b) that person, or a court or tribunal constituted by that person, may continue any hearing or other action or thing commenced by him or it before this Ordinance came into operation as though this Ordinance had not come into operation.

(2) Until the Executive Member makes a determination under section 4(1A) of the Principal Ordinance as amended by this Ordinance, the number of other offices of Stipendiary Magistrate for the purposes of section 4(1)(b) of the Principal Ordinance as amended by this Ordinance is 6.

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) 1978.

Short
title

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

Principal
Ordinance

3. After section 73 of the Principal
Ordinance the following sections are
inserted:

"73A.(1) The Administrator may, before
approval, grant or renewal of a lease, enter
into a contractual arrangement with the
lessee of a mining lease regarding -

Contract-
ual
arrange-
ments
between
lessee
and
Adminis-
trator

- (a) the development of the mineral
deposits in or on the demised land;
- (b) the conduct of mining operations on
the demised land; and

- (c) the concentrating or other processing of minerals obtained from the demised land.

"(2) The lessee of a mining lease shall comply with a contractual arrangement entered into pursuant to sub-section (1).

Environ-
mental
protection
during
mining
operations

"73B.(1) Subject to this section, the lessee of a mining lease, in using the demised land for mining purposes shall not do anything that unnecessarily or excessively, having regard to the purpose of the lease -

- (a) increases the risk of soil erosion;
- (b) injures plant or animal life;
- (c) disturbs other natural resources in or on the land;
- (d) pollutes the air or the earth's surface or waters;
- (e) creates noise; or
- (f) otherwise damages the environment.

"(2) Where any discharge of waste, whether in solid, liquid or gaseous form, results from using the demised land, the lessee of a mining lease shall -

- (a) provide and maintain settling dams, settling basins and other works for impounding and retaining mine waste; and

- (b) except in such cases and subject to such conditions as the Administrator may, by notice in writing, specify, from time to time, do all such things as are necessary to prevent waste or debris from obstructing, damaging or interfering with the sea, a watercourse, lake or reservoir, or land adjacent to the sea, a watercourse, lake or reservoir.

"(3) If the Administrator is satisfied that the lessee of a mining lease has contravened or is likely to contravene sub-section (1) or (2), he may, by notice in writing, direct, from time to time, the lessee to take, or to refrain from taking, a specified action to rectify or minimise the damage done by the contravention or to ensure that a contravention will not occur.

"(4) The Administrator's powers under sub-section (3) include power to give a direction with respect to -

- (a) the manner of construction and maintenance, and the stabilization, of settling dams, settling basins and other works;
- (b) the treatment of waste prior to its disposal;
- (c) the level and type of contaminants which may be released into the environment and the method of such release;
- (d) the use of explosives; and
- (e) the time within which an action shall be taken.

Restor-
ation of
land after
mining

"73C.(1) If the Administrator, by notice in writing, requires the lessee of a mining lease so to do, the lessee shall, before the termination of the lease or within such further time as the Administrator may allow, do all such things as are necessary to restore the surface of the demised land to a condition which is satisfactory to the Administrator.

"(2) The Administrator may, for the purposes of sub-section (1), require the lessee to take the advice of a person nominated by the Administrator with regard to the regeneration and redevelopment of plant life on the areas of land which have been used by the lessee.

"(3) Before the expiration of a mining lease, the lessee shall ensure that all plant, equipment, buildings and refuse on the land is removed or otherwise disposed of to the satisfaction of the Administrator.

"(4) If the lessee of a mining lease satisfies the Administrator that any plant, equipment or building on the demised land has historical or educational value, the Administrator may permit the lessee to leave it on the land, and may require the lessee to restore it to a condition which is satisfactory to the Administrator.

Remedies
for
breach of
sections
73A,
73B(3) and
73C

"73D.(1) If the lessee of a mining lease contravenes or fails to comply with section 73A or with a direction, notice or requirement given under section 73B(3) or 73C, the Administrator may, after giving to the lessee notice of intention to do so -

(a) cancel the lease;

- (b) cause the required action to be taken -
 - (i) without cancelling the lease;
 - (ii) in addition to cancelling the lease; or
 - (iii) after termination of the lease; or
- (c) impose a fine not exceeding \$1000 either as an alternative or in addition to action under paragraph (a) or (b).

"(2) The cost of taking the required action pursuant to sub-section (1)(b) shall be a debt due to the Commonwealth by the lessee, recoverable in a court of competent jurisdiction."

4. The amendments to the Principal Ordinance effected by section 3 apply to the lessee of a mining lease which is approved, granted or renewed after the date of commencement of this Ordinance.

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. 3) 1978.

Short
title

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

Principal
Ordinance

3. After section 71 of the Principal
Ordinance the following sections are inserted:

"71A.(1) The Administrator may grant a
mining lease and execute an instrument of
lease notwithstanding that the boundaries
and area of the land comprised in the
proposed mining lease have not been deter-
mined with precision at the date of the grant
of the lease or the issue of the instrument
of lease.

Mining
leases
where
boundar-
ies and
area not
determin-
ed

"(2) For the purposes of sub-section (1)
the applicant for a mining lease shall
specify in the application, and the instru-
ment of lease shall specify, as nearly as may
be then ascertained the boundaries and area
of the proposed mining lease.

"(3) A lease shall not be avoided by reason only of any defect in the description of the demised land.

Variation
of instru-
ments of
lease

"71B.(1) When the boundaries and area of the land comprised in a mining lease have been accurately determined and either differ from the description or measurement specified in the instrument of lease, the Administrator shall cause that instrument of lease to be varied to accord with the boundaries and area so determined.

"(2) The Administrator shall serve notice in writing of a variation made in accordance with sub-section (1) on the lessee of a mining lease affected by that variation and shall cause a copy of that notice to be registered in the register containing the instrument of lease to which it relates kept in the Department of Mines.

"(3) Subject to sub-section (4), an instrument of lease varied in accordance with sub-section (1) shall be construed and operate as if it had been originally issued as varied in the particulars specified in the notice referred to in sub-section (2).

"(4) The Administrator may specify, in the notice referred to in sub-section (2), that a variation in accordance with sub-section (1) shall operate on and from a date other than the date of issue of the instrument of lease affected by that variation.

"71C.(1) Where, prior to his receipt of the notice referred to in section 71B(2), the lessee of a mining lease has placed any improvements, plant or equipment on land which, by reason of a variation in accordance with section 71B(1), has ceased to be part of the demised land he may, together with his workmen and vehicles -

Incidental provisions regarding variation of instruments of lease

- (a) within one month after receipt by him of that notice, by force of this section; or
- (b) after the expiration of one month after receipt by him of that notice, with the permission of and subject to conditions, if any, imposed by the Administrator,

enter upon that land and remove those improvements, machinery, plant or equipment.

"(2) Where mineral is won from land which by reason of a variation in accordance with section 71B(1) ceases to be part of a mining lease, the lessee of a mining lease which has been varied in accordance with section 71B(1) shall pay, in respect of that mineral, royalty at the rate or in the amount applicable in respect of that mineral won pursuant to a mining lease.

"(3) No action shall lie against the Crown, the Territory or a person concerned in the administration of this Ordinance for a claim arising out of anything done in accordance with this section or done by a lessee of a mining lease on, or in respect of, land which by reason of a variation in accordance with section 71B(1), has ceased to be part of a mining lease.

"(4) Nothing in this section shall be construed so as to prejudice the right of a person to recover from another person damages for injury caused to land which, by reason of a variation in accordance with section 71B(1), has ceased to be part of a mining lease, or to improvements or anything on or in such land."

Adminis-
trator
may
forfeit
lease if
develop-
ment work
not
satisfac-
tory

4. Section 87A(2) of the Principal Ordinance is amended by omitting "and from the Australian Atomic Energy Commission constituted under the Atomic Energy Act 1953".

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Museums and Art Galleries 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>Museums and Art Galleries Ordinance 1978.</u> | Short title |
| 2. This Ordinance shall come into operation on 1 July 1978. | Commencement |
| 3. The <u>Museums and Art Galleries Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 4. Sections 8(1) and (2), 11(1), (2), 2(a) and (b) and 17 of the Principal Ordinance are amended by omitting "Executive Member" and substituting "Minister". | Executive Member |
| 5. Section 19 of the Principal Ordinance is amended by omitting "Commonwealth" (second occurring) and substituting "Territory or the Commonwealth". | Power to lend exhibits |
| 6. Section 23 of the Principal Ordinance is amended by omitting paragraph (a) and substituting the following paragraph: | Moneys of the Board |
| "(a) such moneys as are appropriated for the purposes of the Board by a law of the Territory; and". | |

Repeal 7.(1) Sections 25, 26, 28, 29 and 30 of the Principal Ordinance are repealed.

(2) The repeal of section 25 of the Principal Ordinance does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Museums and Art Galleries Board and the Museums and Art Galleries Board has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

(3) The repeal of section 26 of the Principal Ordinance does not affect the operation of section 81 of the Financial Administration and Audit Ordinance in its application to the Museums and Art Galleries Board and the Museums and Art Galleries Board has power to continue to hold investments to the extent authorized by that section.

(4) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

(5) 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Pawnbrokers Act and Ordinance

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

1. This Ordinance may be cited as the
Pawnbrokers Ordinance 1978.

Short
title

2. The Pawnbrokers Act and Ordinance is
in this Ordinance referred to as the
Principal Statute.

Principal
Statute

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

Commence-
ment

4. Sections 37 to 44 (inclusive) of the
Principal Statute in their application to
the Northern Territory are repealed and the
following sections substituted:

"37.(1) The Executive Member may, in
relation to a matter or class of matters or
to a place, by writing under his hand, dele-
gate to a person all or any of his powers and
functions under this Part (except this power
of delegation, the power to refuse to grant a
licence or the renewal of a licence and the
power to cancel or suspend a licence) so that
the delegated powers may be exercised by the
delegate with respect to the matter or class
of matters, or to the place, specified in the
instrument of delegation.

Dele-
gation

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

Applica-
tion for
pawn-
broker's
licence

"38.(1) A person may, in accordance with the prescribed form, apply to the Executive Member for a pawnbroker's licence in respect of each shop in which he intends to conduct the business of a pawnbroker.

"(2) An application for a licence under this section -

- (a) shall be accompanied by the prescribed fee;
- (b) shall, where the applicant is a natural person, state the full names, occupations and residential addresses of 2 persons to whom reference may be made whether the applicant is a fit and proper person to hold the licence; and
- (c) shall, where the applicant is a company, be accompanied -
 - (i) by a copy of the memorandum of association of the company; and
 - (ii) by a statement of the names and addresses of the directors of the company.

Applica-
tion for
renewal
of pawn-
broker's
licence

"39.(1) A person who holds a pawnbroker's licence under this Statute may, before the date upon which the licence expires, apply, in accordance with the prescribed form, to the Executive Member for a renewal of that licence.

"(2) An application for the renewal of a pawnbroker's licence -

(a) shall be accompanied by the prescribed fee; and

(b) shall, where the applicant is a company, state whether, since the grant or last renewal of the company's licence -

(i) the memorandum of association of the company has been changed; or

(ii) there has been a change in the directors of the company,

and, if so, the application shall be accompanied by -

(iii) a copy of the memorandum of association as so changed; or

(iv) a statement of the names and addresses of the current directors of the company,

as the case may be.

"(3) Subject to this Statute, where a person applies for the renewal of a pawnbroker's licence under this Statute, the licence remains in force until the application is granted or refused.

"40.(1) Subject to this section, the Executive Member may grant, or refuse to grant, a pawnbroker's licence or a renewal of a pawnbroker's licence.

"(2) The Executive Member shall not grant a pawnbroker's licence or a renewal of a pawnbroker's licence unless he is satisfied -

Executive
Member
may grant
or refuse
pawn-
broker's
licence,
&c.

(a) that, if the applicant for the licence or renewal is a natural person -

- (i) he is of or over the age of 18 years; and
- (ii) he is a fit and proper person to hold a pawnbroker's licence;
- (b) that, if the applicant for the licence or renewal is a company -
 - (i) the company is, by its memorandum of association, authorized to carry on the business of a pawnbroker;
 - (ii) at least one of the directors of the company holds a pawnbroker's licence; and
 - (iii) the company, as managed by its directors, will properly conduct that business; and
- (c) that the shop in which the applicant intends to carry on the business of a pawnbroker is suitable for the purposes.

"(3) Where the Executive Member refuses to grant a pawnbroker's licence or a renewal of a pawnbroker's licence, he shall serve notice by post on the applicant informing him that his application has been refused and of the grounds for the refusal.

Fee to be
refunded
if appli-
cant
refused

"41. Where an application for the grant or renewal of a pawnbroker's licence has been refused and -

- (a) the time for appeal has expired without an appeal being lodged; or
- (b) there has been an appeal and the appeal has been dismissed,

the fee accompanying the application shall be refunded.

"42. A person shall not -

- (a) carry on business as a pawnbroker; or
- (b) act as or hold himself out as being a pawnbroker,

Pawnbroker
must hold
licence

unless he is the holder of a pawnbroker's licence in force under this Statute relating to the shop at which he carries on business.

Penalty: Where the offence is committed by a natural person, 500 dollars; in the case of a company, 1000 dollars.

"43. A licence issued under this Statute -

Form and
duration
of licence

- (a) shall be in accordance with the form prescribed;
- (b) shall be dated on the day on which it is issued; and
- (c) shall determine on 31 July next following the date of issue.

"44.(1) A pawnbroker may apply to the Executive Member for approval to substitute another shop for the shop to which his licence applies.

Substitu-
tion of
shop

"(2) In considering whether to approve premises under sub-section (1), the Executive Member shall, in relation to the new shop, take into consideration the matter referred to in section 40(2)(c).

"44A.(1) If a pawnbroker is convicted of any fraud in his business, or of receiving stolen goods knowing them to be stolen, the court before which the pawnbroker is convicted shall order that his licence be cancelled and the licence shall thereupon be cancelled.

Cancell-
ation, &c.,
of licence

"(2) The Executive Member may cancel the licence -

- (a) of a pawnbroker who has been convicted of an offence against this Statute; or
- (b) of a pawnbroker who, in his opinion, is no longer a fit and proper person to hold the licence,

or may suspend the licence for such period as he thinks fit.

"(3) If a licence is cancelled or suspended under sub-section (2), the Executive Member shall forthwith serve notice by post on the holder of the licence informing him that his licence has been cancelled or suspended, as the case may be, and of the grounds for the cancellation or suspension.

Appeal to
Local
Court on
refusal
or failure
to grant
pawn-
broker's
licence

"44B.(1) Where the Executive Member -

- (a) refuses to grant to a person a pawnbroker's licence or a renewal of a pawnbroker's licence; or
- (b) cancels or suspends a licence under section 44A(2),

the applicant may appeal to a Local Court of full jurisdiction nearest to the place at which the applicant carries on business.

"(2) An appeal under this section shall be instituted within 28 days -

- (a) in the case of a refusal to grant or renew a licence - from and including the date upon which the applicant receives notice under section 40(3); or
- (b) in the case of a cancellation or suspension of a licence - from and including the date on which the holder

of a pawnbroker's licence receives notice under section 44A(3).

"44C.(1) A Local Court of full jurisdiction -

Juris-
diction
and powers
of Local
Court on
appeal

(a) has jurisdiction to hear and determine an appeal under section 44B; and

(b) upon hearing the appeal -

(i) if the appeal relates to a refusal to grant or renew a licence and the court is satisfied as to the matters specified in section 40(2) - shall order the granting by the Executive Member of the licence or renewal; or

(ii) if the appeal relates to a cancellation or suspension of a licence and the court is satisfied that there are no grounds for the cancellation or suspension - shall revoke the suspension or cancellation and restore the licence,

and may make such order as to costs as it thinks fit.

"(2) The practice and procedure governing an appeal under section 44B shall, subject to any directions given by the court, be as near as practicable to the practice and procedure applicable to a Local Court under the Local Courts Ordinance and the rules made under that Ordinance.

"44D. The licence of a pawnbroker is cancelled forthwith upon his becoming bankrupt, applying to take the benefit of a loan for the relief of bankrupt or insolvent debtors, compounding with his creditors or making an assignment of his assets or income for their benefit.

Deter-
mination
of
licence
on bank-
ruptcy,
&c.

Return of
expired,
&c.,
licence

"44E. The holder of a pawnbroker's licence shall, within 14 days after the date of the expiration, cancellation or suspension of his licence deliver the licence to the Executive Member.

Penalty: 200 dollars."

5. The Principal Statute is amended by adding after section 56 the following section:

Regula-
tions

"57.(1) The Administrator in Council may make regulations, not inconsistent with this Statute, prescribing all matters that are required or permitted by this Statute to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Statute.

(2) Regulations made under this Statute shall be regulations for the purposes of the Interpretation Ordinance and the Regulations Publication Ordinance."

Fourth
and Fifth
Schedules
repealed

6. The Fourth and Fifth Schedules to the Principal Statute in their application to the Northern Territory are repealed.

Serial 84
Pay-roll Tax
Mr Everingham

THE NORTHERN TERRITORY OF AUSTRALIA

PAY-ROLL TAX BILL

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the Imposition, Assessment and Collection
of Tax upon certain Wages related to the Northern
Territory

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the
Pay-roll Tax Ordinance 1978.

Short
title

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

Commencement

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

Interpre-
tation

"agent" includes a person who, in the
Territory, for or on behalf of another person
outside the Territory, holds or has the management
or control of the business of that other person,
and a person declared by the Commissioner to be an
agent or the sole agent for another person for the
purposes of this Ordinance;

"company" includes all bodies and asso-
ciation, incorporated or unincorporated and
partnerships;

"corresponding law" means a law of a State
relating to the imposition upon employers of a tax
on wages paid or payable by them and the
assessment and collection of that tax;

"employer" means a person who pays or is
liable to pay wages, and includes a public
authority (including a local governing body)

constituted by or under an Act of a State or a law of the Territory, being an authority the wages paid by which are not paid by the Territory or a statutory corporation;

"liquidator" means the person who, whether or not appointed as liquidator, is the person required by law to carry out the winding up of a company;

"person" includes a company;

"tax" means tax referred to in section 10;

"taxable wages" means wages in respect of which tax is payable, including wages in respect of which, but for section 12, tax would be payable but does not include wages that, by virtue of section 13, are exempt from tax;

"the commencing date" means the date of commencement of this Ordinance;

"the commencing period" means the period commencing on the commencing date and ending on 30 June next following the commencing date;

"the Commissioner" means the Commissioner of Taxes appointed pursuant to the Taxation (Administration) Ordinance;

"trustee", in addition to a person appointed or constituted trustee by act of parties, by order or declaration of a court, or by operation of law, includes -

(a) an executor, administrator, guardian, committee, receiver or liquidator; and

(b) a person having or taking upon himself the administration or control of any real or personal property affected by any express or implied trust, or acting in a fiduciary capacity, or having the possession, control or management of any real or personal property of a person under any legal or other disability;

"wages" means wages, salary, commission, bonus or allowance paid or payable (whether at piece

work rates or otherwise and whether paid or payable in cash or in kind) to an employee as such and, without limiting the generality of the foregoing, includes -

- (a) a payment made under a prescribed class of contracts, to the extent to which the payment is attributable to labour;
- (b) a payment made by a company by way of remuneration to a director or a member of the governing body of that company;
- (c) a payment made by way of commission to an insurance or time-payment canvasser or collector; and
- (d) the provision by the employer of meals or sustenance, or the use of premises or quarters, as consideration or part consideration for the employee's services.

(2) For the purposes of this Ordinance, meals or sustenance provided by an employer shall be deemed to have a value of \$1.50 per week, or, in any particular case or class of cases, such other value as is prescribed in respect of that case or class of cases, and the use of premises or quarters provided by an employer shall be deemed to have a value of 50 cents per week or, in any particular case or class of cases, such other value as is prescribed in respect of that case or class of cases.

(3) For the purposes of this Ordinance, the commencing period shall be deemed to be a financial year.

PART II - ADMINISTRATION

4. The Commissioner has the general administration of this Ordinance.

Administra-
tion of
Ordinance
Secrecy

5. (1) In this section, "officer" means a person who is or has been employed in a department within the meaning of the Public Service Ordinance and, who, by reason of that employment or in the course of that employment, may acquire or has acquired information with respect to the affairs of any other person

disclosed or obtained under this Ordinance.

(2) Subject to this section, an officer shall not, either directly or indirectly, except in the performance of his duties as an officer, and either while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any such information so acquired by him.

Penalty: \$500 or imprisonment for 12 months.

(3) An officer shall not be required to produce in court a return, assessment or notice made or given for the purposes of this Ordinance, or to divulge or communicate to a court a matter or thing that has come to his notice in the performance of his duties as an officer, except when it is necessary to do so for the purpose of carrying into effect the provisions of this Ordinance.

(4) Nothing in this section prevents the Commissioner or a person authorized by the Commissioner, from communicating any information to -

(a) a person performing a function or duty arising under an Act administered by the Commissioner, for the purpose of enabling that person to carry out that function or duty; or

(b) a person performing a function or duty under a corresponding law.

(5) A person to whom information is communicated under sub-section (4) and an employee or other person under his control are, in respect of that information, entitled to rights and privileges, and subject to obligations and liabilities, under sub-sections (2) and (3) as if they were officers.

PART III - LIABILITY TO TAXATION

Pay-roll
tax

6. (1) Subject to, and in accordance with the provisions of, this Ordinance, tax is payable at the rate of 5% of the wages in respect of all wages that are paid or payable by an employer on or after the commencing date (whether in respect of services performed or rendered before, on or after that date) and -

- (a) are wages that are paid or payable in the Territory, not being wages so paid or payable in respect of services performed or rendered wholly elsewhere; or
- (b) are wages that are paid or payable elsewhere than in the Territory in respect of services performed or rendered wholly in the Territory.

(2) Sub-section (1) does not apply in relation to wages that -

- (a) are paid on or after the commencing date but were payable before that date; and
- (b) have been included in a return furnished in accordance with the Pay-roll Tax (Territories) Assessment Act 1971 of the Commonwealth of Australia.

(3) For the purposes of sub-section (1) (a), wages that are payable to a person by his employer but have not been paid (not being wages that under the terms of employment, are payable elsewhere than in the Territory) shall be deemed -

- (a) where those wages are payable in respect of services performed or rendered wholly in the Territory - to be wages payable to that person in the Territory;
- (b) where those wages are not payable in respect of services performed or rendered wholly in the Territory or wholly in one of the States, and the wages last paid or payable to that person by that employer were included or required to be included in a return under this Ordinance - to be wages payable to that person in the Territory; or
- (c) where those wages are not deemed, by paragraph (a) or (b) or by any provision in a corresponding law that corresponds with either of those paragraphs, to be wages payable to that person in the Territory or in a State - to be wages payable to that person by that employer at the place where that person last

performed or rendered any services for that employer before those wages became payable.

(4) For the purposes of this section, where a cheque or other bill of exchange, a promissory note, a money order or postal order issued by a post office, or any other instrument, has been given or sent by an employer to a person or his agent in payment of his wages, those wages shall be deemed to have been paid at the place at which the instrument is given, or to which the instrument is sent, as the case may be, and to have been paid when the instrument was so given or sent.

Liability
to pay
tax

7. Tax shall be paid by the employer who pays or is liable to pay the wages in respect of which the tax is payable.

General
exemption

8. (1) For the purpose of ascertaining the tax payable by an employer, there shall, subject to this section, be deducted from the amount of wages included in a return furnished in accordance with section 13 or section 15, or from the amount of wages assessed by the Commissioner in pursuance of section 19 -

- (a) where the return or assessment relates to a period of one month - the prescribed amount referred to in sub-section (3);
- (b) where the return or assessment relates to a part of a month - such amount as bears to that prescribed amount the same proportion as that part of the month bears to the whole of the month; or
- (c) where the return or assessment relates to a period of more than one month - for each month included in that period, that prescribed amount, and for each part of a month included in that period, such amount as bears to that prescribed amount the same proportion as that part of the month bears to the whole of the month,

being a deduction the amount of which, where sub-section (3) (a) applies for the purpose of ascertaining the prescribed amount, shall be reduced

by an amount of \$2 for each amount of \$3 included in the amount by which the amount of the wages exceeds the amount ascertained under whichever of paragraphs (a), (b) and (c) is applicable.

(2) Where a person is an employer during part only of a month, a return furnished by him that relates to that month or a period that included that month shall, for the purposes of sub-section (1), be deemed, in respect of that month, to relate to that part of the month only.

(3) For the purposes of sub-section (1), the prescribed amount is -

(a) where the employer is not entitled under this section to claim another amount - the amount of \$5 000; or

(b) where the employer is so entitled - that other amount.

(4) Where -

(a) an employer was or is required by a corresponding law to include any wages in a return furnished under that law relating to a month or relating to any other period; and

(b) he was or is also required to include any wages in a return under this Ordinance relating to that month or any month included in that period,

a deduction shall not be made under this section from those wages unless he has served on the Commissioner a nomination, in accordance with a form, and in a manner, determined by the Commissioner, nominating an amount (being an amount calculated in the manner specified in the form but not exceeding \$5 000) as the deduction that he claims to be entitled to make for that month or for each month included in that period and for subsequent months or for each month included in subsequent periods, as the case may be.

(5) Where an employer has served on the Commissioner a nomination in accordance with

sub-section (4), the employer is, subject to sub-sections (6) and (7), entitled, in any return relating to the month or period next preceding the day on which he served the nomination on the Commissioner or in a return relating to a subsequent month or period, to claim, as the prescribed amount, the amount specified in the nomination.

(6) The Commissioner may, at any time, on application made to him in writing by an employer, or of his own motion, make a determination specifying an amount, not exceeding \$5 000, that may be claimed by that employer as the prescribed amount, and the amount so specified shall, notwithstanding any other provision of this section, be deemed to be the amount that the employer is, in the return relating to the month or period in which the determination is made and in a return relating to a subsequent month or period, entitled to claim as the prescribed amount.

(7) The Commissioner may, at any time, on application made to him in writing by an employer, or of his own motion, make a determination that no amount may be claimed by an employer as the prescribed amount, and, in that case, notwithstanding any other provision of this section, the employer is not entitled, in the return relating to a month or period specified in the determination (being a month or period ending not later than the end of the financial year in which the determination is made) or in a return relating to a subsequent month or period, to claim any amount as the prescribed amount.

(8) The Commissioner shall, as soon as practicable after making a determination under sub-section (6) or (7), serve notice of the determination on the employer concerned.

(9) In this section, "tax" means tax referred to in section 6.

Exemption
from tax

9. Section 6 does not apply to wages paid or payable -

(a) by a religious or public benevolent institution, or by a public hospital;

(b) by a hospital that is carried on by a society or association otherwise than for the purpose of profit or gain to the individual members of the society or association;

(c) by a school or college (other than a technical school or a technical college) that -

(i) is carried on by a body corporate, society or association otherwise than for the purpose of profit or gain to the individual members of the body corporate, society or association; and

(ii) provides education at or below, but not above, the secondary level of education;

(d) by a local governing body, except to the extent that those wages are paid or payable -

(i) for or in connexion with; or

(ii) for or in connexion with the construction of any buildings or works, or the installation of plant, machinery or equipment, for use in connexion with,

any activity or undertaking that is for the time being specified in the regulations as a trading activity or undertaking for the purpose of this paragraph;

(e) by the Commonwealth War Graves Commission; and

(f) to a person who is a member of the Defence Force of the Commonwealth or of the armed forces of any other part of Her Majesty's dominions, being wages paid or payable by the employer from whose employment the person is on leave by reason of his being such a member.

10. (1) Where the wages included or required to be included in returns relating to a financial year furnished or to be furnished by an employer under this Ordinance, or under this Ordinance and under a corresponding law or corresponding laws -

Refund or rebate of tax on annual adjustment

- (a) in the case of an employer who was an employer in Australia during the whole of the financial year - do not exceed the prescribed amount referred to in sub-section (4) in respect of that financial year; or
- (b) in the case of an employer who was an employer in Australia during part only of that financial year - do not exceed an amount that bears to the prescribed amount referred to in sub-section (4) in respect of that financial year the same proportion as that part of the financial year bears to the whole of that financial year,

the Commissioner shall, upon application by the employer made in accordance with sub-section (3), refund or rebate to that employer the amount of tax paid or payable by him in respect of that financial year or that part of that financial year, as the case may be.

(2) Where the total deductions made, in accordance with section 9 or in accordance with a corresponding provision of a corresponding law, from the wages included or required to be included in returns relating to a financial year furnished or to be furnished by an employer under this Ordinance, or under this Ordinance and under a corresponding law or corresponding laws -

- (a) in the case of an employer who was an employer in Australia during the whole of that financial year - are less than the prescribed amount referred to in sub-section (4) in respect of that financial year; or
- (b) in the case of an employer who was an employer in Australia during part only of that financial year - are less than an amount (in sub-section (5) (b) referred to as "the proportionate amount") that bears to the prescribed amount referred to in sub-section (4) in respect of that financial year the same proportion as that part of that financial year bears to the whole of that financial year,

the Commissioner shall, upon application by the employer made in accordance with sub-section (3) -

- (c) where the employer has not included and is not required to include any wages paid or payable in respect of that financial year or that part of that financial year, as the case may be, in a return furnished under a corresponding law - refund or rebate to the employer an amount equal to the tax paid or payable by him upon the amount of the relevant deficiency; or
- (d) where the employer has included or is required to include wages paid or payable in respect of that financial year or that part of that financial year, as the case may be, in a return furnished under a corresponding law and in a return furnished under this Ordinance - refund or rebate to the employer an amount equal to the tax paid or payable by him upon -
 - (i) the amount of the relevant deficiency; or
 - (ii) the amount, if any, by which the amount of the calculated deductions applicable to him under sub-section (6) in respect of that financial year exceed the total amount of the deductions made in relation to him in accordance with section 8 in respect of that financial year or that part of that financial year,

whichever amount is the lesser.

(3) An application under sub-section (1) or (2) shall be made within the financial year next following the financial year in respect of which the refund or rebate is applied for.

(4) For the purposes of sub-sections (1) and (2) in relation to a financial year during the whole of which the employer was an employer in Australia, the prescribed amount is -

- (a) in respect of the financial year that is the commencing period - an amount that bears to

\$60 000 the same proportion as the number of months in that period bears to 12; and

- (b) in respect of a financial year subsequent to the commencing period the amount ascertained by deducting from \$60 000 an amount of \$2 for each amount of \$3 included in the amount by which the amount of the total wages paid by the employer in respect of the financial year exceeds \$60 000.

(5) For the purposes of the application of sub-sections (1) and (2) in relation to a financial year during part only of which the employer was an employer in Australia the prescribed amount is -

- (a) in respect of the commencing period an amount that bears to \$60 000 the same proportion as the number of months in that period bears to 12; or
- (b) in respect of a financial year subsequent to the commencing period - the amount that would be the prescribed amount referred to in sub-section (4) in respect of the financial year if the employer had been an employer in Australia during the whole of the financial year and if each reference in sub-section (4) (b) to \$60 000 were a reference to the amount that bears to \$60 000 the same proportion as the part of the year during which the employer was an employer in Australia bears to the whole of that financial year.

(6) For the purpose of sub-section (2) (d) (ii), the amount of the calculated deductions applicable to an employer in respect of a financial year is -

- (a) where the employer was an employer in Australia during the whole of that financial year - an amount that bears to the prescribed amount referred to in sub-section (4) in respect of that financial year; or
- (b) where the employer was an employer in Australia during part only of that financial year - an amount that bears to the proportionate amount

referred to in sub-section (2) (b) and applicable to that employer,

the same proportion as the total amount of wages included or required to be included in returns furnished by that employer under this Ordinance relating to months or other periods ending in that financial year bears to the total amount of wages included or required to be included in returns furnished by that employer under this Ordinance and under a corresponding law or corresponding laws relating to months or other periods ending in that financial year.

(7) Where a person who, during a part of a financial year did not pay and was not liable to pay any wages that, under this Ordinance or under any corresponding law, were required to be included in a return satisfies the Commissioner that, by reason of the nature of his trade or business, the wages paid or payable by him during that financial year that are so required to be included in a return fluctuate with different periods of the financial year, the Commissioner may treat him -

- (a) if he has conducted that trade or business during the whole of the financial year - as an employer in Australia during the whole of that financial year; or
- (b) if he has conducted that trade or business during part only of that financial year - as an employer in Australia during that part of that financial year.

(8) Notwithstanding anything contained in this section, the total amount refunded or rebated to any employer in pursuance of this section in respect of a financial year shall not exceed the amount of tax paid or payable by him in respect of that financial year.

11. (1) This section applies to an employer in respect of a financial year unless the employer has furnished, or is required to furnish, a return in respect of the whole of that financial year.

Tax payable
on annual
basis

(2) Where this section applies to an employer in respect of a financial year and the amount of tax applicable on an annual basis in relation to that employer in respect of that year exceeds the amount of tax applicable otherwise than on an annual basis in relation to that employer in respect of that year, tax equal to the amount of the excess is, in addition to tax referred to in section 6, payable in respect of taxable wages paid or payable by the employer during the financial year.

(3) In this section -

"amount of the calculated deductions", in relation to an employer to whom this section applies in respect of a financial year, means the amount of the calculated deductions applicable to the employer under section 10 (6), in respect of that financial year, for the purposes of sub-section (2) (d) (ii) of that section;

"amount of tax applicable on an annual basis", in relation to an employer to whom this section applies in respect of a financial year, means the amount of tax that would be payable by the employer in respect of taxable wages paid or payable by him during that year if -

- (a) no returns were required to be furnished by the employer in relation to any month or period forming part of the financial year but a return were required to be furnished by the employer in relation to the whole of that financial year; and
- (b) there were deducted in accordance with section 8 from the wages that would be required to be included in that return -
 - (i) where the employer has not included, and is not required by a corresponding law to include, any wages in a return furnished under a corresponding law - the amount that is the prescribed amount under section 10 in relation to the employer in

respect of that year; or

- (ii) where the employer has included, or is required by a corresponding law to include, any wages in a return furnished under a corresponding law - the amount that is the amount of the calculated deductions in relation to the employer in respect of the year;

"amount of tax applicable otherwise than on an annual basis", in relation to an employer to whom this section applies in respect of a financial year, means the tax referred to in section 6 that is payable by the employer in respect of taxable wages paid or payable by him during that year;

"prescribed amount under section 10", in relation to an employer to whom this section applies in respect of a financial year, means the amount applicable to the employer in respect of the year under whichever of section 10(6) or (7) applies to the employer in respect of that year;

"return" means a return furnished, or required to be furnished, in accordance with section 13 or 15.

PART IV - REGISTRATION AND RETURNS

12.(1) An employer (not being an employer who is registered as an employer) who, during the month commencing on the commencing date or during any subsequent month, pays or is liable to pay, anywhere, wages at a rate in excess of \$1 000 per week, being wages that, in whole or in part, are taxable wages, shall, within 7 days after the close of that month, apply to the Commissioner, in accordance with a form, and in a manner, determined by the Commissioner, for registration as an employer, and the Commissioner shall register him accordingly.

Registration

(2) A person who, immediately before the commencement of this Ordinance, was the holder of a

certificate in force under the regulations made under the Commonwealth Act to the effect that he was registered as an employer in respect of the Territory shall be deemed to be registered as an employer under this Ordinance but, where he is required, by a notice in writing served on him by the Commissioner, to apply to the Commissioner, within the time specified in the notice for registration as an employer, he shall cease to be deemed, under this sub-section, to be so registered upon the expiration of that time.

Returns

13. (1) An employer who is required to apply for registration or is registered under section 12 shall, within 7 days after the close of each month, furnish to the Commissioner, in accordance with a form, and in a manner, determined by the Commissioner, a return relating to that month and specifying the taxable wages that were paid or payable by him during that month.

(2) Where the Commissioner is of opinion that it would be unduly onerous to require an employer under sub-section (1) to furnish returns in relation to each month, or within 7 days after the close of each month, he may, by notice in writing, vary the periods in relation to which, or the time within which, that employer is required to furnish returns under that sub-section, and the employer shall, while the notice remains unrevoked, furnish returns accordingly.

(3) An employer who under the Commonwealth Act was, immediately before the commencement of this Ordinance required to furnish returns under that Act within a specified time, being longer than 7 days, or relating to periods of 3 months or periods of 6 months, shall be deemed to have been required by a notice under sub-section (2) to furnish returns under this Ordinance within the time so specified.

Exemption from furnishing returns

14.(1) If the Commissioner is of the opinion that tax will not be payable by an employer, or, if paid, would be refunded, he may issue a certificate to that employer exempting him from furnishing returns under section 13, and an employer to whom such a certificate is issued may refrain from furnishing returns under that section but shall, unless the contrary is expressed in the certificate, furnish a return relating to each financial year within 21 days after the close of that financial year.

(2) A certificate issued under sub- section (1) may be either unconditional or subject to such conditions as are prescribed or as the Commissioner thinks fit.

(3) The issue of a certificate under sub-section (1) does not exempt an employer from the payment of any tax, notwithstanding that it may have the effect of postponing the time for payment of any tax.

(4) A certificate in force, immediately before the commencement of this Ordinance, under the Commonwealth Act exempting an employer from furnishing monthly returns shall be deemed to be a certificate issued by the Commissioner under sub-section (1) and any conditions to which such a certificate was subject shall be deemed to be conditions imposed by the Commissioner under sub-section (2).

15. In addition to any return required to be furnished by this Ordinance, the Commissioner may, by notice in writing, call upon an employer or other person to furnish to him, within the time specified in the notice, such return, or such further return, as the Commissioner requires.

Further
returns

16.(1) For the purpose of inquiring into, or ascertaining, the liability of a person under this Ordinance the Commissioner may, by notice in writing, require a person -

Commissioner
to obtain
information
and
evidence

- (a) to furnish the Commissioner with such information as the Commissioner requires;
- (b) to attend and give evidence before the Commissioner or before an officer authorized by the Commissioner for the purpose; and
- (c) to produce any books, documents and other papers in the custody or under the control of the person.

(2) The Commissioner may require the person to give the information or evidence referred to in

sub-section (1) on oath, and either orally or in writing, and for that purpose the Commissioner or a person authorized by him may administer an oath.

(3) Where the person conscientiously objects to making an oath, he may make an affirmation that he so objects and that the information or evidence that he is required to give under sub-section (1) will be the truth, the whole truth and nothing but the truth, and an affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

(4) A person who is required in pursuance of this section to attend and give evidence before the Commissioner or an officer authorized by the Commissioner for the purposes of an inquiry into, or the ascertaining of, the liability of another person under this Ordinance is entitled to payment of an allowance in respect of his expenses of attending and giving evidence of an amount determined by the Commissioner in accordance with the regulations.

Returns
deemed
to be
furnished

17. A return purporting to be furnished and signed by or on behalf of a person shall, until the contrary is proved, be deemed to have been furnished and signed by him or with his authority.

PART V - COLLECTION AND RECOVERY OF TAX

Time for
payment of
tax

18.(1) An employer liable to pay tax referred to in section 6 shall pay the tax within the time within which he is required by this Ordinance to furnish the return of the wages in respect of which the tax is payable.

(2) An employer liable to pay tax referred to in section 11 in respect of taxable wages paid or payable during a financial year shall pay the tax within the time within which he is required by this Ordinance to furnish the return in respect of the month or period that ends on the last day of the financial year.

Assessments

19.(1) Where the Commissioner finds in any case that tax or further tax is payable by an employer, the Commissioner may -

(a) assess the amount of wages paid or payable by the employer; and

(b) calculate the tax or further tax payable thereon.

(2) Where -

(a) an employer makes default in furnishing a return;

(b) the Commissioner is not satisfied with the return furnished by an employer; or

(c) the Commissioner has reason to believe or suspect that an employer, whether or not he has furnished a return, is liable to pay tax,

the Commissioner may cause an assessment to be made of the amount of wages in respect of which, in his judgment, tax ought to be paid and that person is liable to pay tax in respect of that amount, except in so far as he establishes on objection that the assessment is excessive.

(3) An employer who becomes liable to pay tax by virtue of an assessment made under sub-section (2) is also liable to pay, by way of additional tax, double the amount of that tax or the amount \$2, whichever is the greater, but the Commissioner may, in any particular case, for reasons which he thinks sufficient, remit the whole or part of the additional tax.

(4) As soon as conveniently may be after an assessment is made under this section, the Commissioner shall cause notice in writing of the assessment and of the tax or further tax to be given to the employer liable to pay the tax or further tax.

(5) The amount of tax or further tax specified in the notice is payable on or before the date specified in the notice together with any other amount that may be payable in accordance with any other provision of this Ordinance.

(6) An omission to give such a notice does not invalidate the assessment and calculation made by the Commissioner.

Refunds

20. Where the Commissioner finds in any case that tax has been overpaid, he may refund to the employer who paid the tax the amount of tax found to be overpaid.

Employer leaving Australia

21. When the Commissioner has reason to believe that an employer may leave Australia before tax or further tax becomes due and payable by him, the tax or further tax is due and payable on such date as the Commissioner fixes and notifies to the employer.

Time to pay-extensions and instalments

22. The Commissioner may, in such cases as he thinks fit -

- (a) extend the time for payment of any tax or further tax by such period as he considers the circumstances warrant; or
- (b) permit the payment of tax or further tax to be made by instalments within such time as he considers the circumstances warrant.

Additional tax

23.(1) If tax or further tax is not paid before the expiration of the time specified in section 18 or 19 or such further time as may be allowed by the Commissioner under section 22, additional tax is payable at the rate of 10 per cent per annum upon the amount of tax or further tax unpaid, to be computed from the expiration of the time specified in section 18 or 19, or, where further time has been allowed by the Commissioner under section 22, from the expiration of that further time.

(2) The Commissioner may, in a particular case, for reasons which in his discretion he thinks sufficient, remit the whole or part of the additional tax.

Recovery of tax

24.(1) Any tax or further tax, when it becomes due and payable, or any additional tax, is a debt due to the Territory and is payable at such place as is prescribed.

(2) Any tax, further tax or additional tax may be sued for and recovered in a court of competent jurisdiction by the Commissioner suing in his official name.

25. If, in proceedings against an employer for the recovery of tax, further tax or additional tax, the defendant -

Substituted
service

(a) is absent from Australia and has not, to the knowledge of the Commissioner after reasonable inquiry in that behalf, any attorney or agent in Australia on whom service of process can be effected; or

(b) cannot after reasonable inquiry be found,

any process in the proceedings may, without leave of the court, be served on him by post addressed to his last known place of business or residence in Australia.

26.(1) A person who is liquidator of a company, being a company that is being wound-up and is an employer registered or required to be registered under this Ordinance, shall, within 14 days after he has become liquidator of that company, give notice in writing to the Commissioner of his appointment as liquidator.

Liquidator
to give
notice

(2) The Commissioner shall, as soon as practicable after the receipt by him of the notice, notify to the liquidator the amount that appears to the Commissioner to be sufficient to provide for any tax that is or will become payable by the company.

(3) The liquidator -

(a) shall not, without leave of the Commissioner, part with any of the assets of the company until he has been so notified;

(b) shall set aside, out of the assets available for the payment of the tax, assets to the value of the amount so notified, or the whole of the assets so available if they are of less

than that value; and

- (c) is, to the extent of the value of the assets that he is so required to set aside, liable as trustee to pay the tax.

(4) If the liquidator fails to comply with a provision of this section or fails as trustee duly to pay tax for which he is liable under sub-section (3), he is, to the extent of the value of the assets of which he has taken possession and that are, or were at any time, available to him for the payment of the tax, personally liable to pay the tax, and is guilty of an offence punishable, upon conviction, by a fine not exceeding \$100.

(5) Where 2 or more persons are liquidators of a company, the obligations and liabilities attaching to a liquidator under this section attach to each of those persons, but, where any one of those persons has paid the tax due in respect of the company being wound-up, the other person or each of the other persons is liable to pay to that person his equal share of the amount of tax so paid.

(6) Notwithstanding anything contained in this section, all costs, charges and expenses that, in the opinion of the Commissioner, have been properly incurred by the liquidator in the winding-up of a company, including the remuneration of the liquidator, may be paid out of the assets of the company in priority to any tax payable in respect of the company.

(7) Nothing in this section limits the liability of a liquidator under section 57.

(8) In this section, "tax" includes further tax and additional tax.

Agent for
absentee
principal
winding-up
business

27.(1) Where an agent for an absentee principal has been required by the principal to wind-up the business of his principal, he shall, before taking any steps to wind-up the business, notify the Commissioner of his intention to do so, and shall set aside such sum out of the assets of the principal as appears to the Commissioner to be sufficient to provide for any tax that may become payable.

(2) The agent who fails to give notice to the Commissioner or fails to provide for payment of tax as required by this section is personally liable for any tax, further tax or additional tax that becomes payable in respect of the business of the principal.

28.(1) The following provisions of this section apply where, whether intentionally or not, an employer escapes full payment of tax in his lifetime by reason of his not having duly made full, complete and accurate returns.

Where tax not
paid during
lifetime

(2) The Commissioner has the same powers and remedies against the trustees of the estate of the employer in respect of the liability to which the employer was subject as he would have had against the employer if he were alive.

(3) The trustees shall furnish such returns as the Commissioner requires.

(4) The trustees are subject to additional tax to the same extent as the deceased employer would have been subject to additional tax if he were alive, but the Commissioner may, in a particular case, for reasons that he thinks sufficient, remit the whole or part of the additional tax.

(5) The amount of any tax, further tax or additional tax payable by the trustee is a charge on all the deceased employer's estate in their hands in priority to all other encumbrances other than charges in respect of debts payable to the Commissioner.

29.(1) Where, at the time of an employer's death, he had not paid the whole of the tax payable up to the date of his death, the Commissioner has the same powers and remedies for the assessment and recovery of tax from the trustees as he would have had against that employer if he were alive.

Provision
for payment
of tax by
trustees of
deceased
employers

(2) The trustees shall furnish such of the returns referred to in Part IV as have not been furnished by the deceased.

(3) Where the trustees are unable or fail to

furnish a return, the Commissioner may estimate and make an assessment of the amount of wages in respect of which, in his judgment, tax ought to be paid.

Where no
administra-
tion of
estate of
deceased
employer

30.(1) Where, in respect of the estate of a deceased employer, probate has not been granted, or letters of administration have not been taken out, within 6 months of his death, the Commissioner may cause an assessment to be made of the amount of tax due by the deceased employer.

(2) The Commissioner shall cause notice of the assessment to be published twice in a daily newspaper circulating in the State or Territory in which the deceased employer resided.

(3) A person claiming an interest in the estate of the deceased employer may, within 60 days after the first publication of notice of the assessment, post to or lodge with the Commissioner an objection in writing against the assessment stating fully and in detail the grounds on which he relies, and the provisions of this Act relating to objections and appeals thereupon apply in relation to the objection as if the person so claiming an interest were the deceased employer.

(4) Subject to an amendment of the assessment in accordance with this Ordinance, the assessment so made is conclusive evidence of the indebtedness of the deceased employer to the Commissioner.

(5) The Commissioner may issue an order, in such form as he thinks appropriate, authorizing a member of the Police Force of the Territory, or any other person named in the order, to levy the amount of tax due by the deceased employer, with costs, by distress and sale of any property of the deceased employer.

(6) Upon the issue of such an order, the member or person so authorized has power to levy that amount in accordance with the order.

(7) Notwithstanding anything contained in sub-sections (4), (5) and (6), if, at any time, probate of the will of the deceased employer is, or letters of administration of the estate of the deceased employer are, granted to a person, that

person may, within 60 days after the date on which probate was, or letters of administration were, granted, lodge an objection against the assessment, stating fully and in detail the grounds on which he relies, and the Commissioner shall consider any such objection and shall make such amendment, if any, as he considers necessary.

31. Where 2 or more persons are jointly liable to pay tax, they are jointly and severally liable to pay the tax.

Joint
taxpayers

32.(1) The Commissioner may, by notice in writing (a copy of which shall be furnished to the employer) require -

Commissioner
may collect
tax from
person
owing money
to employer

- (a) a person by whom any money is due or accruing, or may become due, to an employer;
- (b) a person who holds, or may subsequently hold, money for or on account of an employer;
- (c) a person who holds, or may subsequently hold, money for or on account of some other person for payment to an employer; or
- (d) a person having authority from another person to pay money to an employer,

to pay to the Commissioner, either forthwith upon the money becoming due or being held, or at or within a time specified in the notice (not being a time before the money becomes due or is held) -

- (e) so much of the money as is sufficient to pay an amount due in respect of tax by the employer, or the whole of the money when it is equal to or less than that amount; or
- (f) such amount as is specified in the notice out of each of any payments that the person so notified becomes liable from time to time to make to the employer, until the amount due in respect of tax by the employer is satisfied,

and may at any time, by further notice in writing, amend or revoke the first-mentioned notice, or extend the time for making any payment in pursuance of that notice.

(2) A person making a payment in pursuance of this section shall be deemed to have been acting under the authority of the employer and of all other persons concerned and is, by force of this sub-section, indemnified in respect of that payment.

(3) If the Commissioner receives a payment in respect of the amount due by the employer before payment is made by the person so notified, he shall forthwith give notice of receipt of the payment to that person.

(4) In this section -

"tax" includes further tax or additional tax, a judgment debt or costs in respect of tax, further tax or additional tax and any fine or costs imposed by a court in respect of an offence against this Ordinance or the regulations.

Evidence

33.(1) The production of a notice assessment, or of a document under the hand of the Commissioner, purporting to be a copy of a notice of assessment, is conclusive evidence of the due making of the assessment and (except in proceedings on a review of, or appeal against, the assessment) that the amount and all the particulars of the assessment are correct.

(2) The production of a document under the hand of the Commissioner, purporting to be a copy of a document issued or given by the Commissioner, is conclusive evidence that the document was so issued or given.

(3) The production of a document under the hand of the Commissioner, purporting to be a copy of or extract from a return or notice of assessment is evidence of the matter set forth in the document so produced to the same extent as the original return or notice would be if it were produced.

PART VI - PENAL PROVISIONS

Offences

34.(1) A person who -

- (a) fails or neglects duly to furnish a return or information, or to comply with a requirement of the Commissioner, as and when required by or under this Ordinance or the regulations;
- (b) without just cause shown by him, refuses or neglects duly to attend and give evidence when required by the Commissioner or an officer duly authorized by him, or to answer truly and fully any questions put to him, or to produce a book, document or paper required of him, by the Commissioner or any such officer;
- (c) furnishes a return that is false in a material particular or makes a false answer, whether orally or in writing, to a question duly put to him by the Commissioner or an officer duly authorized by the Commissioner; or
- (d) contravenes a provision of this Ordinance for the contravention of which no penalty is expressly provided,

is guilty of an offence punishable, on conviction, by a fine not exceeding \$200.

(2) In any prosecution of a person for an offence against sub-section (1) (c), being a person who has not previously been convicted of an offence against this Ordinance, it is a defence if the defendant proves -

- (a) that the return or answer to which the prosecution relates was prepared or made by him personally; and
- (b) that the false particulars were given or the false statement was made, as the case may be, through ignorance or inadvertence.

(3) A person who, after conviction of an offence against this section, continues to fail to comply with the requirements in respect of which he was convicted, is guilty of an offence and punishable as provided in section 45.

35.(1) Notwithstanding anything contained in

Additional
tax in

cases

section 34, an employer who -

- (a) fails or neglects duly to furnish a return or information as and when required by or under this Ordinance or the regulations; or
- (b) fails to include in a return any particulars of taxable wages paid or payable by him,

is, if paragraph (a) applies, liable to pay additional tax at the rate of 10 per cent per annum upon the amount of tax payable by him (such percentage to be calculated for the period commencing on the last day allowed for furnishing the return or information and ending on the day upon which the return or information is furnished or the day upon which the assessment is made, whichever first happens), or the sum of \$2, whichever is the greater, or, if paragraph (b) applies, liable to pay by way of additional tax the amount of \$2 or double the amount of the difference between the tax properly payable and the tax payable upon the basis of the return lodged, whichever is the greater.

(2) The Commissioner may, in any particular case, for reasons which he thinks sufficient, remit the whole or part of the additional tax.

(3) If the Commissioner considers that the circumstances of any case warrant action being taken to recover the penalty provided by section 34, that action may be taken by the Commissioner, and, in that case, the additional tax payable under this section shall not be charged.

False
declara-
tions

36. A person who, in a declaration made under, or authorized or prescribed by, this Ordinance or the regulations, knowingly declares to any matter or thing that is false in a material particular is guilty of an offence punishable, on conviction, by imprisonment for a period not exceeding 4 years.

Avoiding
tax

37. A person who, or a company on whose behalf a director, servant or agent of the company, by any wilful act, default or neglect or by any fraud, trick or contrivance avoids or attempts to avoid tax is guilty of an offence punishable, on conviction, by a

fine not exceeding \$1000 and, in addition, the court may order the person or company to pay to the Commissioner an amount not exceeding treble the amount of the tax avoided or attempted to be avoided.

38.(1) A prosecution in respect of an offence against section 37 may be commenced at any time within 3 years after the commission of the offence.

Time for
commencing
prosecutions

(2) A prosecution in respect of an offence against section 34 (1) (a) or (c) may be commenced at any time.

39. Payment of penalties under this Ordinance does not relieve a person from liability to any tax for which he would otherwise be liable.

Penalties
not to
relieve from
tax

40. A person shall not obstruct or hinder a person acting in the discharge of his duty under this Ordinance or the regulations.

Obstructing
persons

Penalty: \$100.

PART VII - TAXATION PROSECUTIONS

41. In this Part, "taxation prosecution" means a proceeding for the recovery of a pecuniary penalty.

Taxation
prosecutions

42. A taxation prosecution may be instituted in the name of the Commissioner by action, information or other appropriate proceeding in the Supreme Court and when the prosecution is for a pecuniary penalty not exceeding \$1000 or the excess is abandoned, the taxation prosecution may be instituted in the name of the Commissioner in a court of summary jurisdiction.

How insti-
tuted

43.(1) Where a taxation prosecution has been instituted by an officer in the name of the Commissioner, the prosecution shall, in the absence of evidence to the contrary, be deemed to have been instituted by the authority of the Commissioner as the case may be.

Evidence of
authority
to
institute
proceedings

(2) The production of a telegram purporting to have been sent by the Commissioner or a Deputy Commissioner and purporting to authorize an officer to

institute any taxation prosecution or proceedings is evidence of the authority of the officer to institute the prosecution or proceedings in the name of the Commissioner or Deputy Commissioner, as the case may be.

Defendant
to have
right to
trial in
Supreme
Court

44. In a taxation prosecution where the penalty exceeds \$200 and the excess is not abandoned, the defendant, within 7 days after service of process, has the right to elect, in the prescribed manner, to have the case tried, in the Supreme Court, and thereupon the proceedings shall stand removed accordingly and may be conducted as if originally instituted in the Supreme Court.

Prosecution
in
accordance
with
practice
rules
Appeals

45. A taxation prosecution in the Supreme Court may be commenced, prosecuted and proceeded with in accordance with the usual practice and procedure of the court in civil cases or in accordance with the directions of the court or a judge.

46. In a taxation prosecution in a court of summary jurisdiction in the Territory, an appeal lies from a conviction or order of dismissal to such court and in such manner as is provided by the law of the Territory for appeals from convictions or orders of dismissal.

Information,
&c., to be
valid if in
words of Ord-
inance or
regulations
No objection
for
informality

47. All informations, summonses, convictions and warrants suffice if the offence is set forth as nearly as may be in the words of this Ordinance or the regulations.

48. (1) An objection shall not be taken or allowed to an information or summons for any alleged defect therein in substance or in form or for any variance between the information or summons and the evidence adduced at the hearing in support thereof, and the court shall at all times make any amendment that is necessary to determine the real question in dispute or that may appear desirable.

(2) If any such defect or variance appears to the court to be such that the defendant has been thereby deceived or misled the court may, upon such terms as

it thinks just, adjourn the hearing of the case to some future day.

49. A conviction, warrant of commitment or other proceeding, matter or thing done or transacted in relation to the execution or carrying out of this Ordinance shall not be held void, quashed or set aside by reason of any defect therein or want of form, and a party is not entitled to be discharged out of custody on account of such a defect or want of form.

Conviction
not to be
quashed

50. A witness on behalf of the Commissioner in a taxation prosecution shall not be compelled to disclose the fact that he received any information, or the nature thereof or the name of the person who gave the information, and an officer appearing as a witness shall not be compelled to produce any reports made or received by him confidentially in his official capacity or containing confidential information.

Protection to
witnesses

51. (1) In a taxation prosecution, the averment of the prosecutor or plaintiff contained in the information, complaint, declaration or claim is evidence of the matter averred.

Averment of
prosecutor
sufficient

(2) This section applies to any matter so averred although -

- (a) evidence in support or rebuttal of the matter averred or of any other matter is given; or
- (b) the matter averred is a mixed question of law and fact,

but, where the matter is a mixed question of law and fact, the averment is evidence of the fact only.

(3) Evidence given by a witness in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of that evidence shall be neither increased nor diminished by reason of this section.

(4) This section does not apply to -

- (a) an averment of the intent of the defendant; or

- (b) proceedings for an indictable offence or an offence directly punishable by imprisonment.

(5) This section does not lessen or affect any onus of proof otherwise falling on the defendant.

Treatment
of
convicted
offenders

52.(1) Where a pecuniary penalty is adjudged to be paid by a convicted person, the court -

- (a) may commit the offender to gaol until the penalty is paid;
- (b) may release the offender upon his giving security for the payment of the penalty; or
- (c) may exercise, for the enforcement and recovery of the penalty, any power of distress or execution possessed by the court for the enforcement and recovery of penalties in any other case.

(2) Where the court makes an order committing the offender to gaol, the court may, at any time before the offender is imprisoned in pursuance of the order, allow the offender a specified time for payment of the penalty or allow him to pay the penalty by specified instalments and, in that case -

- (a) the order committing the offender to gaol shall not be executed unless the offender fails to pay the penalty within that time or fails to pay any instalment at the time when it is payable, as the case may be;
- (b) if the offender pays the penalty within that time or pays all the instalments, as the case may be - the order committing the offender to gaol shall be deemed to have been discharged; and
- (c) if the offender is imprisoned in pursuance of the order but, before being so imprisoned, has paid part of the penalty - section 62 applies in relation to him as if the amount of the penalty were that part of the penalty remaining unpaid immediately before his being

so imprisoned.

53.(1) The gaoler of any gaol to which a person has been committed for non-payment of a penalty shall discharge that person -

Release of
offenders

- (a) on payment to him of the penalty adjudged;
- (b) on a certificate by the Commissioner that the penalty has been paid or released; or
- (c) if the penalty adjudged to be paid is not paid or released, according to the following table:

Amount of penalty	Period after commencement of imprisonment on the expiration of which defendant is to be discharged
\$30 and under	7 days
Over \$30 and not more than \$60	14 days
Over \$60 and not more than \$150	1 month
Over \$150 and not more than \$300	2 months
Over \$300 and not more than \$500	3 months
Over \$500 and not more than \$1000	6 months
Over \$1000	1 year

(2) Where a person is committed to gaol for non-payment of more than one penalty, the imprisonment of that person for the period specified in sub-section (1) in respect of the amount of any one of those penalties does not relieve him from liability to imprisonment for the period so specified in respect of the amount of any other of those penalties, and the last-mentioned period of imprisonment commences at the expiration of the first-mentioned period of imprisonment.

54. In all taxation prosecutions, the court may award costs against any party, and the provisions of this Ordinance relating to the recovery of penalties, except commitment to gaol, extend to the recovery of any costs adjudged to be paid.

Parties may
recover costs

PART VIII - MISCELLANEOUS

Public
officer of
company

55.(1) The Commissioner may, by notice served on a company that is registered, or required to be registered, as an employer under this Ordinance require the company to appoint, within such period as is specified in the notice, a public officer of the company for the purposes of this Ordinance, and to keep the office of public officer constantly filled.

(2) An appointment of a public officer shall be deemed not to be duly made until after notice of the appointment in writing, specifying the name of the officer, has been given to the Commissioner.

(3) If the company fails duly to appoint a public officer when and as often as such an appointment becomes necessary in accordance with a notice under sub-section (1) it is guilty of an offence punishable, on conviction, by a fine not exceeding \$10 for every day during which the failure continues.

(4) Service of a document at the address for service, or on the public officer, of the company is sufficient service on the company for the purposes of this Ordinance or the regulations, and, if at any time there is no public officer, then service on any person acting or appearing to act in the business of the company is sufficient.

(5) The public officer is answerable for the doing of all such things as are required to be done by the company under this Ordinance or the regulations, and, in case of default, is liable to the same penalties.

(6) Everything done by the public officer that he is required to do in his representative capacity shall be deemed to have been done by the company and the absence or non-appointment of a public officer does not excuse the company from the necessity of complying, or from any penalty for failure to comply, with any of the provisions of this Ordinance or the regulations, but the company is liable to comply with the provisions of this Ordinance or the regulations as if there were no requirement to appoint a public officer.

(7) A notice given to or requisition made upon the public officer shall be deemed to be given to or made upon the company.

(8) Any proceedings under this Ordinance taken against the public officer shall be deemed to have been taken against the company, and the company is liable jointly with the public officer for any penalty imposed upon him.

(9) Notwithstanding anything contained in this section, and without in any way limiting, altering or transferring the liability of the public officer of a company, every notice, process or proceeding that, under this Ordinance or the regulations, may be given to, served on or taken against the company or its public officer may, if the Commissioner thinks fit, be given to, served on or taken against any director, secretary or other officer of the company or any attorney or agent of the company, and that director, secretary, officer, attorney or agent has the same liability in respect of that notice, process or proceeding as the company or public officer would have had if it had been given to, served on or taken against the company or public officer.

56. The following provisions apply with respect to every agent and every trustee:

Agents and
trustees

- (a) he is answerable as an employer for the doing of all such things as are required to be done by virtue of this Ordinance in respect of the payment of any taxable wages;
- (b) he shall, in respect of any such wages, furnish the returns and is liable to pay tax thereon, but in his representative capacity only, and each return shall, except as otherwise provided by this Ordinance be separate and distinct from any other;
- (c) if he is an executor or administrator, the returns shall be the same, as far as practicable, as those that the deceased person, if living, would have been liable to furnish:

- (d) where as agent or trustee he pays tax, he may recover the amount so paid from the person in whose behalf he paid it, or deduct it from any money in his hands belonging to that person;
- (e) he shall retain from time to time out of any money which comes to him in his representative capacity so much as is sufficient to pay the tax that is or will become due in respect of such wages;
- (f) he is personally liable for the tax payable in respect of such wages if, after the Commissioner has required him to furnish a return, or while the tax remains unpaid, he disposes of or parts with any fund or money that comes to him and from or out of which tax could legally be paid, but he is not otherwise personally liable for the tax, but the Commissioner may, upon application by the agent or trustee, permit disposal of the fund or money or such part thereof as he considers necessary;
- (g) he is, by force of this section, indemnified in respect of all payments that he makes in pursuance of this Ordinance or the requirements of the Commissioner; and
- (h) for the purpose of ensuring the payment of tax, the Commissioner has the same remedies against attachable property of any kind vested in, under the control or management of, or in the possession of, any agent or trustee as he would have against the property of any other person in respect of tax, and in as full and ample a manner.

Person in receipt of control of money for absentee

57. Subject to this Ordinance, the following provisions apply with respect to a person who has the receipt, control or disposal of money belonging to a person who is resident out of Australia and liable to pay tax under this Ordinance:

- (a) he shall, when required by the Commissioner, pay the tax due and payable by the person on

whose behalf he has the control, receipt or disposal of money;

- (b) where he pays tax in accordance with paragraph (a), he may recover the amount so paid from the person on whose behalf he paid it or deduct it from any money in his hands belonging to that person;
- (c) he shall retain from time to time out of any money that comes to him on behalf of the person resident out of Australia so much as is sufficient to pay the tax that is or will become due by that person;
- (d) he is personally liable for the tax payable by him on behalf of the person resident out of Australia after the tax becomes payable, or if, after the Commissioner has required him to pay the tax, he disposes of or parts with any fund or money then in his possession, or that comes to him, and from or out of which the tax could legally be paid, but he is not otherwise personally liable for the tax, but the Commissioner may, upon application, permit disposal of the fund or money or such part thereof as he considers necessary; and
- (e) he is, by force of this section, indemnified in respect of all payments that he makes in pursuance of this Ordinance or the requirements of the Commissioner.

58.(1) A person who is an employer registered or required to be registered under this Ordinance shall, for the purposes of this Ordinance, keep proper books or accounts in the English language, and shall preserve those books or accounts for a period of not less than 5 years after the completion of the transactions to which they relate.

Books,
accounts,
&c., to be
preserved

Penalty: \$200.

(2) This section does not apply so as to require the preservation of any books, accounts or documents -

- (a) in respect of which the Commissioner has

notified the employer that such preservation is not required; or

- (b) of a company that has gone into liquidation and has been finally dissolved.

Access to
books, &c.

59.(1) For the purposes of this Ordinance, an officer authorized by the Commissioner to exercise powers under this section -

- (a) may, at all reasonable times, enter upon any land;
- (b) shall have full and free access at all reasonable times to all books, documents and other papers; and
- (c) may, for those purposes, take extracts from, and make copies of, any books, documents or papers.

(2) An officer who enters upon land in pursuance of this section is not authorized to remain on the land if, on request by the occupier of the land, he does not produce a certificate in writing under the hand of the Commissioner certifying that he is an officer authorized to exercise powers under this section.

Release of
employers
in cases of
hardship

60.(1) In any case where it is shown to the satisfaction of the Treasurer that -

- (a) an employer has suffered such a loss or is in such circumstances; or
- (b) owing to the death of a person who, if he had lived, would have been liable to pay tax, the dependants of that person are in such circumstances,

that the exaction of the full amount of tax will entail serious hardship, the Treasurer may release the employer or the trustee of the estate of the deceased person, as the case may be, wholly or in part from his liability, and the Commissioner may make such entries as are necessary for that purpose.

61.(1) The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing penalties not exceeding a fine of \$100 for offences against the regulations.

Regulations

(2) Without limiting the generality of sub-section (1), the regulations may make provision with respect to the place at which, and the manner in which, a return, objection, declaration, notice, application or other document required or permitted by this Ordinance to be made, furnished or given to, or by, or lodged with, the Commissioner may be, or is to be, so made, furnished, given or lodged.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Ports 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>Ports Ordinance</u> 1978. | Short title |
| 2. This Ordinance shall come into operation on 1 July 1978. | Commence-
ment |
| 3. The <u>Ports Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 4. Section 3 of the Principal Ordinance is amended - | Definitions |
| (a) by omitting the definition of "approved bank"; and | |
| (b) by inserting after the definition of "Deputy Chairman" the following definition:
" 'employee' means an employee with-
in the meaning of the <u>Public Service Ordinance</u> who is employed in the
service of the Port Authority." | |
| 5. Section 4 of the Principal Ordinance is repealed and the following section substituted: | |
| "4. This Ordinance binds the Territory." | Ordinance
binds the
Territory |

Members

6. Section 6 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "an General Manager" and substituting "a General Manager"; and
- (b) by omitting from sub-section (3) "Administrator's" and substituting "Minister's".

Resignation
and vacation
of office

7. Section 9(1) and (2) of the Principal Ordinance is amended by omitting "Administrator" (wherever occurring) and substituting "Minister".

Money pay-
able to
the Port
Authority

8. Section 10(1) of the Principal Ordinance is amended -

- (a) by omitting from paragraph (b) "and" (last occurring); and
- (b) by omitting paragraph (c) and substituting the following paragraphs:
 - "(c) such moneys as are appropriated by a law of the Territory for the purposes of the Port Authority; and
 - (d) such moneys as are earned by the investment of money by or on behalf of the Port Authority."

Bank
accounts

9.(1) Section 11 of the Principal Ordinance is repealed.

(2) The repeal effected by this section does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Port Authority and the Port Authority has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

10.(1) Section 12 of the Principal Ordinance is amended by omitting sub-section (2).

Applicat-
ion of
moneys

(2) The amendment effected by this section does not affect the operation of section 81 of the Financial Administration and Audit Ordinance in its application to the Port Authority and the Port Authority has power to continue to hold investments to the extent authorized by that section.

11.(1) Sections 13, 14, 15, 16 and 17 of the Principal Ordinance are repealed.

Repeal

(2) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

12. Section 18 of the Principal Ordinance is amended by omitting "Executive Member" and substituting "Minister".

Port Auth-
ority shall
furnish
certain
information
to Minister

13. Section 22 (1) and (2) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Harbour-
master and
acting
harbour-
master

14. Section 22C(1) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Delegation
by harbour-
master

15. Section 23(2) of the Principal Ordinance is amended -

Powers

- (a) by omitting from paragraph (a)
"whether from the Commonwealth or"; and
- (b) by omitting from paragraph (e)
"Commonwealth" and substituting
"Territory".

Liability
for loss
or damage

16. Section 27B(1) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

Removal of
vehicles
from pro-
hibited
parking,
&c., places

17. Section 27D(1) of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" (wherever occurring) and substituting "an employee".

Contra-
vention or
failure to
comply with
order or
direction

18. Section 27F of the Principal Ordinance is amended by omitting "a person employed by the Port Authority" and substituting "an employee".

By-laws

19. Section 28(a) of the Principal Ordinance is amended -

- (a) by omitting "officers" and substituting "employees"; and
- (b) by omitting all words after "Port Authority".

Appeals
against
decisions of
Port Super-
intendent or
harbourmaster

20. Section 29A(1) of the Principal Ordinance is amended by omitting "Justices Ordinance" and substituting "Magistrates Ordinance".

Operation
of former
law

21.(1) The amendment to section 10(1) of the Ports Ordinance effected by Ordinance No. 64 of 1976 shall be read as though "the Port Authority" were substituted for "the Board".

(2) This section shall be deemed to have come into operation on the date of commencement of Ordinance No. 64 of 1976.

Savings

22. 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Prohibited Drugs Ordinance

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

1. This Ordinance may be cited as the
Prohibited Drugs Ordinance 1978.

Short
title

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

Principal
Ordinance

3. Section 6 of the Principal Ordinance
is repealed and the following section
substituted:

"6.(1) A person who uses or has in his
possession, or attempts to obtain possession
of, cannabis is guilty of an offence.

Use,
possession,
&c., of
cannabis

"(2) A person who -

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

is guilty of an indictable offence."

Presump-
tion with
regard to
possession
of certain
quantities
or pro-
hibited
drugs or
cannabis

4. Section 7 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:

"(2) A person who has in his possession cannabis -

(a) in the form of a plant or part of a plant in a quantity in excess of 50 grams; or

(b) in the form of an extract, resin or tincture in a quantity in excess of 10 grams,

shall be deemed to have that cannabis in his possession for the purpose of sale or supply to another person, unless the contrary is proved."

Responsi-
bility of
owner or
occupant
of
premises
with
relation
to pro-
hibited
drugs or
cannabis

5. Section 10 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-sections:

"(2) The owner or occupier of premises who knowingly allows cannabis to be kept by another person on those premises is guilty of an offence.

"(3) The owner or occupier of premises who knowingly allows cannabis to be produced, prepared or manufactured by another person on those premises is guilty of an indictable offence."

Search
warrant

6. Section 11(4) of the Principal Ordinance is amended by omitting ", unless otherwise requested by the applicant,".

7. Section 12(a) of the Principal Ordinance is amended by omitting "and" (first occurring) and substituting "or".

Power to
police to
stop,
search
and detain

8. Section 16(1) of the Principal Ordinance is amended by omitting paragraph (b) and substituting the following paragraphs:

Seizure
of drugs,
&c.

"(b) any money, valuable security or other thing -

(i) found in the possession of a person or at his disposal; or

(ii) found as the result of a search,

being money, a security or thing that that member has reason to suspect was received or acquired by that person directly or indirectly as or from the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis;

(ba) any acknowledgement, note or other thing -

(i) found in the possession of a person or at his disposal; or

(ii) found as the result of a search,

being an acknowledgement, note or thing that that member has reason to suspect -

(iii) entitles that person or any other person on his behalf to receive; or

(iv) is evidence that that person or another person on his behalf is entitled to receive,

any money or money's worth that is the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis;

(bb) anything found -

(i) in the possession of a person;
or

(ii) as the result of a search,

that that member has reason to believe affords evidence of the commission of an offence; or".

Forfeiture

9. Section 17 of the Principal Ordinance is amended -

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

"(2) Where a person is convicted of an offence, the court may order that any money, money's worth, security, acknowledgement, note or other thing found to relate to that offence be forfeited to the Crown.

"(2A) Where moneys that are forfeited under sub-section (2) are in the possession or control of, or held at the direction of, a person other than the convicted person, that other person shall, upon production to him of a copy of the order made under that sub-section, pay the moneys forthwith to the Crown, and thereupon that other person's liability to the convicted person or any

other person in relation to that money so paid shall be discharged.

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

"(2B) A minute or memorandum of an order made under sub-section (2) and signed by a Judge or Justice of the court making the order may be transmitted by the court making it to the clerk of a Local Court and, upon registration of that minute or memorandum in the Local Court, has effect as though it were a judgment of that Local Court in favour of the Crown, as plaintiff, and the convicted person, as defendant."; and

(b) by adding at the end the following sub-sections:

"(4) For the purposes of this section, any money, money's worth, security, acknowledgement, note or other thing shall be taken to relate to an offence -

- (a) if it was used in the commission of the offence;
- (b) if it was received or acquired directly or indirectly as or from the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis; or
- (c) if it entitles any person or is evidence that any person is entitled to receive any money or money's worth as the proceeds or part of the proceeds of the sale of a prohibited drug or cannabis,

whether or not the money, money's worth, security, acknowledgement, note or other thing is or was at any time in the possession or control of the convicted person."

Penalties

10. Section 19 of the Principal Ordinance is amended -

- (a) by omitting from paragraph (b) "6(b), (c) or (d), 10(1)(a) or 10(2)(a)" and substituting "6(2), 10(1)(a) or 10(3)"; and
- (b) by omitting from paragraph (c) "section 6(a) or 10(2)(b)" and substituting "section 6(1) or 10(2)".

Applica-
tion of
Justices
Ordinance

11. Section 21 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "6(a), 10(1)(b) or 10(2)(b)" and substituting "or 10(1)(b)"; and
 - (b) by omitting from sub-section (2) "6(b), (c) or (d), 10(1)(a) or 10(2)(a)" and substituting ", 6(2) or 10(3)".
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Public Trustee 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 Trustee Ordinance</u> 1978. | Short
title |
| 2. The <u>Public Trustee Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 7 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section: | Banking
and
investment |
| "(2) The Public Trustee may invest moneys of a kind referred to in sub-section (1) in an investment in which a trustee is, by the <u>Trustee Act and Ordinance</u> , authorized to invest trust funds, subject to - | |
| (a) the provisions, if any, of a will or trust requiring such moneys to be invested in specified securities; and | |
| (b) the same terms and conditions of investment, if any, imposed upon a trustee under the <u>Trustee Act and Ordinance</u> ." | |
-

THE NORTHERN TERRITORY OF AUSTRALIA

RADIATION (SAFETY CONTROL) BILL

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the Control, Regulation,
Possession, Use and Transport of Radioactive
Substances and Irradiating Apparatus

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
Radiation (Safety Control) Ordinance 1978.

Short
title

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

Commence-
ment

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

Defini-
tions

"absorbed dose" of any radiation means
the amount of energy imparted to
matter by ionising particles per unit
of mass of irradiated material at a
particular place and is expressed in
rads;

"alpha particle" means a corpuscle con-
sisting of the nucleus of a helium
atom emitted by a radioactive atomic
nucleus;

"beta particle" means a high speed cor-
puscle having the same mass or charge

as the electron or positron and originating from nuclear disintegration;

"container" means a freight container;

"curie" is the measure of radioactivity and one curie represents an activity of 3.7×10^{10} nuclear transformations per second;

"Director" means the person for the time being holding or occupying or performing the duties of the office of the Director of Health for the Northern Territory created in the Department of Health under the Public Service Act 1922;

"dose equivalent" is the quantity, measured in rems, which expresses on a common scale for all ionizing radiation the irradiation incurred by exposed matter;

"dose-rate" means the absorbed dose received per unit of time;

"electron" means a high speed subatomic particle or corpuscle which is negatively charged and which originates from an extra-nuclear region of the atom;

"exempted substance" means a substance exempted in pursuance of section 36;

"gamma ray" means an electromagnetic ionizing radiation which originates from the nucleus of an atom but which is not otherwise distinguishable from X-rays;

"handle" includes load, unload, discharge, stack, stow, store, transport and any operation incidental to or arising out of those operations;

"inspector" means an inspector appointed under section 8;

"irradiating apparatus" means apparatus capable of producing ionizing radiation or capable of accelerating atomic particles;

"licensed premises" means the premises described in a licence issued under this Ordinance;

"licensee" means a person licensed under this Ordinance;

"maximum permissible dose", in relation to a person or a part of the body of a person exposed to radiation, means -

- (a) for any quarter of a calendar year - the dose equivalent of the radiation specified in the third column of Part I of Schedule 3 received through the organs or parts of his body specified in the second column of that Part; and

- (b) for the period of a calendar year - the dose equivalent of the radiation specified in the third column of Part II of Schedule 3 received through the organs or parts of his body specified in the second column of that Part;

"maximum permissible concentration" means a concentration of a radioactive substance specified in the first column of Schedule 1 -

- (a) in air, being that specified in the second column of that Schedule; or

- (b) in water, being that specified in the third column of that Schedule,

for the radioactive substance;

"neutron" means a radioactive corpuscle which has no electric charge and has a mass slightly greater than the proton;

"nuclide" means a variety of an atom characterized by a specific atomic number and a specific mass number;

"package" includes a pack, packet, parcel, carton, box or receptacle of any kind that contains a radioactive substance;

"place" and "premises" includes buildings, ships, aircraft, vehicles and any other premises on land or water and all other land, vacant or otherwise whether public or private;

"positron" means a high speed, subatomic particle or corpuscle which is positively charged and which originates from an extra nuclear region of the atom;

"proton" means a nuclear particle of unit mass number having a charge equal to and opposite to that of an electron;

"rad" is the unit of measurement of the absorbed dose and one rad represents the absorbed dose received when energy of 0.01 joule is imparted to one kilogram of irradiated matter;

"radiation" means -

- (a) electromagnetic radiation, being X-rays, gamma rays, photons or quanta; or
- (b) corpuscular radiation being alpha particles, beta particles, electrons, protons, neutrons and heavy particles capable of causing ionization of matter on which it impinges;

"radiation hazard" means a thing or situation that creates a danger to the health of a person and that arises from exposure of ionizing radiation because of radiation from an external source or from within the body;

"Radiation Safety Officer" means a person appointed to be a Radiation Safety Officer under section 16;

"radiation worker" means a person who receives or is likely to receive radiation in the course of his employment whether from a radioactive substance or from irradiating apparatus;

"radioactive contamination" means the lodgement, attachment or incorporation of a radioactive substance, on, to or in an organ or tissue of a person or on or to any other material or substance;

"radioactive substance" means a substance which consists of or contains radioactive nuclides whether natural or artificial;

"radioactivity" means the spontaneous disintegration of an unstable nuclide with the emission of a particle or proton to form a different nuclide;

"rem" is the unit measurement of dose equivalent and one rem is the dose equivalent when irradiated matter receives an absorbed dose of one rad; and

"X-ray" means electromagnetic, ionizing radiation which originates from the field outside the nucleus of the atom and resulting from the loss of energy of charged particles.

(2) Where in this Ordinance a unit of measurement is used coupled with the prefix "milli" or "micro", the prefix signifies that the measurement referred to is one-thousandth or one-millionth respectively of the unit of measurement.

4.(1) Subject to sub-section (2), this Ordinance is binding upon all persons in the Territory whether or not they are in the service of any government or any governmental authority.

Applica-
tion

(2) For 21 days immediately following the date of commencement of this Ordinance, this Ordinance shall not apply to a person who, on that date of commencement, has in his possession or is using irradiating apparatus or a radioactive substance.

5.(1) A radioactive substance specified in Schedule 5 is exempt from the operation of this Ordinance if it is kept in such quantities as do not exceed the maximum specified for it in that Schedule.

Exemp-
tions

(2) Nothing in this Ordinance applies to the mining, production, possession, treatment, handling, sale, use or disposal of uranium ores or uranium oxide (U_3O_8).

(3) The Director, by notice in the Gazette, may exempt from the operation of this Ordinance any radioactive substance or irradiating apparatus which he is satisfied does not produce a significant radiation hazard.

PART II - ADMINISTRATION

Admini-
stration
of
Ordinance

6. The Director has, subject to any direction given by the Minister, responsibility for the administration of this Ordinance.

Dele-
gation

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

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

Inspectors
and their
powers

8.(1) The Director may appoint such inspectors as he thinks necessary for the purposes of the administration of this Ordinance.

(2) An inspector may

(a) with the consent, express or implied, of the owner or occupier of premises enter those premises and search for and examine -

(i) registers and licences kept or held under this Ordinance;

- (ii) books, records and documents relating to irradiating apparatus or equipment used in connexion with that apparatus and any instruments, devices or accessories for measuring or detecting radiation or radioactive substances; and
 - (iii) packages containing or which he believes, on reasonable grounds, contain irradiating apparatus or a radioactive substance;
- (b) use or install any equipment or measuring device for sampling, measuring or analyzing any substance; or
 - (c) make copies of or reproduce writings, books, records or other recorded information whether the information be recorded in writing or in some other form.

(3) An inspector, without the consent of any person but in pursuance of a search warrant, may enter any premises or place and do all such acts as are permitted to be done by sub-section (2) with the consent of the owner or occupier of the premises.

(4) Where there are reasonable grounds for an inspector to believe that a radiation hazard exists and that that hazard is such that action under this section is urgent, he may do all such acts as are permitted to be done under this section in pursuance of a search warrant without the consent of the owner or occupier and without obtaining a search warrant and he shall report any action

taken under this sub-section to the Director within 48 hours.

(5) If a Justice of the Peace is satisfied by information on oath that there are reasonable grounds for suspecting that there is in any place any thing--

- (a) with respect to which an offence against this Ordinance has been or is suspected on reasonable grounds to have been committed;
- (b) as to which there are reasonable grounds for suspecting that it will afford evidence of that offence; or
- (c) as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing such an offence against this Ordinance,

he may grant a search warrant authorizing an inspector or member of the Police Force named in the warrant, with such assistance as he thinks necessary, to enter at any time a place described in the warrant and to seize any such thing that he may find in that place.

Seizure
of
articles

9. When an inspector has reasonable grounds to believe that a radiation hazard exists or that an offence has been or is being committed against this Ordinance he may -

- (a) seize and remove any thing constituting or contributing to a health

- (b) seize any thing likely to afford evidence of an offence against this Ordinance; and
- (c) if a thing seized is, in the opinion of the inspector, too dangerous or too bulky to be removed, forthwith prohibit the use, removal or alteration of, and interference or contact with, the thing by all persons for a period of 14 days by a notice in writing served on the owner or occupier of the premises and exhibited on the premises as near as possible to the thing seized.

(2) A person shall not use, move or alter, or interfere or make contact with, a thing to which a notice under sub-section (1)(c) applies.

PART III - RADIATION SAFETY

10. This Part does not apply -

Exemptions
from
Part

- (a) to a person lawfully possessing, using or operating irradiating apparatus under and in accordance with the Radiographers Ordinance, in relation to that apparatus;
- (b) a patient undergoing radiographic treatment which involves the possession of a radioactive substance, in relation to that treatment; or
- (c) the owner of an animal undergoing radiographic treatment, in relation to that treatment.

Prohibition of treatment with radioactive substances

11. A person shall not administer treatment to another person involving the use of a radioactive substance or irradiating apparatus unless -

- (a) he is a registered medical practitioner;
- (b) he is exempted under section 10; or
- (c) he is employed under the supervision of a medical practitioner to perform work including work involving the use of a radioactive substance or irradiating apparatus.

Licences

12.(1) Subject to this section, a person shall not have in his possession, manufacture, purchase, use, sell, handle or dispose of a radioactive substance or irradiating apparatus or carry out maintenance on irradiating apparatus.

(2) On the application of a person in the prescribed form, the Director may, subject to section 13(1), grant that person a licence under this section.

(3) A licence under this section authorizes the person to whom it is granted to do, subject to section 13(2), such of the things prohibited by sub-section (1) as are specified in the licence.

Conditions and terms of licences

13.(1) The Director shall not grant a licence under section 12 unless -

- (a) the applicant is a natural person over the age of 18 years; and

- (b) the Director approves, in accordance with Part VI, the means to be used in storing the radioactive substance or irradiating apparatus.

(2) A licence granted under section 12 may be issued subject to such conditions as the Director considers necessary and as are specified in the licence.

(3) A licence granted under section 12 -

- (a) remains in force for the period specified in the licence not exceeding 12 months;
- (b) is renewable, without application by the licensee, for such period not exceeding 12 months as the Director may specify in a written notice given to the licensee;
- (c) may be cancelled by the Director -
 - (i) where it has been issued subject to conditions and the licensee is in breach of any of those conditions;
 - (ii) where the licensee has failed, refused or neglected to comply with this Ordinance; or
 - (iii) where the Director is of the opinion that, in the interest of the safety of members of the public, the licence should be cancelled; and
- (d) shall describe the premises to which the licence applies.

Records
to be
kept

14. A licensee shall keep in a register a record of all irradiating apparatus and radioactive substances that come into his possession and the use to which that irradiating apparatus or those radioactive substances are put and any change in that use.

Duty of
licensee
to ensure
compliance

15. A licensee shall take all reasonable steps to ensure that every person under his supervision complies with this Ordinance.

Obliga-
tions of
a
licensee
in
relation
to irra-
diating
apparatus,
&c.

16.(1) A licensee who has in his possession any irradiating apparatus or radioactive substance shall -

- (a) appoint a person to be a Radiation Safety Officer in respect of the licensed premises and all irradiating apparatus and radioactive substances in his possession;
- (b) give notice to the Director in writing within 24 hours -
 - (i) of the first occasion upon which an irradiating apparatus or a radioactive substance comes into his possession; or
 - (ii) of the appointment of a Radiation Safety Officer furnishing his own private address and telephone number and the name, private address and telephone number, if any, of the Radiation Safety Officer appointed;

- (c) forward a copy of all reports and recommendations of the Radiation Safety Officer to the Director within 24 hours of the receipt of the report or the recommendation;
- (d) at least 24 hours before he employs a person as a radiation worker, notify the Director of the name, qualifications (if any) and experience of the person proposed to be so employed; and
- (e) within 24 hours after a person ceases to be so employed notify the Director of the cessation.

(2) Before a Radiation Safety Officer is appointed or during the absence from licensed premises of the Radiation Safety Officer, the licensee has, with respect to the licensed premises and all irradiating apparatus and radioactive substances on those premises, all the duties, powers, liabilities and responsibilities prescribed by this Ordinance in respect of a Radiation Safety Officer.

17.(1) The Director may require a licensee, a person appointed to be a Radiation Safety Officer or a radiation worker to submit to such medical examination as the Director may specify.

Medical
examina-
tions

(2) A person required to submit himself to a medical examination under sub-section (1) shall not fail, refuse or neglect to do so.

Duties of
Radiation
Safety
Officer

18. A Radiation Safety Officer shall -
- (a) investigate and record all sources of ionizing radiation on premises under his control;
 - (b) within 14 days of his appointment and thereafter at 6-monthly intervals prepare a report -
 - (i) showing the names of all persons permitted by the licensee to be in a place where ionizing radiation exists or may, from time to time, exist;
 - (ii) specifying the times of the day during which each person is likely to be in such a place and exposed to ionizing radiation;
 - (iii) recommending the safe working procedures that should be adopted for work on the licensed premises in connexion with irradiating apparatus or radioactive substances; and
 - (iv) recommending, if necessary, the installation or use of facilities for the purpose of minimizing the absorbed dose that each person may receive;
 - (c) provide a copy of each report made under paragraph (b) to each person working in the place to which his report relates who may be subjected to ionizing radiation and to the employer of each of those persons;

- (d) take all reasonable steps to ensure that all persons likely to be subjected to ionizing radiation are adequately instructed in the use of all safeguards and procedures and are supplied with such apparatus, clothing, instruments, shields, devices or accessories as are necessary for the protection of those persons from ionising radiation;
- (e) take all reasonable steps to ensure that persons not engaged in work involving the use or handling or irradiating apparatus or radioactive substances cannot be subject to ionizing radiation (other than that naturally occurring) exceeding 10 millirems a week;
- (f) take all reasonable steps to ensure that no radioactive substance is removed from the licensed premises in contravention of this Ordinance;
- (g) if he becomes aware of the existence of any ionizing radiation from a source not under his control - report the matter in writing immediately to the licensee and to the Director;
- (h) take all reasonable steps to ensure that all persons employed on the licensed premises carry out all such procedures and do all such acts as will ensure the safe performance of their work;
- (i) keep a register of every sealed radiation source on the licensed premises;

- (j) at the cessation of work on each day, ensure that each source of ionizing radiation used on that day is accounted for and that other sources of ionizing radiation are held in a safe and secure place; and
- (k) take all reasonable steps to ensure that all apparatus, instruments, devices and accessories used for the protection of persons from ionizing radiation or for the detection and measurement of ionizing radiation, absorbed doses and dose equivalents and of radioactive contamination are maintained in good working condition and are properly used.

Duties of
persons on
licensed
premises

19. A radiation worker shall use in the proper manner all apparatus, instruments, devices, clothing, shields and accessories supplied to him for his protection and shall observe the working procedures laid down by the Radiation Safety Officer appointed for the premises in which the worker works.

Duties of
licensees

20. A licensee shall -

- (a) by means of doors, bars, locks or warning or cautionary notices, signs or lights, prohibit the access of unauthorized persons to all parts of the licensed premises in which they may be subjected to ionizing radiation;

- (b) immediately upon becoming aware that a radioactive substance in his possession or under his control has been damaged, lost or involved in an accident or fire, notify the Director of the fact by telegram, telephone or personal communication and shall confirm that notification in writing as soon as is reasonably possible;
- (c) carry out all instructions that the Director gives to him consequent upon a notification under paragraph (b); and
- (d) take all reasonable steps to ensure that the concentration of radioactive substances in air and water does not exceed the concentrations prescribed in Schedule 1.

21. A licensee who employs persons as radiation workers shall -

Measurement
of ionizing
radiation
on
premises

- (a) carry out as, when and in the manner required by the Director, measurements of ionizing radiation in and around the licensed premises and in air and water discharged from the licensed premises;
- (b) provide and maintain for each radiation worker such instruments, apparatus, devices or accessories as the Director requires for the purpose of measuring the amount of ionizing radiation to which a radiation worker is or has been exposed; and

- (c) instruct those workers in the methods in which those instrument, apparatus, devices or accessories are to be used.

Use of
measuring
instru-
ments,
&c.

22. A person using or handling an irradiating apparatus or a radioactive substance shall, while doing so or while in the vicinity of an irradiating apparatus or a radioactive substance carry attached to his person or his clothing such instrument, apparatus, device or accessory as shall have been provided in accordance with section 21(b).

Disposal
of radio-
active
substances

23. A person shall not dispose of or abandon a radioactive substance without the approval of the Director.

Penalty: 5000 dollars or imprisonment for 2 years, or both.

Maximum
doses of
radiation

24. An employer or the person in charge of a place where irradiating apparatus or a radioactive substance is used shall take all reasonable steps to ensure that a person on premises under his control -

- (a) does not receive a radiation dose in excess of the maximum prescribed in Schedule 3; and
- (b) is not exposed to concentrations of radioactive substances in air or water in excess of the maximum concentrations prescribed in Schedule 1.

25.(1) Where the Director is satisfied that a radiation worker has been exposed to radiation in excess of the maximum permissible dose prescribed in Schedule 3, he may direct the person by whom the worker is employed to cease to employ him, for such period as the Director specifies, in any employment in which he will or may be exposed to ionizing radiation.

Persons
receiving
dose
exceeding
maximum
not to be
employed

(2) An employer shall not fail, refuse or neglect to comply with a direction given under sub-section (1).

26.(1) Where there is cause to believe that there will be a serious risk to the health of a radiation worker if he continues to be exposed to ionizing radiation, the Director may direct his employer to cease to employ him in any work which may expose him to further ionizing radiation.

Precaution
to be
taken
against
receipt of
excessive
doses of
radiation

(2) An employer shall not fail, refuse or neglect to comply with a direction given under sub-section (1).

27. An employer of a radiation worker or the person in charge of a place where radiation workers are employed shall keep a record in a form approved by the Director showing -

Records
to be
kept

- (a) the full name, address, age and sex of each radiation worker;
- (b) the date of commencement of employment;

- (c) the dates from which and the periods during which the person has or may have been exposed to ionising radiation;
- (d) the details of all dose assessments for that person; and
- (e) all known facts relating to any accidental dose of ionizing radiation that may have been received by that person.

Excessive
doses to
be
reported

28. An employer of a radiation worker and a person in charge of a place in which irradiating apparatus or a radioactive substance is used -

- (a) who has cause to suspect that a person has received (other than as a patient undergoing treatment) a dose equivalent in excess of 200 millirems per week or that some unusual occurrence has taken place in or about a source of ionizing radiation; or
- (b) who becomes aware that a personal monitoring device has recorded in respect of a person a dose equivalent exceeding 200 millirems per week,

shall report the fact to the Director forthwith.

29.(1) In calculating the maximum permissible dose of ionizing radiation for the purposes of this Ordinance, doses -

Matters
to be
considered
in
computing
maximum
permissible dose

- (a) received by an organ or tissue of a person from any source of ionizing radiation as a consequence of the employment of that person shall be counted;
- (b) received by a person in undergoing radiological procedures or ionizing radiation received by him as the result of exposure to naturally occurring radiation shall not be counted; and
- (c) received in any quarter of a calendar year shall be counted in the dosage for the calendar year of which that quarter forms part.

(2) If the dose to the whole body, gonads or red bone-marrow accumulated by a person in the course of employment is not known for any period, it shall be assumed that he has received, in each calendar year of the period, the relevant maximum permissible dose for those parts specified in Part II of Schedule 3.

PART IV - REGISTRATION OF IRRADIATING APPARATUS

30. A person shall not use irradiating apparatus unless the apparatus is registered under this Part.

Irradiating
apparatus
to be
registered

Conditions
under
which
apparatus
registered

31.(1) A person who is in possession of irradiating apparatus shall forthwith make application to the Director for the registration of that irradiating apparatus.

(2) If the Director is satisfied that -

- (a) the equipment is in a safe and good operating condition;
- (b) the equipment is suitable for the use proposed;
- (c) the location and installation of the equipment are appropriate; and
- (d) the equipment is adequately protected and, if shielding of the equipment is necessary, that it is properly shielded,

he shall register the irradiating apparatus.

Certifi-
cate to
be issued
and
displayed

32.(1) The Director shall issue a certificate of registration in respect of each item of irradiating apparatus that is registered.

(2) A person to whom a certificate of registration is issued shall display the certificate in a prominent position on or near the irradiating apparatus to which it relates.

Apparatus
not to be
altered
or
modified

33. A person shall not alter or modify any registered irradiating apparatus without the approval of the Director.

34.(1) An inspector shall regularly inspect each item of registered irradiating apparatus and report to the Director on that inspection.

Inspection

(2) If he is satisfied upon the report of an inspector that any registered irradiating apparatus is in a dangerous condition or requires repair or modification, the Director may cancel the registration of the apparatus and require the person in possession of the apparatus to deliver to the Director the certificate or registration forthwith.

(3) A person shall not fail, refuse or neglect to comply with a requirement of the Director under sub-section (2).

35.(1) A certificate of registration may be issued subject to such conditions as the Director considers necessary and as are endorsed on the certificate.

Limitation
of use of
irradiat-
ing
apparatus

(2) Where a certificate of registration is endorsed under sub-section (1), a person shall -

- (a) not use the irradiating apparatus for a purpose other than the purpose specified in the certificate; and
- (b) observe the conditions endorsed on the certificate.

PART V - TRANSPORT OF RADIOACTIVE
SUBSTANCES

Exemptions

36.(1) The Director, by notice published in the Gazette, may exempt from the provisions of this Part a radioactive substance of a weight or activity specified in the notice.

(2) A radioactive substance referred to in a notice published in pursuance of sub-section (1), is exempt from this Part.

Conditions
for trans-
port of
radio-
active
sub-
stances

37. A person shall not transport a radioactive substance unless it is an exempted substance or it is contained in a package which complies with this Part and Schedule 6 and is transported in a manner prescribed in this Part.

Penalty: 1000 dollars or imprisonment for 12 months.

Classifi-
cation of
packages

38.(1) For the purposes of this Part, packages are described as Type A packages and Type B packages.

(2) Type A packages shall comply with the specifications prescribed in Schedule 6.

(3) Type B packages -

(a) shall comply with the specifications prescribed in Schedule 6 and with such additional requirements as may be prescribed or specified by the Director; and

(b) shall have their outer receptacles resistant to fire and water.

39. A person shall not transport -

Materials
enclosed
in Type A
or Type B
packages

(a) a radioactive substance specified in the first column of Schedule 4 and classified in the second column of that Schedule opposite that substance as being -

(i) in Group I if it has a maximum radioactivity of 100 micro-curies;

(ii) in Group II if it has a maximum radioactivity of 10 milli-curies; or

(iii) in Group III if it has a maximum radioactivity of 2 curies; or

(b) a radioactive substance in the form of a non-friable massive solid that -

(i) has a melting point exceeding 537 degrees Celsius;

(ii) is not soluble in water;

(iii) does not react with air or water; and

(iv) has a maximum radioactivity of 20 curies,

except in a Type A package or a Type B package.

Penalty: 2000 dollars or imprisonment for 2 years, or both.

Materials
to be
enclosed
in Type B
packages

40. A person shall not transport -

(a) a radioactive substance specified in the first column of Schedule 4 and classified in the second column of that Schedule opposite the substance specified in the first column as being -

(i) in Group I if it has a maximum radioactivity of 20 curies;

(ii) in Group II if it has a maximum radioactivity of 20 curies; or

(iii) in Group III if it has a maximum radioactivity of 200 curies; or

(b) a radioactive substance in the form of a non-friable massive solid that -

(i) has a melting point exceeding 537 degrees Celsius;

(ii) is not soluble in water;

(iii) does not react with air or water; and

(iv) has a maximum radioactivity of 2000 curies,

except in a Type B package.

Packages
to be
tested

41. A person shall not carry a package unless it has been subjected to such tests as are prescribed or, failing prescription, as are set out in a notice in writing served by the Director upon the person licensed to transport the substance in the package.

42. A person shall not alter or modify a package during transport.

Packages
not to be
altered

43. A person shall not include in a package any other article or thing except such articles, things or documents as are necessary for the use or identification of the radioactive substances.

Other
articles
not to be
carried
with
radio-
active
substances

44.(1) A person in charge of a vehicle, vessel or aircraft shall ensure that a radioactive substance in the course of transport is kept in a place which is separate and shielded from -

Conditions
for
transport

- (a) living or sleeping accommodation;
- (b) regularly occupied working places;
- (c) all places which may be at any time occupied by passengers or members of the public; and
- (d) all places in which there is stowed an explosive or corrosive material or a material which is capable of spontaneous combustion.

(2) A person shall not load a package into the same vehicle or aircraft or hold, compartment or deck area of a vessel as an explosive or corrosive material or a material which is capable of spontaneous combustion which might damage the package in the event of an accident.

(3) A person shall not transport or permit the transportation of a package which is required under Schedule 6 to be labelled Category II or Category III in a compartment which is occupied by passengers.

Sign to
be dis-
played

45. The person in charge of a vehicle transporting a package shall cause a sign -

- (a) conforming with figure 5 in Schedule 2; and
- (b) complying with the colour and other requirements indicated in that Schedule for that figure,

to be displayed on the 2 sides and on the rear of the vehicle so that one of those signs is clearly visible from all directions except from in front of the vehicle.

Standards
for con-
veyance of
packages
in single
container

46. Notwithstanding anything contained in this Ordinance, where a load of packages is transported in one container, from one consignor having the sole use of the vehicle and in respect of which all loading and unloading is carried out by the consignor or consignee, the following levels of radiation may be observed:

- (a) 1000 millirems per hour at any point on the external surface of the container if -
 - (i) the vehicle is equipped with an enclosure to hold the container so that, during normal transport, access by unauthorized persons to the interior of the enclosure is prevented;

- (ii) the packages and the container are secured within the enclosure so that their position remains fixed during transport; and
 - (iii) there are no loading or unloading operations between the beginning and the end of the transport;
- (b) 200 millirems per hour at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of an open vehicle, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surfaces of the load and on the lower external surfaces of the vehicle;
 - (c) 10 millirems per hour at any point 2 metres from the outer surfaces of the vehicle or, if the load is transported in an open vehicle, at any point 2 metres from the vertical planes projected from the outer edges of the vehicle; and
 - (d) 2 millirems per hour in any position in the vehicle occupied by persons, except with the approval of the Director.

47. A person shall not load into an aircraft or carry by air a liquid pyrophoric radioactive substance.

Liquid
pyrophoric
substances
not to
be
carried

Leaking
packages
not to be
used

48.(1) A person shall not use an empty package as a container for a radioactive substance where there are reasonable grounds for suspecting that a leakage of a radioactive substance from the package has occurred unless the package has been repaired and decontaminated.

(2) A person having in his possession or under his control a package from which there are reasonable grounds for suspecting a leakage of the radioactive substance has occurred shall prevent other persons from having access to the package and shall notify the Director forthwith of the suspected leakage.

Check of
vehicles
for
radio-
active
contam-
ination

49.(1) A person having in his possession or under his control a vehicle or equipment used regularly for the transportation of radioactive substances shall periodically check that vehicle or equipment to determine the level of radioactive contamination.

(2) A person having in his possession or under his control a vehicle or equipment which has been contaminated by a radioactive substance shall ensure that it is not used to transport other goods until it has been decontaminated and has been declared to be safe by a person appointed by the Director for the purpose.

(3) A person shall not for any purpose other than the transportation of a radioactive substance, use or carry a package which has contained radioactive substances unless -

- (a) all labels referring to a radioactive substance have been removed or covered; and
- (b) a person authorized by the Director is satisfied that all accessible surfaces of the package have been monitored and that radiation has been reduced to a safe level.

50. The driver of a vehicle transporting a radioactive substance shall ensure that there is affixed to the inside of the driver's cabin a conspicuous metal plate engraved, stamped or embossed as follows:

Warning
to be
given

"WARNING. This vehicle is carrying a radioactive substance. In case of damage to the vehicle or its contents notify the Director of Health and the consignor of any goods on the vehicle."

51. Where a vehicle transporting a radioactive substance -

Procedure
in case of
accident

- (a) is involved in an accident;
- (b) is subjected to an unusual delay; or
- (c) may have been or may become contaminated by a leakage of a radioactive substance,

the driver shall -

- (d) forthwith notify the Director of the occurrence;

- (e) obey such instructions as the Director may give; and
- (f) take all reasonable steps to prevent access of any person not authorized by the Director to the vehicle or to a place in the vicinity of the radioactive substance.

Isolation
of site of
accident

52. Where an accident to a vehicle results in damage to a package, the driver of the vehicle and all members of the Police Force shall act as though radioactive contamination exists at the site of the accident and shall take steps to isolate the site and, until otherwise directed by the Director, shall ensure that no person enters or remains on the site, unless with the Director's authority.

Fissile
sub-
stances
not to be
carried

53.(1) A package containing a radioactive substance that is also a fissile substance shall not be transported, unless the transportation is authorized by the Director in writing.

(2) In this section "fissile substance" means plutonium 238, plutonium 239, plutonium 241, uranium 233 and uranium 235 but does not include uranium ores, non-irradiated uranium or depleted uranium or any substance obtained as a result of beneficiation of uranium ore in the form of oxides of uranium 238, uranium 234 or uranium 235 in any proportion in which they occur naturally.

PART VI - STORES

54.(1) A person shall not use a place (other than licensed premises) to store a radioactive substance unless the Director has approved of the place as a store.

Approved
stores

(2) The Director shall not approve of a place as a store for radioactive substances unless he is satisfied that the facilities provided and the precautions taken are adequate to prevent any radiation hazard arising and to prevent radioactive substances being taken or used by unauthorized persons.

(3) The Director shall notify the officer in charge of the nearest police station and the Chief Fire Officer of each place in which radioactive sources are stored or held.

(4) A store in which radioactive substances are held shall have displayed close to it or on it a radioactive warning sign -

- (a) conforming with figure 6 in Schedule 2; and
- (b) complying with the colour requirements specified in that Schedule for that figure.

PART VII - MISCELLANEOUS

55. A person shall not fail, refuse or neglect to comply with this Ordinance.

Offences

Penalty: 500 dollars or imprisonment for 6 months, or both, or the greater penalty fixed by the relevant provision of the Ordinance.

Evidentiary
certificates

56. Where, in a prosecution for an offence against this Ordinance, it is necessary to prove -

- (a) the quantity of an absorbed dose;
- (b) the nature of a radioactive substance;
- (c) the activity of a radioactive substance; or
- (d) the strength of a dose equivalent,

a certificate purporting to be signed by the Director stating any such measurement or other fact is evidence, in the absence of proof to the contrary, of the matters so certified and of the facts on which they are based.

Regulations

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

SCHEDULE 1

Sections 3, 18 and 24

MAXIMUM PERMISSIBLE CONCENTRATION FOR DISCHARGE OF RADIO-ACTIVE SUBSTANCES IN AIR AND WATER

First Column	Second Column	Third Column
Radioactive substance	Microcuries per millilitre of air	Microcuries per millilitre of water
A41	5×10^{-7}	5×10^{-4}
Ag105	1×10^{-5}	2
Ag111	3×10^{-5}	4
Am241	3×10^{-11}	1×10^{-4}
As76	2×10^{-6}	0.2
At211	3×10^{-10}	2×10^{-6}
Au198	1×10^{-7}	3×10^{-3}
Au199	2.5×10^{-7}	7×10^{-3}
Ba140+La140	6×10^{-8}	2×10^{-3}
Be7	4×10^{-6}	1
C14	5×10^{-7}	3×10^{-3}
Ca45	3×10^{-8}	5×10^{-4}
Cd109+Ag109m	7×10^{-8}	7×10^{-2}
Ce144+Pr144	7×10^{-9}	4×10^{-2}
C136	4×10^{-7}	2×10^{-3}
Cm242	2×10^{-10}	9×10^{-4}
Co60	1×10^{-6}	2×10^{-2}
Cr51	8×10^{-6}	0.5
Cs137+Ba137m	2×10^{-7}	1.5×10^{-3}
Cu6464	6×10^{-6}	8×10^{-2}
Eu154	6×10^{-9}	3×10^{-2}
F18	1×10^{-4}	0.9
Fe55	6×10^{-7}	4×10^{-3}
Fe59	1.5×10^{-8}	1×10^{-4}
Ga72	3×10^{-6}	9
Ge71	4×10^{-5}	9
H3(HTO or T20)	2×10^{-5}	0.2

First Column	Second Column	Third Column
Radioactive substance	Microcuries per millilitre of air	Microcuries per millilitre of water
Ho166	3×10^{-6}	23
I131	5×10^{-9}	3×10^{-5}
Ir192	7×10^{-7}	1×10^{-2}
Ir199	5×10^{-8}	9×10^{-4}
K42	2×10^{-6}	1×10^{-2}
La140	1×10^{-6}	1
Lu177	5×10^{-6}	24
Mn56	3×10^{-6}	0.15
Mo99	2×10^{-3}	14
Na24	2×10^{-6}	8×10^{-3}
Nb95	4×10^{-7}	4×10^{-3}
Ni59	2×10^{-5}	0.25
P32	1×10^{-7}	2×10^{-4}
Pb203	6.5×10^{-6}	0.1
Pd103+Rh103	7×10^{-7}	1×10^{-2}
Pm147	2×10^{-7}	1
Po210(soluble)	2×10^{-10}	3×10^{-5}
Po210(insoluble)	7×10^{-11}	-
Pr143	7.5×10^{-7}	0.4
Pu239(soluble)	2×10^{-12}	1.5×10^{-6}
Pu239(insoluble)	2×10^{-12}	-
Ra226+ $\frac{1}{2}$ dr	8×10^{-12}	4×10^{-8}
Rb86	4×10^{-7}	3×10^{-3}
Re183	8×10^{-6}	8×10^{-2}
Rh105	1×10^{-6}	1.5×10^{-2}
Rn222+dr	1×10^{-7}	2×10^{-6}
Ru106+Rh106	3×10^{-8}	0.1
S35	1×10^{-6}	5×10^{-3}
Sc46	7×10^{-8}	0.4
Sm151	1×10^{-8}	0.2
Sn113	6×10^{-7}	0.2
Sr89	2×10^{-8}	7×10^{-5}
Sr90+Y90	2×10^{-10}	8×10^{-7}
Tc96	3×10^{-6}	3×10^{-2}
Te127	1×10^{-7}	3×10^{-2}
Te129	4×10^{-8}	1×10^{-2}
Th234	6×10^{-7}	3

First Column	Second Column	Third Column
Radioactive substance	Microcuries per millilitre of air	Microcuries per millilitre of water
Th-natural (insoluble)	3×10^{-11}	-
Th-natural	3×10^{-11}	4×10^{-7}
Tm170	5×10^{-8}	0.25
U233(soluble)	1×10^{-10}	1.5×10^{-4}
U233(insoluble)	1.6×10^{-11}	-
U-natural(soluble)	1.7×10^{-11}	7×10^{-5}
U-natural (insoluble)	1.7×10^{-11}	-
V48	1×10^{-6}	0.5
Xe133	4×10^{-6}	4×10^{-3}
Xe135	2×10^{-6}	1×10^{-3}
Y91	4×10^{-8}	0.2
Zn65	2×10^{-6}	6×10^{-2}
All other emitters of beta or gamma radiation	1×10^{-9}	1×10^{-7}
All other emitters of alpha radiation	5×10^{-12}	1×10^{-7}

NOTES

- (1) The figures given in the Second and Third Column of this Schedule apply to continuous exposures for 24 hours a day. Where the exposure is incurred only during a work day of 8 hours the values in the Second Column may be multiplied by 3.
- (2) In this Schedule the expression "dr" means daughter products of the radioactive substance preceding the expression.

SCHEDULE 2

Sections 44 and 54

RADIATION WARNING LABELS AND
NOTICES

1. Radiation warning labels shall be printed in black letters on a white or yellow background (according to the appropriate category).
2. A source container shall be labelled as follows:

"CAUTION
RADIATION GAUGE ENCLOSING
RADIOACTIVE SOURCE"

and the appropriate radiation symbol shall be displayed.

3. A store for radioactive substance shall be labelled as follows:

"CAUTION
STORE FOR RADIOACTIVE SUBSTANCE"

and the appropriate radiation symbol shall be displayed.

Figure 1.

Basic trefoil symbol with proportions based on a central circle of radius 4 millimetres.

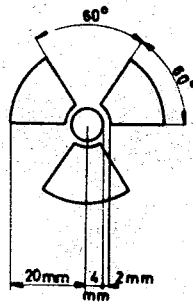


Figure 2.

Category I - White label with lettering and trefoil black and category sign "I" denoted in red.

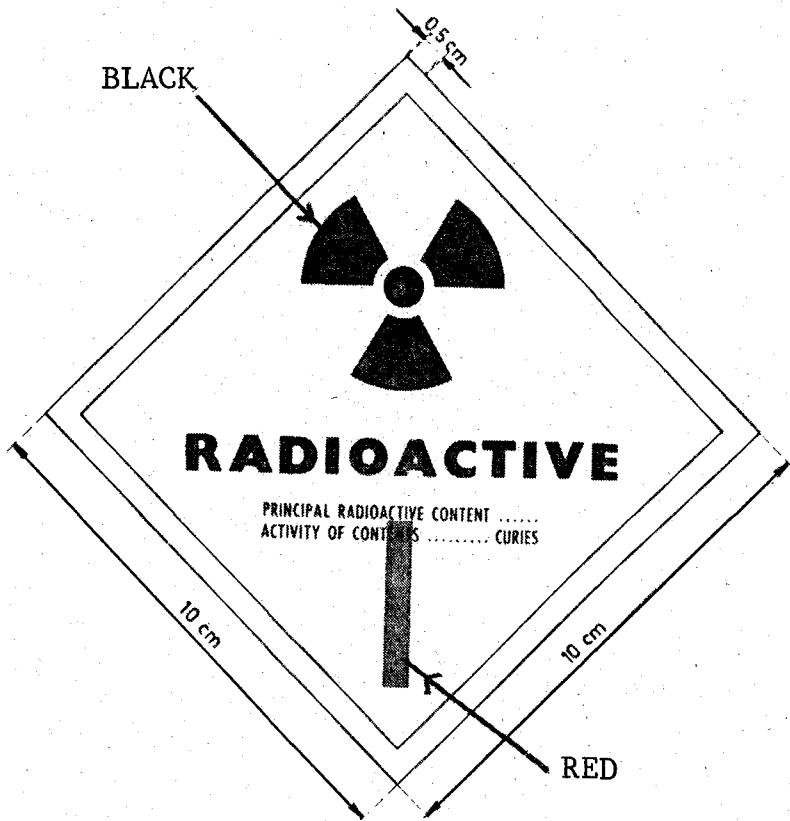


Figure 3.

Category II - Yellow label with lettering and trefoil black and category sign "II" denoted in red.

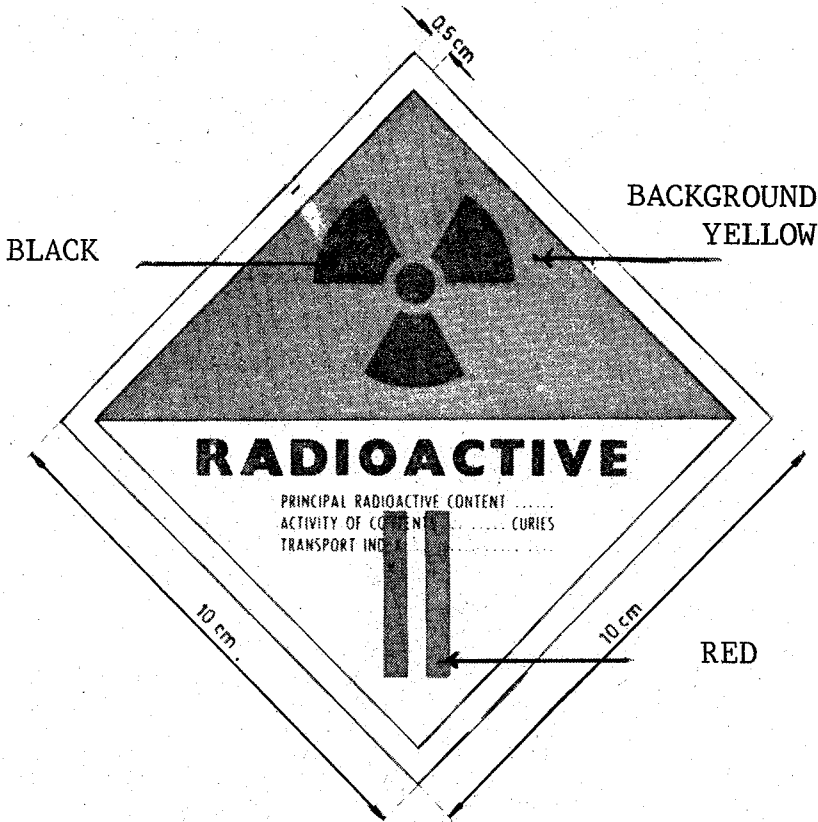


Figure 4.

Category III - Yellow label with lettering and trefoil black and category sign "III" denoted in red.

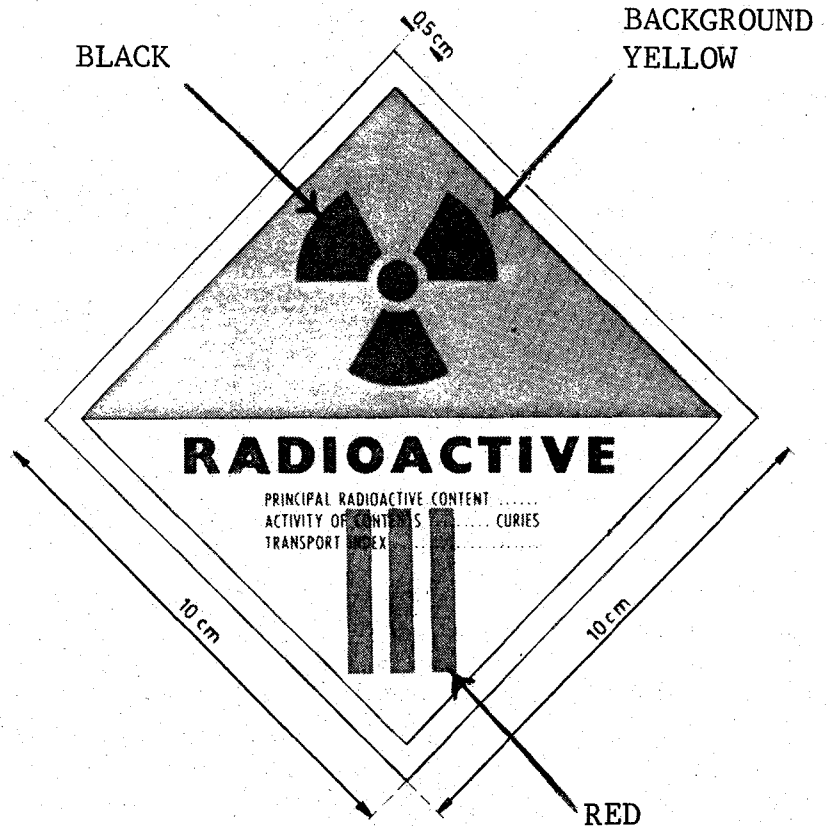


Figure 5.

Placard for vehicles

The overall shape of the placard may be diamond, rectangular or square as indicated by the dashed lines. Minimum dimensions are given; when larger dimensions are used the relative proportions must be maintained.

A contrasting colour other than white may be used for the background.

The lower half of the placard may be utilized for other hazard identification codes, letters, &c., as may be required by any law in the Territory or by conventions relating to emergency incident information systems for all classifications of dangerous goods.

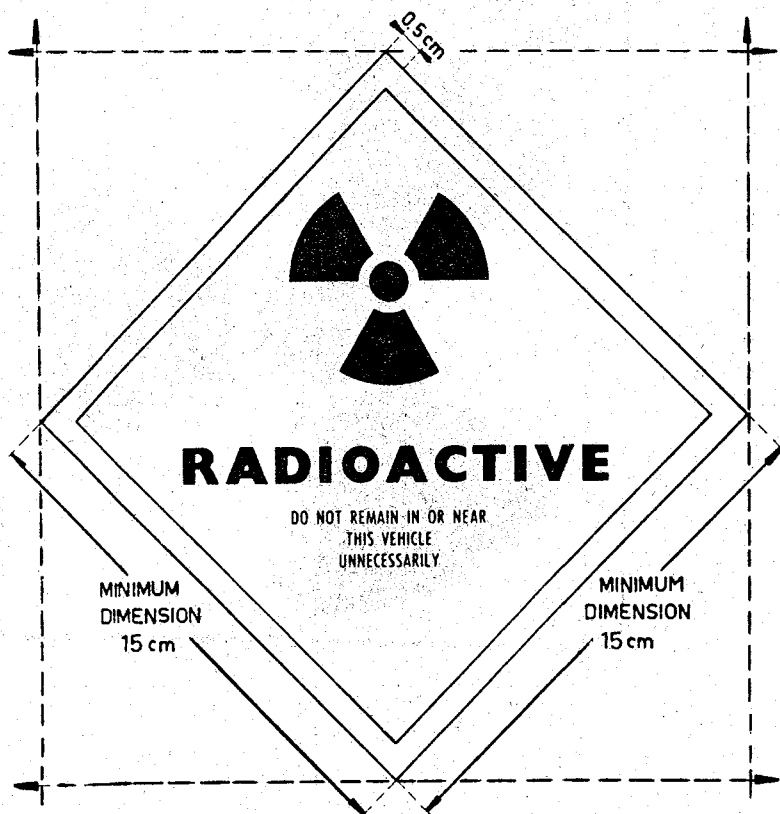
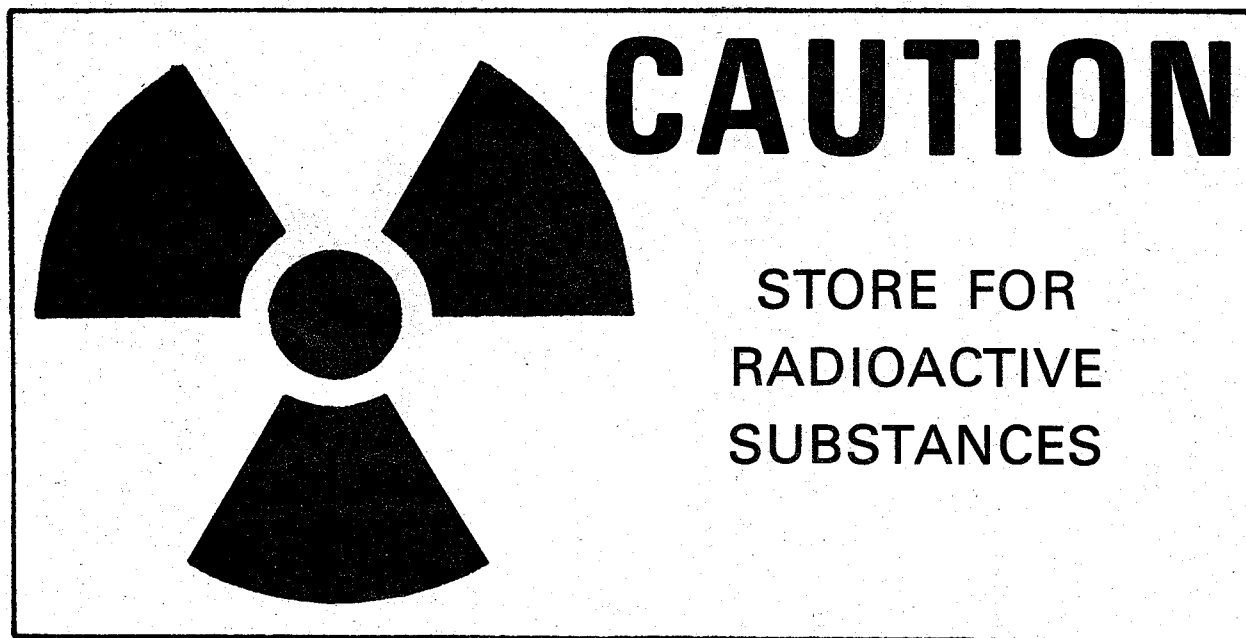


Figure 6.
Colours: Background yellow lettering and trefoil black.



SCHEDULE 3

Sections 3, 24, 25
and 29

PART I

MAXIMUM PERMISSIBLE DOSE ACCUMULATED IN
ANY QUARTER OF A CALENDAR YEAR

First Column Item No.	Second Column Organ or part of the body	Third Column Dose
1.	Gonads	3 rems
2.	Red bone marrow	3 rems
3.	Whole body radiation exposure	3 rems
4.	Skin	15 rems
5.	Bone	15 rems
6.	Thyroid	15 rems
7.	Hands and forearms	40 rems
8.	Feet and ankles	40 rems
9.	Any other single organ (including lens of the eye)	8 rems
10.	Abdomen of women of reproductive capacity	1.3 rems

PART II

MAXIMUM PERMISSIBLE DOSE ACCUMULATED IN
ONE CALENDAR YEAR

First Column	Second Column	Third Column
Item No.	Organ or part of the body	Dose
1.	Gonads	5 rems
2.	Red bone marrow	5 rems
3.	Whole body radiation exposure	5 rems
4.	Skin	30 rems
5.	Bone	30 rems
6.	Thyroid	30 rems
7.	Hands and forearms	75 rems
8.	Feet and ankles	75 rems
9.	Any other single organ (including lens of the eye)	15 rems

SCHEDULE 4

Section 39

CLASSIFICATION OF RADIOACTIVE SUBSTANCES INTO
GROUPS FOR TRANSPORT PURPOSES

Column 1	Column 2
Nuclide	Group
Actinium 227	I
Actinium 228	II
Americium 241	I
Americium 243	I
Antimony 122	III
Antimony 124	III
Antimony 125	III
Argon 37	III
Argon 41	III
Arsenic 73	III
Arsenic 74	III
Arsenic 76	III
Arsenic 77	III
Astatine 211	III
Barium 131	III
Barium 140	III
Berkelium 249	II
Beryllium 7	III
Bismuth 206	III
Bismuth 207	III
Bismuth 210	III
Bismuth 212	III
Bromine 82	III
Cadmium 100	III
Cadmium 115m	III
Cadmium 115	III
Caesium 131	III
Caesium 134m	III
Caesium 134	III
Caesium 135	III
Caesium 136	III

Column 1	Column 2
Nuclide	Group
Caesium 137	III
Calcium 45	III
Calcium 47	III
Californium 249	I
Californium 250	I
Californium 252	I
Carbon 14	III
Cerium 141	III
Cerium 143	III
Cerium 144	II
Chlorine 36	III
Chlorine 38	III
Chromium 51	III
Cobalt 57	III
Cobalt 58m	III
Cobalt 58	III
Cobalt 60	III
Copper 64	III
Curium 242	II
Curium 243	I
Curium 244	I
Curium 245	I
Curium 246	I
Dysprosium 165	III
Dysprosium 166	III
Erbium 169	III
Erbium 171	III
Europium 152(9.2hr)	III
Europium 152(13yrs)	III
Europium 154	II
Europium 155	III
Fluorine 18	III
Gadolinium 153	III
Gadolinium 159	III
Gallium 72	III
Germanium 71	III

Column 1	Column 2
Nuclide	Group
Gold 196	III
Gold 198	III
Gold 199	III
Hafnium 181	III
Holmium 166	III
Hydrogen 3	III
Indium 113m	III
Indium 114m	III
Indium 115m	III
Indium 115	III
Iodine 126	III
Iodine 129	III
Iodine 131	III
Iodine 132	III
Iodine 133	III
Iodine 134	III
Iodine 135	III
Iridium 190	III
Iridium 192	III
Iridium 194	III
Iron 55	III
Iron 59	III
Krypton 85m	III
Krypton 85	III
Krypton 87	III
Lanthanum 140	III
Lead 203	III
Lead 210	II
Lead 212	III
Lutecium 177	III
Manganese 52	III
Manganese 54	III
Manganese 56	III
Mercury 197m	III
Mercury 197	III
Mercury 203	III

Column 1	Column 2
Nuclide	Group
Molybdenum 99	III
Neodymium 144	III
Neodymium 147	III
Neodymium 149	III
Neptunium 237	I
Neptunium 239	III
Nickel 59	III
Nickel 63	III
Nickel 65	III
Niobium 93m	III
Niobium 93	III
Niobium 97	III
Osmium 183	III
Osmium 191m	III
Osmium 191	III
Osmium 193	III
Palladium 103	III
Palladium 109	III
Phosphorus 32	III
Platinum 191	III
Platinum 193	III
Platinum 193m	III
Platinum 197m	III
Platinum 197	III
Plutonium 238	I
Plutonium 239	I
Plutonium 240	I
Plutonium 241	II
Plutonium 242	I
Polonium 210	II
Potassium 42	III
Praseodymium 142	III
Praseodymium 143	III
Promethium 147	III
Promethium 149	III

Column 1	Column 2
Nuclide	Group
Protactinium 230	II
Protactinium 231	I
Protactinium 233	III
Radium 223	II
Radium 224	II
Radium 226	I
Radium 228	II
Radon 220	III
Radon 221	II
Rhenium 183	III
Rhenium 186	III
Rhenium 187	III
Rhenium 188	III
Rhenium natural	III
Rhodium 103m	III
Rhodium 105	III
Rubidium 86	III
Rubidium 87	III
Rubidium natural	III
Ruthenium 97	III
Ruthenium 103	III
Ruthenium 105	III
Ruthenium 106	III
Samarium 147	III
Samarium 151	III
Samarium 153	III
Scandium 46	III
Scandium 47	III
Scandium 48	III
Selenium 75	III
Silicon 31	III
Silver 105	III
Silver 100m	III
Silver 111	III
Sodium 22	III
Sodium 24	III

Column 1	Column 2
Nuclide	Group
Strontium 85m	III
Strontium 85	III
Strontium 89	III
Strontium 90	II
Strontium 91	III
Strontium 92	III
Sulphur 35	III
Tantalum 182	III
Technetium 96m	III
Technetium 96	III
Technetium 97m	III
Technetium 97	III
Technetium 99m	III
Technetium 99	III
Tellurium 125m	III
Tellurium 127m	III
Tellurium 127	III
Tellurium 129m	III
Tellurium 129	III
Tellurium 131m	III
Tellurium 132	III
Terbium 160	III
Thallium 200	III
Thallium 201	III
Thallium 202	III
Thallium 204	III
Thorium 227	II
Thorium 228	I
Thorium 230	I
Thorium 231	III
Thorium 232	III
Thorium 234	III
Thorium natural	III
Thulium 170	III
Thulium 171	III
Tin 113	III

Column 1	Column 2
Nuclide	Group
Tin 125	III
Tungsten 181	III
Tungsten 185	III
Tungsten 187	III
Uranium 230	II
Uranium 232	II
Uranium 233	II
Uranium 234	II
Uranium 235	III
Uranium 236	II
Uranium 238	III
Uranium natural	III
Vanadium 48	III
Xenon 131m	III
Xenon 133	III
Xenon 135	III
Ytterbium 173	III
Yttrium 90	III
Yttrium 91m	III
Yttrium 91	III
Yttrium 92	III
Yttrium 93	III
Zinc 65	III
Zinc 69m	III
Zinc 69	III
Zirconium 93	III
Zirconium 95	III
Zirconium 97	III

SCHEDULE 5

Section 5

MAXIMUM AMOUNTS OF RADIOACTIVE SUBSTANCE
EXEMPTED FROM THIS ORDINANCE

GROUP I : Maximum allowed : 1 microcurie

Lead (210)	Radium (226)
Actinium (227)	Plutonium (230)
Americium (241)	Polonium (219)
Astatine (211)	Uranium (235)

GROUP II : Maximum allowed : 10 microcuries

Scandium (46)	Cobalt (60)
Strontium (30)	Ruthenium (106)
Silver (105)	Tellurium (129)
Iodine (131)	Caesium (137)
Cirium (144)	Europium (154)
Tungsten (181)	Rhenium (185)
Iridium (192)	

GROUP III : Maximum allowed : 100 microcuries

Phosphorus (32)	Chlorine (36)
Calcium (45)	Scandium (48)
Vanadium (48)	Iron (59)
Zinc (65)	Gallium (72)
Arsenic (76)	Rubidium (86)
Strontium (89)	Yttrium (91)
Niobium (95)	Technetium (96)
Rhodium (105)	Silver (111)
Cadmium (109)	Tin (115)
Tellurium (127)	Barium (140)
Lanthanum (140)	Praesodymium (143)
Samarium (151)	Holmium (166)

Thulium (170)	Lutecium (177)
Tantalum (182)	Platinum (191)
Gold (198)	Thallium (200)
Thallium (204)	Lead (203)
Thorium (234)	

GROUP IV : Maximum allowed : 1000 microcuries

Hydrogen (3)	Beryllium (7)
Carbon (14)	Sodium (24)
Sulphur (35)	Potassium (42)
Chromium (51)	Manganese (56)
Iron (55)	Nickel (59)
Copper (64)	Germanium (71)
Molybdenum (99)	Palladium (103)
Promethium (147)	Iridium (190)
Gold (196)	Thallium (201)
Thallium (202)	

NOTES

1. Figures immediately following a substance in this Schedule refer to the atomic mass numbers of the substance, thus Hydrogen (3) means Hydrogen of Atomic Mass 3.
 2. Any radioactive substance not specified in this Schedule shall be taken to be in Group II.
-

SCHEDULE 6

Sections 35 and 36

SPECIFICATIONS FOR PACKAGES

PART I

DESIGN

1. The smallest dimension for any outer container for a radioactive substance is 10 centimetres.
2. A package shall be so designed that it can be easily handled and be properly secured in or on the conveyance during transport.
3. A package of gross mass of 10 kilograms or more up to 50 kilograms shall be provided with means for manual handling.
4. A package of gross weight exceeding 50 kilograms shall be so designed as to enable safe handling by mechanical means.
5. A design does not comply with rules 3 and 4 unless any lifting attachment on the package, when used in the intended manner, does not impose unsafe stresses on the structure of the package.
6. The outer layer of the package shall be such that it does not collect and retain water.

7. The external surfaces of the package shall be designed so that they may be easily decontaminated.
8. The maximum value of radiation originating from a package shall not exceed 200 millirems per hour at any point on the surface of the package or 10 millirems per hour at a distance of 1 metre from the package.
9. A package shall incorporate a seal on the outside which is not readily breakable and which, while intact, indicates that the package has not been opened.
10. A package shall be so designed to withstand the effects of any acceleration, vibration and vibration resonance which may arise during normal transport without any deterioration in the effectiveness of the closing devices in the various receptacles or in the integrity of the package as a whole.
11. The nuts, bolts and other securing devices shall be so designed as to prevent them from becoming loose or being released unintentionally, even after repeated use.
12. A package shall include in its design a containment system securely closed by a positive fastening device which cannot be opened unintentionally or by pressure which may arise within the package.

13. A package of which the outer component of a containment system forms a separate unit shall be capable of being securely closed by a fastening device that is independent of any other part of the package.
14. The materials of a package and its components or structures shall be physically and chemically compatible with each other and with the contents of the package.
15. The design of any component of the containment system shall take into account any likely radiolytic decomposition of liquids and other vulnerable materials and the generation of gas by chemical reaction and radiolysis.
16. The containment system shall retain its radioactive contents under the reduction of ambient pressure to 0.25 kilograms per square centimetre.
17. All valves other than pressure relief valves through which the radioactive contents could otherwise escape shall be protected against unauthorized operation and shall be provided with an enclosure to retain any leakage from the valve.

18. A radiation shield which encloses a component of a package specified as part of the containment system shall be so designed as to prevent the unintentional release of the component from the shield. Where the radiation shield and the component within it forms a separate unit, the radiation shield shall be capable of being securely closed by a fastening device which is independent of any other package structure.
19. A tie-down attachment on a package shall be so designed that, under both normal and accident conditions, the forces in those attachments will not impair the ability of the package to meet the requirements of this Schedule.

PART II

LABELLING AND MARKING

20. A package and a container shall display at least 2 appropriate labels as prescribed in this Part of this Schedule according to the category into which the package or the container falls.
- 21.(1) A package or a container falls into Category I when the radiation level originating from the package or any package within the container at any time during normal transport does not exceed 0.5 millirem per hour at any location on the external surface of the package.

- (2) The appropriate label for packages falling in Category I -
 - (a) shall have a white background;
 - (b) shall be in the form of Figure 2 in Schedule 2;
 - (c) shall display the colours indicated in that Schedule for the lettering and designs in that figure; and
 - (d) shall comply with the dimensions indicated in that Schedule for that figure.

22.(1) A package falls into Category II when the radiation level originating from the package, at any time during normal transport, exceeds 0.5 millirem per hour but does not exceed 50 millirems per hour at any location on the external surface of the package and the maximum radiation level does not exceed one millirem per hour at one metre from the external surface of the package.

- (2) A container falls into Category II when it contains at least one package falling into Category II and the maximum level of radiation does not exceed one millirem per hour at a distance of one metre from the container.
- (3) The appropriate label for packages and containers falling in Category II -

- (a) shall have a yellow background;
- (b) shall be in the form of Figure 3 in Schedule 2;
- (c) shall display the colour indicated in that Schedule for the lettering and designs in that figure; and
- (d) shall comply with the dimensions indicated in that Schedule for that figure.

- 23.(1) A package falls into Category III when the radiation level originating from the package at any time during normal transport exceeds 50 millirems per hour but does not exceed 200 millirems per hour at any location on the external surface of the package.
- (2) A container falls into Category III -
- (a) when at any time during normal transport the radiation level exceeds 1 millirem per hour at a distance of 1 metre from the external surface of the freight container; or
 - (b) when the radiation level exceeds 200 millirems per hour but does not exceed 1000 millirems per hour at any location on the external surface of the container and the transportation is carried out under the conditions specified

in section 46.

- (3) The appropriate label for Category III packages and containers -
 - (a) shall have a yellow background;
 - (b) shall be in the form of Figure 3 in Schedule 2;
 - (c) shall display the colour indicated in that Schedule for the lettering and designs in that figure; and
 - (d) shall comply with the dimensions indicated in that Schedule for that figure.
- 24. Labels shall be fixed on 2 opposite sides of the outside of the package or container.
- 25. Each label shall be completed before despatch by marking on it where indicated in the figures in the Schedule the information relating to the contents and the radioactivity of the contents.
- 26. A package of gross mass exceeding 50 kilograms shall have its gross mass plainly and durably marked outside of the package.
- 27.(1) A package that conforms to a type A package design shall be plainly and durably marked on the outside of the package "Type A".

- (2) A package that conforms to a type B package design shall be plainly and durably marked "Type B" and shall have the outside of the outermost receptacle which is resistant to fire and water plainly marked (by embossing, stamping or by using some other means of producing a mark resistant to fire and water) with a symbol in the form of figure 1 in Schedule 2.

28. A package containing a radioactive substance which has additional hazardous characteristics shall carry additional labels to indicate those characteristics.
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

Relating to the Imposition of Stamp Duty on certain Instruments having a connexion with the Northern Territory

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

1. This Ordinance may be cited as the Stamp Duty Ordinance 1978.

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. The Taxation (Administration) Ordinance is incorporated and shall be read as one with this Ordinance.

Incorpo-
ration

4. Subject to this Ordinance, stamp duty is imposed on the instruments included in the classes of instruments specified in Schedule 1.

Imposition
of duty

5. The rate of stamp duty on an instrument included in a class of instruments specified in Schedule 1 is the rate specified in that Schedule in relation to that class of instruments.

Rate of
duty

6.(1) Stamp duty is not imposed on an instrument included in a class of instruments specified in Schedule 2.

Exemptions

(2) Stamp duty is not imposed on an instrument for which an exemption from stamp duty is provided by the Bankruptcy Act 1966 or the Commonwealth Inscribed Stock Act 1911.

(3) Stamp duty is not imposed on an instrument included in a prescribed class of instruments executed by, or by an authority of, the Commonwealth or a State

or Territory prescribed for the purposes of this sub-section.

(4) Stamp duty is not imposed on an instrument that is a counterpart or copy of another instrument that has been duly stamped.

(5) Stamp duty is not imposed by this Ordinance on a cheque drawn before the date of commencement of this Ordinance.

(6) Stamp duty is not imposed by this Ordinance on a bill of exchange or promissory note (not being a cheque) by reason of its negotiation, presentment for payment or payment if it has already been duly stamped by reason of its drawing, making, presentment for payment or earlier negotiation.

(7) Stamp duty is not imposed by this Ordinance on a bill of exchange or promissory note (not being a cheque) drawn or made before the date of commencement of this Ordinance by reason of its negotiation, presentment for payment or payment on or after that date.

(8) Stamp duty is not imposed by this Ordinance on an instrument (not being a bill of exchange or promissory note) executed before the commencement of this Ordinance.

(9) Stamp duty is not imposed by this Ordinance on a lease, or on an instrument of transfer of an estate in fee simple in land or of a lease, for which an agreement in writing has been executed before the commencement of this Ordinance and which agreement has been lodged with the Commissioner of Taxes for noting before the expiration of 3 months from the date of commencement of this Ordinance.

(10) The Commissioner of Taxes may, upon receipt of such evidence as he requires, extend the period of time referred to in sub-section (9) if he is satisfied that a document produced to him for the purposes of sub-section (9) was executed before the commencement of this Ordinance.

(11) Stamp duty is not imposed under this Ordinance on a conveyance-

- (a) executed for the purpose of securing the repayment of a loan or debt in pursuance of a loan security on which duty imposed under this Ordinance has been accounted for;
 - (b) made for effectuating the appointment of a new trustee on the retirement of a trustee and under which no beneficial interest passes in the property conveyed; or
 - (c) made by a trustee to a beneficiary.
- (12) For the purposes of this section -
- (a) where a bill of exchange or promissory note is dated, the bill or note shall, unless the contrary is shown, be deemed to have been drawn or made on that date; and
 - (b) an instrument shall be deemed to have been executed on the date on which the last party to the instrument appears to have executed it.

7. Where an amount of stamp duty payable on a hire-purchase agreement is an amount that is not a multiple of 5 cents, the amount of stamp duty payable is the nearest amount that is a multiple of 5 cents, except where the amount of stamp duty is equally near to 2 amounts that are multiples of 2 cents, in which case, the amount of stamp duty payable is the next lower amount that is a multiple of 5 cents.

Hire-
purchase
agreements

SCHEDULE I

Sections 4 and 5

RATES OF STAMP DUTY

Item No.	Class of instruments	Rate of stamp duty
1.	<u>Cheque</u> drawn or made on a banker at a branch in the Territory	\$0.05
2.	<u>Mining agreements</u> within the meaning of Part III Division 9 of the <u>Taxation</u> (<u>Administration</u>) <u>Ordinance</u>	<p>For each year of the duration of the agreement -</p> <p>an amount equal to 5% of any consideration in that year that does not exceed \$100 000</p> <p>where the consideration paid during that year exceeds \$100 000 but does not exceed \$200 000 - the duty payable on the first \$100 000 of that consideration, and, in addition, an amount equal to 10% of that part of the consideration that exceeds \$100 000</p> <p>where the consideration paid during that year exceeds \$200 000 but does not exceed \$300 000 - the duty payable on the first \$200 000 of that consideration, and, in addition, an amount equal to 15% of that part of the consideration that exceeds \$200 000</p> <p>where the consideration paid during that year exceeds \$300 000 but does not exceed \$400 000 - the duty payable</p>

on the first \$300 000 of that consideration and, in addition, an amount equal to 20% of that part of the consideration that exceeds \$300 000

where the consideration paid during that year exceeds \$400 000 but does not exceed \$500 000 - the duty payable on the first \$400 000 of that consideration and, in addition, an amount equal to 25% of that part of the consideration that exceeds \$400 000

where the consideration paid during that year exceeds \$500 000 - the duty payable on the first \$500 000 of that consideration and, in addition, an amount equal to 30% of that part of the consideration that exceeds \$500 000

3. Bill of Exchange or Promissory Note \$0.05
(not being a cheque)
drawn, made, negotiated, presented for payment, or paid, in the Territory
4. Companies
Upon each of the following instruments:
- (a) memorandum of association \$5.00
- (b) articles of association \$5.00
- (c) every certificate of incorporation \$5.00

Item No.	Class of Instruments	Rate of Stamp Duty
5.	<u>Conveyance of any Property</u>	
	(1) Conveyance or trans- fer on sale of an estate in fee simple in land situated in the Territory -	<p data-bbox="671 437 1150 624">Where the amount of the consideration for or the value of the property the subject of the sale (which- ever is the higher) does not exceed \$100.....\$1.00</p> <p data-bbox="671 662 1162 817">Exceeds \$100 but does not exceed \$50 000 - for every \$100 and also for any remaining fractional part of \$100 of that amount or value.....\$1.00</p> <p data-bbox="671 855 1162 1011">Exceeds \$100 but does not exceed \$50 000 - for every \$100 and also for any remaining fractional part of \$100 of that amount or value.....\$1.00</p> <p data-bbox="671 1048 1150 1333">Exceeds \$50 000 but does not exceed \$100 000 - the duty payable on the first \$50 000 of that amount or value, and, in addition, for every \$100, and also for any remaining fractional part of \$100 in excess of the first \$50 000\$1.50</p> <p data-bbox="671 1371 1162 1690">Exceeds \$100 000 but does not exceed \$250 000 - the duty payable on the first \$100 000 of that amount or value, and in addition thereto - for every \$100 and also for any remaining fractional part of \$100 of such amount in excess of \$100 000\$1.75</p>

Item No.	Class of Instruments	Rate of Stamp Duty
		Exceeds \$250 000 - the duty payable on the first \$250 000 of such amount, and in addition thereto - for every \$100 and also for any remaining fractional part of \$100 of such amount in excess of \$250 000..\$2.00
	(2) Conveyance, or trans- fer, of a Crown lease for a term exceeding 5 years of land situated in the Territory	At the rate specified in paragraph (1) above
	(3) Conveyance, or trans- fer, or exchange of any other property in the Territory (other than marketable securities, Crown leases for a term of 5 years or less or mortgages dealt with separately)	At the rate specified in paragraph (1) above
6.	<u>Deed</u> of any kind whatsoever including any instrument which under the provisions of any statute is given the operation or effect of a deed either before or after registration	\$5.00

Item No.	Class of Instruments	Rate of Stamp Duty
7.	<u>Foreclosure Order</u>	
	On the unencumbered value of the property included in the order	The same duty as on a conveyance under paragraph (1) of the matter herein under the heading "Conveyance of any Property"
8.	<u>Guarantee</u>	
	Any instrument (not being an instrument liable to stamp duty as a loan security) guaranteeing or promising to answer for the debt by the party so charged, where such guarantee or promise is the leading object of the instrument -	Under hand.....\$0.50 Under seal.....\$5.00
9.	<u>Hire Arrangement</u>	\$0.50
		or an amount equal to 1% of the total amount payable under the hiring arrangement, whichever is the greater
10.	<u>Hire-Purchase Arrangement Bill of Sale or Chattel Mortgage</u>	
	Where the item secured or charged is the subject of a related purchase agreement and the purpose of the hire purchase arrangement bill of sale or chattel mortgage is to provide the finance to	\$0.50 or an amount equal to 1% of purchase price whichever is the greater

Item No.	Class of Instruments	Rate of Stamp Duty
	enable the purchase to take place	
11.	<u>Instrument of appoint- ment of any trustee</u>	\$5.00
12.	<u>Lease or promise of an agreement</u> for lease or hire of any property not being a ship or vessel	
	(1) In respect of the total rent payable during the term with- out any consideration by way of premium, fine or foregift -	Where such rent - does not exceed \$100...\$0.50 exceeds \$100 and also for any remaining frac- tional part of \$100....\$0.50
	(2) In respect of a lease where there is an indefinite term	On the average annual rent for every \$100 and also for any remaining frac- tional part of \$100.....\$1.00
	(3) In consideration of a sum of money by way of premium, fine, or foregift without rent	The same duty as on a conveyance under para- graph (1) under the heading "Conveyances of any Property" herein
	(4) In consideration of a sum of money by way of premium, fine, or foregift, and also of rent whether real or nominal -	On the amount of the premium the same duty as on a conveyance under para- graph(1) under the heading "Conveyances of any Property" herein And on the rent the same duty as on a lease under paragraph (1) hereof

Item No.	Class of Instruments	Rate of Stamp Duty
	(5) Where the consideration is nominal, or where there is no consideration in money or money's worth	The same duty as would be chargeable under paragraph (1) under the heading "Conveyances of any Property" herein
	(6) Of any other kind whatsoever	\$5.00
	(7) A lease made subsequently to and in conformity with a contract or agreement to grant such lease duly stamped	\$0.50
13.	<u>Letter or Power of Attorney or other instrument in the nature of -</u>	
	(1) For the receipt of the dividends or interest of any stock	Where made for the receipt of one payment only\$0.50 In any other case.....\$1.00
	(2) For the receipt of any other sum of money, or any bill of exchange or promissory note for any sum of money, not exceeding \$40, or any periodical payments not exceeding the annual sum of \$20 (not being hereinbefore charged)	\$1.00
	(3) Of any kind whatsoever not hereinbefore described including the appointment of a receiver by a mortgage	\$5.00

Item No.	Class of Instruments	Rate of Stamp Duty
14.	<u>Loan Security</u>	
	Upon every loan security other than a bill of sale on which stamp duty is imposed by reference to item 10 -	<p>Where the amount payable or repayable under or secured by the loan security does not exceed \$15 000 or, if that amount is not fixed, where the maximum amount that is or may become payable or repayable under or that is secured by the loan security does not exceed \$15 000.....\$5.00</p> <p>Where that amount or maximum amount exceeds \$15 000 - for the first \$15 000 and in addition, for every \$100 and also for any remaining fractional part of \$100 in excess of the first \$15 000.....\$0.25</p>
15.	<u>Mortgage</u>	
	(1) Upon any transfer of or assignment of any mortgage on a sale thereof for a consideration in money or money's worth of not less than the unencumbered value of the mortgage	<p>For every \$100 and also for any fractional part of \$100 of the consideration for the transfer or assignment.....\$0.25</p>
	(2) Upon every transfer or assignment of any mortgage made -	
	(a) without consideration in money or money's worth; or	<p>The same duty as is payable under paragraph (1) under the heading "Conveyances of any Property" herein on the conveyance of the mortgage</p>

Item No.	Class of Instruments	Rate of Stamp Duty
	(b) upon a consideration in money's worth of less than the unencumbered value of the mortgage	
16.	<u>Motor Vehicle Certificate of Registration</u>	
	On a motor vehicle certificate of registration	For every \$100 and also for any fractional part of \$100 of the value of the motor vehicle.....\$0.50
17.	<u>Polices of Insurance not being a policy of life insurance or policy under the Workmen's Compensation Ordinance</u>	
	(1) Upon every policy and every renewal of a policy of insurance for a term of one year or less	For every \$100 and also for any fractional part of \$100 or premium.....\$5.00
	(2) Upon every policy and every renewal of a policy of insurance for a term of more than one year	In respect of each year and also of any fractional part of a year in the term - for every \$100 and also for any fractional part of \$100 of premium.....\$5.00
	(3) Upon every policy and every renewal of a policy of insurance against liability for injury to the property of persons or third persons (whether included in any other policy of insurance or not)	\$0.25

Item No.	Class of Instruments	Rate of Stamp Duty
18.	<u>Policies of Life Insurance</u>	
	(1) Upon every policy (other than a temporary or term insurance policy)	For every \$100 and also for any fractional part of the sum insured \$0.05
	(2) Upon a temporary or term insurance policy	5% of the first year's premium
	(3) Upon every policy of re-insurance where the original policy of insurance has been duly stamped	\$0.50
	(4) Upon every transfer or assignment of a policy of life insurance otherwise than by way of mortgage or release of mortgage	The same duty as on a conveyance under paragraph (1) under the heading "Conveyances of any Property" herein
19.	<u>Tax Ticket issued under Part VIIA of the Lottery and Gaming Ordinance</u>	\$0.10
20.	<u>Transfer of Shares and Marketable Securities</u>	
	Upon the transfer of any shares or of the right to any shares in the stock or funds of any corporation or company incorporated in the Northern Territory of which being incorporated out of the Northern Territory has a share register in the Northern Territory wherein such share or	

Item

No.

Class of Instruments

Rate of Stamp Duty

right is registered on
a sale thereof for a
consideration in
money or money's worth
of not less than the
unencumbered value of
the share or the right
to the shares comprised
in the transfer

for every transfer
involving less than
2000 shares\$2.00

for every transfer involving
more than 2000 shares -

for the first 2000
shares \$2.00 -

and in addition for
every 100 shares and
also for any remaining
fractional part of 100
shares in excess of
the first 2000 shares \$0.10.

SCHEDULE 2

Section 6

EXEMPTIONS FROM STAMP DUTY

ItemNo. Class of exempt instruments

1. Cheque drawn on a form supplied or used by a banker in pursuance of an authority granted under Division 2 of Part III of the Taxation (Administration) Ordinance.
2. Any draft or order for the payment of money issued by any duly authorized officer of the Territory on account of the Public Service.
3. Bill of exchange or promissory note drawn or made by or on behalf of a public hospital, public benevolent institution, religious institution or public educational institution.
4. Hire-purchase agreement under which the owner is a registered owner.
5. Hire-purchase agreement under which the hirer is a public hospital, public benevolent institution, religious institution or public educational institution.
6. Leases in respect of private domestic residential house.
7. Conveyance to the Territory or to an authority of the Territory.
8. Conveyance to the Commonwealth or to an authority of the Commonwealth.
9. Transfer of fee simple of, or transfer of a Crown lease over, a residential lot, in respect of a transferee who -

- (a) is acquiring that land for the purpose of personal occupation; and
 - (b) has not previously owned residential land in the Territory.
- 10. Conveyance to, or to trustees upon trust for, a public hospital, public benevolent institution, religious institution or public educational institution.
- 11. Conveyance on sale of any goods, wares, merchandise, horses, cattle, or other movable chattels, when the value does not exceed \$100.
- 12. The purchase of a marketable security made by a broker on his own account or behalf, being a purchase of a marketable security that had previously been sold by him on the day of the purchase or within 2 clear days (not including a day on which he is a member is closed) before the day of the purchase; or
- 13. Transfer of a marketable security where the instrument of transfer bears statements made in respect of the sale and of the purchase of the marketable security to which the transfer relates under the Taxation (Administration) Ordinance or under the law of a State or another Territory of the Commonwealth relating to the imposition of stamp duty on transfers of marketable securities to the effect that stamp duty, if payable, has been or will be paid.
- 14. Transfer of a marketable security issued by a municipal council or other local governing body or by a public authority constituted under a law of the Commonwealth or of a State or Territory of the Commonwealth.
- 15. Transfer of a marketable security to, or to trustees upon trust for, a public hospital, public benevolent institution, religious institution or public educational institution.

16. Transfer of a marketable security made in consequence of the appointment or retirement of a trustee or other change in trustees in order to vest the marketable security in the trustees for the time being entitled to hold it.
17. Transfer of a marketable security from an executor of a deceased person's will or administrator of a deceased person's estate to another executor of that will or administrator of that estate.
18. Transfer of a marketable security to a beneficiary entitled to it under a will or to a person entitled to it under an intestacy.
19. Transfer of a marketable security from a trustee to a person who contributed the purchase money for the transfer by which the trustee acquired the marketable security, where -
 - (a) any stamp duty (whether under this or another Act or under a law of a State or another Territory of the Commonwealth) on the transfer by which the trustee acquired the marketable security has been paid;
 - (b) the instrument of transfer by which the trustee acquired the marketable security bears statements made in respect of the sale and of the purchase of the marketable security to which the transfer relates under the Taxation (Administration) Ordinance or under a law of a State or another Territory of the Commonwealth relating to the imposition of stamp duty on transfers of marketable securities to the effect that stamp duty, if payable, has been or will be paid;
 - (c) stamp duty (whether under this or another Act or under a law of a State or another Territory of the Commonwealth) on the transfer by which the trustee acquired the marketable

security was not payable; or

- (d) the trustee so acquired the marketable security upon its first issue.

20. Transfer of a marketable security to a trustee to be held solely as trustee of the transferor without change in beneficial ownership, and a transfer by way of re-transfer to the transferor.
21. Transfer of a marketable security made solely for the purpose of -
 - (a) qualifying the transferee as the director of a company to act and vote, as directed, on behalf of another company;
 - (b) re-transferring the marketable security from that director to the other company, being another company that -
 - (i) controls the appointment or removal of all or a majority of the board of directors of that first-mentioned company; or
 - (ii) controls more than one-half of the voting power in that first-mentioned company; or
 - (c) beneficially owns more than one-half of the paid-up capital of that first-mentioned company.
22. Transfer of a marketable security made solely for the purpose of rectifying a clerical error in an instrument of transfer.
23. Transfer of a marketable security made solely by way of security or by way of re-transfer to a person from another person who held the marketable security by way of security.
24. Transfer of a marketable security by a broker to a person (not being a broker) who had, for the purpose of enabling the broker to fulfil

a contract to sell marketable securities in the ordinary course of his business as a broker, transferred a marketable security of the same description to the broker in pursuance of an undertaking by the broker, in consideration of that transfer to the broker, subsequently to transfer a marketable security of the same description to that person.

25. Loan securities where ad valorem stamp duty has been paid or is payable in respect of a security issued or made in a State or another Territory.
26. Any loan or loan security made or given by a council within the meaning of the Local Government Ordinance.
27. Letter or power of attorney -
 - (a) in the form or an order, request, or direction, under hand only, from the proprietor of any stock to any company, or to any officer of any company, or to any banker, to pay the dividends or interest arising from the stock to any person therein named; or
 - (b) for the sole purpose of appointing a proxy to vote at a meeting.
28. Any policy of insurance upon the property of the Territory Government or any statutory body representing the Territory.
29. Any policy relating to third-party insurance imposed by the Motor Vehicles Ordinance and Motor Vehicles (Third Party Insurance) Regulations.
30. Any policy of insurance taken out by or on behalf of a public hospital, public benevolent institution, religious institution or public educational institution.
31. Any insurance cover-note in pursuance of which a duly stamped policy is issued within 3 months of the date of the cover-note.

32. Any policy of insurance issued to the original insured or his personal representative in pursuance of a cover-note which has been duly stamped as a policy.
 33. Any policy of insurance taken out in pursuance of a requirement under the Workmen's Compensation Ordinance.
 34. Any policy of insurance for whatever risk taken out in respect of buildings and their contents.
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 37. Wills and testamentary instruments.
-
-

Serial 81
Taxation
(Administration)
Mr Perron

THE NORTHERN TERRITORY OF AUSTRALIA

TAXATION (ADMINISTRATION) BILL

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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the assessment, payment and collection
of Stamp Duty and Tax

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 Taxation
(Administration) Ordinance 1978.

Short
title

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

Commencement

3.(1) The Ordinances set out in the Schedule are
repealed.

Repeal and
saving

(2) An instrument that was in existence before
the date of commencement of this Ordinance and on
which duty was payable under the repealed Ordinances
shall be liable to duty under this Ordinance in the
same manner as it would have been under those
Ordinances had they not been repealed.

(3) Where an instrument executed before the
commencement of this Ordinance and not being liable to
duty under the repealed Ordinances provides for the
execution of another instrument that was liable to
duty under those Ordinances, and the last-mentioned
instrument is executed on or after the commencement of
this Ordinance, that last-mentioned instrument is
liable to duty under this Ordinance at a rate -

(a) equal to the duty that would have been payable
on that instrument under those Ordinances had
they not been repealed; or

(b) equal to the duty payable on that instrument under any other law of the Territory to which this Ordinance is declared to apply,

whichever is the higher.

Interpre-
tation

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

"adhesive stamp" means an adhesive stamp made in pursuance of section 8(1);

"approved" means approved for the purposes of this Ordinance by the Commissioner;

"assessment" means an assessment under this Ordinance by the Commissioner of the amount of duty or tax payable, and includes an amended assessment of duty or tax and an assessment of duty or tax in respect of a return;

"Australian Stock Exchange" means the Sydney Stock Exchange, the Stock Exchange of Melbourne, the Brisbane Stock Exchange, the Stock Exchange of Adelaide, the Stock Exchange of Perth or the Hobart Stock Exchange;

"bill of exchange" means an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer;

"broker" means a member of an Australian Stock Exchange;

"cancel", in relation to an adhesive stamp, means cancel the stamp as provided by section 14(1);

"cheque" means a bill of exchange drawn on a banker payable on demand, and includes a promissory note payable on demand made by a banker;

"Commissioner" means the Commissioner of Taxes and includes an acting Commissioner and, in

respect of matters as to which the Commissioner has delegated his powers and functions under this Ordinance, that delegate;

"company" includes a body, society, association, authority or institution, whether corporate or unincorporate, but does not include a partnership;

"conveyance" means a lease, a transfer or assignment of a lease, an agreement for a transfer or assignment of a lease, or a transfer, or an agreement for a transfer, of an estate in fee simple in land;

"Crown lease" means a lease granted by or in the name of the Commonwealth or of the Territory;

"duty" means stamp duty or other impost imposed by a law of the Territory to which this Ordinance is declared to apply;

"execute", in relation to an instrument, means sign the instrument and, if the instrument is under seal, sign and seal the instrument;

"goods" includes all chattels personal other than money or things in action;

"hire-purchase agreement" includes a letting of goods with an option to purchase and an agreement for the purchase of goods by instalments (whether the agreement describes the instalments as rent or otherwise), but does not include an agreement -

(a) by which the property in the goods comprised in the agreement passes at the time of the agreement or upon or at a time before delivery of the goods; or

(b) under which the goods are being hired or purchased primarily for the purpose of re-sale by a person who is engaged in the trade or business of selling goods of the same nature or description as the goods comprised in the agreement;

"hirer", in relation to a hire-purchase agreement, means the person to whom goods are let, hired or agreed to be sold under the agreement;

"holder", in relation to a bill of exchange or promissory note, means the payee or indorsee in possession of the bill of exchange or promissory note or, in the case of a bill of exchange or promissory note that is payable to bearer, the person in possession of the bill of exchange or promissory note;

"impressed stamp" means a stamp impressed by the Commissioner by means of a die or other device made in pursuance of section 8(1);

"instrument" includes any document;

"insurance" means an undertaking of liability to make good, or indemnify against, loss or damage (including liability to pay damages or compensation), or insuring the payment of money, contingent upon the happening of a specified event, and includes -

- (a) the accepting of a premium in consideration of the granting, issuing or keeping in force of a policy of insurance;
- (b) the granting of a cover note in the receiving of a letter or declaration of interest attaching to a policy of insurance; and
- (c) the carrying out, by means of insurance effected outside the Territory, of a contract or undertaking in the Territory to effect that insurance,

but does not include re-insurance effected with another insurer;

"insurer" means a person who carries on the business of insurance;

"lease" includes a sub-lease and an agreement for a lease or sub-lease, but does not include-

- (a) an attornment under a mortgage or contract of sale;
- (b) a right granted by a company to a shareholder of the company, by virtue of his being such a shareholder, to occupy or use land owned or held under lease by the company; or
- (c) an option to renew a lease;

"lessee" means a person to whom a lease is granted or agreed to be granted;

"life insurance" means insurance insuring the payment of money on death (not being death by accident only or specified sickness only) or on the happening of a contingency dependent upon the termination or continuance of human life (either with or without provision for a benefit under a continuous disability contract referred to in paragraph (c) of this definition), and includes -

- (a) insurance under an instrument evidencing a contract that is subject to payment of premiums for a term dependent upon the termination or continuance of human life;
- (b) insurance under an instrument securing the grant of an annuity for a term dependent upon the termination or continuance of human life;
- (c) insurance under a continuous disability insurance contract (that is by its terms expressed to be of more than one year's duration and is incorporated in a life policy) under which a person is to become entitled to a benefit in the event of the occurrence, within the duration of the contract, of death by accident or by another cause specified in the contract, or injury or disability caused by accident or sickness; and
- (d) insurance under a sinking fund policy insuring the payment of a sum, or series

of sums, of money on a future date or dates in consideration of one or more premiums;

"life insurer" means a company carrying on the business of, or in relation to, the issuing of, or the undertaking of liability under, life policies;

"life policy" means a policy effecting life insurance;

"marketable security" means a share in the capital of, or a debenture of, a company, and includes a right, whether existing or future and whether contingent or not, of a person to have issued to him such a share or debenture, whether on payment of money or other consideration or not;

"miner" means a person who prospects or carries on mining operations under a mining agreement;

"mining agreement" means an agreement made between a recipient and miner under which -

- (a) the miner is permitted to prospect or mine on certain specified land; and
- (b) the recipient receives money, however payable, in consideration for the granting of that permission;

"motor vehicle certificate of registration"

means a certificate of registration issued in respect of a motor vehicle in accordance with the Motor Vehicles Ordinance whether the motor vehicle certificate of registration has been issued pursuant to a new registration or a transfer of registration, but does not include-

- (a) a motor vehicle certificate of registration issued to the person in whose name the vehicle was last registered (whether in the Territory or elsewhere) before the issue of the motor vehicle certificate of registration;
- (b) a duplicate motor vehicle certificate of registration; or

(c) a motor vehicle certificate of registration of a class exempted under the regulations from the provisions of this section;

"negotiation", in relation to a bill of exchange or promissory note, means acceptance, indorsement or transfer of the bill of exchange or promissory note;

"non-resident" means a person who is not a resident of the Territory;

"owner", in relation to a hire-purchase agreement, means the person letting, hiring or agreeing to sell goods under the agreement;

"premium", in relation to insurance, means the gross amount charged or payable as premium in respect of the insurance without deduction for an amount paid or payable or allowed or allowable by way of discount or commission to an agent or other person for securing or arranging that insurance for or on behalf of the insurer, and includes an instalment of a premium;

"premium received" includes an amount credited in account in the books of an insurer in respect of insurance as a premium received for that insurance, whether by way of a charge made by the insurer against moneys due to the person insured by the insurance, or otherwise;

"promissory note" means an unconditional promise in writing made by one person to another, signed by the maker, engaging to pay, on demand or at a fixed or determinable future time, a sum certain in money, to or to the order of a specified person, or to bearer;

"purchase price", in relation to a hire-purchase agreement, means the total amount of moneys paid or payable, and the value of any other consideration provided or to be provided, by the hirer under the agreement less the sum of-

- (a) the amount of any deposit or other money or the value of any other consideration paid or given by the hirer at or before the execution of the agreement as part consideration;

- (b) the total amount payable under the agreement for or by way of interest, insurance or other charge; and
- (c) an amount -
 - (i) payable under the agreement;
 - (ii) designated as stamp duty on the agreement or as tax in respect of the agreement; and
 - (iii) not exceeding the amount of the stamp duty or tax;

"recipient" means, in relation to a mining agreement, a person authority or other body who, under a law in force in the Territory, is authorized or empowered to enter into a mining agreement, but does not include the Crown;

"registered owner" means a person who is registered under Division 4 of Part III;

"Registrar" means the Registrar within the meaning of the Motor Vehicles Ordinance;

"rent" does not include an amount in the nature of a penal rent;

"repealed Ordinances" means the Ordinances repealed by section 3(1);

"return" means a return under section 24, 32, 42, 48 or 67;

"stamp duty" means stamp duty imposed by the Stamp Duty Ordinance;

"tax" means a tax imposed by an Ordinance to which this Ordinance is declared to apply;

"third party insurance" means insurance effected for the purpose of, and in accordance with the requirements of, a law of the Territory or of a State or another Territory of the Commonwealth relating to the compulsory insurance of the owners and drivers of motor vehicles, as defined by that law, against liability in respect of the death of, or bodily injury to, persons caused by or arising out of the use of the motor vehicles;

"trustee" includes -

- (a) a person constituted a trustee under an implied or constructive trust;
- (b) an executor of the will, or an administrator of the estate, of a deceased person;
- (c) a receiver, guardian, committee or manager of the property of a person under a legal or other disability;
- (d) a receiver or manager of the property of a company or a liquidator of a company for the purpose of its winding-up;
- (e) a broker who executes a transfer of a marketable security as transferee on behalf of another person for the purpose of safeguarding the interests of that person in relation to dividends payable to the holder of that marketable security or in relation to the issue of other marketable securities to which the holder of that first-mentioned marketable security becomes entitled by reason of being such a holder; and
- (f) a person who may be required to exercise his voting power in relation to a marketable security at the direction of, or holds the marketable security for the benefit of, another person.

(2) For the purposes of the definition of "bill of exchange" in sub-section (1), an order to pay out of a particular fund or within a specified time is not unconditional within the meaning of that definition, but an unqualified order to pay coupled with an indication of a particular account to be debited with the amount is unconditional.

(3) For the purposes of this Ordinance, a reference to the duly stamping of an instrument is a reference -

- (a) in relation to an instrument the duty on which is required or permitted by this Ordinance to be denoted by an adhesive stamp - to the affixing of an adhesive stamp to the

instrument having a value not less than the amount of the duty and the cancellation of the stamp in accordance with this Ordinance; and

- (b) in relation to an instrument the duty on which is required or permitted by this Ordinance to be denoted by impressed stamp - to the impressing on the instrument by the Commissioner of a stamp of the amount of the duty.

(4) Unless the contrary intention appears, a reference in this Ordinance to a broker includes, where the broker is a member of a firm of brokers, a reference to that firm.

PART II - ADMINISTRATION

Commis-
sioner of
Taxes

5.(1) There shall be a Commissioner of Taxes who shall be appointed by the Administrator.

(2) The Commissioner has the general administration of this Ordinance.

Delegation
of power

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

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

Secrecy

7.(1) Subject to this section, a person who is employed by the Territory shall not, either directly or indirectly, except for the purposes of this Ordinance -

- (a) make a record of, or communicate to a person, information concerning the affairs of another person acquired by him under this Ordinance by reason of that employment; or

- (b) produce to a person or permit a person to have access to a document furnished to him for the purposes of this Ordinance.

Penalty: Imprisonment for 2 years.

(2) Sub-section (1) does not apply to the communication of information or the production of a document by the Commissioner, or by a person authorized by him, to -

- (a) a person performing, in pursuance of employment by the Territory, a function under an Ordinance administered by the Commissioner for the purpose of enabling that person to carry out that function; or
- (b) a person performing a function under a law of the Commonwealth, a State or another Territory of the Commonwealth relating to stamp duty or other taxation.

8.(1) For the purposes of this Ordinance, the Commissioner shall cause adhesive stamps for denoting the payment of amounts of duty or of additional amounts payable by way of penalty under section 84 to be made and sold as he directs, and shall cause dies or other devices for the making of impressed stamps for denoting the payment of amounts of duty or tax, for denoting the payment of additional amounts of duty or for the purposes of section 17 to be made and used as he directs.

Duty stamps

- (2) A person shall not, without lawful authority-
 - (a) make, sell, use, utter or have in his possession a counterfeit adhesive stamp knowing it to be counterfeit;
 - (b) make, sell, use or have in his possession a die, plate or other device for printing or making adhesive stamps; or
 - (c) make, sell, use or have in his possession, a die or other device for making impressed stamps.

Penalty: Imprisonment for 2 years.

- (3) A stamp, die, plate or device made, sold,

used, uttered or had in possession in contravention of this section is forfeited to the Territory.

PART III - LIABILITY TO DUTY OR TAX

Division 1 - General

When duty
payable

9.(1) Subject to this Ordinance -

- (a) tax in respect of a return is due and payable by the person required by this Part to furnish the return upon the last day for the due furnishing of that return;
- (b) duty on an instrument that is required by this Ordinance to be lodged with the Commissioner for assessment is due and payable by the person liable to pay it upon the date specified in a notice of that assessment as the date upon which the duty is due and payable or, if a date is not so specified or such a notice is not served on that person, upon the expiration of 30 days after the date of his being informed of the assessment; and
- (c) duty on any other instrument is due and payable at the time when the instrument is required by this Ordinance to be duly stamped.

(2) Where the Commissioner extends the time for payment of duty or tax for a period, the duty or tax is not due and payable until the expiration of that period.

(3) The Commissioner may, in such circumstances as he thinks fit, permit the payment of duty or tax to be made by instalments in such amounts and at such times as he determines, and each instalment of that duty or tax is due and payable at the time so determined in relation to that instalment.

(4) If an instalment of duty or tax is not paid on or before the time for the due payment of that instalment, the whole of the duty or tax outstanding becomes due and payable at that time.

Avoidance
of duty

10.(1) A person liable to duty or tax who knowingly avoids the duty or tax is guilty of an offence punishable upon conviction by a fine of not less than 100 dollars or more than 1000 dollars.

(2) Where a director, servant or agent of a company that is liable to duty or tax knowingly avoids the duty or tax, the company and the director, servant or agent, as the case may be, are each guilty of an offence punishable upon a conviction by a fine of not less than 100 dollars or more than 1000 dollars.

(3) Upon the conviction of a person under either sub-section (1) or (2) the court may, in addition to the penalty prescribed by the sub-section and without affecting the person's liability to pay the amount of duty or tax avoided, order that person to pay to the Commissioner an amount not exceeding an amount equal to double the amount of the duty or tax.

(4) A certificate of an order under sub-section (3), in accordance with an approved form, may be registered in a court of competent jurisdiction.

(5) Upon registration in accordance with sub-section (4), the certificate becomes a record of the court with the same force and effect as a judgment of the court, and the like proceedings (including proceedings in bankruptcy) may be taken upon the certificate as if the order had been a judgment of the court in favour of the Commissioner.

11. Subject to this Ordinance, payment of duty shall be denoted by adhesive stamp or impressed stamp and, payment of tax by impressed stamp.

Duty
denoted by
stamps

12.(1) A person shall not, with intent to defraud-

Fraudulently
removing,
&c., stamps

(a) deface an adhesive stamp;

(b) remove an adhesive stamp from an instrument liable to duty;

(c) affix an adhesive stamp that has been so removed from an instrument to another instrument liable to duty; or

(d) impress on an instrument a stamp that is or resembles an impressed stamp.

Penalty: Imprisonment for 2 years.

(2) An instrument shall be regarded as being duly stamped notwithstanding that an adhesive stamp has been defaced or removed if the Commissioner is

satisfied than an adhesive stamp denoting the duty payable had been duly affixed to the instrument.

Refunds for
spoilt,
&c., stamps

13.(1) Where an adhesive stamp has been spoilt by a person or has been affixed by a person to an instrument in error, the person may deliver the stamp or the instrument to the Commissioner and apply to him, in accordance with an approved form, for a refund of the amount of duty denoted by the stamp.

(2) If the Commissioner is satisfied that an adhesive stamp has been so spoilt or has been so affixed to an instrument in error, he shall cause the stamp to be destroyed and shall refund to the applicant the amount of duty denoted by the stamp.

Cancel-
lation of
stamps

14.(1) Subject to this section, where duty on an instrument is required or permitted by this Ordinance to be denoted by adhesive stamp, and an adhesive stamp is accordingly affixed to the instrument, the person affixing the stamp shall, immediately after affixing it, cancel the stamp -

(a) by writing in ink on or across the stamp, his name or initials, or by so writing the name or initials, or by impressing the seal, of a firm or company on whose behalf the instrument is executed on or across the stamp; and

(b) by writing in ink on or across the stamp the date on which the cancellation is made.

Penalty: 50 dollars.

(2) If there are several parties executing an instrument at the time an adhesive stamp is affixed to it, the cancellation shall be regarded as effectual if made as provided by sub-section (1) by any one of the parties.

(3) A person shall not fraudulently remove from an adhesive stamp any writing placed on it under sub-section (1).

Penalty: 1000 dollars or imprisonment for 6 months.

(4) Where a bill of exchange or promissory note to which is affixed an adhesive stamp that has not

been cancelled comes into the hands of a holder in the Territory, the holder shall forthwith cancel the stamp.

Penalty: 50 dollars.

15.(1) Where one instrument relates to several distinct matters in respect of which duty or tax is payable, each of those matters shall, for the purposes of this Ordinance, be treated as if it were expressed in a separate instrument.

Matters
subject to
duty or
tax

(2) Where 2 or more instruments together but not separately relate to the same matter, the instruments shall be treated, for the purposes of this Ordinance, as a single instrument executed at the time when the last instrument was executed.

16. Where duty or tax in respect of an instrument is imposed in respect of an amount of money expressed in the instrument otherwise than in Australian currency, the duty or tax shall be calculated in Australian currency at the rate of exchange current at the date of the instrument.

Money in
foreign cur-
rency to be
valued

17.(1) Where the Commissioner is satisfied that an instrument liable to duty has been duly stamped, he may put an impressed stamp in accordance with an approved style on a counterpart or copy of that instrument.

Instrument
which no
duty is
payable

(2) Where the Commissioner is satisfied that no duty or tax is payable in respect of an instrument, he may put an impressed stamp in accordance with an approved style on the instrument or on a counterpart or copy of the instrument.

(3) Where a banker carrying on business in the Territory is satisfied that cheques drawn by a customer of the banker are exempt from stamp duty, the banker may impress a stamp or print on or perforate a cheque form supplied by the banker to the customer in accordance with an approved style.

(4) A person shall not, without lawful authority, impress a stamp or print on or perforate an instrument in accordance with a style that resembles or purports to be an approved style under this section.

Penalty: Imprisonment for 2 years.

(5) An agreement for a lease or for a transfer or assignment of a lease or of an estate in fee simple, being an agreement executed after the commencement of this Ordinance, shall, for the purposes of this Ordinance, be treated as the original of the lease, transfer or assignment made subsequently to give effect to the agreement, and the lease, transfer or assignment so made shall be treated as the counterpart of the agreement.

(6) Where -

(a) 2 or more instruments together but not separately relate to the same matter, being a matter in respect of which duty is payable;

(b) each such instrument contains a reference to the other instrument or instruments; and

(c) one of those instruments is duly stamped,

each such instrument shall be deemed to be duly stamped.

Division 2 - Cheques on Authorized Cheque Forms

Authority
to bankers
to supply
printed
cheque
forms

18.(1) A banker carrying on business in the Territory may apply to the Commissioner in writing in accordance with an approved form for an authority under this Division.

(2) Upon application under sub-section (1) from a banker carrying on business in the Territory, the Commissioner may, by instrument, authorize the banker-

(a) to supply to customers of the banker, or to use for the purposes of the banker, cheque forms bearing the impression of a stamp or printing or perforation in accordance with an approved style; or

(b) where a cheque is, after the commencement of this Ordinance, drawn on a form on which duty has been paid under the repealed Ordinances and is liable to additional duty - to impress that cheque with the impression of a stamp or printing or perforation in accordance with an

approved style to indicate that additional duty has been paid on that cheque.

(3) An instrument granting an authority under this Division shall set out the approved style of stamp, printing or perforation on the cheque forms for the purposes of sub-section (2).

19. A banker to whom an authority is granted under this Division shall -

Conditions
of
authority

- (a) maintain adequate control over the printing, stamping, perforation, supply and use of all cheque forms of the banker;
- (b) keep proper records in relation to those cheque forms; and
- (c) otherwise comply with the provisions of this Ordinance that are applicable to him.

Penalty: 200 dollars.

20. The Commissioner may, by instrument served on a banker, revoke an authority granted to the banker under this Division if the banker is convicted of an offence against this Ordinance.

Revocation
of
authority

21.(1) Where the Commissioner revokes an authority that has been granted to a banker under this Division, the banker may appeal to the Supreme Court against the revocation within 21 days after the revocation on the ground that the nature of the offence for which he was convicted was not such as to warrant the revocation of the authority.

Appeals
against
revocation
of
authority

(2) On the hearing of the appeal, the Supreme Court shall confirm or set aside the decision of the Commissioner.

22.(1) A banker shall not supply or use a cheque form bearing the impression of a stamp or printing or perforation in accordance with a style approved under section 18(1) or resembling or purporting to be such an approved style, except in pursuance of an authority granted under this Division.

Unauthorized
bankers not
to issue
authorized
cheque
forms

Penalty: 100 dollars.

(2) A banker shall not use or permit to be used a cheque form on which duty has been paid under the repealed Ordinances and on which additional duty is payable unless he stamps or prints or perforates it in accordance with an authority granted under this Division.

Offence
to use
unauthorized
cheque
forms
denoting
payment of
duty

23.(1) A person shall not draw a cheque on an instrument bearing the impression of a stamp or printing or perforation in accordance with a style approved under section 18(1) or resembling or purporting to be such an approved style, knowing it to be an instrument that is not a cheque form supplied by a banker in pursuance of an authority under this Division.

(2) A person shall not draw a cheque on an instrument bearing the impression of a stamp or printing or perforation in accordance with a style approved under section 18(2) or resembling or purporting to be an approved style, knowing that that stamp or printing or perforation was not impressed in accordance with an authority under this Division.

Penalty: 100 dollars.

Returns by
authorized
bankers

24.(1) A banker to whom an authority has been granted under this Division shall, within 21 days after the expiration of each month of each year -

- (a) furnish to the Commissioner a return of all cheque forms supplied or used by the banker during that month;
- (b) furnish a return of the number of cheques on which additional duty has been impressed in accordance with section 18(2); and
- (c) pay -
 - (i) the tax payable in respect of the cheques forms supplied or used by the banker during that month; and
 - (ii) the additional duty payable on any cheque used during that month to which section 18(2)(b) refers,

less the amount of any tax or duty remitted under section 25.

(2) A return under this section shall be in accordance with an approved form and shall contain such particulars as are required by the form.

Penalty: 50 dollars.

25. Where the Commissioner is satisfied that a customer of a banker to whom the banker has supplied a cheque form in pursuance of an authority under this Division or to whom he has issued a cheque form under the repealed Ordinances has returned the cheque form in an unused or unusable condition, the Commissioner shall -

Refund or remission of duty for unused or unusable cheque forms

- (a) if tax or duty has been paid in respect of the cheque form by the banker - refund the amount of tax so paid; and
- (b) if tax or duty has not been so paid - remit the amount of tax payable in respect of the cheque form.

26. A banker who pays or is liable to pay as tax or duty an amount in respect of a cheque form supplied or issued by him to a customer may recover from the customer an amount equal to the tax or duty paid or payable.

Recovery of duty by banker

Division 3 - Other Bills of Exchange and Promissory Notes

27. The payment of duty on a bill of exchange or promissory note shall be denoted by adhesive stamp.

How duty denoted

28. The drawer of a bill of exchange drawn in the Territory and the maker of a promissory note made in the Territory, being a bill of exchange or promissory note that is liable to stamp duty, shall, forthwith upon the drawing of the bill of exchange or making of the promissory note, cause it to be duly stamped.

Drawer of bill or note to cause it to be duly stamped

Penalty: 50 dollars.

29.(1) A person shall not, in the Territory, negotiate, present for payment or pay a bill of exchange or promissory note liable to stamp duty that is not duly stamped.

Negotiating, &c., unstamped bill or note

Penalty: 50 dollars.

(2) It is a defence to a prosecution for an offence against sub-section (1) if the defendant proves that, at the time of the alleged offence, he had reasonable grounds for believing that the bill of exchange or promissory note was duly stamped or was not liable to stamp duty.

(3) Where a bill of exchange or promissory note that is liable to duty but is not duly stamped comes into the hands of the drawee or a holder of the bill of exchange or promissory note in the Territory, the drawee or holder may cause it to be duly stamped.

(4) A person who, in accordance with sub-section (3) causes a bill of exchange or promissory note payable on demand or at sight that is presented to him for payment to be duly stamped may charge the amount of stamp duty in account against the drawer of the bill of exchange or maker of the promissory note or deduct the amount of stamp duty from the amount paid by him under the bill of exchange or promissory note.

Division 4 - Hire-purchase Agreements
included in Business Returns

Register of
Hire-pur-
chase owners

30. For the purposes of this Division, the Commissioner shall keep a register to be called "Register of Hire-purchase Owners".

Registration

31.(1) A person may apply to the Commissioner in writing in accordance with an approved form for registration in the Register kept under this Division.

(2) The Commissioner may, upon application under sub-section (1), register an applicant by entering his name in the Register kept under this Division.

(3) The Commissioner shall give notice of the registration by instrument served on the owner.

(4) The Commissioner shall revoke the registration of a person under this Division by removing his name from the Register upon receiving notification of that person's death or bankruptcy, or in the case of a company, of the winding-up of the company, or upon receiving a request to revoke the registration from that person.

Returns by
registered

32.(1) A registered owner shall, within 21 days

after the expiration of each month of each year -

- (a) furnish to the Commissioner a return relating to hire-purchase agreements in respect of which duty is imposed that have been entered into by him as registered owner during that month; and
- (b) pay the tax payable in respect of those hire-purchase agreements.

hire-
purchase
owners

Penalty: 50 dollars.

(2) A return under this section shall be in accordance with an approved form and shall contain such particulars as are required by the form.

33.(1) A registered owner shall indorse each hire-purchase agreement particulars of which are required to be shown in a return under section 32 with a notation in writing to the effect that he is registered under this Division.

Registered
owner not
required
to affix
duty
stamps

Penalty: 50 dollars.

(2) A registered owner is not required to denote by adhesive stamp or impressed stamp the payment of tax in respect of hire-purchase agreements entered into by him as registered owner.

34. A registered owner under a hire-purchase agreement may add to an amount payable by or on behalf of the hirer under the agreement, whether payable under the agreement or otherwise, an amount designated as the tax imposed in respect of the agreement and equal to the amount of the tax and may recover the amount designated as the tax from the hirer.

Owner may
recover duty
from hirer

Division 5 - Other Hire-purchase Agreements

35. This Division applies to and in relation to a hire-purchase agreement on which duty is imposed that is entered into in the Territory by an owner who is not a registered owner.

Application

36. The owner under a hire-purchase agreement in relation to which this Division applies shall cause the agreement to be duly stamped forthwith upon the

Duty to be
paid by
owner

execution of the agreement by both parties, or, if the agreement is made by communication to the owner of the acceptance of an offer, forthwith upon the acceptance coming to his knowledge.

Penalty: 200 dollars.

How duty
denoted

37. Duty imposed on a hire-purchase agreement in relation to which this Division applies shall be denoted by adhesive stamp.

Owner may
recover duty
from hirer

38. An owner under a hire-purchase agreement to which this Division applies may add to an amount payable by or on behalf of the hirer under the agreement an amount designated as the duty imposed on the agreement and equal to the amount of the duty and may recover the amount designated as the duty from the hirer.

Division 6 - Insurance Business

Insurer in
the Territory
to be
registered

39.(1) An insurer shall not carry on in the Territory the business of insurance in respect of which tax is imposed after the expiration of the period of 14 days from the date of commencement of this Ordinance unless he is registered under this Division.

Penalty: 200 dollars.

(2) Nothing in this section affects the liability (including a contingent liability) of an insurer under a policy of insurance issued by the insurer in the course of carrying on the business of insurance in the Territory in contravention of this section.

Register of
Insurers

40. For the purpose of this Division, the Commissioner shall keep a register to be called "Register of Insurers".

Registration

41.(1) An insurer carrying on or intending to carry on in the Territory the business of insurance in respect of which tax is imposed may apply to the Commissioner in writing in accordance with an approved form for registration in the Register kept under this Division.

(2) The Commissioner shall, upon receiving an application from an insurer under sub-section (1),

register the insurer by entering the name of the insurer in the Register.

(3) The Commissioner shall give notice of the registration by instrument served on the insurer.

(4) The Commissioner shall revoke the registration of an insurer under this Division by removing his name from the Register upon receiving notification of the death or bankruptcy of the insurer, or in the case of a company, of the winding-up of the company, or upon receiving a request from the insurer to revoke the registration.

42.(1) An insurer registered under this Division shall, within 21 days after the expiration of each month of each year -

Returns in
respect of
insurance
business

- (a) furnish to the Commissioner a return of all premiums received in that month by the insurer in respect of which duty is imposed; and
- (b) pay the tax payable in respect of those premiums less the amount of any tax remitted under section 43.

Penalty: 50 dollars.

(2) A return under this section shall be in accordance with an approved form and shall contain such particulars as are required by the form.

43. Where the Commissioner is satisfied that -

- (a) a policy of insurance in respect of which tax is imposed has been surrendered or cancelled before the expiration of the policy; and
- (b) the insurer has refunded to the person by whom premiums were payable under the policy an amount equal to the amount of the premiums received by the insurer in respect of a period occurring after the surrender or cancellation,

Refund or
remission
of tax for
surrendered
or cancelled
insurance

the Commissioner shall -

- (c) if the insurer has not paid the tax in respect of that amount of premiums - remit the tax payable; and

- (d) if the insurer has paid the tax payable in respect of that amount of premiums - refund to the insurer the amount of the tax so paid.

Insurer
may re-
cover duty
from person
paying
premiums

44. An insurer may, by an instrument served on the person by whom premiums are payable under a policy of insurance in respect of which tax is imposed, require that person to pay to the insurer as a separate debt an amount designated as the tax and equal to the amount of the tax and the insurer may recover the amount designated as the tax from that person.

Division 7 - Life Policies

Life
insurer in
the
Territory
to be
registered

45.(1) A company shall not carry on in the Territory the business of a life insurer issuing life policies in respect of which tax is imposed after the expiration of the period of 14 days from the date of commencement of this Ordinance unless it is registered under this Division.

Penalty: 200 dollars.

(2) Nothing in this section affects the liability (including a contingent liability) of a life insurer under a life policy issued by the life insurer in the course of carrying on the business of a life insurer in the Territory in contravention of this section.

Register of
Insurers

46. For the purpose of this Division, the Commissioner shall keep a register to be called "Register of Life Insurers".

Registration

47.(1) A life insurer carrying on or intending to carry on in the Territory the business of life insurance in respect of which tax is imposed may apply to the Commissioner in writing in accordance with an approved form for registration in the Register kept under this Division.

(2) The Commissioner shall, upon receiving an application from a life insurer under subsection (1), register the life insurer by entering the name of the life insurer in the Register.

(3) The Commissioner shall give notice of the registration by instrument served on the life insurer.

(4) The Commissioner shall revoke the registration of a life insurer under this Division by removing his name from the Register upon receiving notification of the winding-up of the life insurer, or upon receiving a request from the life insurer to revoke the registration.

48.(1) A life insurer registered under this Division shall, within 21 days after the expiration of each month of each year -

Returns in
respect of
life
insurance
business

(a) furnish to the Commissioner a return of all life policies effected in that month by the life insurer in respect of which tax is imposed; and

(b) pay the tax payable in respect of those policies.

Penalty: 50 dollars.

(2) A return under this section shall be in accordance with an approved form and shall contain such particulars as are required by the form.

49.(1) A life insurer may, by an instrument served on the person by whom premiums are payable under a life policy in respect of which tax is imposed, require that person to pay to the insurer as a separate debt an amount designated as the tax and equal to the amount of the tax, and the life insurer may recover the amount designated as the tax from that person.

Life
insurer
may
recover
tax from
person
paying
premiums

Division 8 - Conveyances

50.(1) Duty imposed on a transfer of an estate in fee simple in land or of a Crown lease for a term exceeding 5 years, or an agreement for such a transfer, is payable by the transferee or the person to whom the estate in fee simple or the lease is to be transferred under the agreement, as the case may be.

Persons
liable to
pay duty

(2) Duty imposed on a lease is payable by the lessee.

(3) Duty imposed on a transfer or assignment, or agreement for a transfer or assignment, of a lease other than a Crown lease for a term exceeding 5 years

is payable by the transferee or assignee, or the person to whom the lease is to be transferred or assigned under the agreement, as the case may be.

How duty
denoted

51. Payment of duty on conveyances required to be lodged with the Commissioner under this Ordinance shall be denoted by impressed stamp, and payment of duty on other conveyances shall be denoted by adhesive stamp.

Instrument
of
conveyance
to be
stamped or
lodged for
assessment

52.(1) Within 30 days after the execution of a transfer of an estate in fee simple in land or of a Crown lease for a term exceeding 5 years, or of an agreement for such a transfer, being a transfer or agreement on which duty is imposed, the transferee or person to whom the estate or lease is to be so transferred shall lodge the instrument of transfer or the agreement with the Commissioner for assessment.

Penalty: 20 dollars.

(2) The lessee under a lease on which duty is imposed, being a lease -

- (a) the only consideration for which is by way of rent;
- (b) the total amount or value of the consideration for which does not exceed 1500 dollars; and
- (c) that is for a term not exceeding 3 years,

shall, forthwith on the execution of the lease, cause the lease to be duly stamped.

Penalty: 20 dollars.

(3) The lessee under a lease on which duty is imposed, being a lease -

- (a) for which the only consideration is by way of rent the total amount or value of which exceeds 1500 dollars;
- (b) the consideration for which is not wholly by way of rent; or
- (c) that is for a term exceeding 3 years,

shall, within 30 days after the execution of the lease, lodge the lease with the Commissioner for assessment.

Penalty: 20 dollars.

(4) Where the total amount or value of the consideration given in respect of the transfer or assignment of a lease on which duty is imposed exceeds 500 dollars, the transferee or assignee shall, within 30 days after the execution of the instrument of transfer or assignment, lodge the instrument with the Commissioner for assessment.

Penalty: 20 dollars.

(5) Where the total amount or value of the consideration agreed to be given in respect of the transfer or assignment of a lease under an agreement on which duty is imposed exceeds 500 dollars, the person to whom the lease is to be transferred or assigned under the agreement shall, with 30 days after the execution of the agreement, lodge the agreement with the Commissioner for assessment.

Penalty: 20 dollars.

(6) Where the total amount or value of the consideration given in respect of the transfer or assignment of a lease other than a Crown lease for a term exceeding 5 years, being a transfer or assignment on which duty is imposed, does not exceed 500 dollars, the transferee or assignee shall, forthwith on the execution of the instrument of transfer or assignment, cause the instrument to be duly stamped.

Penalty: 100 dollars.

(7) Where the total amount or value of the consideration agreed to be given in respect of an agreement for the transfer or assignment of a lease other than a Crown lease for a term exceeding 5 years, being an agreement on which duty is imposed, does not exceed 500 dollars, the person to whom the lease is to be transferred or assigned under the agreement shall, forthwith on the execution of the agreement, cause the agreement to be duly stamped.

Penalty: 100 dollars.

Interpretation in rent by instrument

53. A period specified in a lease as the period during which the lease is to continue shall be regarded as the term of the lease notwithstanding that the lease is expressed to be for a weekly, monthly, quarterly, half-yearly or yearly tenancy or otherwise.

Increase in rent by instrument

54. Where an instrument provides for an increase in the rent that has been reserved by a lease granted after the commencement of this Ordinance (whether or not that lease is in writing), the instrument shall, for the purposes of this Ordinance, be treated as a lease granted for a consideration equal to the amount of the additional rent provided by the instrument for the remaining term of the lease.

Refund of duty where early determination of lease

55.(1) Where duty has been paid on a lease that has been granted for a term of not less than 2 years and the lease is determined before the expiration of that term, an amount equal to the amount of the difference between the amount of duty so paid and the amount of duty that would have been payable on the lease if the lease had been granted for a term expiring on the date of the determination of the lease shall, subject to this section, be refunded to the person who was the lessee immediately before the determination of the lease.

(2) A refund under this section is not payable to a person unless he furnishes to the Commissioner, within 90 days after the determination of the lease, an application in accordance with an approved form together with such information as the Commissioner requires to enable him to determine the amount of the refund.

Division 9 - Mining Agreements

Application

56. This Division applies to and in relation to mining agreements when a duty is imposed on the consideration payable under those agreements.

By whom duty payable

57. Duty imposed on an agreement to which this Division applies is payable by the recipient.

Assessment

58.(1) Within 30 days after execution of a mining agreement to which this Division applies, a recipient shall lodge the agreement with the Commissioner for assessment.

(2) A mining agreement lodged under this section shall be accompanied by an approved form containing such particulars as are required by the form.

Penalty: 20 dollars.

59.(1) Where the consideration under a mining agreement to which this Division applies is in the form a single payment only, duty shall be denoted by impressed stamp.

How duty
payable and
denoted

(2) Where the consideration under an agreement is a continuing or periodical one, irrespective of how it is calculated, the Commissioner -

(a) shall denote the duty, if any, initially payable on the agreement by impressed stamp; and

(b) may, by notice in writing served on the recipient, require him to lodge from time to time a return in an approved form.

60. A recipient shall not fail, refuse or neglect to comply with the requirements of a notice served in pursuance of section 59(2)(b).

Offence

Penalty: 200 dollars.

Division 10 - Motor Vehicle

Certificate of Registration

61. The applicant for registration of a motor vehicle in respect of which a motor vehicle certificate of registration is, on issue, liable to duty shall, before the issue of the certificate, pay to the Registrar an amount equal to the duty payable on that certificate.

Owner to
pay duty

Penalty: 200 dollars.

62.(1) The Registrar, notwithstanding anything contained in the Motor Vehicles Ordinance, shall not register a motor vehicle where the motor vehicle certificate of registration in respect of that vehicle is liable to duty, unless the owner has paid to him an amount equal to the duty payable on the certificate.

Registrar
not to
register
unless
duty
paid

(2) The Registrar shall pay to the Commissioner the amount of the duty received by him under this section.

How duty
assessed

63.(1) When a motor vehicle certificate of registration is liable to duty, the duty shall be assessed on the value of the motor vehicle at the date of the application for the certificate.

(2) For the purposes of sub-section (1), the value of a motor vehicle shall, subject to sub-section (3), be such amount as is stated in writing by the applicant for a motor vehicle certificate of registration in respect of that motor vehicle to represent the market value of that vehicle on the date of making the application.

(3) The Commissioner may, if he is not satisfied that the amount stated by the applicant as the market value of the motor vehicle is the true market value, require the applicant to furnish him within the time he specifies with such evidence as to the market value at the time of making the application for a motor vehicle certificate of registration as the Commissioner thinks fit.

(4) On receipt of the evidence sought under subsection (3), the Commissioner may make a further assessment of the duty payable having regard to that evidence and may recover any additional duty payable or refund to the applicant any duty overpaid.

(5) The amount of the additional duty or the amount of the refund made in accordance with subsection (4) shall be denoted on the certificate of registration.

(6) A person shall not fail, refuse or neglect to comply with a requirement of the Commissioner made under sub-section (3).

Penalty: 200 dollars

How duty
denoted

64. The payment of duty on a motor vehicle certificate of registration shall be denoted by adhesive stamp.

Division 11 - Transfers of Marketable Securities
included in Brokers' Returns

65.(1) A broker who carries on business in the Territory shall, forthwith after each sale or purchase by him of a marketable security in respect of which tax is imposed, make a record of particulars of the sale or purchase showing -

Record of
transfers

- (a) the date of the sale or purchase;
- (b) the name of the person for whom he was acting;
- (c) the name of the broker (if any) acting for the person with whom the sale or purchase was made;
- (d) the full description of the marketable security;
- (e) the selling price of the marketable security;
and
- (f) if tax is payable, the amount of the tax.

(2) Where marketable securities are sold or purchased in a parcel, a broker shall, in the record made under this section, show the quantity of the marketable securities in the parcel and the selling price per unit and in total of the marketable securities in the parcel.

(3) A broker shall retain the record of a sale or purchase of a marketable security for a period of not less than 3 years after the date of the sale or purchase.

Penalty: 500 dollars.

66.(1) Where a broker makes a sale or purchase of a marketable security in respect of which tax is imposed or in respect of which an exemption from tax is provided by an Ordinance with which this Ordinance is incorporated for a consideration of not less than the unencumbered value of the marketable security, the broker shall make a statement in respect of the sale or purchase, as the case may be, on the instrument of transfer to which the sale or purchase relates to the effect that duty, if payable, has been or will be

Broker's
statement
on transfer

paid, and shall set out the date of the statement and impress a stamp expressed to be the stamp of the broker on the instrument of transfer.

(2) A broker shall not make a statement under sub-section (1) on an instrument of transfer of a marketable security in respect of which duty is imposed before recording particulars of the sale or purchase under section 65.

(3) A person shall not, without lawful authority, impress a stamp resembling or purporting to be a stamp of a broker on an instrument of transfer of a marketable security.

Penalty: 100 dollars.

Return by
brokers

67.(1) A broker carrying on business in the Territory shall, within 14 days after the expiration of each month of each year -

(a) furnish to the Commissioner a return showing particulars of sales and purchases of marketable securities in respect of which duty is imposed that have been made by him during that month or, if no such sales or purchases have been made in that month, making a statement to that effect; and

(b) pay the tax payable in respect of each such sale and purchase.

Penalty: 50 dollars.

(2) A return under this section shall be in accordance with an approved form.

Broker may
recover
tax

68. A broker who pays or is liable to pay tax under section 67 in respect of a sale or purchase of a marketable security may recover from the vendor or purchaser, as the case may be, for whom he has made the sale or purchase an amount designated as the tax equal to the amount of tax.

Certain
transfers
deemed to
have been
made through
a broker

69.(1) A broker who makes a sale or purchase of a marketable security in accordance with an order from a person (not being a broker or a person acting for or on behalf of a broker) given to an agent or employee of the broker who carries on business on behalf of the broker in the Territory shall be deemed to have made a sale or purchase of that marketable security in accordance with an order to sell or purchase, as the

case may be, given to the broker in the Territory.

(2) For the purposes of this Ordinance -

(a) where a broker carrying on business in the Territory -

(i) makes a sale in the Territory of a marketable security on his own account or behalf to a person who is not a broker or is not acting for or on behalf of a broker; or

(ii) makes a sale of a marketable security to such a person in accordance with an order to sell given to him in the Territory,

the broker shall, notwithstanding that no order to purchase was given to him, be deemed to have also made a purchase of that marketable security in accordance with an order to purchase given to him in the Territory by the person to whom he had made the sale; and

(b) where a broker carrying on business in the Territory -

(i) makes a purchase in the Territory of a marketable security on his own account or behalf from a person who is not a broker or is not acting for or on behalf of a broker; or

(ii) makes a purchase of a marketable security from such a person in accordance with an order to purchase given to him in the Territory,

the broker shall, notwithstanding that no order to sell was given to him, be deemed to have also made a sale of that marketable security in accordance with an order to sell given to him in the Territory by the person from whom he made the purchase.

Division 12 - Transfers of Marketable Securities liable to Duty

70.(1) The transferee under a transfer of a marketable security on which duty is imposed, being a marketable security listed for quotation in the official list of an Australian Stock Exchange or a prescribed stock exchange (whether within or outside Australia), shall cause the instrument of transfer to be duly stamped -

When
transfers
are to be
duly
stamped

- (a) where it is executed by or on behalf of the transferee in the Territory - within 30 days after the instrument is so executed; and
- (b) where it is executed by or on behalf of the transferee outside the Territory - within 30 days after it is first received in the Territory after the instrument is so executed.

(2) The transferee under a transfer of any other marketable security on which duty is imposed shall lodge the instrument of transfer with the Commissioner for assessment -

- (a) where it is executed by or on behalf of the transferee in the Territory - within 30 days after the instrument is so executed; and
- (b) where it is executed by or on behalf of the transferee outside the Territory - within 30 days after it is first received in the Territory after the instrument is so executed.

Penalty: 50 dollars.

Duty
payable by
transferee

71. Duty imposed on an instrument of transfer of a marketable security is payable by the transferee.

How duty
denoted

72.(1) The payment of duty imposed on an instrument of transfer referred to in section 70(1) shall be denoted by adhesive stamp or by impressed stamp.

(2) The payment of duty imposed on an instrument of transfer of any other marketable security shall be denoted by impressed stamp.

PART IV - ASSESSMENTS

Assessment
of returns

73.(1) The Commissioner shall, from a return and any other information in his possession, make an assessment of the amount of tax payable in respect of the return.

(2) A return purporting to be made and signed by or on behalf of a person shall, unless the contrary is proved, be deemed to have been made and signed by him or with his authority.

(3) A trustee of a deceased person shall furnish

such returns as the deceased person, if he were still living, would be required by this Ordinance to furnish.

(4) The furnishing of a return for assessment does not relieve the person liable to pay tax in respect of the return of the liability to pay the tax as provided by this Ordinance.

(5) Where, by reason of an assessment of a return, a person has overpaid tax, the amount of tax overpaid shall be refunded.

74.(1) A person liable to pay duty on an instrument that is not required by this Ordinance to be lodged for assessment of duty may, within 30 days after the date of execution of the instrument by him, lodge the instrument with the Commissioner for assessment of duty.

Lodging of
instruments
for
assessment

(2) The lodging of an instrument for assessment of duty does not relieve a person liable to pay duty on the instrument of his liability to pay the duty in accordance with this Ordinance and to cause the instrument to be duly stamped.

75.(1) The Commissioner may, at any time, by instrument served on a person who has furnished a return or lodged an instrument for assessment, require that person to furnish, within a specified period, further information by statutory declaration or otherwise in connexion with the return so furnished or instrument so lodged.

Information
for the
purpose of
making
assessment

(2) Where the Commissioner has reason to believe, for the purpose of the assessment or amendment of an assessment or enquiring into or ascertaining the liability of a person under this Ordinance, that a person is capable of giving information or producing documents that may be used for that purpose, the Commissioner may, by instrument served on that person, require that person -

- (a) to furnish to him in writing, within the period and in the manner specified in the instrument, any such information;
- (b) to attend before him or a person specified in the instrument at such time and place as is

specified and there to answer questions for that purpose; or

- (c) to produce to him or to a person specified in the instrument, in accordance with the instrument, any such document.

(3) The Commissioner or person before whom a person is required to attend under sub-section (2) may take evidence on oath or affirmation, and, for that purpose, may administer an oath or affirmation to the person attending.

Failure to
comply
with
requirements
for
further
information,
&c.

76.(1) A person shall not -

- (a) refuse or fail to comply with a requirement in an instrument served under section 75 to the extent to which he is capable of complying with it;
- (b) in purported compliance with such a requirement, furnish information that is false or misleading in a material particular; or
- (c) when attending before the Commissioner or a person in pursuance of such a requirement -
 - (i) make a statement or produce a document that is false or misleading in a material particular; or
 - (ii) refuse or fail to be sworn or to make an affirmation.

Penalty: 1000 dollars.

(2) It is a defence to a prosecution for an offence against sub-section (1) of furnishing information, or making a statement, or producing a document, that is false or misleading in a material particular if the defendant proves that the false or misleading information, statement or document was furnished, made or produced through ignorance or inadvertence.

(3) Upon the conviction of a person for an offence of refusing or failing to comply with a requirement under sub-section (1), the court may order that person within a period fixed by the court, to comply with that requirement.

(4) A person to whom such an order is given shall not refuse or fail to comply with the order.

Penalty: 400 dollars.

(5) An order under sub-section (3) may be given orally by the court to the person or may be served by sending a copy of the order by post addressed to that person at his last-known place of residence or business.

(6) Upon the conviction of a person for an offence against sub-section (1) of furnishing information, or making a statement, or producing a document, that is false or misleading in a material particular, the court may, in addition to the penalty prescribed by that sub-section and without affecting the person's liability to pay the amount of duty or tax properly payable, order that person to pay to the Commissioner an amount not exceeding an amount equal to double the amount of duty or tax that would have been avoided if the information, statement or document had been accepted as correct.

77.(1) A person who is required by this Ordinance to furnish a return to the Commissioner shall not furnish a return that is false or misleading in a material particular.

False or
misleading
returns

Penalty: 1000 dollars.

(2) It is a defence to a prosecution for an offence against this section if the defendant proves that the false or misleading return was furnished through ignorance or inadvertence.

(3) Upon the conviction of a person for an offence against this section, the court may, in addition to the penalty prescribed by this section and without affecting the person's liability to pay the amount of duty properly payable, order that person to pay to the Commissioner an amount not exceeding an amount equal to double the amount of tax that would have been avoided if the return had been accepted as correct.

78. A person is not excused from furnishing

Incriminating
information,
&c.

information or producing a document in compliance with an instrument served on him under section 75 or in compliance with an order of a court under section 76(3) on the ground that the information or document might tend to incriminate him, but his answer to any question asked in the order or instrument or any information furnished by him in pursuance of the order or instrument is not admissible in evidence against him in criminal proceedings other than proceedings under this Ordinance.

Enforcement
of court
orders to
pay

79.(1) Where a court makes an order for the payment of an additional penalty under section 76 or 77, a certificate of the order in accordance with an approved form may be registered in a court of competent jurisdiction.

(2) Upon registration under sub-section (1), the certificate becomes a record of the court with the same force and effect as a judgment of the court, and the like proceedings (including proceedings in bankruptcy) may be taken upon the certificate as if the order had been a judgment of the court in favour of the Commissioner.

Assessment
of duty on
instruments

80.(1) Where an instrument is lodged with the Commissioner for assessment -

(a) if he adjudges that duty on the instrument is not payable - he may put an impressed stamp on the instrument as provided by section 17(2); or

(b) if he adjudges that duty is payable - he shall assess the amount of the duty.

(2) The Commissioner shall inform the person lodging the instrument of his assessment under sub-section (1), but is not required to give notice in writing of the assessment to that person unless so requested in writing by that person within 30 days after the lodging of the instrument.

(3) If an instrument lodged for assessment has been returned before a request for notice in writing of the assessment, the Commissioner may refuse to give the notice in writing unless the person requesting the notice in writing relodges the instrument with him.

(4) Where, by reason of an assessment of an instrument in respect of which an amount has been paid as duty, a person has overpaid duty, the amount of duty overpaid shall be refunded.

81.(1) Where the Commissioner has reason to believe that an instrument liable to duty has not been duly stamped, or has not been lodged for assessment as required by this Ordinance, a person authorized by the Commissioner may seize the instrument.

Retaining
and
impounding
of
instruments

(2) The Commissioner may retain possession of an instrument lodged for assessment of duty, or seized under sub-section (1), until his assessment and any duty assessed by him and any additional amount payable by way of penalty in respect of that instrument under this Ordinance has been paid.

(3) Notwithstanding sub-section (2), the Commissioner shall, on being required to do so by subpoena, summons or order of a court, produce the instrument or cause it to be produced to the court for as long as it is required in proceedings in the court.

(4) This Ordinance applies to an instrument that has been seized under this section as though it had been lodged with the Commissioner for assessment.

82. Where -

Default
assessments

- (a) a person liable to furnish a return has failed to furnish a return, has furnished a return that is false or misleading in a material particular or has failed to include in a return particulars required by this Ordinance to be included;
- (b) a person has not complied with a requirement under section 75 in respect of a return or instrument; or
- (c) an instrument has been seized under section 81,

the Commissioner may make an assessment of the amount of duty or tax that, in his opinion, is payable.

83. As soon as practicable after an assessment made in the circumstances referred to in section 82 under which duty is assessed to be payable, the

Notice of
default
assessments

Commissioner shall cause notice in writing of the assessment and the amount of the duty or tax payable to be served on the person who is adjudged by him to be the person liable to pay it.

Penalty
additional
to duty on
default
assessments

84.(1) Where a person is liable to pay duty or tax by virtue of an assessment made under section 82, that person is liable to pay, by way of penalty, in addition to the amount of the duty or tax, an amount equal to double the amount of that duty or tax.

(2) Where a person furnishes a return or lodges an instrument after the expiration of the period within which he is required by this Ordinance to furnish or lodge it, that person is liable to pay, by way of penalty, in addition to the amount of duty or tax that he is liable to pay in respect of that return or instrument, an amount calculated at the rate of 10 per centum per annum upon the amount of that duty or tax.

(3) For the purposes of sub-section (2), the amount calculated at the percentage specified in that sub-section shall be computed for the period commencing on the last day of the period within which that person is required to furnish the return or lodge the instrument and ending on the day upon which it is furnished or lodged.

(4) Where a person fails to include in a return particulars of a matter required by this Ordinance to be included and the amount of tax properly payable in respect of that matter is assessed to be greater than the amount of tax that would be payable on the basis of the particulars furnished by him, that person is liable to pay, by way of penalty, in addition to the amount of tax properly payable, an amount equal to double the amount of the difference between the amount of tax properly payable and the amount of tax that would be payable on the basis of those particulars.

(5) The Commissioner shall include particulars of an amount payable by way of penalty under this section in a notice given under section 83.

(6) The Commissioner may, in a particular case, for such reasons as in his discretion he thinks sufficient, remit the whole or part of an amount payable by way of penalty under this section.

(7) The Commissioner shall denote on an instrument assessed under section 82 by impressed stamp or adhesive stamp, the payment of an additional amount payable by way of penalty under this section in respect of the instrument.

85.(1) The Commissioner may, at any time within a period of 3 years after the date of an assessment by him of duty, amend the assessment by making such alterations or additions to it as he thinks necessary.

Amended
assessments

(2) Sub-section (1) does not prevent the amendment of an assessment after the expiration of the period referred to in that sub-section in order to give effect to a decision on an appeal under Part V, or the amendment of an assessment after the expiration of that period by way of reduction on an objection under that Part or pending such an appeal.

(3) Where, by reason of an amendment of an assessment, a person has overpaid duty or tax, the amount of duty or tax overpaid shall be refunded.

(4) As soon as practicable after the amendment of an assessment under this section, the Commissioner shall cause notice in writing of the amended assessment and the amount of duty or tax payable in accordance with the amended assessment, together with the amount of any duty or tax underpaid or overpaid, to be given to the person who is adjudged by him to be the person liable to pay the duty or tax.

86. The Commissioner has the same powers of assessment of duty or tax in relation to a trustee of a deceased person as he would have had in relation to that person if he were still living.

Assessments
in relation
to deceased
persons

87. The validity of an assessment is not affected by reason that a provision of this Ordinance has not been complied with.

Validity of
assessments

PART V - APPEALS

88.(1) A person who is aggrieved by an assessment made in relation to him under this Ordinance may, within 30 days after the date of the assessment, post to, or lodge with, the Commissioner an objection in writing to the assessment.

Objections
to
assessments

(2) An objector shall, in an objection to an

assessment, state fully and in detail the grounds on which he relies.

(3) The Commissioner shall consider the objection, and may either disallow it, or allow it, either wholly or in part.

(4) The Commissioner shall cause notice in writing of his decision on an objection to be served on the objector.

(5) An objector who is dissatisfied with a decision of the Commissioner on his objection may, within 30 days after service on him of notice of the decision, deliver to the Commissioner a notice in writing requiring him to state a case for the opinion of the Supreme Court and shall therewith deposit with the Commissioner an amount of 150 dollars as security for costs.

(6) The objector has no further right of objection in relation to an amended assessment than he would have had if the amendment had not been made, except to the extent to which a fresh liability is imposed upon him or an existing liability is increased by reason of the amendment.

Appeal to
Supreme
Court

89.(1) Subject to section 91, the Commissioner, upon receipt of a notice under section 88(5) and of the amount of security for costs, shall as soon as practicable state and sign a case accordingly, setting forth the facts before him on making the assessment, the grounds on which he made the assessment, the assessment made by him and the question to be decided, and shall deliver the case so signed to the person by whom it is required (hereafter in this Part referred to as the appellant).

(2) The appellant shall, within 14 days after receiving the case, cause it to be set down for hearing before the next sittings of the Supreme Court at which it can be heard.

(3) On the hearing of the case, the Supreme Court shall determine the question submitted and either assess the duty or tax payable or remit the matter to the Commissioner for reassessment having regard to the determination of the court, and shall decide the question of costs.

(4) If it appears to the Supreme Court that the facts necessary to enable the question submitted to be determined are not sufficiently set forth in the case or that those facts are in dispute, the court may make such enquiries or try all such issues as it considers necessary in order to ascertain those facts, and, if it sees fit, may amend the case.

(5) On the hearing of the case, the Supreme Court may draw from the facts and documents stated in the case any inference whether of fact or law which might have been drawn from them if proved at a trial.

(6) In an appeal under this section, the costs of the appeal including the costs of any enquiry made or any issue tried in the appeal, shall be in the discretion of the court, having regard to the evidence furnished to the Commissioner and to the extent to which the Commissioner's assessment exceeds any amount admitted by the appellant before the appeal was commenced and the extent to which the Commissioner's assessment is sustained or otherwise.

90. If the appellant fails to set down a case for hearing within the time specified in section 89(2), the Commissioner may deduct all expenses incurred by him in preparing the case from the amount paid as security for costs.

Commissioner
may recover
expenses if
case not set
down

91. The Commissioner is not required to state a case under this Part unless the amount of duty or tax is paid in conformity with the assessment the subject of the appeal.

Duty or tax
to be paid
before case
stated

92.(1) If a matter is remitted to the Commissioner by the Supreme Court for reassessment, the Commissioner shall forthwith reassess the matter.

Adjustments
of duty or
tax after
appeal

(2) If an assessment is varied on an appeal or by the Commissioner as the result of an appeal, the Commissioner shall -

(a) cause all necessary adjustments to be made; and

(b) cause notice in writing of the varied assessment to be given to the appellant.

(3) If an assessment is varied on an appeal or by

the Commissioner as the result of an appeal -

- (a) an amount of duty or tax not paid or underpaid is recoverable from the person liable under the assessment as varied to pay the duty or tax; and
- (b) an amount of duty or tax overpaid shall be refunded.

Supreme
Court
Rules

93. The Chief Judge may make rules prescribing the practice and procedure applicable to appeals under this Part and, pending the making of rules, a Judge of the Supreme Court may give such directions as to the practice and procedure applicable to the hearing of an appeal as he sees fit.

PART VI - RECOVERY OF DUTY

Recover of
duty or tax

94. Duty or tax is, upon becoming due and payable under this Ordinance, a debt due to the Territory and recoverable in a court of competent jurisdiction.

Additional
penalty
for failure
to pay
duty or
tax on
time

95.(1) Where a person liable to duty or tax fails to pay the duty or tax on or before the day on which it becomes due and payable under this Ordinance, that person is liable to pay, by way of penalty, in addition to the amount of the duty or tax that he has failed to pay or any other amount payable by way of penalty under this Ordinance, an amount calculated at the rate of 10 per cent upon the amount of that duty or tax computed from and including the day on which the duty or tax became due and payable.

(2) The Commissioner may, in a particular case, for such reasons as in his discretion he thinks sufficient, remit the whole or a part of an additional amount payable by way of penalty under this section.

Recovery of
additional
penalty

96.(1) An additional amount payable by way of penalty under section 84 or 95 is a debt due to the Territory and is recoverable in the same way as duty or tax.

(2) Where a person is liable to pay such an additional amount and a prosecution for an offence against this Ordinance is instituted in respect of the same subject matter, the additional amount is not payable unless the prosecution is withdrawn.

97.(1) The Commissioner has the same powers and remedies for the recovery of duty or tax from a trustee of a deceased person as he would have had against that person if he were still living.

Recovery of
duty or
tax from
trustees
of deceased
persons

(2) A trustee of a deceased person is subject to any additional amount payable under this Ordinance to the same extent as the deceased person would be if he were still living.

98.(1) A person indebted, either alone or jointly with another person, to a person liable to duty or tax shall, when required by the Commissioner by instrument served on the person indebted, pay to the Commissioner the amount of the debt owing or accruing to the person so liable or so much of it as is sufficient to pay that duty or tax.

Collection
of duty
or tax
from person
indebted
to person
liable
to duty or
tax

(2) Upon the service of an instrument under this section, the amount of the debt owing or accruing to the person liable to duty or tax, or so much of it as is sufficient to pay the duty or tax, becomes a debt due to the Territory and recoverable in a court of competent jurisdiction.

(3) The Commissioner shall, in an instrument under sub-section (1), specify the time within which the debt owing or accruing shall be paid, not being a time before the debt becomes due.

(4) The Commissioner may, in an instrument under sub-section (1), specify an amount to be paid out of each payment of the debt as it becomes due from time to time to the person liable to duty or tax until the amount of duty or tax is paid.

(5) The Commissioner shall cause an instrument under this section to be served on the person indebted and a copy of the instrument to be served on the person liable to pay the duty or tax.

(6) An instrument to be served under this section on the Territory may be served upon the Treasurer.

(7) A payment in pursuance of an instrument served under this section shall be deemed to have been made with the authority of the person liable to duty or tax and of all other persons served with the instrument or copy of the instrument.

(8) In this section -

"debt", in relation to a person liable to duty or tax, means -

- (a) money that is due or accruing, or that may become due, to that person;
- (b) money that is held or is subsequently held for or on account of that person, or for or on account of another person for payment to that person; or
- (c) money authorized by another person to be paid to that person;

"duty or tax" includes an additional amount payable by way of penalty under this Ordinance, a judgment debt or costs in respect of duty or tax or of such an additional amount, and a fine or costs imposed by a court in respect of an offence against this Ordinance;

"person indebted", in relation to a person liable to duty or tax, means a person, the Northern Territory or a statutory corporation by whom or which a debt is owing or accruing to the person liable to duty or tax.

Person
in receipt,
&c., or
money for
non-resident

99.(1) A person resident in the Territory who has authority to receive, control or dispose of money belonging to a non-resident who is liable to duty or tax shall, when required to do so by the Commissioner by instrument served on the person resident in the Territory, pay that duty or tax.

(2) When so required by the Commissioner, the person resident in the Territory is, by force of this section -

- (a) authorized and required to retain from time to time any money that comes to him on behalf of the non-resident or so much of it as is sufficient to pay the duty or tax payable by the non-resident;
- (b) made personally liable for that duty or tax after it becomes due and payable to the extent of any amount that he is required to retain under paragraph (a); and

- (c) indemnified for all payments that he makes in pursuance of this Ordinance.

(3) For the purposes of this section, a person who is liable to pay money to a non-resident shall be deemed to be a person who has the control of money belonging to the non-resident, and all moneys due by him to the non-resident shall be deemed to be money that comes to him on behalf of the non-resident.

100. In proceedings for the recovery of duty or tax -

Evidence

- (a) the production of an instrument under the hand of the Commissioner purporting to be a copy of a notice of assessment is evidence of the due making of the assessment and that the amount and particulars of the assessment are correct;
- (b) the production of an instrument under his hand purporting to be a copy of an instrument issued or given by him under this Ordinance is evidence that the instrument was so issued or given; and
- (c) the production of a document certified by instrument under his hand as a copy of, or extract from, a return or notice of assessment is evidence of the matter set out in the document to the same extent as the original return or notice would be if it were produced.

PART VII - PROSECUTIONS

101.(1) A prosecution in respect of an offence against section 10 shall not be instituted later than 3 years after the commission of the offence.

Time of
bringing
prosecutions

(2) A prosecution in respect of any other offence against this Ordinance may be instituted at any time.

102. A witness appearing on behalf of the Territory in a prosecution under this Ordinance shall not be compelled to disclose the fact that he received any information, the nature of the information or the name of the person who gave the information, and a person who is or has been employed by the Territory appearing as a witness shall not be compelled to

Protection
of
witnesses

produce a report made or received by him in his official capacity and containing confidential information.

Averment
of
prosecutor

103.(1) In a prosecution under this Ordinance, an averment of the prosecutor contained in the information, complaint, declaration or claim is evidence of the matter averred.

(2) Where the matter averred is a mixed question of law and fact, the averment is evidence of the fact only.

(3) This section does not apply to -

(a) an averment of the intent of the defendant;
or

(b) a prosecution for an indictable offence.

Certain pro-
secutions by
the Commis-
sioner or an
appointed
person.

104. A prosecution for an offence against this Ordinance punishable on summary conviction shall not be instituted except by the Commissioner or by a person appointed by him in that behalf.

PART VIII - MISCELLANEOUS

Extensions
of time, &c.

105. Where a person is required by or under this Ordinance to do an act or thing in respect of a specified period or within a specified time, the Commissioner may, by instrument served on that person-

(a) allow a further period or extend the time for the doing of the act or thing, notwithstanding that the specified period has expired; or

(b) vary the specified period in respect of which or the time within which that person is required to do that act or thing,

and that person shall do that act or thing accordingly.

Refunds and
remissions
of duty
tax

106. A refund or remission shall not be made of an amount of duty or tax under this Ordinance to a person who has recovered it from another person and has not since repaid it to that other person.

Continuing
offences

107. Where an offence is committed by a person by reason of a failure to comply with a provision of this

Ordinance by or under which he is required to do anything within a particular period, that person commits an additional offence on each day on which the failure to do that thing continues, notwithstanding that that period has expired.

108.(1) A notice or other instrument that is required by this Ordinance to be given or served on a person other than a company shall be given or served -

Service
of documents

- (a) by delivering the notice or instrument to that person personally;
- (b) by prepaying and posting the notice or instrument as a letter addressed to that person at his last-known place of residence or business or, if he is carrying on business at 2 or more places, at one of those places;
- (c) by leaving the notice or instrument at the last-known place of residence of that person with some person apparently an inmate of that place and apparently not less than 16 years of age; or
- (d) by leaving the notice or instrument at the last-known place of business of that person or, if he is carrying on business at 2 or more places, at one of those places with some person apparently in the service of that person and apparently not less than 16 years of age.

(2) A notice or other instrument that is required by this Ordinance to be given or served on a person, being a company, shall be given or served -

- (a) by prepaying and posting the notice or instrument as a letter to the company at its last-known place of business or, if the company is carrying on business at 2 or more places, at one of those places; or
- (b) by leaving it at that place or at one of those places with some person apparently in the service of the company and apparently not less than 16 years of age.

109. For the purposes of this Ordinance, all courts and tribunals and all judges and persons acting

Judicial
notice

judicially or authorized by law to hear, receive and examine evidence shall take judicial notice of the signature of a person who holds or has held the office of Commissioner or acting Commissioner.

Books
accounts,
&c.

110.(1) For the purposes of this Ordinance, a person registered under Divisions 4, 6 and 7 of Part III, shall -

- (a) keep proper books and accounts in the English language recording full particulars of all matters in relation to which duty is imposed;
- (b) preserve those books and accounts for a period of 3 years after the completion of those matters; and
- (c) preserve any documents or papers relating to those matters, including copies of instruments, for a period of 3 years after the completion of those matters.

Penalty: 500 dollars.

(2) This section does not require the preservation by a person of books, accounts, documents, papers or copies of instruments -

- (a) in respect of which the Commissioner has notified the person that their preservation is not required; or
- (b) of a company that has been wound up.

Entry on
land, &c.

111.(1) For the purposes of this Ordinance, an officer authorized by the Commissioner to exercise powers under this section -

- (a) may, at all reasonable times, enter upon any land;
- (b) shall have full and free access at all reasonable times to all books, documents and other papers; and
- (c) may, for those purposes, take extracts from and make copies of any books, documents or papers.

(2) An officer who enters upon land in pursuance of this section is not authorized to remain on the land if, on request by the occupier of the land, he does not produce a certificate in writing under the hand of the Commissioner certifying that he is an officer authorized to exercise the powers under this section.

(3) A person shall not, without reasonable excuse, obstruct or hinder an officer in the exercise of his powers under this Ordinance.

Penalty: 500 dollars.

112.(1) In an action, prosecution or other proceeding under this Ordinance in a court, the Commissioner may appear either personally or by a barrister or solicitor, or by an officer appointed by him.

Appearances
by Commissioner

(2) The appearance of an officer appointed under sub-section (1), and his statement that he appears by authority of the Commissioner, are sufficient evidence of that authority.

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

Regulations

- (a) providing for the payment of fees and expenses to witnesses required under this Ordinance to attend and give evidence before the Commissioner or another person;
- (b) prescribing the fees or other payments to be charged in respect of registration, proceedings under this Ordinance or otherwise for the purposes of this Ordinance, and prescribing the manner in which those fees or payments shall be paid;
- (c) providing for the inspection of a register kept under this Ordinance; and
- (d) prescribing penalties, not exceeding a fine of 100 dollars, for offences against the regulations.

SCHEDULE

Section 3

Stamp Ordinance 1917

Stamp Ordinance 1929

Stamp Ordinance 1942

Stamp Ordinance 1948

Stamp Ordinance 1955

Stamp Ordinance 1958

Stamp Ordinance 1964

Stamp Ordinance 1965

Stamp Ordinance 1968

Stamp Ordinance (No. 2) 1968

Stamp Ordinance 1970

Stamp Ordinance 1974

Stamp Ordinance 1978

THE NORTHERN TERRITORY OF AUSTRALIA

TERRITORY DEVELOPMENT BILL

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SCHEDULE

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To establish a Corporation to assist in the
Development of Industry

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
Territory Development Ordinance 1978.

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.(1) The Encouragement of Primary
Production Ordinance 1976 and the Ordinances
listed in the Schedule are repealed.

Repeal
and
savings

(2) Where, immediately before the
commencement of this Ordinance, the Board
had a title to or an interest in an asset,
or had a right, privilege, obligation or
liability, contingent or otherwise, that
title, interest, right, privilege, obligation
or liability is transferred to the
Corporation.

(3) Where, immediately before the
commencement of this Ordinance, an activity
was being carried on by or in the name of the
Board, the Corporation may continue to carry
on that activity.

(4) Any money that if this Ordinance had not come into operation would be or become payable to the Board is, or will become, as the case may be, payable to the Corporation.

(5) Where a transfer is effected by sub-section (2), the Corporation continues an action by virtue of sub-section (3), or money is or becomes payable by virtue of sub-section (4), this Ordinance is sufficient authority in relation to that money or to the matter transferred or continued -

- (a) for any person having control of a register to register the transfer;
- (b) for the Corporation, in its own name, to take or continue any action, or to do any other thing that, if this Ordinance had not come into operation, the Board could have taken, continued or done; and
- (c) for a person or body to take or continue any action, or to do any other thing, in relation to the Corporation, that, if this Ordinance had not come into operation, that person or body could have taken, continued or done in relation to the Board.

(6) In this section "the Board" means the Primary Producers Board established under the Encouragement of Primary Production Ordinance.

Interpre-
tation

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

"Chairman" means the Chairman of the Corporation and includes the Deputy Chairman or an acting Chairman when acting as Chairman;

"Corporation" means the Northern Territory Development Corporation established by this Ordinance;

"Deputy Chairman" means the Deputy Chairman of the Corporation and includes a person appointed to act as Deputy Chairman;

"goods" includes -

- (a) animals, poultry and fish; and
- (b) minerals, trees and crops, whether on, under or attached to land or not;

"industry" includes any business or activity concerned with or related to the production or supply of goods or the supply of services;

"member" means a member of the Corporation and includes the Chairman and a person appointed to act as a member;

"production" in relation to goods being minerals, includes recovery and treatment.

PART II - THE NORTHERN TERRITORY DEVELOPMENT CORPORATION

5.(1) There is established by this Ordinance a corporation by the name of the Northern Territory Development Corporation.

(2) The Corporation -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

Establish-
ment of
the North-
ern
Territory
Develop-
ment Corp-
oration

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

Composition of Corporation and appointment of members

6.(1) The Corporation shall consist of 7 members.

(2) The Minister may, by notice published in the Gazette, appoint a person to be a member of the Corporation.

(3) The exercise of a power or the performance of a function of the Corporation is not affected by reason only of there being a vacancy or vacancies in the membership of the Corporation.

Period of appointment

7.(1) Subject to this Ordinance, a member holds office until the expiration of such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(2) Where a period of appointment is not specified in the instrument of appointment of a member, the member holds office, subject to this Ordinance, for 3 years.

Chairman

8.(1) The Minister shall appoint a person who is, or is to be, a member of the Corporation to be the Chairman and another such person to be the Deputy Chairman of the Corporation.

(2) The Chairman or, in his absence the Deputy Chairman, shall preside at meetings.

(3) In the absence of the Chairman and Deputy Chairman, the members of the Corporation present at a meeting shall elect an acting Chairman, and that person may exercise the powers and perform the duties of the Chairman for that meeting.

9. The members of the Corporation shall be entitled to receive, in respect of their services as members, such fees, allowances and expenses and at such rates as are determined by the Administrator.

Fees and expenses

10. A member may resign his office by writing signed by him and delivered to the Minister.

Resignation of members

11.(1) The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.

Dismissal of members

(2) If a member -

(a) is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the member.

12.(1) Where a member is or is expected to be absent from duty or from the Territory, the Minister may appoint a person to act as a member during the absence.

Acting appointments

(2) Where the office of Chairman or Deputy Chairman is or is expected to be vacant or the Chairman or Deputy Chairman is or is expected to be absent from duty or from the Territory, the Minister may appoint a person to act as Deputy Chairman during the vacancy or absence.

(3) A person appointed under sub-section (2) to act as Deputy Chairman shall not act as Chairman while there is a person appointed under section 8 to be the Deputy Chairman and that person is in the Territory and is not absent from duty.

(4) The Minister may at any time terminate an appointment made under this section.

(5) The validity of a decision of the Corporation shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

Disclosure
of
interest

13.(1) A member of the Corporation who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Corporation, and the member -

- (a) shall not, while he has that interest, take part after the disclosure in any deliberation or decision of the Corporation in relation to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Corporation in relation to that matter.

14.(1) The Chairman shall call such meetings of the Corporation as are necessary for the exercise of its powers and the performance of its functions, but so that the interval between one meeting and the next does not exceed 3 months.

Meetings
of Corp-
oration

(2) The Minister may at any time direct the Chairman to convene a meeting of the Corporation and the Chairman shall convene a meeting in accordance with the direction of the Minister.

(3) At a meeting of the Corporation -

(a) 4 members constitute a quorum;

(b) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the matter shall be taken to have been defeated; and

(c) subject to this Ordinance, the Corporation shall determine the procedure to be followed at or in connexion with the meeting.

(4) The Corporation shall keep records of its meetings.

PART III - FUNCTIONS AND POWERS OF THE CORPORATION

15. The function of the Corporation is to assist in the development of industry in the Territory by the provision of money, resources and advice.

Function
of the
Corporat-
ion

16.(1) The Corporation has power to do all things that are necessary or convenient to be done for or in connexion with or incidental to the performance of its function and the exercise of its powers.

Powers of
the Cor-
poration

(2) Without limiting the generality of sub-section (1), the Corporation may, for the purpose of carrying out its function or exercising its powers, including the powers conferred on it elsewhere in this Ordinance -

- (a) provide assistance in the performance of a function conferred on another person or body under another law of the Territory;
- (b) investigate any matter referred to it by the Minister and report to the Minister thereon;
- (c) administer such schemes, including schemes of assistance, as the Minister refers to it;
- (d) make assessments from time to time as required by the Minister of the needs of industry in the Territory;
- (e) enter into contracts;
- (f) acquire, hold and dispose of real or personal property, rights, privileges, permits, licences and authorities;
- (g) participate in the formation of companies;
- (h) give guarantees;
- (i) improve any real or personal property owned by or under the control of the Corporation;
- (j) appoint receivers, agents and attorneys;
- (k) act as agents; and
- (l) do anything incidental to any of its powers.

17. The Corporation in the exercise of its powers and the performance of its functions is subject to the directions of the Minister.

Minister-
ial
control

18.(1) Subject to sub-section (2), the Corporation may lend money -

Corporat-
ion may
lend
money

- (a) for the purpose of acquiring assets to be used in industry;
- (b) for use as working capital in industry;
- (c) for the discharge or consolidation of debts; or
- (d) for any other purpose that is approved by the Minister and is consistent with its functions.

(2) Money shall not be lent by the Corporation except with the approval of the Minister.

(3) The approval of the Minister given under sub-section (2) may be given from time to time either in relation to a specific loan or by a standing approval in general terms.

(4) A standing approval in general terms may set out -

- (a) the upper limit of loans which may be made;
- (b) the rate or rates of interest to be charged on loans;
- (c) the rate of repayment of loans;
- (d) the class of securities to be required for repayment of loans; and
- (e) such other terms and conditions as the Minister thinks fit.

Guarantee
of loans
by other
persons

19.(1) The Corporation may make arrangements for an advance to a person or body by a bank or other lending company, institution or body upon terms that include a term that the Territory guarantees the repayment of the loan, together with accrued interest.

(2) No arrangements may be made under sub-section (1) unless the Minister has approved the proposal prior to the making of the arrangements.

(3) Where arrangements have been made under sub-section (1) -

- (a) the Minister shall sign the instrument of guarantee; and
- (b) the Corporation shall arrange for the provision by the borrower to the Territory of security of such a nature and on such terms as the Corporation thinks fit securing the repayment to the Territory of all money that the Territory may be required to pay under the guarantee.

Property
may be
supplied
as assist-
ance

20. Where an application for assistance specifies, or the applicant for assistance otherwise indicates, that the assistance may be provided partly or wholly by the delivery to the applicant of machinery, material or buildings (whether new or second-hand), the Corporation may purchase or may acquire from the Territory such machinery, material or buildings and delivery and transfer it or them to the applicant upon the basis that the delivery and transfer to the applicant constitutes a loan upon specified terms and conditions of such an amount of money as is determined by the Corporation to be the value of the machinery, material or buildings at the date of the delivery or transfer.

21. The Corporation, with the approval of the Minister, may waive, forgive or defer -

Waiver of debts, &c.

- (a) the payment of an amount of interest accrued;
- (b) the repayment of all or part of an amount of money lent to a person or of an instalment of such money; or
- (c) the performance of a duty or act to be performed or done by a person or body under an agreement relating to an advance of money to that person or body.

22. Where the Minister has referred to the Corporation the administration of a scheme, the Corporation has all the powers and functions necessary or desirable for the management and administration of the scheme, but shall observe any limitations of or conditions upon its administration which have been specified by the Minister in his reference.

Adminis-
tration
of
schemes

23.(1) Subject to sub-section (2), the Corporation may employ, upon such terms and conditions as it thinks fit, a manager of the Corporation and such other persons as it thinks may be necessary for the purposes of the Corporation.

Employ-
ment of
staff

(2) The Corporation shall comply with any directions given by the Minister as to the terms and conditions upon which it may employ persons.

24. The Corporation may engage consultants and may make arrangements to be provided with such technical and scientific advice as it thinks fit.

Consult-
ants may
be
engaged

25. The Corporation may provide to a person or body engaged in industry managerial or technical advice and assistance and, with the approval of the Minister and upon terms and conditions specified by the Minister and agreed to by the person or body may temporarily manage or reconstruct the business of a person or body engaged in industry.

Provision
of man-
agerial
advice and
assistance

PART IV - MISCELLANEOUS

Moneys of
the Corp-
oration

26. The moneys of the Corporation consist of such moneys as are appropriated by a law of the Territory for the purposes of the Corporation.

Regulat-
ions

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

Section 3

ORDINANCES REPEALED

o. and Year	Name of Ordinance
o. 1 of 1931	<u>Encouragement of Primary Production Ordinance 1931</u>
o. 1 of 1934	<u>Encouragement of Primary Production Ordinance 1934</u>
o. 15 of 1938	<u>Encouragement of Primary Production Ordinance 1938</u>
o. 6 of 1954	<u>Encouragement of Primary Production Ordinance 1954</u>
o. 19 of 1956	<u>Encouragement of Primary Production Ordinance 1956</u>
o. 7 of 1960	<u>Encouragement of Primary Production Ordinance 1960</u>
o. 47 of 1965	<u>Encouragement of Primary Production Ordinance 1965</u>
o. 28 of 1968	<u>Encouragement of Primary Production Ordinance 1968</u>
o. 16 of 1970	<u>Encouragement of Primary Production Ordinance 1970</u>
o. 50 of 1971	<u>Encouragement of Primary Production Ordinance 1971</u>
o. 43 of 1972	<u>Encouragement of Primary Production Ordinance 1972</u>
o. 9 of 1973	<u>Encouragement of Primary Production Ordinance 1973</u>
o. 15 of 1975	<u>Encouragement of Primary Production Ordinance 1975</u>

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Territory Parks and Wildlife
Conservation Ordinance

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

1. This Ordinance may be cited as the
Territory Parks and Wildlife Conservation
Ordinance (No. 3) 1978.

Short
title

2. This Ordinance shall come into oper-
ation on 1 July 1978.

Commence-
ment

3. The Territory Parks and Wildlife Con-
servation Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

4. Section 11 of the Principal Ordinance
is amended by omitting all the words from and
including "Administrator in Council" (first
occurring) and substituting "Administrator".

Object of
this part

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

"(1) In this section, 'area' means an
area of Crown land."

Parks and
reserves
establish-
ed by
Adminis-
trator

6. Section 25 of the Principal Ordinance
is amended by omitting paragraph (iv) and
substituting the following paragraph:

"(iv) an employee of the Territory".

Section
24 not to
apply to
conservat-
ion
officers,
&c.

Composit-
ion of
Commission

7. Section 58(1) of the Principal Ordinance is amended -

(a) by omitting paragraph (c); and

(b) by omitting from paragraph (d) "2" and substituting "3".

Period of
appoint-
ment

8. Section 59 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) The member appointed by the Minister of State for the Environment, Housing and Community Development holds office during the pleasure of that Minister."

Repeal of
Part IX

9.(1) Part IX of the Principal Ordinance is repealed.

(2) The repeal of Part IX of the Principal Ordinance does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Territory Parks and Wildlife Commission and the Commission has power to maintain a bank account established under Part IX of the Principal Ordinance for the purposes of, and in accordance with, that section.

10. After section 98 of the Principal Ordinance the following sections are inserted:

Receipt
of moneys

"99. The Commission shall pay all moneys received by it in the discharge of its functions under this Ordinance into an official bank account established by the Treasurer under the Financial Administration and Audit Ordinance.

Moneys of
Commission

"100. The moneys of the Commission consist of such moneys as are appropriated for the purposes of the Commission by a law of the Territory."

11. Sections 12(8), 19(1), 25G(1), (6), 27(2), 36(2) and 61 of the Principal Ordinance are amended by omitting "Administrator" (wherever occurring) and substituting "Minister".

References
to Admin-
istrator

12. Sections 12(2), (5), (8), 13(1), 14(1), 17(2), (5), 18(9), (10), (11), 19(5), 22, 36(1), 45(1), 48, 58(1)(d), 59(2), (3), 62(1), (2), 63(1), (2), 72(1), (2), 73(2)(a), (b)(i), 73(3), 75(3), 77, and 91(1) of the Principal Ordinance are amended by omitting "Administrator in Council" (wherever occurring) and substituting "Administrator".

References
to Admin-
istrator
in Council

13. Sections 18(9), 19(6), 22, 66(1)(g), (2), (3), 76(1), 80(2), 83, 84(1), (2), 85(1), (2), 91(2) and 96(4) of the Principal Ordinance are amended by omitting "Executive Member" (wherever occurring) and substituting "Minister".

References
to
Executive
Member

14. Sections 12(7), (8), 13(3), 15(1), 67(1)(c) and 98(1) of the Principal Ordinance are amended by omitting "Australia" and substituting "the Territory".

References
to
Australia

15. 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

Savings



THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to the liability of the Territory in respect of death or personal injury caused by or arising out of the use of certain motor vehicles

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

1. This Ordinance may be cited as the Territory Motor Vehicles (Liability) Ordinance 1978.

Short
title

2. This Ordinance shall come into operation on 1 July 1978.

Commence-
ment

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

Defini-
tions

"driver" means a person driving a motor vehicle and includes a person riding a motor cycle or a person in charge of a motor vehicle;

"motor vehicle" means a motor vehicle within the meaning of the Motor Vehicles Ordinance;

"third-party policy" means a policy of insurance which complies with the requirements of Part V of the Motor Vehicles Ordinance;

"uninsured motor vehicle" means a motor vehicle in respect of which a third-party policy is not in force.

Conclusive
presump-
tion of
agency in
respect of
driving of
Territory
motor
vehicles

4.(1) In proceedings in which -

- (a) a claim is made against the Territory for damages in respect of the death of or personal injury to a person caused by, or arising out of the use of, an uninsured motor vehicle owned by the Territory; or
- (b) a claim is made by or against the Territory for contribution in relation to liability of the Territory for such damages,

the driver of the vehicle shall, for the purposes of that claim, be conclusively presumed to have been at all relevant times, in respect of the use of the vehicle, the agent of the Territory acting within the scope of his authority.

(2) Nothing in this section shall be taken to imply ratification by the Territory of the acts of the driver of a vehicle.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Tourist Board 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>Tourist Board Ordinance 1978</u> . | Short
title |
| 2. This Ordinance shall come into operation on 1 July 1978. | Commence-
ment |
| 3. The <u>Tourist Board Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 4. Section 3 of the Principal Ordinance is amended by omitting the definition of "bank". | Definitions |
| 5. Section 6 of the Principal Ordinance is amended - | Constitut-
ion of
Board |
| (a) by omitting from sub-sections (1), (4), (5)(a) and (b), (6)(c), (8) and (9) "Executive Member" and substituting "Minister"; and | |
| (b) by omitting from sub-section (4A) "officer of the Commonwealth Public Service" and substituting "employee of the Northern Territory Public Service." | |

Fees and
allowances

6. Section 6A of the Principal Ordinance is amended by omitting sub-section (2).

Powers of
the Board

7. Section 14 of the Principal Ordinance is amended by omitting paragraph (aa).

Moneys to
be paid to
the Board,
&c.

8. Section 17 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

"(1) There shall be paid to the Board such sums of money as are appropriated for the purposes of the Board by a law of the Territory."

Repeal

9. Sections 18, 19, 20 and 21 of the Principal Ordinance are repealed.

Savings

10.(1) The repeal of section 18 of the Principal Ordinance does not affect the operation of section 80 of the Financial Administration and Audit Ordinance in its application to the Tourist Board and the Tourist Board has power to maintain a bank account established under the Principal Ordinance for the purposes of, and in accordance with, that section.

(2) Notwithstanding the repeals effected by this section, the repealed sections continue to have effect in respect of the period before the commencement of this Ordinance.

(3) 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

THE NORTHERN TERRITORY OF AUSTRALIA A BILL

for

AN ORDINANCE

Relating to the Transfer to the Northern Territory of certain Executive Powers, including Powers previously transferred to Executive Members of the Legislative Assembly, and to the Revision of certain Laws

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

1. This Ordinance may be cited as the Transfer of Powers (Self-Government) Ordinance 1978.

Short
title

2. This Ordinance shall come into operation on 1 July 1978.

Commencement

3. An Ordinance or regulation in which the expression "Executive Member", "Executive Member's", "the executive member" or "an executive member" occurs is amended by omitting that expression (wherever occurring other than in an instance where it is amended by virtue of section 4 or 6) and substituting "Minister", "Minister's", "the minister", or "a minister", as the case may be.

References
to
Executive
Member

4. The Ordinances specified in Schedule 1 are respectively amended as provided by that Schedule.

Amendments of
certain
Ordinances

5. The laws of the State of South Australia specified in Schedule 2, in their application to the Northern Territory as laws of the Northern Territory, are respectively amended as provided by that Schedule.

Amendments of
certain State
Acts

6. The Regulations and Rules specified in Schedule 3 are respectively amended as provided by that Schedule.

Amendments of
certain
Regulations

7.(1) Section 2 of the Transfer of Powers Ordinance is amended by omitting sub-section (3).

Amendments
of Transfer
of Powers

(2) Amendments that were made by the Transfer

Ordinance

of Powers Ordinance, but had not come into operation before this Ordinance came into operation, shall never come into operation by operation of, or by reference to, that Ordinance or that Ordinance as amended by this Ordinance.

Savings

8.(1) 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 an Ordinance specified in Schedule 1, a State Act specified in Schedule 2, in its application to the Territory, or regulations specified in Schedule 3, 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, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Ordinance may be taken or done in respect of that first-mentioned appointment or action.

(2) Subject to sub-sections (3) and (4), the amendments made by this Ordinance do not affect any right, privilege, obligation or liability acquired, accrued or incurred under a law amended by this Ordinance, or any investigation, legal proceeding, claim, cause of action or remedy in respect of any such right, privilege, obligation or liability, and any such investigation, legal proceeding, claim, cause of action or remedy may be availed of, pursued, instituted, continued or enforced as if this Ordinance had not come into operation.

(3) Where, immediately before the commencement of this Ordinance, an amount of money was due, whether or not it was payable, to or by the Commonwealth or a person or body under or by reason of a law that is amended by this Ordinance, that amount of money remains due to or by the Commonwealth or that person or body, as the case may be, until it is paid, as though this Ordinance had not come into operation.

(4) Any action that may be taken or done in respect of a right, privilege, obligation or liability acquired, accrued or incurred under a provision of a law as amended by this Ordinance may be taken or done in respect of a right, privilege, obligation or liability acquired, accrued or incurred under that

provision before this Ordinance came into operation.

SCHEDULE 1

Section 4

AMENDMENTS OF ORDINANCES

PART I - REFERENCES TO ADMINISTRATOR

The following Ordinances are amended by omitting from the provisions indicated the word "Administrator" (wherever occurring) and substituting "Minister":

Abattoirs and Slaughtering

Section 6, 8, 15

Agricultural Development Leases

Section 6(e),(f),(j), 7(a), 8, 9(1),(3), 10(1), (2), 11, 12(1),(2),(2A), 13(1),(2),(3),(4),(5), (6),(7), 14(1),(2),(3),(4),(4A), 15(1),(2), 16(2), (3), 17(1)(d),(2),(3), 18(1),(3),(3A), 20(1),(2), (3), 21(2),(4),(5), 22(1),(2), 23, 24(1),(2),(3), (4), 25(1),(2),(3), 25A(1),(2), 25B(1),(2),(3),(5), (6), 25C(1),(4), 25E(1),(2), 25F, 27

Annual Holidays

Section 14

Apprentices

Section 6, 7, 8, 10, 11, 12, 15, 16, 46

Brands

Section 8, 9, 28, 42AA

Bush Fires Control

Section 10, 23, 26

Business Names

Section 10

Caravan Parks

Section 6

Child Welfare

Section 6, 10, 12, 13, 14, 17, 19, 31, 33, 38, 96

Church Lands Leases

Section 6, 7, 12, 12A(1)

Companies

Section 69A(2)

Containers for Hazardous Substances

Section 7

Control of Roads

Section 5 (definition of "road"), 7, 7A(1), 8(1), 9(1),(2),(3), 10(1),(2), 11, 11A(1),(3),(4), 12(1),(2), 13(1),(2),(3), 14, 15, 16(1), 17(1), (2),(3), 18, 19, 20, 21, 22(1),(2),(3), 22A(3), 23, 24(1), (2),(3),(4),(5), 25, 26, 31, 34, 35(2), 38A(3),(4),(8), 46(1),(2), 47, 48, 58, 60A

Control of Waters

Section 9, 11, 12, 13, 14, 14A, 14B, 14C, 14D, 16, 16B, 16C, 16D, 16E, 16F, 16FA, 16FC, 16H, 16J, 16K, 17

Criminal Injuries (Compensation)

Section 5, 6, 8

Crown Lands

Section 3, 5 (definition of "premium"), 6A(1), (4)(a),(5), 7, 8, 10(1), 10B(1), (2), (9), 11, 13(2), 14(2A), 15, 16(1), (2), 19(1), (2)(a),

19A, 20(1), 21, 22(1), (2), 22B(1)(b), (2),
 (3)(b), (4), 23(1)(j), (2), (3)(b), (4), 23AA-
 (1), (2), (3), (4), 23A(2)(b), (4)(a), (5), (11),
 23B(2), (3), (4), (5), (6), (7), (8), (9), 24(a),
 24A(1), (2), (3), (4), 24B, 24BA(1), (2), (3), (4),
 25, 25A, 25B, 25C(1), (3), (4), (5)(b), 25CA(1),
 25CB(1), (1A), (1B), (2), 25CC, 25CD(1), (2),
 25CE(1), (2), 25CF(1) (a), (5), (6), (7), (9),
 25CFA(1), (2), 25CG(1), (3), (5), (7), (8),
 25D(1), - (3), (3A), (4), 25DAA(1), (2), (4), (5), -
 (6), (7), (8), - 26(1), 26(1A), (1B), (2), (3),
 26A(1), (2), (3), (5), (6), 27(1), (1A), 28, 29(1),
 (2), (4), 30(1), (6), 31(1), (1A), (1B), (3), (4), (5),
 (6), (8), (9), 32(2), (2D), (3B), (3C), (3D), (4),
 (4A), 32A, 33B(1), 35, 36(1), 37(e), (h), (j),
 37A(1), (3), (4), (5), (6), (7), 38(1), 38A(3), (4),
 (7), (11), (11A), (12)(b), (13)(c), 39(1), (2), (3),
 (4), 39A(1), 40A(2), (3), (4), 41, 42, 43, 44, 46,
 47, 47A(1), (2), (3), 48(1), (1A), (3), (4), (5), 47,
 47A(1), (2), (3), 48(1), (1A), (3), (4), (5), (6), (8),
 48F(1), (2), (3), (4), 58(2), 59(1), 59A(1), (3),
 (4), (5), (6), (7), (8), 61(2), (3), (4), (5), (6), (9),
 (15), (16), (17)(b), (18)(c), 64(1), 65(1), (3),
 (4), (5), (6), (7), 65AA(1), 65A(1), 65B(1), (2),
 (3), (4), (6), (7), 65C(2), (3), (4), (6A)(b), (6B),
 67(2), (4), (5), (6), (7), (8), (10), (11), (13), (15),
 (17), 67A(1), (2), (2A), (3), (4), (5), (6), 67B(1),
 (2), (3), (5), (7), (8), (9), (10), (12), (14), 68(1),
 (2), (3), 68C(3A), (3B), (3C), (3D), (4), 68D(3),
 68E(1), (2), (4), (5), 68F(2), 68G(2), (7), 68GA(1),
 (4), (5), (7), 68HB(1), 68J(1), (2), (3), (4),
 68K(1)(a), (2), (5), (b), (6), (7), (8), (9), 68L, 68M,
 72(2), 73(1), (3), (4), (8), 74(1), (2), (3), 74C(b),
 74D(2), (4), (6), 74F(2), (5), (6), 74G(b), 75
 (definition of "approved plan"), 76(1), (2)(c),
 (3), 77(e), 78(1), (2), (2A), (2B), (3), (4), 79(1),
 (2), (4), (6), 80(b), 82(1), (2), 83(1), (2), 84,
 85(1), 86(1), (2), (3), 87, 88(1), 89(1), (2), (3),
 101(2), (6), (7), 102A(1), 103(3), (4), (5), (6),
 103A(1)(a), (c), (2), 103B(2), 103C(2A)(d), (4),
 (6), 105(1), (2), (3), 106(3), (6), 106A(1), (3),
 106B(1), (2), 106C(1), (2), (4)(b), (5), (6), 106E(1),
 (4), 107(1), 107A(1), (2), (3), (4)(c), 108(1),
 109(1), 109A(1), (1A), (2)(a), 112A(3), (4),
 115(1), 116, 116A(1)(b), (2), (7)(b), (8), (10),
 118(1), 120(2), (3), (4), 121(1), 123, 124(2), (3),
 125, 129, 131(1)(f)

Darwin Rates

Section 60

Darwin Town Area Leases

Section 2 (definition of "the proper authority"),
 9(1),(2), 10(1),(2), 11(2), 11A(1),(2),(3),(9),
 12(1),(2),(3),(4),(5),(7),(8),(12)(a),
 12A(1)(b),(2),(3),(4),(5)(c), 12B(1)(b),(2),
 (3)(b),(4),(5)(b),(c),(6), 13(1),(2),(4),(5),
 (5A),(6),(9),(10),(12),(14),(16), 13A(1),(2),
 (2A),(3),(4),(5),(6), 13B(1),(2),(3),(5),(7),
 (8),(9),(10),(12),(14), 14(1),(2),(5),(6),(8),
 16AA(4),(5),(6),(7), 16B(1),(2)(b),(4), 16D(2),
 (8), 17A(1),(5),(7), 18AA, 19(2)(c),(3)(b),
 (c),(4),(5),(6), 20(2),(3),(4),(5)(b), 22(1),
 (2), 23(2),(3),(4),(5),(6), 23A(1),(2), 23B(1),
 (2), 23C(1),(2), 23D(1), 24(1),(2),(3),(4),
 28(1)(a),(b),(c),(2),(3),(4), 28A(4)(b), (5A),
 (6), 28B(1)(a),(2),(5)(b),(6),(7),(8)(c),(9),
 28C, 28D(1), 29A(1), 29AA(1),(1A),(1B), 29AB(1),
 (2)(a),(b), 29AC(1),(2), 29AD(1),(2), 29AE(1)(a),
 (4),(5),(6),(8), 29AF(1),(2), 29B(1),(3),(3A),
 (4), 29C(2),(3),(4), 32(2)(d),(f), 35(2),(3),
 36, 37A(2),(3)

Dingo Destruction

Section 3, 4, 5, 6, 10, 11, 13, 17, 18, 20

Disposal of Uncollected Goods

Section 19(1),(3),(4),(5),(6)

Explosives

Section 10(2), 11, 12, 13, 14, 16, 32, 40(1)

Fisheries

Section 6(1),(2), 8A(4), 23, 27(2), 28, 33(1),
 (2), 40(5)

Foot and Mouth Disease Compensation

Section 9, 12, 13, 14

Forestry

Section 4 (definition of "the Forestry Officer"),
5, 7, 8, 11, 12, 14, 14A, 16, 18, 21, 22, 24,
26, 28, 30

Freehold Titles

Section 6A(1),(2),(3),(4), 7(1),(3),(4),(5),(7),
(8), 9(2), 10, 11(2),(3), 12(1)(b),(2),(3),
14(2),(3), 14A(2),(3),(3A), 15(1),(3), 17(3),
(9),(11),(12),(13),(14),(15)(b),(18)(b),(19)(c),
18(1),(4),(6)(b), 19, 20(1),(3), 22A(1)(a)

Inspection of Machinery

Section 7, 8, 52, 65, 66, 68, 72

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Section 10A

Licensing

Section 8, 10A, 59, 106A, 141, 183B

Local Government

Section 165(2), 288C, 339A(1), 340, 406, 416A

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Section 21, 22

Mines Regulation

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Mining

Section 7 (definitions of "Crown land" and "minerals"),
8(2), 9(2), 10(2), 16, 17, 23(2), 28, 29(1),(2),
35(2), 38B(1),(4),(6),(8),(12), 38C, 38D(1),(2),
(3), 38E(1),(2),(4),(5), 38G(2), 38H(1),(2),(3),
(6), 38I(1),(2),(3),(4), 38L(1),(2),(3), 38N(1),
(2),(3),(4), 38O(5),(6),(7),(8),(9), 38P(1),(2),
(4), 38Q(5),(6),(7), 38R(1), 38T(1),(2), 38U(1),
(2),(3),(4),(5),(6),(7), 38W(4), 38Y(2), 39, 43(15),
(16), 45, 47A, 50(15),(16), 51(1), 52(1),(2), 53,

54B(1), 54C(1),(4), 54H(1),(2), 54K(1),(2),(4),
 55(2), 56(1), 59(3), 63(1),(2), 69, 70(1), 71, 72,
 73(1),(2), 74(1), 75, 78, 79, 80(1),(2), 82, 83(1),
 (2), 84, 85(1),(2), 86(1),(2), 87, 87A(1), (2),
 92, 93, 94(1),(2), 95, 99(1),(3), 99A(1),(2),(3),
 (4), 99B(8),(9),(10),(11),(12), 101, 103(2), 105N(1),
 106, 108, 109(3), 110(1), 118, 121, 123(2), 125,
 130(1), 139(1),(2), 140, 141, 142, 147(1),(2),(3),
 (4), 147A(1),(1D),(2), 147B(1), 147D(1),(2), 149,
 150(1),(2), 151D(1),(2), 166, 167, 171A

Mining Assistance

Section 5(1) (definition of "borrower"), 9, 10(1),
 (2),(4),(5),(6), 11, 13, 14, 16, 18, 19, 21, 23,
 24(1),(2), 26, 27(1),(2), 28, 29(1),(1A),(2)

Native and Historical Objects and Areas Preservation

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Noxious Weeds

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 62, 63, 64, 75, 84

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 13, 14(1),(2), 15, 16, 18(1),(4), 19(1),(3),
 (4),(5), 20(1),(2), 21(1),(2),(3), 22(1),(3),
 (7),(8), 23(1),(2), 24(1),(2),(3),(4),(5),
 26, 26A(1),(5),(6), 26B(1),(2), 27(2), 28(1),
 (2), 43(1),(2),(4), 44(1),(2), 46(1), 47(2),
 48(1),(2),(3),(4),(5), 49(1),(2), 50(1),(2),
 (3),(5), 51(1),(2),(3), 52(1),(2),(3), 53(1),
 (2),(3),(6), 54(2),(3),(4), 55(1),(3),(4),
 57(1),(2),(3), 58(1),(2), 59(1),(2),(4), 68(1),
 (2),(4), (5), 70, 71, 72(1),(2),(3),(4),(6),
 73, 74, 75(1), 76(1),(2), 77(1),(2), 79, 80(1),
 (2), 81(1),(2), 82(1),(2),(3), 83(1),(2),(3),
 85, 86(3),(4), 87, 90(1),(3),(4),(5), 91(1),
 (2),(3), 92, 93(1), 94, 97(1), 98(1),(3),(4),(5),

99, 100(1),(2), 106, 107, 108(1),(2), 109(2), 111(2),
113(1), 114(1),(2), 115(3), 116

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Prevention of Pollution of Waters by Oil

Section 18

Prices Regulation

Section 5, 6, 7, 8, 10, 24(4), 45, 58

Printers and Newspapers

Section 5, 21(1)

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Section 3

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Section 6, 17

Real Property (Unit Titles)

Section 7(1),(2), 15

Registration

Section 5(2)

Registration of Births, Deaths and Marriages

Section 7(1),(3),(4),(7), 8(4), 10(1), 14(2),
15(2), 23(1), 33(3), 43(4), 48(1), 53(2),
58(5)

Scaffolding Inspection

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Social Welfare

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Soil Conservation and Land Utilization

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31, 33, 34, 38, 42, 43

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lessee"), 4(2), 4A(1)(b), 4D, 5A(1),(2),
(5),(6),(7),(8), 5AB(1),(2),(4)(b),(5),
(5A),(6),(8),(9),(11), 4BA(1), 5BB(1),(2),
5C(2)(c),(3)(b),(c),(4),(5),(6), 6(1),(2),
6A(1),(2),(4),(5), 6B(1),(2), 7(1), 8(a),
(b), 8A(1),(4),(6),(8),(10),(12), 10(5)(a),
(b), 10A(1)(b), 11A(1),(3),(4),(5),(6),
12(1), 13(1),(2), 14(1),(2), 15(1),(2),
(4)(b), 17(1),(2), 19(2),(4),(5), 20(2),
21(1),(2), 23(1),(2),(3)(b), 24(1), 25(1), 26(2),
(3), 27, 29(1), 32(1)

Stock Diseases

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Stock Routes and Travelling Stock

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31, 33, 34, 36, 61, 62, 63

Supply of Services

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Town Planning

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19(1),(2),(3), 20, 21(1),(2),(3), 22(1),(2),
(4), 23(1),(2),(2A), 24(1),(2), 25(1),(2),(3),
(4), 26, 29(1), 38A(8B),(9),(12),(13),(14),
38D(1), 40(2), 41(4),(5),(7), 42(2),(3), 46(5),
(6),(7),(8), 49(1),(2),(3), 52A(1),(2), 52B,
53, 66(1),(2),(3), 67, 68(1),(2),(3), 70(1),(2),
(3),(4), 71(2),(4)

Trade Union

Section 4

Unit Titles

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20(1),(4), 21(2), 101(e)

Valuation of Land

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Veterinary Surgeons

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Water Supplies Development

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26, 30

Workmen's Compensation

Section 6 (definition of "approved insurer"), 15,
16A, 17, 17A, 17F, 18, 19, 20C, 27, Fifth
Schedule

PART II - REFERENCES TO ADMINISTRATOR IN COUNCIL

The following Ordinances are amended by omitting
from the provisions indicated the words "Administrator
in Council" (wherever occurring) and substituting
"Minister":

Caravan Parks

Section 2, 5

Child Welfare

Section 28

Companies

Section 7(1), 38(7),(8), 74F(7),(8), 84(3), 157(7),
160(2), 169(1),(2),(3),(4), 170(3), 171(8),(9),
172(1),(2),(3), 173(1),(3),(3E), 180, 318(3),
334(1),(2), 348(5), 374(2)

Containers for Hazardous Substances

Section 6

Control of Roads

Section 12(1),(2), 32(1), 35(1)

Control of Waters

Section 16A, 16B

Coroners

Section 7

Crown Lands

Section 5 (definition of "Experimental farm"),
10(2), 10B(3), 16A(1),(2), 23A(2)(b), 65C(4)
(b), 68G(5), 73(5), 103C(1),(2),(2B),(8),(9)
(b),(c)(i), 113

Darwin Town Area Leases

Section 16D(5)

Explosives

Section 10(1), 16, 26, 31, 32

Fisheries

Section 25(1),(2),(3), 29, 31

Local Government

Section 163(2),(4), 175B(3), 201(2),(3), 305(1),
339A(5)

Freehold Titles

Section 5(1),(2), 11(2)(c)

Licensing

Section 6, 176

Long Service Leave

Section 18

Mining Assistance

Section 23, 25(1),(2)

Native and Historical Objects and Areas Preservation

Section 9A

Noxious Weeds

Section 5

Pearling and Pearl Culture

Section 9

Plant Diseases Control

Section 9

Prices Regulation

Section 24, 44, 47

Radiographers

Section 4, 6

Registration

Section 5(1)

Social Welfare

Section 12

Soil Conservation and Land Utilization

Section 7, 9A, 14(2A), 17, 19, 20B

Stock Diseases

Section 5, 6

Stock Routes and Travelling Stock

Section 56

Valuation of Land

Section 5

Workmen's Compensation

Section 6A, 6H, 20, 20B, 20C

PART III - FURTHER REFERENCES TO
ADMINISTRATOR IN COUNCIL

The following Ordinances are amended by omitting from the provisions indicated the words "Administrator in Council" (wherever occurring) and substituting "Administrator":

Child Welfare

Section 11

Companies

Section 14(3)(a)

Crown Lands

Section 9(2), (3), (4), (14)

Fisheries

Section 12(1), 13(1), 14(1), 38

Forestry

Section 17(1)

Local Government

Part III Division 1 (heading), section 8(1), (2), (3), (4), 9(1), 10(1), 11, 12, 13, 14(1), (2), 15, 16(1), 17, 23, 24, 26(9), 27, 28, 45, 342(1), (2), 343, 344, 345(1), 349(16), 351(1)(b), (c), 399(4), (5), (6)

Mining

Section 13, 15

Prices Regulation

Section 4 (definitions of "declared goods" and declared services"), 19(1), (2), (3)

Soil Conservation and Land Utilization

Section 8

Town Planning

Section 14(1), 35, 36(1), (2), 37, 38(3)(a), 3(b), 38A(10), (11), (12), (13), (14), 46(8), 48(3), 51(1), 52(4), 52A(1), 52C(1), 52D(1)(f), 52D(3), 71(5), 73

Veterinary Surgeons

Section 9

Workmen's Compensation

Section 27A(1)(b)

PART IV - REFERENCES TO ATTORNEY-GENERAL

The following Ordinances are amended by omitting from the provisions indicated the words "Attorney-General" (wherever occurring) and substituting "Minister":

Administration and Probate

Section 11, 13, 115, 119, 128, 144, 145

Associations Incorporation

Section 4, 8, 17

Business Names

Section 9(1), (3), (4)

Companies

Section 7(5), 8(1), (2), (3), (4), (10), (11), 20(2), 22(1), 23(2), (3), 24(1), (2), (3), (4B), (5), (6), 27(1), 44(3), 74(1), (2), 74A(5), 74D(2), (6),

76(2), 77, 79(1),(2), 83(4), 88(1), 117(2),
 122(2),(3), 169(3),(5),(6), 171(8),(10), 173(2),
 (3C),(3E), 174(1), 175(1), 177(1),(3),(5),
 178(1), 179(1),(2),(3),(6), 180R(1), 180V, 186,
 221(1), 224(3), 231, 306(1),(2),(4),(5),(6),(6A),
 (8),(9), 339, 353(1),(2), 368, 381(3),(4), 385(1)
 (3), Second Schedule

Landlord and Tenant (Control of Rents)

Section 54, 55, 86

PART V - REFERENCES TO TREASURER

The following Ordinances are amended by omitting from the provisions indicated the word "Treasurer" (wherever occurring) and substituting "Minister":

Associations Incorporation

Section 23D(4), (5), (6), (7)

Companies

Section 180X(13), (14), (15), 185(9), (10), (11),
 (13), 311(4), (5), (6), (7), 364(1), (2), (4),
 (5), (6), (7)

Companies (Unclaimed Assets and Moneys)

Section 6(1),(3), (4), 7(1), (2), 10, 12(1), (3),
 13, 14(1), (2), 15

Water Supplies Development

Section 24(b)

PART VI - REFERENCES TO COMMONWEALTH

The following Ordinances are amended by omitting from the provisions indicated the word "Commonwealth" (wherever occurring) and substituting "Territory":

Administration and Probate

Section 143(1), Sixth Schedule (Part II - item 4
 column 3)

Agricultural Development Leases

Section 3 (definition of "Crown Land"), 4

Apprentices

Section 7(1)(b), (2), 8(4)

Bush Fires Control

Section 49(4), 50(b), 54(a), 62(1), (3), (5)

Cemeteries Ordinance

Section 6(1)

Child Welfare

Section 9(2) (d)

Church Lands Leases

Section 3(1), 8(1), 12A(1), 13(b)

Coal

Section 8(2)

Companies

Section 171(8)(a), (9)(b), 173(2), (3B), 177(6),
224(3), 231, 306(9)

Control of Roads

Section 5 (definition of "road"), 7, 8(2), 9(2),
(3), 10(2), 12(2), 13(3), 15(e), 23(a),
32(1)(a),(b), 34, 35(2), 35(3)

Control of Waters

Section 16D, 16FC(1), 16FD(1), 16FE(1)

Crown Lands

Section 5 (definition of "Crown Lands") 6A(1),
7(a),(b), 22A(1), 25CFA(1), (2), 25DAA(4)(a),
(5), 26A(5), 33(4)(c), 36D, 36J(a), 65B(11),

67B(11), 68C(1), (3B), (3D), 74F(1), (3), (5),
86(2), 101(7)(b), (7)(c), 102A(1), (3),
112A(5), 116A(1) (definitions of "Crown lease"
and "right to a Crown lease"), 129

Darwin Rates

Section 25(1), (3)(f), 29(1), 30, 31(2)(a), 46(2),
60

Darwin Town Area Leases

Section 4, 11(3), 12A(1), (1A), 13B(11), 14(7),
16AA(1), (5), (7), 18(4), 19(1), (2), (3)(c),
(4), (6), 20(1), (2), (3), (4), (5), 23(1),
28A(3)(a), (4), (5), 29(1), 29AB(2)(a),
29AF(1), (2), 29C(1), (2), (3), 35(3), 36,
38(1)

Evidence

Section 42B(6) (definition of "Crown")

Fire Brigades

Section 10(5), 13(4), 18(d)

Fisheries

Section 22 (definition of "Crown lands"), 30, 48(4)

Foot and Mouth Disease Compensation

Section 12

Freehold Titles

Section 3 (definition of "Crown lands"), 6A(4),
14A(2), 17(13)

Landlord and Tenant (Control of Rents)

Section 54, 86

Licensing

Section 12, 36(1)(g), 36A(1)(f), 47

Local Government

Section 5 (definition of "auditor") 165(1), 175B(1), 177, 178(2), (3), 193(2), 205(g), 209, 216(f), 220(f), 226(f), 238(2)(c), 246, 255(1)(b), 276(2), 307, 318(e), 321, 323(2), 327(1)(a), (1)(c), (2), 328, 399A(1), (2), 406, 416A

Mining

Section 43(2), 50(2), 50A(2), 50B, 52(1) (2), 147A(1B), 167, 167A

Mining Assistance

Section 10(2), 11, 13

Motor Vehicles

Section 83(1), (2), (3), (4), (5), 84(2), (3)

Native and Historical Objects and Areas Preservation

Section 6(1), 7(3)(b), (4), (6)

Noxious Weeds

Section 8, 10(1), (2)

Petroleum (Prospecting and Mining)

Section 11(4), 115(3)

Plant Diseases Control

Section 18

Prices Regulation

Section 9(b), 63

Social Welfare

Section 13, 14, 15

Soil Conservation and Land Utilization

Section 22(1), (3), (7), 23, 32, 43

Special Purposes Leases

Section 4(1), 5A(7), 5C(1), (2), (3)(c), (4), (6),
6A(3), 6B(2), 19(1), (2A), (4), 20(2), 20A,
21(1), (2), 26(2), 32(3)

Stock Diseases

Section 44

Stock Routes and Travelling Stock

Section 4 (definitions of "equipment" and
"installation"), 43, 58(2), 63

Town Planning

Section 19(5), (6), 21(3), 66(3), 68(3), 70(1)

Valuation of Land

Section 11

Water Supplies Development

Section 18(2), 26(3), (3A), (4), (5), (6), (7)

PART VII - REFERENCES TO CONSOLIDATED REVENUE FUND

The following Ordinances are amended by omitting from the provisions indicated the words "Consolidated Revenue Fund" (wherever occurring) and substituting "Northern Territory Government Account":

Administration and Probate

Section 118(2), 143(2), 144(1), (3), (4), (4)(b),
(5), (6), 145(1)

Associations Incorporation

Section 23D(5)

Companies

Section 311(5)

Companies (Unclaimed Assets and Moneys)

Section 6(4), 12(3)

Disposal of Uncollected Goods

Section 19(4)

Motor Vehicles

Section 32(3)

PART VIII - MISCELLANEOUS AMENDMENTS BY INSERTION

The following Ordinances are amended as indicated:

Abattoirs and Slaughtering

Section 41:

Insert before "Minister (wherever occurring) the word "appropriate".

Administration and Probate

Section 120:

Insert after "Commonwealth" the words ", the Territory,".

Child Welfare

Section 97:

Insert after "officer" (first, third and fourth occurring) the words "or employee".

Companies

Section 5 (definition of "foreign company"):

Insert after "State" the words "or Territory".

Section 185(13):

Insert after "Commonwealth" the words ", the Territory".

Section 285(1):

Insert after "State" the words "or Territory".

Section 312:

Insert after "Commonwealth" the words "or the Territory".

Control of Roads

Section 16(1):

Insert after "Commonwealth" (first occurring) the words "or the Territory".

Crown Lands

Sections 49(b) and 67(14):

Insert after "Commonwealth" the words "or the Territory".

Section 103(3):

Insert after "sub-paragraph" the symbol "(i)".

Section 107A(4)(c):

Insert after "Commonwealth" the words "or the Territory".

Darwin Town Area Leases

Section 13(13):

Insert after "Commonwealth" the words "or to the Territory".

Section 22(1) and (4):

Insert after "Commonwealth" the words "or the Territory".

Evidence

Section 28A:

Insert after sub-section (1) the following sub-section:

"(1A) Evidence of any declaration, commission, order, regulation or other instrument issued by the Administrator, a minister or, in the case of an instrument issued before 1 July 1978, an executive member, or by or under any authority given by any such person under any law of the Territory, may be given -

- (a) by the production of the Gazette purporting to contain the same;

- (b) by the production of a document purporting to be a copy thereof, and purporting to be printed by the Government Printer, or by the authority of the Territory;
- (c) by the production (in the case of an instrument issued by the Administrator) of a copy or extract purporting to be certified to be true by any minister; or
- (d) by the production (in the case of an instrument issued by or under the authority of a minister) of a copy or extract purporting to be certified to be true by any minister."

Fire Brigades

Section 5 (definition of "occupier"):

Insert before "Commonwealth" the words "Territory or the".

Local Government

Section 175A(c):

Insert after "Minister" the word "responsible".

Section 176B(1):

Insert before "Commonwealth" the words "Territory or the",

Section 336:

Insert before "Commonwealth" (first occurring) the words "Territory or the".

Mining

Section 147B(1):

Insert before "Commonwealth" (wherever occurring) the words "Territory or the".

Motor Vehicles

Section 6, 45 (definition of "uninsured motor vehicle"), 46 and 134:

Insert before "the Commonwealth" (wherever occurring) the words "the Territory or".

Plant Diseases Control

Section 4:

After the definition of "bacterium" insert the following definition:

" 'Chief Inspector' means the person appointed under section 5(2) to be the Chief Inspector for the purposes of this Ordinance;".

Add at the end of the definition of "inspector" the words ", and includes the Chief Inspector".

Section 5:

Add at the end the following sub-section:

"(2) The Minister may, by notice in the Gazette, appoint an inspector to be the Chief Inspector for the purposes of this Ordinance."

Public Trustee

Section 7:

Insert after "State" (wherever occurring) the words "or the Territory".

Regulations Publication

Section 5:

Insert after "Commonwealth" the words "or the Territory".

Social Welfare

Section 17(3)(c):

Insert before "officer of" the words "employee within the meaning of the Public Service Ordinance or an".

Special Purposes Leases

Sections 3 (definition of "improvements") and 5AB (12):

Insert after "Commonwealth" (wherever occurring) the words "or the Territory".

Stock Routes and Travelling Stock

Section 63A:

Insert before "Commonwealth" (first occurring)

the words "the Territory or the".

Traffic

Section 36E:

Insert before "the Commonwealth" the words "the Territory or".

Workmen's Compensation

Section 6 (definition of "workmen"):

Insert in paragraph (b), before "the Commonwealth", the words "the Territory or".

PART IX - FURTHER MISCELLANEOUS AMENDMENTS

The Ordinances listed in column 1 of the following table are amended as set out in that table:

Column 1	Column 2	Column 3
Ordinance and Provision	Omit	Insert
<u>Agricultural Development Leases</u>		
Section 12(1)	Crown (wherever occurring,	Territory
13(8)	, or has, in pursuance of section 16, notified the Administrator that he proposes to resume portion of that land	
13(9)	omit	(9) For the purposes of this section there shall be an Advisory Board consisting of the 3 employees within the meaning of the <u>Public</u>

		<u>Service Ordinance</u> who, in the opinion of the Minister, are the principal ministerial advisers on matters relating to agriculture land and water resource
14(1)	the Minister	he
16(1)	Administrator (first, second and third occurring)	Minister
	notify the Administrator that he proposes to	, in pursuance of section 18, but subject to section 17,
17(1)	Upon receipt of a notice under section 16, the Administrator	Where the Minister proposes to resume land in pursuance of section 16, he
26(1)	or the Administrator	
26(2)	or the Administrator, as the case may be	
<u>Apprentices</u>		
Section 5	omit	
<u>Bush Fires Control</u>		
Section 29	to the Administrator	to him
62(6)	omit	
<u>Business Names</u>		
Section 9(2)	Attorney-General (first occurring)	Minister

Cemeteries

Section 32(1)

omit

(1) There shall be paid to a Board such sums of money as are, from time to time, appropriated by law for the purposes of this Ordinance.

34

for the Commonwealth

Child Welfare

Section 5
(definition of
"institution")

by the Commonwealth

16(2)

omit

19

by the Commonwealth

20

by the Commonwealth

21

Justices OrdinanceMagistrates Ordinance

26(1)(a)

if the Administra-
tor had not
established the
Children's Court

Church Lands Leases

Section 2A(1)
and (2)

or the Administra-
tor

Coal

Section 3

omit definition of
"Minister"

5(1)
and 7(1)

or to the Admini-
strator

19(2)

omit

19(3)

either with the
Minister or with
the Administrator
for transmission
to the Minister

with the Minister

19(5)	omit the proviso	
<u>Companies</u>		
Section 22(2)	Attorney-General (first occurring)	Minister
180 X(17)	Treasurer (first occurring)	Territory
	Treasurer (second occurring)	Minister
292(1)(d)	of another	
292(3)	of another	
<u>Companies (Unclaimed Assets and Moneys)</u>		
Section 6	the Secretary to the Treasury, or by an officer author- ized by him to give such receipts,	by an employee authori- by the Minister to give such receipts
<u>Control of Roads</u>		
Section 6	omit	
7B(1) and (3)	Administrator or the Executive Member	Minister
16(1)	or the Commonwealth	
16(2)	<u>Lands Acquisition Act 1955-1957</u>	<u>Lands Acquisition Ordinance</u>
24(1)	or the Commonwealth (wherever occurring)	
27(2)	The Administrator or the Minister, as the case requires,	The Minister
37	omit	

Heading to Part III

ADMINISTRATOR

MINISTER

Control of Waters

Section 16B(1)

to him

Co-operative Societies

Section 59(9)

Commissioner

Territory and Commonwealth
CommissionersCrown Lands

Section 5

omit definition of
"Minister"

8

omit

9A

, the Administrator

10(6)

on the written
recommendation of
the Administrator
in Council
accompanied by the
reasons for that
written recommen-
dation,

10B(2)

to the Administra-
tor in Council

10B(5)

, on the written
recommendation of
the Administrator
in Council accom-
panied by reasons
for the recommen-
dation

12

the Minister or
(first occurring)or the Administra-
tor12A(1)
and (3)or the Administra-
tor

14(1)	the Queen	the Territory
24BA(5)	Crown	Territory
25C(3)	with the consent of the Minister	
25CB(1)(c)	and with the consent of the Minister,	
25CB(1C)	omit	
25CC(a)	that the Minister directs	
25CD(3)(b)	Director of Works.	Minister
25CG(9)	omit	
25CG(10)	Where the Minister has been notified by the Administrator that an applicant has elected to accept an agricul- tural lease or leases	Upon receiving an elec- tion under sub-section (8)
25DA(2)	through the Adminis- trator in Council	
25E(1)	<u>Wildlife Conserva- tion and Control Ordinance</u>	<u>Territory Parks and Wi- ldlife Conservation Ordinance</u>
25E(2)	the Administrator in Council who may recommend to the Minister that the offer be accepted	the Minister, who may accept it
25E(4)	Administrator in Council	he

	<u>Wildlife Conservation and Control Ordinance</u>	<u>Territory Parks and Wildlife Conservation Ordinance</u>
32(2B) and (2C)	the Administrator	he
35	Crown	Territory
36A, 36B(1) and (2)	or the Administrator	
37(c) and 39(4)	<u>Soil Conservation and Control Ordinance</u>	<u>Soil Conservation and Land Utilization Ordinance</u>
40(1)	the Administrator	
48(5)	with the consent of the Minister	
65B(3)	but the Minister shall not be bound by such negotiations	
65B(4) and 65C(3)	with the approval of the Minister	
65C(4)(b)(i)	by the Director of Lands	from his Department
68G(4)	omit	
68G(5)(c)	the opinions of the Administrator as to	
68GA(2)	omit	(2) The Minister may grant a lease under section 68A, 68B, 68D, 68E or 68H without payment of any amount for the right to the lease, or after payment of such amount for that right (being an amount less than the reserve price) as the Minister may determine.

68GA(3)	omit	
68GA(4)	the Minister's	his
73(7B)	on the written recommendation of the Administrator in Council accompanied by the reasons for that recommendation	
74D(4)	with the approval of the Minister	
78(1)(c)	and with the consent of the Minister	
78(2C)	omit	
79(1)(a)	that the Minister directs	
82(2)(c)	with the consent of the Minister	
101(7)(d)	Crown	Territory
102	Governor-General (wherever occurring)	Administrator
102A(2)	omit	
102A(3)	<u>Lands Acquisition Act 1955-1957</u>	<u>Lands Acquisition Ordinance</u>
103(1)	Governor-General	Administrator
103(3),(4) and (6)	Minister	Administrator
103(7)	omit	
107(2)(e)	Northern Territory Reserves Board, unless that Board	Territory Parks and Wildlife Commission, unless the Commission

109(4) (e)	Northern Territory Reserves Board unless that Board	Territory Parks and Wildlife Commission, unless that Commission
111(1)	Governor-General	Administrator
111(2)	both Houses of the Parliament for 30 days	the Legislative Assembly for 10 days
111(3)	Governor-General	Administrator
117(1)	the Administrator	
	them	him
117(3)	the Administrator	
128	His Majesty or the Administrator	the Crown or the Minister

Second Schedule

Minister of State
for the Northern
Territory (wherever
occurring)

Minister for

Darwin Rates

Section 23

	Administrator	Territory
24(a),(b), (c) and (e)	or Commonwealth	
27	Administrator	Territory
31(1)	or Commonwealth	
31(2)	by the Minister or the Administrator	
	Administrator	Territory
32	or the Commonwealth	
35, 41, 45(1) and (2), 46(1) and 47	Administrator	Territory

47	or the Commonwealth	
49, 54 and 61	Administrator	Territory
62(b)	Administrator or Executive Member	Minister
<u>Darwin Town Area Leases</u>		
Section 5(1) and (2)	or the Administrator	
11A(5)	omit	(5) Upon receiving an election under sub-section (3), the Minister shall grant to the applicant new lease of the land included in the lease existing at the date of the application.
16	by the Administrator	under section 14
16D(4)	omit	
16D(5)(c)	the opinions of the Administrator as to	
17A(2)	The Administrator may recommend that the Minister grant Administrator specifies in his recommendation	The Minister may grant Minister may determine
17A(3)	omit	
17A(4)	The Administrator shall inform the applicant of the Minister's determination	The Minister shall inform the applicant of his determination

29AA(1)(c)	and with the consent of the Minister	
29AA(1C)	omit	
29AA(2)	The Administrator	The Minister may approve or reject an application, but

Encouragement of Primary Production

Section 32	omit	32. Proceedings for an offence against this Ordinance may be heard and determined by a court of summary jurisdiction.
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Evidence

Section 28A(1)	or by the Minister	the Administrator, a Commonwealth or Territory minister, an executive member,
28A(1)(c)	Minister	minister
28A(1)(d)	the Minister	a minister or executive member
	any Minister	any minister
28B	a Minister, the Administrator	the Administrator, a Commonwealth or Territory minister

Explosives

Section 9	omit	
36(2), 39(1) and 40	Her Majesty	the Crown

Fisheries

Section 38A(3)	Her Majesty	the Crown
----------------	-------------	-----------

42	or the Commonwealth	
48(1)	Her Majesty	the Crown
58(5)	Crown Law Officer	Crown Solicitor
<u>Freehold Titles</u>		
Section 3 (definition of "Director of Lands")	omit	
3A(1) and (3)	or the Administrator	
4(4)	and lodged with the Administrator	
5(2)(b)(i)	by the Director of Lands	from his Department
6(2)	and lodged with the Administrator	
7(1)	forward it to the Minister together with a recommenda- tion that the Minister	
7(1)(c)(ii)	omit	(ii) of all or portion of that land on fulfilment of specified conditions within a specified time.
7(2)	After the Minister has considered the recommendation, the Administrator shall, subject to this Ordinance, and with the approval of the Minister, in writing notify the applicant that the Minister	The Minister shall, subject to this Ordinance, in writing notify the applicant that he
7(3)	the Minister (wherever occurring)	he

7(4)	the Minister (first occurring)	he
7(5)	the Minister (first occurring)	he
	approved by the Minister	
7(8)	with the approval of the Minister	
8(1)	sub-section (2),(3) and (4)	sub-section (2)
8(2), (3) and (4)	omit	(2) Subject to sub-section (1), where a lessee, being an applicant, is in breach of a covenant, condition or provision which is contained in the lease or to which the lease is subject, the Minister shall include in a notification under section 7(2) a statement that he is not prepared to grant an estate in fee simple of all or portion of the land included in the lease unless the breach is made good or its consequences are mitigated within such time as the Minister specifies in the statement.
9(1)	Administrator (first occurring)	he
	Administrator (second occurring)	Minister

Inspection of Machinery

Section 15AA,
54 and 57

Administrator

Chief Inspector

Instruments

Section 5

, and includes the
branch registration
office established
at Darwin under
this Ordinance

6

branch

6(2)

omit

7

omit

Landlord and Tenant
(Control of Rents)

Section 5

omit

36(1)(a)

or in pursuance of
a term of a trans-
action which has
been consented to
by a Minister or
the delegate of a
Minister in pursu-
ance of the
National Security
(Economic Organ-
ization) Regula-
tions

Licensed Surveyors

Section 10A

Administration

Government

10A(3)

as moneys owing to
the Commonwealth

20

Minister

Administrator

Licensing

Section 7

Justices OrdinanceMagistrates Ordinance

12

the Administration
of

36 and

or the Commonwealth

36A

141

the Administrator
in Council

he

Local GovernmentSection 5
(definition of
"Crown lands")

or the Commonwealth

165(1)

Minister or the
Administrator

Territory

Administrator (last
occurring)

Minister

175A

or Commonwealth
(wherever occurring)

175B(3)

Commonwealth

Crown

178(1)

or Commonwealth

178(2)

Minister or the
Administrator

Territory

179
and 194

or the Commonwealth

307

Administrator

appropriate minister

308

Administrator or
with his authority

Territory

317

The Administrator

A minister

318,
319(1), (2)
and 320(1)

Administrator

appropriate minister

321

the Administrator

a minister

324

Administrator or a
person

Minister

327(1) (a)
and (2)Minister or the
Administrator

Territory

327(2)	the Minister under the <u>Public Service</u> <u>Act</u> 1922-1967	a minister
339A(2)	Administrator	Territory
<u>Mining</u>		
Section 7 (definition of "crown land")	or of the Common- wealth	
	by the Governor- General	
32	Her Majesty	Crown
54D(1)	omit	
54D(2)	considering the recommendation of the Administrator	upon receiving the report and recommendation of the warden, or, if he has not referred the application to a warden, after such inquiry as he thinks necessary
54D(3)	Governor-General	Administrator
158	Administrator (first occurring)	Minister
	or Administrator	
187(f)	or the Administrator	
<u>Motor Vehicles</u>		
Section 9, 13, 17, 18, 20, 26, 27, 28, 30, 34, 38, 96, 100, 101, 103, 124, 132, 133, 135, 136 and 137	to the Commonwealth (wherever occurring)	

Noxious Weeds

Section 7(5)

to the Commonwealth

section 8

section 10

12(1)

section 8(1)

section 10(1)

Pearling and Pearl Culture

Section 20(d)

employed as a
medical officer by
the Commonwealthregistered under the
Medical Practitioners
Registration Ordinance
and approved by the
Minister

38(c)

Director of Health

Minister

42(3)

of the Commonwealth

registered under the
Medical Practitioners
Registration Ordinance
and approved by the
Minister

57

circulating in the
Port of Darwinprinted and published
in the Territory

66

Subject to the
directions of the
Minister, the
Administrator

The Minister

83

Crown Law Officer

Crown Solicitor

Petroleum (Prospecting and Mining)

Section 5

in the right of
the Commonwealth

7(1)

with the consent
of the Minister
and on behalf of
the Commonwealthon behalf of the
Territory

8(1),

Omit

(1) For the purposes

(2) and (3)

of this Ordinance there shall be an Oil Advisory Committee which shall consist of not more than 4 persons, each of whom shall be employed by the Territory or the Commonwealth and trained in geology, geophysics or petroleum technology.

(2) The members of the Oil Advisory Committee shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

(3) The Minister shall appoint one of the members to be Chairman.

8(5)	or the Administrator (wherever occurring)	
14(1) and (2)	, without the approval of the Minister,	
26A(3)	omit paragraph (a)	
48(5), 52(3) and 68(4) and (5)	Minister (wherever occurring)	Administrator
68(6)	Minister's	Administrator's
68(7) and (8)	Minister	Administrator
84(2)	or the Administrator (wherever occurring)	
113(1)	Where the Governor-General declares, by proclamation published in the	Where the Administrator declares that a state of disaster exists

Gazette, that a
state of emergency
exists

Plant Diseases
Control

Section 8 and
13

Director

Chief Inspector

Prices Regulation

Section 4
(definition
of "the
Minister")

Omit

8(4)

Omit paragraph (c)
and (d)

(c) the Controller, a
Deputy Controller or
any person thereto
authorized by the
Controller from
communicating to the
Territory or Common-
wealth Commissioner
of Taxation any infor-
mation for the pur-
poses of the adminis-
tration of any law of
the Territory or the
Commonwealth relating
to taxation.

9

the Administrator,

28

or that any such
goods or services
have been subsidised
by the Commonwealth

36(5)

the officer for the
time being in charge
of the office of the
Commonwealth Crown
Solicitor in the
Territory

Crown Solicitor

45
and 49

of the Commonwealth,
or of the Territory,

62	, Administrator (wherever occurring)	
<u>Printers and Newspapers</u>		
Section 10(4)	Government Resident	Minister
<u>Public Trustee</u>		
Section 3(1)	officer (wherever occurring)	employee
<u>Real Property (Unit Titles)</u>		
First Schedule Forms 1, 2 and 3	Administrator of the Northern Territory of Australia	Minister
<u>Social Welfare</u>		
Section 10	Commonwealth Department of Health	appropriate Territory or Commonwealth Department
<u>Soil Conser- vation and Land Utilization</u>		
Section 22(2)	Omit paragraph (a) and (b)	(a) the Administrator may authorize the taking of action by or on behalf of the Territory; (b) the Minister may authorize the taking of an action by or on behalf of the Territory at a cost not exceeding \$20,000.
28	Minister	Administrator
43(6)	Omit	

46

Administrator, for
transmission to
the Minister,

Minister

Special Purposes
Leases

Section 4(1)

the Queen

the Territory

4A(1)

Omit paragraphs (c)
and (d)

and

(c) the Minister has
considered the Board's
report, and its advice
and recommendations
if any.

5(1)

and the Administra-
tor

5(2)

or the Administra-
tor, as the case
may be

5BA(2)
and (2A)

The Administrator
may recommend to
the Minister that
the Minister

The Minister may

5BA(3)
and (4)

Omit

(3) The Minister, if he
approves the grant of a
lease of land under this
section, shall determine
the amount of the instal-
ments to be paid, the period
over which the remainder of
the reserve price is to be
paid, and the rate of interest
to be paid.

(4) The Minister shall inform
the applicant of his
determination and, on paying
the proportion of the reserve
price determined by the
Minister to be paid and
agreeing to pay the remainder
in accordance with the terms
and conditions of the
Minister's determination,
the applicant shall have the
right to the lease.

8A(2)	Administrator (first occurring)	Minister
	Omit paragraph (c)	
8A(3)	Omit	(3) The Minister shall consider the application and may reject or approve the grant of the application.
8A(4)(a)	the Minister	he
10B(4)(c)	a covenant by the lessee or the Commonwealth or any mutual covenant by the lessee and the Commonwealth	a covenant by the lessee, the Commonwealth or the Territory or any mutual covenant by the lessee and the Commonwealth or Territory.
28, 29(1) and 30	Governor-General	Administrator
<u>Stock Diseases</u>		
Section 22F	Administrator	Territory
<u>Stock Routes and Travelling Stock</u>		
Section 12(2)	Omit	
16	Omit	16. The Administrator may, by notice in the <u>Gazette</u> , declare dips constructed in pursuance of section 15 to be public dips.
16B	Omit	16B. The Administrator may, by notice in the <u>Gazette</u> , declare trucking yards constructed in pursuance of section 16A to be public trucking yards.
26(11) and 26A	to the Commonwealth	

26B	or of the Common- wealth from the Common- wealth	
32	Omit	32. The Administrator may, by notice in the <u>Gazette</u> , declare watering places constructed in pursuance of section 31 to be public water places for the use of travelling stock.
63A	Commonwealth (second occurring)	Territory
<u>Town Planning</u>		
Section 7(4)	Omit	
23(2)	, in the opinion of the appropriate authority,	
23(3)	Omit	
69	the Minister or the Administrator to grant a lease of land of the Crown or the Commonwealth, neither the Minister nor the Administrator shall	the grant of a lease of land of the Crown, the Minister shall not
71(1) and (2)	or the Commonwealth	
First Schedule	, the Administrator of the Northern Territory of Australia,	
	Administrator (second occurring)	Minister for
<u>Valuation of Land</u>		
Section 4	Omit	"Crown Land" means

(definition
of "Crown land")

Veterinary
Surgeon's

Section 10

14

Administrator's

Omit

Crown land within the
meaning of the Crown
Lands Ordinance;

Minister's

14. The Minister shall
appoint a person who is
an employee within the
meaning of the Public
Service Ordinance to be
the Registrar under this
Ordinance.

Water Supplies
Development

Section 4
(definition
of "Crown
land")

14

15

Omit

Minister

Omit

Administrator

Workmen's
Compensation

Section 6A

6F (3)

6F(4)

Justices Ordinance

and copies of them
shall be forwarded
to the Attorney-
General within 14
days after they are
made

Omit

Magistrates Ordinance

(4) Rules made under
this Ordinance shall be
deemed to be regulations
for the purposes of the
Interpretation Ordinance.

20C(2)(b)

an officer within

an employee within the

	the meaning of the <u>Public Service Act</u> 1922-1973	meaning of the <u>Public</u> <u>Service Ordinance</u>
20C(2)(c)	an officer within the meaning of that Act	an employee within the meaning of that Ordinance
20C	Administrator's Council	Minister
27A	Omit	

SCHEDULE 2

Section 5

AMENDMENTS OF SOUTH AUSTRALIAN LAWS

PART I - AMENDMENTS BY INSERTION

The following laws of the State of South Australia, in their application to the Northern Territory as laws of the Northern Territory, are amended as indicated:

Real Property Act and Ordinance

Section 3:

After the definition of "Registered proprietor" insert the following definition:

" 'Registrar-General' means the Registrar-General for the Northern Territory and includes a Deputy Registrar-General appointed under the Registration Ordinance."

Trustee Act and Ordinance

Section 4(1):

Insert after "State" (wherever occurring) the words "or Territory".

Section 4(1)(g):

Insert after "Commonwealth" the words "or the Territory".

PART II - AMENDMENTS BY OMISSION AND INSERTION

The laws of the State of South Australia, in their application to the Northern Territory as laws of the Northern Territory, listed in Column 1 of the following table are amended as set out in that table:

Column 1 Law and Provision	Column 2 Omit	Column 3 Insert
<u>Building Societies Act and Ordinance</u>		
Section 30	authority of Parliament	the Commonwealth, the Territory or any State Government
36	Honourable the Attorney-General for the time being	Minister
45	the Governor in Council may direct	is prescribed
46	Governor	Administrator
<u>Real Property Act and Ordinance</u>		
Section 3	Definition of "Assurance Fund"	
	Definition of "Chief Secretary"	
12, 13, 14, 15, 16, 17, 18, 19 and 20	Omit	
21	"of the Royal Arms of England, and having inscribed in the margin thereof the words 'Registrar-General	Approved by the Minister

South Australia'"

22	Governor (wherever occurring)	Minister
23	Omit	
31	Omit	
92	Commissioner	Minister
94	Commissioner of Crown Lands	Minister
95	The Commissioner of Crown Lands may, from time to time, make any regulations which may be considered expedient for giving effect to this part of this Act, and all such regulations when published in the <u>Government Gazette</u> , shall have the force of law.	
112	of the Treasurer	
146	Treasurer	Minister
147	of the Treasurer	
Part XVIII	Omit	
Section 220(7)	Governor	Minister
<u>Trustee Act and Ordinance</u>		
Section 4(1)	Administrator in Council	Minister
4B(1)	Administrator in Council	Minister

4B(2)	Administrator in Council (wherever occurring)	Minister
73(1)	Her Majesty (wherever occurring)	the Crown
	Administrator	Minister
	Consolidated Revenue Fund	Northern Territory Government Account
73(4)	Administrator	Minister
	Consolidated Revenue Fund	Northern Territory Government Account

SCHEDULE 3

Section 6

AMENDMENTS OF REGULATIONS

PART I - REFERENCES TO ADMINISTRATOR

The following Regulations are amended by omitting from the provisions indicated the word "Administrator" (wherever occurring) and substituting "Minister":

Regulations under the Control of Waters Ordinance

Control of Waters Regulations

Regulation 4, 6, 11, 13, 14,

Third Schedule, Sixth Schedule, Form 1

Regulations under the Crown Lands Ordinance

Crown Lands Regulations

Regulation 4, 5(1),(2), 8(1),(2), 10(1), 11A(1), 18(2), 19, 19A(e), 21(1),(2),(3),(4),(5),(6), 34, 36, 47, 50(1),(2),(3), 52, 54, 61, 64(1), 65(1),(2),(3), 66, 67(1),(2),(3), 71(1),(2), 71A, 72(1),(3),(4), 73(1),(2),(3),(4),(5), 75A, 76, 77, 79, 80, 81, 83(1),(2), 84, 86(1),

(2), (3), (4), (5), 88, 89, 90, 93, 94, 95, 96,
97, 98, 99(1), (2), 104, 105(1), 106, 108(2),
111, 113

Crown Lands (Commonage) Regulations

Regulation 4, 7(4)

Crown Lands (Recreation Reserve) Regulations

Regulation 6, 8(a), 9(1), (2), 10, 11

Regulations under the Darwin Town Area Leases Ordinance

Darwin Town Area Leases Regulations

Regulation 4, 5, 8, 9, 10(2)

Regulations under the Explosives Ordinance

Explosives Regulations

First Schedule, Form 17

Regulations under the Fire Brigades Ordinance

Fire Hazards Regulations

Regulation 2

Regulations under the Forestry Ordinance

Forestry Regulations

Regulation 3, 4, 10, 11, 12, 14, 15, 16, 17, 18,
19, 20, 22, 23, 24, 30, 31, 32, 36, 37, 39,
42, 43, 45, 46, 51, 54, 70, 71, 82, 83, 90,
96, 97, The Schedule - Form 1, 2, 3, 4, 5, 6, 8, 9,
10, 11, 12, 13, 14, 15, 16, 17

Regulations under the Licensing Ordinance

Licensing (Liquor Returns) Regulations

The Schedule - Form B

Regulations under the Long Service Leave OrdinanceLong Service Leave Regulations

Regulation 3, 4, 5, 6, 7, 8, 10,

The Schedule - Form 1, 2, 3

Regulations under the Lottery and Gaming OrdinanceLottery and Gaming Regulations

Regulation 10, 18, 19, 20, 21, 22,

The Schedule -
Form 5

Regulations under the Mining OrdinanceMining Regulations

Regulation 23, 36(3),(4),(5), 42(2), 43(4),(5),
(6), 44, 46, 48(4),(5), 62, 65, 67, 75, 86(2),
87(3), 88(5),(6),(7), 89(1), 90, 95(1), 99(2),
100(2), 101, 102, 105, 106(1), 109, 110, 112(3),
(4),(5),(6), 113(2),(3),(4), 114, 115(2), 118(2),
(4), 118C(1), 118D, 118G, 118H(2),(3), 119,
123(2), 126, 157(4), 167, 192A, 193(3), 196(1),
206, 213(5), 217, 228, The Schedule - Form 11, 14,
16, 37, 41

Regulations under the Mining Assistance OrdinanceMining Development Regulations

Regulation 2(1), 7(1),(2), 8(1),(5),(7),(8),9,
10(1),(4)

Regulations under the Motor Vehicles OrdinanceMotor Omnibus Regulations

Regulation 5

Regulations under the Native and Historical Objects
and Areas Preservation OrdinanceNative and Historical Objects Preservation Regulations

Regulation 4, 5

Regulations under the Pearling and Pearl Culture Ordinance

Pearling and Pearl Culture Regulations

Regulation 2

Regulations under the Petroleum (Prospecting and Mining) Ordinance

Petroleum (Prospecting and Mining) Regulations

Regulation 5(4), 6(1),(2), 16, 17, 20,
The Schedule - Form 1, 2, 3, 4, 4C, 6, 7, 7A, 9,
10, 12, 13, 14, 15, 16, 17

Regulations under the Public Health Ordinance

Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations

Regulation 40

Regulations under the Scaffolding Ordinance

Scaffolding Regulations

Regulation 4, 12

Regulations under the Special Purposes Leases Ordinance

Special Purposes Leases Regulations

Regulation 4(2), 5(a),(j), 6(1), 8

Regulations under the Stock Routes and Travelling Stock Ordinance

Stock Routes and Travelling Stock Regulations

Regulation 17, 18, 22, 24, 26, 27, 28, 33, 34,
Second Schedule - Form 6

Regulations under the Supply of Services Ordinance

Sewerage Regulations

Regulation 4(1) (definitions of "approved", "authorized", "inspector", "proprietor", "Sewerage District" and "the Engineer"), 5, 6, 7(1),(2), 8A, 9(1),(2), 20(3), 28A, 28B(1),(2),(3), 28C(1), 28D(2), 28E(1), 28F, 28G, 28J(2), 29(3),(4), 32(2), 46, 48, 49(1), (3),(4), 50, 52, 54(1), 74(1), 76, 77(3),(4), 87(2), 182(2),(4), 192(9), 227(1),(2), 228, 229, 230(1),(2), 231, 234(1),(3), 241(2), 242, 243(2),(3),(5),(6),(8), 246, 247(1),(3), (4),(5), 248(1),(2),(3), 249, 251(1),(2), 254, 256

Water Supply (Terms and Conditions of Supply) Regulations

Regulation 3 (definitions of "authorized officer" and "main"), 4(1),(2), 6, 7, 8, 9(1),(3), 10(1), (2), 11, 16(3), 22(1), 23(1),(2), 26, 29(1), (2), 33, 34(1), 41, 44B(3), 45(1),(2), 46, First Schedule

Regulations under the Unit Titles Ordinance

Unit Titles Regulations

Regulation 4

PART II - REFERENCES TO ADMINISTRATOR IN COUNCIL

The following Regulations are amended by omitting from the provisions indicated the words "Administrator in Council" (wherever occurring) and substituting "Minister":

Regulations under the Companies Ordinance

Companies Regulations

Form 91

Regulations under the Foot and Mouth Disease
Compensation Ordinance

Foot and Mouth Disease Compensation Regulations

Regulation 5, The Schedule - Form 2

Regulations under the Supply of Services Ordinance

Water Supply (Terms and Conditions of Supply)
Regulations

Regulation 44B(1)

PART III - FURTHER REFERENCES TO ADMINISTRATOR IN COUNCIL

The following Regulations are amended by omitting from the provisions indicated the words "Administrator in Council" (wherever occurring) and substituting "Administrator":

Regulations under the Supply of Services Ordinance

Sewerage Regulations

Regulation 29(6), 257(1), (2), (3)

Water Supply (Terms and Conditions of Supply)
Regulations

Regulation 28A, 48(1), (2), (3)

PART IV - REFERENCES TO ATTORNEY-GENERAL

The following Regulations are amended by omitting from the provisions indicated the words "Attorney-General" (wherever occurring) and substituting "Minister":

Regulations under the Business Names Ordinance

Business Names Regulations

Third Schedule, No. 18, 19

Regulations under the Companies OrdinanceCompanies Regulations

Regulation 12(1)(b)

PART V - REFERENCES TO COMMONWEALTH

The following Regulations are amended by omitting from the provisions indicated the word "Commonwealth" (wherever occurring) and substituting "Territory":

Regulations under the Abattoirs and Slaughtering OrdinanceAbattoirs and Slaughtering Regulations

Regulation 53

Regulations under the Cemeteries OrdinanceCemeteries Regulations

Regulation 7

Regulations under the Companies OrdinanceCompanies Regulations

Regulation 10(1)(a), Second Schedule- Form 62A

Companies Auditors Board Regulations

Regulations 3(3)(a) and (4)

Regulations under the Crown Lands OrdinanceCrown Lands Regulations

Regulation 19A(c)

Crown Lands (Recreation Reserves) Regulations

Regulation 16(a)

Regulations under the Darwin Town Area Leases Ordinance

Darwin Town Area Leases Regulations

Regulation 6

Regulations under the Fire Brigades Ordinance

Fire Hazards Regulations

Regulation 6

Regulations under the Forestry Ordinance

Forestry Regulations

Regulations 20, 23, 51 and 56

Regulations under the Mining Assistance Ordinance

Mining Development Regulations

Regulations 8(4), (20), (22), 10(3) and (4)

Regulations under the Special Purposes Leases Ordinance

Special Purpose Leases Regulations

Regulation 8

Regulations under the Stock Routes and Travelling Stock Ordinance

Stock Routes and Travelling Stock Regulations

Regulation 33(b)

Regulations under the Supply of Services Ordinance

Sewerage Regulations

Regulations 4(1) (definition of "working day"), 14(4) 63(2), 233(5) and 248(3)

Water Supply (Terms and Conditions of Supply) Regulations

Regulations 12, 14 and 39

PART VI - MISCELLANEOUS AMENDMENTS BY INSERTION

The following Regulations are amended as indicated:

Regulations under the Crown Lands OrdinanceCrown Lands Regulations

Regulation 32(1):

Insert at the end of the sub-regulation "and shall be forwarded to the Member for acceptance by the Member".

Regulations under the Public Health OrdinancePublic Health (Night-Soil, Garbage, Cesspit, Wells and Water) Regulations

Regulation 40:

Insert at the end the following sub-regulations:

"(7) For the purpose of this regulation 'Minister' means the minister responsible for Local Government.

"(8) Charges or fees payable under this regulation shall be paid into the Northern Territory Government Account.".

PART VII - FURTHER MISCELLANEOUS AMENDMENTS

The Regulations listed in Column 1 of the following table are amended as set out in that table:

Column 1 Regulation	Column 2 Omit	Column 3 Insert
<u>Abattoirs and Slaughtering Ordinance</u>		
<u>Abattoirs and Slaughtering Regulations</u>		
Regulation 48(2)	<u>Public Service Act 1922-1973</u>	<u>Public Service Ordinance</u>
<u>Coal Ordinance</u>		
<u>Coal Regulations</u>		
The Schedule -		
Form F	of State for Home and Territories of the Commonwealth of Australia	
Form H	His Majesty His Heirs and Successors	the Government of the Northern Territory
<u>Companies Ordinance</u>		
<u>Companies Regulations</u>		
Second Schedule -		
Form 51	Attorney-General of the Commonwealth	Minister
<u>Control of Waters Ordinance</u>		

Control of Waters
Regulations

Regulation 4(3)	or the Commonwealth	
8	Director of Water Resources, Darwin	Minister
13	to the Commonwealth	
First Schedule	The Administrator	The Minister for
Second Schedule	Administrator of the Northern Territory of Australia,	Minister for
	Administrator (second occurring)	Minister for
Third Schedule	The Administrator	The Minister for
Sixth Schedule -		
Form 2	Director of Water Resources	

Crown Lands
Ordinance

Crown Lands
Regulations

Regulation 3(1) (definition of "Office of Lands and Survey Branch")	Omit	
7	and lodged at the office of the Lands and Survey Branch, Darwin,	
12	in the office of the Lands and Survey Branch, Darwin.	
13	Omit	

71B	lodged at the office of the Lands and Survey Branch, Darwin	
76	at the office of the Lands and Survey Branch, Darwin,	
86(3) and (4)	Parliament	Legislative Assembly
109(1) and 110(1)	Governor-General	Administrator
First Schedule - Form 4	Omit The Schedule	SCHEDULE Recommended for acceptance I accept the within surrender Minister for
Forms 17 and 19	Signature of the Administrator or person authorized for the purpose by the Administrator	Signature of the Minister for or person authorized by that Minister
Forms 20 and 21	The Administrator of the Northern Territory	The Minister for
<u>Explosives Ordinance</u>		
<u>Explosive Regulations</u>		
First Schedule - Forms 1, 2, 3,	Mines Branch	

4, 11, 13,
15 and 16

Form 5A

Department of the
Northern Territory

Form 17

the Administrator of
the Northern Territory
of Australia

Fire Brigade
Ordinance

Inflammable
Matters
Regulations

Regulation 15

Consolidated Revenue
Fund

Northern Territory
Government Account

Fisheries
Ordinance

Fisheries
Regulations

Forms 1, 2, 3,
4, 5, 6,
7, 17, 18
and 25

Northern Territory
Administrator

Foot and Mouth
Disease Compensation
Ordinance

Foot and Mouth
Disease
Compensation
Regulations

The Schedule -

Form 1

Northern Territory
Administration

Forestry OrdinanceForestry Regulations

Regulation 70

Forester (wherever
occurring)

Forest Officer

82 and 97

, a Forester

The Schedule -

Forms 2, 4, 5,
8, 10, 12
and 14Northern Territory
Administration

16

Authorized Forester

Authorized Forest
Officer

Note to Form 16

a Forester

17

a Forester

Licensed Surveyors
OrdinanceLicensed Surveyors
RegulationsRegulation 3
(definition of
"government mark")

the Commonwealth or

Lottery and Gaming
OrdinanceLottery and Gaming
Regulations

The Schedule -

Form 1

, the Administrator
for the Northern
Territory of
Australia,Administrator (second
occurring) Minister

1A	Administrator (second occurring)	Minister
3	His Honour, the Administrator of the Northern Territory of Australia	The Minister
4	, the Administrator for the Northern Territory of Australia,	
	Administrator (second occurring)	Minister
6	The Administrator of the Northern Territory	The Minister
7	, the Administrator of the Northern Territory of Australia	
	Administrator (second occurring)	Minister
8	The Administrator of the Northern Territory	The Minister
9	, the Administrator of the Northern Territory of Australia,	
	Administrator (second occurring)	Minister

Mining Ordinance

Mining Regulations

Regulation 169

Omit all words from and including "to the credit of"

in a trust account opened pursuant to the Financial Administration a

		<u>Audit Ordinance</u> to be held until claimed by the late holder of the tenement
Regulation 178(1)	Omit all words from and including "of-".	of the Minister or an officer acting with the Minister's authority and shall be effective only when the approval of the Minister or an officer so acting has been given
Regulation 192A(c)	to the Commonwealth	
The Schedule -		
Form 5	Administrator of the Northern Territory of Australia	Minister
	Administrator (second occurring)	Minister
Form 7A	Administrator of the Northern Territory	Minister
Form 13	His Majesty	The Crown
Lease Form Nos. 1, 2 and 3	Our Administrator (first occurring)	A Minister
	Our said Administrator (wherever occurring)	the Minister
	Our Administrator (second occurring)	the Minister
	Us, our Heirs and Successors (wherever occurring)	the Government of the Northern Territory
	We may	the Minister may
	by Us	by the Minister
	Our Administrator to affix his seal	the Minister

Lease form Nos.
4 and 5

Our Trusty and Well
Beloved
Our Administrator
of the Northern
Territory of
Australia

Minister

Our Administrator
(first occurring)

A Minister

Our said
Administrator
(wherever occurring)

the Minister

Our Administrator
(second occurring)

the Minister

Us, Our Heirs and
Successors
(wherever occurring)

the Government of the
Northern Territory

to us (wherever
occurring)

to the Government
of the Northern
Territory

We may

the Minister may

by Us

by the Minister

Our Administrator
to affix his seal

the Minister

Our Trusty and Well
Beloved
Our Administrator
of the Northern
Territory of
Australia

Minister

Pearling and Pearl
Culture Ordinance

Pearling and Pearl
Culture
Regulations

Regulation 2
(definition of

"approved first aid kit")

Director of Health,
Northern Territory

Minister

Regulation 6(1)(b)

Employed by the
Commonwealth as a
medical officer

Registered under the
Medical Practitioners
Registration Ordinance
and approved by the
Minister

First Schedule -
Form 8

employed as a
medical officer by
the Commonwealth

registered under the
Medical Practitioner's
Registration Ordinance
and approved by the
Minister

Petroleum (Prospect-
ing and Mining)
Ordinance

Petroleum
(Prospecting
and Mining)
Regulations

The Schedule -

Forms 18, 20 22,
23, 24, 25,
26, 28 and
34

Administrator of the
Northern Territory
of Australia

Forms 29, 32, 33
35, 36, 37
and 38

Administrator
(last occurring)
His Honour the
Administrator

Minister

The Minister

Special Purposes
Leases Ordinance

Special Purposes
Leases
Regulations

The Schedule -

Form 1

Administrator
(first occurring)

Minister

Form 2

Administrator of the
Northern Territory
of Australia

Minister for Lands
and Housing

Administrator of the
Northern Territory
of Australia

Minister for Lands
and Housing

Stock Routes and
Travelling Stock
Ordinance

Stock Routes and
Travelling Stock
Regulations

Regulation 5

The Director of Lands

22

Commonwealth (first
occurring)

Commonwealth (second
occurring)

Territory

32

to the Commonwealth

33(5)

Omit

33(8)

the Commonwealth or

33(9)

to the Commonwealth

Second Schedule -

Form 3

The Administrator of
the Northern
Territory (wherever
occurring)

Minister

4

BY ADMINISTRATOR

the Administrator of
the Northern
Territory of
Australia

Administrator of
the Northern

Minister

	Territory	
	Administrator (last occurring)	Minister
6	The Administrator of the Northern Territory of Australia	
<u>Supply of Services Ordinance</u>		
<u>Sewerage Regulations</u>		
Regulation 4(1) (definition of "authorized")	officer or employee of the Commonwealth	employee of the Territory
(definition of "working day")	<u>Public Service Act 1922-1958</u>	<u>Public Service Ordinance</u>
Regulation 7(2)	officer or employee of the Commonwealth (wherever occurring)	employee of the Territory
11(2)	Northern Territory Administration (wherever occurring)	
29(6)	officer or employee of the Commonwealth	employee of the Territory
232	officer or employee of the Commonwealth	employee of the Territory
257	Omit	
<u>Water Supply (Terms and Conditions of Supply) Regulations</u>		
Regulation 2	Omit the heading "Administrator"	Minister

24(1)	Omit all words after "parcel of lands"	to which a system of work for the supply of water has been contributed by the Crown
46	Omit	46. A certificate signed, or purporting to be signed, by the Minister, stating that a particular quantity of water was supplied to a particular consumer during a change period shall, in any pro- ceedings, be <u>prima</u> <u>facie</u> evidence that the quantity of water was supplied to that consumer during that period.
48	Omit	
First and Second Schedules	Northern Territory Administration	

PART VIII - AMENDMENTS TO RULES

Rule 31(3) of the Workmen's Compensation Tribunal Rules made under the Workmen's Compensation Ordinance is amended by omitting paragraph (a) and substituting the following paragraph:

"(a) The Tribunal or a member may, upon the application of a party to any application, direct the Registrar, in any case where moneys are paid by that party to the Registrar pending the resolution of that second-mentioned application, to invest those moneys in an interest bearing bank account and the Registrar shall invest those moneys in accordance with the direction and in accordance with any law which applies to any such investment."

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 1978.</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> | Commence-
ment |
| 4.(1) Section 6(1) of the Principal Ordinance is amended - | Defini-
tions |
| (a) by omitting the definition of "overtime" and substituting the following definition: | |
| "overtime" - | |
| (a) in relation to employment that is covered by an award or industrial agreement in which overtime is defined, means overtime as defined in that award or agreement; and | |

(b) in relation to any other employment means any time during which a person works in addition to -

(i) a period agreed to between the parties to be the working hours per week; or

(ii) where no period of working hours per week has been agreed to, a period of 40 hours per week; and

(b) by omitting from the definition of "workman" -

(i) from paragraph (b) the word "or"; and

(ii) from paragraph (c) the word "and" (last occurring); and

(c) by adding after paragraph (c) of the definition of "workman" the following:

"or

(d) a person whose employment is casual (that is for one period only of not more than 5 working days) and who is employed otherwise than for the purposes of the employer's trade or business;".

(2) Section 6(2) of the Principal Ordinance is amended by omitting "10 dollars" and substituting "100 dollars".

5. Section 6A of the Principal Ordinance is amended by omitting sub-section (4).

Workmen's
Compensation
Tribunal

6. Section 6C of the Principal Ordinance is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections:

Sittings
of the
Tribunal

"(2) The President of the Tribunal may, from time to time, make arrangements as to which member of the Tribunal shall exercise the powers and perform the functions of the Tribunal.

"(3) A member of the Tribunal shall sit alone and may exercise the powers and perform the functions of the Tribunal notwithstanding that another member of the Tribunal is at the same time sitting and exercising those powers and performing those functions."

7. Section 6N(2) of the Principal Ordinance is amended by omitting from paragraph (b) "as soon as practicable" and substituting "within 14 days".

Recording
an agree-
ment

8. Section 10 of the Principal Ordinance is amended -

Compensation
for
certain
injuries

(a) by omitting from sub-sections (1) and (1A) ", when the injury results in incapacity other than total and permanent incapacity for work,"; and

(b) by inserting in sub-sections (4) and (5) after "sustains" the words ", by accident arising out of or in the course of his employment,".

Medical
and
surgical
treat-
ments,
hospital
treat-
ments or
nursing
and
ambulance
services

9. Section 11 of the Principal Ordinance is amended by omitting sub-section (2A) and substituting the following sub-section:

"(2A) Where, by accident arising out of or in the course of his employment, an injury is caused to a workman, the employer is liable to pay compensation of an amount considered reasonable by the Tribunal in respect of the cost, payable by the workman, of an alteration to a building occupied, or vehicle or article used, by him, or of obtaining any aid or appliance (other than an artificial limb or other artificial substitute or a medical, surgical or other similar aid or appliance) for use by him or of having such an aid or appliance repaired or replaced, being an alteration the making of which, or an aid or appliance, the obtaining of which, was reasonably required as a result of the injury."

Additional
compensation
where a
workman
requires
constant
help of
another
person

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

"(1) Where, as a result of an injury caused by an accident arising out of or in the course of his employment, a workman, on the advice of a registered medical practitioner, requires the constant help or attendance of another person, compensation is payable to the workman during a period when he requires that help or attendance at a weekly rate considered reasonable by the Tribunal."

Compulsory
insurance

11. Section 18(2) of the Principal Ordinance is amended by inserting after "employer" the words "who has tendered the premium for such a policy".

12. Section 25 of the Principal Ordinance is amended by omitting sub-sections (5), (6) and (7) and substituting the following sub-sections:

Time for
taking
proceed-
ings

"(5) An employer shall keep a book in the prescribed form at each mine, quarry, factory, workshop, shop or office or at a first aid station at or near a place where a workman is employed in which the prescribed particulars of an injury happening to a workman employed at the mine, quarry, factory, workshop, shop, office or such place may be entered by the injured workman or some other person acting on his behalf.

Penalty: 100 dollars.

"(6) An employer shall keep the book referred to in sub-section (5) accessible at all reasonable times to an injured workman or any person acting on his behalf.

Penalty: 100 dollars.

"(7) An entry in such a book, if made as soon as practicable after the happening of the injury, shall be sufficient notice of the injury for the purposes of this Ordinance."

13. The Principal Ordinance is amended by inserting after section 25 the following section:

"25A.(1) The Tribunal may, at its discretion, reserve a question of law arising out of proceedings under this Ordinance for the consideration of the Supreme Court, and state a special case for the opinion of that Court.

Points of
law may be
reserved
for the
consider-
ation of
the Supreme
Court

"(2) The Supreme Court shall deal with a special case referred to it under sub-section (1) according to the practice of the Supreme Court on special cases, and may make such order thereon (including any order as to the costs of the proceedings in that Court and in the Tribunal) as to the Supreme Court appears just.

"(3) The Supreme Court may send a special case referred to it under sub-section (1) back to the Tribunal for amendment, or may itself amend it.

"(4) The Tribunal shall make a determination in respect of the matters referred to the Supreme Court under sub-section (1) in conformity with the certificate of the Supreme Court."

Compensation in case of Aboriginal workman with more than one wife

14. Section 27B of the Principal Ordinance is amended by adding after "but married to" the words "one or".

Regulations

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

Second Schedule

16. The Second Schedule to the Principal Ordinance is amended -

(a) by omitting paragraph (1A)(b) and substituting the following paragraph:

"(b) if at the date of the injury the workman has a spouse who is wholly or mainly dependent on the workman's earnings during the period of incapacity - 21 dollars per week;"

(b) by omitting paragraph (2)(b) and substituting the following paragraph:

"(b) where the workman is totally or partially incapacitated for work by the injury, then, subject to paragraph (2A), the weekly payment otherwise payable under paragraphs (1A), (1B) or (1C) shall be reduced -

(i) where no determination has been made in accordance with paragraph (2)(b)(ii), by the amount of any payment, allowance or benefit which the workman receives from his employer during the period of his incapacity; or

(ii) where an application by either party for a determination by the Tribunal has been made, to such amount as the Tribunal determines is just and proper."; and

(c) by omitting paragraph (2A) and substituting the following paragraph:

"(2A) In determining a payment under paragraphs (1A), (1B) or (1C) no regard shall be had to -

- (a) a pension or allowance in respect of a child dependent upon the earnings of the workman;
 - (b) deferred pay payable to the workman; or
 - (c) a payment, allowance or benefit that is payable to the workman by his employer under the terms of an award, order or determination of an industrial authority, under the terms of an industrial agreement or under the terms of the contract of service or apprenticeship between the workman and his employer whereby provision is made, in the event of the workman being totally or partially incapacitated for work in circumstances to which this Ordinance applies, for the payment by the employer to the workman of a weekly amount equal to the amount ascertained or calculated in accordance with those terms less the weekly amount payable as compensation under this Ordinance."
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