

## BILLS INTRODUCED

17-25 February 1976

Serial No.	Title	Sponsor
88	Adoption of Children Bill 1976 . . . . .	Miss Andrew
86	Audit Bill 1976 . . . . .	Mr Tambling
84	Companies Bill 1976 . . . . .	Miss Andrew
85	Encouragement of Primary Production Bill 1976 . . . . .	Dr Letts
91	Gold-Buyers Bill 1976 . . . . .	Mrs Lawrie
95	Legislative Assembly Executive Authority Bill 1976 . . . . .	Dr Letts
96	Police and Police Offences Bill 1976 . . . . .	Miss Andrew
78	Prisons Bill 1976 . . . . .	Mr Pollock
97	Radiographers Bill 1976 . . . . .	Mr Pollock
87	Registration of Births, Deaths and Marriages Bill 1976 . . . . .	Miss Andrew
93	Road Safety Council Bill 1976 . . . . .	Mr Ryan
90	Salvation Army (Northern Territory) Property Bill 1976 . . . . .	Mr Ryan
92	Traffic Bill 1976 . . . . .	Mr Withnall
94	Traffic Bill 1976 . . . . .	Mr Ryan
89	Venereal Diseases Bill 1976 . . . . .	Mr Pollock

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Adoption of Children Ordinance*.

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

1. This Ordinance may be cited as the *Adoption of Children Ordinance* 1976. Short title
2. The *Adoption of Children Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. (1) Sections 4, 5 and 6 shall be deemed to have come into effect on the date of the commencement of the Principal Ordinance. Commence-  
ment  
(2) All other sections shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.
4. Section 6 of the Principal Ordinance is amended by adding in the definition of "the Court" after "Supreme Court" the words "of the Northern Territory of Australia". Interpret-  
ation
5. Section 7 of the Principal Ordinance is amended by inserting after "Supreme Court" the words "of the Northern Territory of Australia". Jurisdiction  
of Supreme  
Court
6. Section 9 of the Principal Ordinance is amended by omitting "Supreme". Rules of  
private  
international  
law not to  
apply
7. Section 51 of the Principal Ordinance is amended—  
(a) by omitting "The Registrar of the Supreme Court" and substituting "The Master of the Supreme Court"; and  
(b) by adding at the end thereof the following sub-sections:  
    "(2) The Register of Adopted Children that was kept under the repealed Ordinances shall be incorporated with, and shall be

deemed to form part of, the Register of Adoptions kept under this Ordinance.

“(3) Where—

- (a) under section 9 (1) of the repealed Ordinances, a person was required to forward to another person a copy of an adoption order; and
- (b) the first-mentioned person had not, before the commencement of this Ordinance, complied with the obligation, or the Registrar of Births, Deaths and Marriages can find no evidence that that first-mentioned person had complied with the obligation,

the Registrar of Births, Deaths and Marriages may, in his discretion, require the Master of the Supreme Court to forward to him a copy of, or a memorandum relating to, the order and of any order for the discharge of the order.

“(4) Upon receipt of a document forwarded to him in pursuance of sub-section (3), the Registrar of Births, Deaths and Marriages may, in his discretion—

- (a) register it, as he sees fit, in the Register of Adoptions kept under this Ordinance; and
- (b) if it relates to a child whose birth is registered in a register kept by him, make such alterations to, or entry in, that register as he sees fit or as may be prescribed.

“(5) For the purposes of this section, the Registrar of Births, Deaths and Marriages may make such enquiries as he thinks fit to satisfy himself that an adoption order or discharge or an adoption order was made.

“(6) The Master of the Supreme Court shall assist the Registrar of Births, Deaths and Marriages in his reasonable enquiries made pursuant to sub-section (5).”.

Sending of  
memoranda  
or order to  
States and  
other  
Territories

5. Section 52 of the Principal Ordinance is amended by omitting “Registrar” (twice occurring) and substituting “Master”.

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# AUDIT BILL 1976

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To make provision for the Collection and Payment of Public Moneys, the Audit of Public Accounts and the Protection and Recovery of Public Property 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 <i>Audit Ordinance</i> 1976.  | Short title       |
| 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the <i>Gazette</i> .  | Commence-<br>ment |
| 3. In this Ordinance, unless the contrary intention appears—  | Definitions       |
| “accounting officer” means a person who—  |                   |
| (a) is charged with the duty of collecting, receiving or accounting for, or collects, recovers or accounts for, public moneys;  |                   |
| (b) is charged with the duty of disbursing, or disburses, public moneys; or   |                   |
| (c) is charged with the receipt, custody or disposal of, or the accounting for, or receives, has in his custody, disposes of or accounts for, stores;                     |                   |
| “Auditor-General” means the Auditor-General appointed under section 6 and includes a Deputy Auditor-General appointed under section 12;                                   |                   |
| “branch” means a branch of a department;  |                   |
| “Consolidated Revenue Fund” means the Consolidated Revenue Fund of the Northern Territory;  |                   |
| “department” means a department of the Northern Territory Public Service;   |                   |
| “financial year” means the period of 12 months commencing on and including 1 July of one year and finishing at the conclusion of the 30 June of the next succeeding year; |                   |

“Loan Fund” means the Loan Fund kept in accordance with section 76;

“Public Account” includes moneys constituting the Consolidated Revenue Fund, the Loan Fund, the Trust Fund and all other moneys received by a person for or on behalf of the Northern Territory;

“public moneys” includes all revenue, loan, trust and other moneys, and all bonds, debentures and other securities received by a person for or on behalf of the Northern Territory or referred to in this Ordinance;

“Public Service” means the Public Service of the Northern Territory and “public servant” means an officer or employee of that service;

“stores” means chattels the property of, or in the possession of or under the control of the Territory;

“Treasurer” means the Executive Member for Finance;

“Trust Fund” means the Trust Fund kept in accordance with section 81.

Amounts  
deducted or  
set off  
deemed to  
be received  
or paid

4. (1) This section applies in relation to the Consolidated Revenue Fund, the Loan Fund and the Trust Fund.

(2) Where an amount payable out of a Fund in relation to which this section applies has been lawfully deducted from, or set off against, an amount payable into the same or another Fund in relation to which this section applies, and, by reason of the deduction or set off, an amount paid into the second-mentioned Fund is less than it would otherwise have been—

(a) the amount paid into the second-mentioned Fund shall, for the purposes of this Ordinance, be deemed to be the amount that, but for the deduction or set off, would have been so paid; and

(b) the amount deducted or set off shall, for the purposes of this Ordinance, be deemed to have been paid out of the first-mentioned Fund for the purpose for which it was so deducted or set off and to have been so paid at the same time as the amount was paid into the second-mentioned Fund.

(3) Where an amount payable into a Fund in relation to which this section applies has been lawfully deducted from, or set off against, an amount payable out of the same or another Fund in relation to which this section applies and, by reason of the deduction or set off, an amount paid out of the second-mentioned Fund is less than it would otherwise have been—

(a) the amount paid out of the second-mentioned Fund, shall for the purposes of this Ordinance, be deemed to be the amount that would but for the deduction or set off, have been so paid; and

- (b) the amount deducted or set off shall, for the purposes of this Ordinance, be deemed to have been paid into the first-mentioned Fund for the purpose for which it was so deducted or set off and to have been so paid at the same time as the amount was paid out of the second- mentioned Fund.

(4) Where an amount payable out of or into a Fund in relation to which this section applies has been lawfully set off against an amount payable into or out of the same or another Fund in relation to which this section applies and, by reason of the set off, no amounts are payable out of or into those Funds, the amounts that, but for the set off, would have been paid out of or into those Funds shall, for the purposes of this Ordinance, be deemed to have been so paid at the time when the set off took place.

5. Subject to any modifications and exceptions specified in directions given in pursuance of section 85, this Ordinance applies outside the Northern Territory to and in relation to every person who is or has been employed in the service of the Northern Territory, whether or not he is an Australian citizen, and the functions, powers, duties and responsibilities conferred or imposed by this Ordinance on the Treasurer, the Auditor-General and other specified persons and authorities in relation to persons who are or have been so employed, and in relation to public moneys and other matters provided by this Ordinance, are exercisable or shall be performed accordingly.

Application  
of Ordinance

## PART II—THE AUDITOR-GENERAL

6. The Administrator in Council may appoint a person to be Auditor-General for the Northern Territory.

Appoint-  
ment of  
Auditor-  
General

7. The Auditor-General shall receive such annual salary and allowance as the Administrator in Council from time to time determines and that salary and allowance shall be a charge upon and paid out of the Consolidated Revenue Fund which to the necessary extent is hereby appropriated accordingly.

Salary of  
Auditor-  
General

8. (1) The Auditor-General shall not during his continuance in such office be capable of being a member of the Legislative Assembly, the Administrator's Council or the Executive Council, or a member of either House of the Parliament of, or a member of the Executive Council of, Australia or any State.

Incapacity  
for other  
position

(2) The Auditor-General shall be deemed to have vacated his office—

- (a) if he directly or indirectly engages in any paid employment outside the duties of his office, or in any trade or business, otherwise than as a member of any registered company;

- (b) if he becomes insolvent or bankrupt or compounds with his creditors or makes any assignment of his salary for their benefit or takes advantage of the provisions of any Ordinance, Act or State Act relating to insolvency or bankruptcy;
- (c) if, except on leave granted by the Administrator in Council, he absents himself from duty for 14 consecutive days or for 28 days in any continuous period of 12 months; or
- (d) if he resigns his office by writing under his hand addressed to the Administrator and such resignation is accepted by the Administrator.

Auditor-General to retire at 65

9. The Auditor-General for the Northern Territory shall cease to hold office upon attaining the age of 65 years.

How removed from office or suspended

10. (1) The Auditor-General shall hold his office during good behaviour and shall not be removed therefrom except by a resolution of the Legislative Assembly.

(2) The Administrator in Council may, at any time, suspend the Auditor-General from his office for incapacity, incompetence or misbehaviour.

(3) Where the Administrator in Council acts under sub-section (2), the Treasurer shall lay before the Legislative Assembly a full statement of the grounds of such suspension within 7 days after such suspension if the Legislative Assembly is then in session and actually sitting, or if the Legislative Assembly is not then in session or not actually sitting, within 7 days after the commencement of the next session or sitting.

(4) The Auditor-General so suspended shall be restored to office unless the Legislative Assembly within 42 days after the day when such statement is laid before it and in the same session, resolves that the Auditor-General be removed from office.

Auditor-General to make declaration

11. The Auditor-General before he enters upon the duties or exercises the powers vested in him by this Ordinance, shall make and subscribe before the Executive Council a declaration in the form contained in the First Schedule.

Appointment of deputy of Auditor-General

12. (1) In the case of the illness, incapacity, suspension or absence of the Auditor-General, the Administrator may appoint some other person to act as Auditor-General during such illness, incapacity, suspension or absence, and a person so appointed shall, for the time during which he so acts, have all the powers and perform all the duties of the Auditor-General.

(2) On the first occasion on which a person is appointed under this section, he shall, before exercising the powers and performing the duties of the Auditor-General, make and subscribe before the Executive Council a declaration in the form contained in the First Schedule or to the like effect.

13. A person appointed to act as Auditor-General shall, in respect of the period during which he so acts, be paid a total remuneration by way of salary at the rate of salary provided in section 4 as the salary payable to the Auditor-General, and an allowance at the rate of the allowance payable to the Auditor-General under that section, and that remuneration and allowance shall be a charge upon and paid out of the Consolidated Revenue Fund which, to the necessary extent, is hereby appropriated.

Salary of  
acting  
Auditor-  
General

14. The Auditor-General may, by writing under his hand, appoint any person to inspect, examine and audit any books, accounts or stores that are required by this Ordinance or any other Ordinance to be inspected, examined or audited by the Auditor-General and to report thereon to him, and any such person shall have power to inspect all such books, accounts or stores and all vouchers and papers relating thereto.

Auditor-  
General may  
appoint  
persons to  
inspect

15. (1) The Auditor-General shall communicate with the Treasurer upon all matters arising under this Ordinance or the regulations relating to the collection, receipt, issue and expenditure of public moneys.

Auditor-  
General to  
communicate  
with  
Treasurer;  
report  
defaulters

(2) The Auditor-General shall transmit to the Treasurer the name of any person failing to comply with any of the provisions of this Ordinance or the regulations and thereupon, and until such failure shall have been made good to the satisfaction of the Treasurer, all salary and moneys that may be or become due or payable by the Northern Territory to such person may be withheld.

16. (1) The Auditor-General may, by written notice, require a person to appear personally before him at a time and place to be named in such notice, and to produce to him all such accounts, books, vouchers, documents and papers in the possession or control of that person as shall appear to him to be necessary for the purposes of any examination, inspection or audit authorized or required by this or any other Ordinance to be made by the Auditor-General.

Auditor-  
General may  
call for  
persons and  
papers

(2) The Auditor-General may, when he thinks fit, cause search to be made in, and extracts to be taken from, any book document or record in the custody of the Treasurer or in any public office without paying a fee.

17. The Auditor-General is hereby authorized and required to examine upon oath declaration or affirmation (which oath declaration or affirmation he is hereby empowered to administer) all persons whom he thinks fit to examine concerning the receipt or expenditure of money or stores affected by the provisions of this Ordinance and concerning all other matters and things necessary for the performance and exercise of the duties and powers vested in him.

Auditor-  
General may  
administer  
oath

18. The person in relation to whom any power of the Auditor-General under either section 16 or 17 may be exercised shall include every person, whether an accounting officer or not, and whether

Applica-  
tion of  
sections 16  
and 17

employed by the Northern Territory or an authority of the Northern Territory or not, in relation to whom the Auditor-General is satisfied that it is necessary to exercise that power for the purposes of the proper performance of his duties and functions under this or any other Ordinance.

Auditor-General to have access to accounts, books, &c

**19.** (1) Without prejudice to the powers conferred by any other provision of this Ordinance, the Auditor-General or an officer thereto authorized by him shall, at all reasonable times, have full and free access to all accounts, books, documents and papers in the possession of—

- (a) any authority established or appointed under a law of the Northern Territory;
- (b) any officer or employee under the control of any such authority; and
- (c) any other person,

being accounts, books, documents or papers that deal with, form the basis of, or are relevant directly or indirectly to, the expenditure of any public moneys, or the receipt, custody or disposal of stores, or any approval for the expenditure of any such moneys, and may make copies of or extracts from such accounts, books, documents or papers.

(2) Every such authority, officer, employee or person shall, upon request at any reasonable time by the Auditor-General or the authorized officer, produce to him all such accounts, books, documents or papers specified or described in the request, or relevant to any matter so specified or described.

Secrecy

**20.** (1) The operation of sections 16, 17, 18 and 19 shall not be limited by any provision (including a provision relating to secrecy) contained in any other law of the Northern Territory (whether made before or after the commencement of this section) except to the extent to which that other law expressly excludes the operation of any of those sections.

(2) Notwithstanding anything contained in any other law, and notwithstanding the making of an oath or declaration of secrecy, a person shall not be guilty of any offence by reason of anything done by him for the purposes of section 16, 17 or 19.

(3) The Auditor-General or any other person shall not divulge or communicate, except, in the course of duty, to another person performing duties under this Ordinance, any information which has come to his knowledge by reason, directly or indirectly, of section 16, 17 or 19, in any case in which the person from whom the information was obtained under those sections or from whose custody the accounts, books, documents or papers from which the information was derived were produced, could not, but for the provisions of this Ordinance, lawfully have divulged that information to the Auditor-General or authorized officer.

(4) Sub-section (3) shall not prevent the making, divulging or communicating, in any report of the Auditor-General, of conclusions, obser-

uations or recommendations which are based on information obtained in pursuance of section 16, 17 or 19.

**21.** The Auditor-General shall be entitled to lay before the Executive Member for Law a case in writing as to any question concerning the powers of the Auditor-General or the discharge of his duties, and the Executive Member shall give him a written opinion on such case.

Auditor-General may obtain opinion

### PART III—ACCOUNTING OFFICERS

**22.** Every accounting officer shall be subject to the provisions of this Ordinance and the regulations, and shall perform such duties, keep such books and render such accounts as are prescribed or as the Treasurer may direct.

Persons subject to Ordinance

**23.** Every accounting officer shall, if required by the Treasurer to do so, provide security for such sum and in such manner and form as the Treasurer shall direct, for the due performance of his duties and for the due accounting for and payment of all moneys which shall come into his possession or control by reason or virtue of his office, service or employment.

Security to be given

**24.** No accounting officer shall open any public or official account in any bank without the authority in writing of the Treasurer, and no bank shall permit any accounting officer to have an overdraft on any public or official account except as authorized under this Ordinance or by the Treasurer.

Accounting officer's bank account

**25.** On the death, resignation or removal of any accounting officer, the balances remaining at the credit of his public or official account in any bank shall, upon the appointment of his successor, vest in and be transferred to the public or official account of such successor at the bank, and on the death, bankruptcy or insolvency of any accounting officer, such balances shall not constitute assets of his estate or be in any manner subject to the control of his legal representative, assignee or trustee.

Transfer of balances on decease, resignation or removal of accounting officers

### PART IV—COLLECTION OF MONEYS

**26. (1)** The Treasurer may agree with any bank, upon such terms and conditions as he may think fit, for the receipt, custody, payment and transmission of public moneys within or outside the Northern Territory, and for advances to be made and for the charges in respect of the same, and for the interest payable by or to the bank upon balances or advances respectively, and generally for the conduct of the banking business of the Northern Territory.

Treasurer may agree with any bank for conducting business

**(2)** No such agreement shall be made for a period of more than one year unless it contains a provision that it may be terminated by either party at any time after notice of not exceeding 6 months.

Northern  
Territory  
Public  
Account

**27. (1)** The Northern Territory Public Account shall be kept in such bank and under such sub-divisions (if any) as the Treasurer may in writing direct.

(2) All moneys paid into any bank to the Northern Territory Public Account shall be deemed to be public moneys and the property of the Northern Territory and to be money lent by the Northern Territory to the bank.

Investment  
of moneys in  
Northern  
Territory  
Public  
Account

**28.** Moneys standing to the credit of the Northern Territory Public Account (not being moneys standing to the credit of the Trust Fund) may be invested by the Treasurer as if they were moneys to which section 84 applies, and that section shall apply as if the moneys so invested were invested under that section.

Accounting  
officers to  
pay money  
into  
Treasury or  
bank, &c.

**29. (1)** Except as otherwise provided in this Ordinance, every accounting officer collecting or receiving money shall daily, or at such intervals and in such manner as may be directed by the Treasurer transmit or pay to the Treasurer or into the Northern Territory Public Account, or to such person as the Treasurer may direct, all money collected or received by him on account of the Consolidated Revenue Fund.

(2) Every accounting officer collecting or receiving bonds, debentures or other securities shall, daily or at such intervals and in such manner as may be directed by the Treasurer, transmit to the Treasurer or to such person as the Treasurer may direct, all bonds, debentures or other securities collected or received by him for or on account of the Northern Territory.

Treasurer to  
pay money  
daily into  
bank

**30.** The Treasurer shall pay daily into the Northern Territory Public Account all money received by the Treasurer.

Accounting  
officers to  
furnish  
statements

**31. (1)** Every accounting officer transmitting or paying any money collected or received by him to the Treasurer or to any person as directed by the Treasurer shall, at the same time, transmit or deliver to the Treasurer or to such person a statement signed by him of the days of the month on, and the particular heads of receipt under which, such money came into his possession or control, with such other particulars as may be prescribed.

(2) Every accounting officer at the time of paying any money into the Northern Territory Public Account shall obtain from the manager or person in charge of the bank into which such money is paid (who is hereby required to give the same) an accountable receipt in duplicate for such money, and shall forthwith after such payment transmit to the Treasurer or a person appointed by the Treasurer for the purpose of this sub-section one of the duplicate accountable receipts and a statement referred to in sub-section (1).

32. Every accounting officer collecting or receiving public moneys shall, if so required by the Auditor-General, on or before the tenth day of every month, transmit to the Auditor-General a return, verified by his statutory declaration, of all moneys which shall have come into his possession or under his control for or on account of the Consolidated Revenue Fund during the preceding month.

Accounting officers to send declared returns to the Auditor-General

33. (1) When under any Ordinance any money (which by such Ordinance is directed to be paid into the Treasury or to the Treasurer) shall come to the possession or control of any person in the Public Service or, subject to the provisions of this Ordinance, by virtue of his office, service or employment, for or on account or for the use or benefit of any other person, such first-mentioned person shall pay the money and act in respect thereof and in regard thereto in the same manner as an accounting officer is required to pay and act with reference to moneys which shall come to his possession or control for or on account of the Consolidated Revenue Fund, or as near thereto as the circumstances of the case will permit.

Disposal of private moneys collected under Ordinances

(2) Such money shall be placed to the credit of the Trust Fund and under such separate heads as may be directed by the Treasurer.

34. (1) When by virtue of his office, service or employment or of any legal process whatsoever any money shall come to the possession or control of any person in the Public Service or, subject to the provisions of this Ordinance, for or on account or for the use or benefit of any other person, and shall have remained in such possession or under such control for such period as may be prescribed, such first-mentioned person shall pay the money into such bank at such place and in such manner as the Treasurer shall direct.

Public servant collecting private moneys to place them to their credit in bank

(2) Such money shall be paid by such person as aforesaid to an official account to be opened by him in such bank, and all interest which shall become due from such bank for or in respect thereof shall, except as prescribed, form part of the Consolidated Revenue Fund.

(3) No such person shall be answerable or accountable for any loss that may happen through any such bank.

35. When any money referred to in section 34 shall have remained in such bank for 3 months, and thereafter for such period (if any) not exceeding 3 months as the Treasurer directs, such person shall pay the same and act in respect thereof and in regard thereto in the same manner as an accounting officer is required to pay and act, in respect of moneys which shall come to his possession or control for or on account of the Consolidated Revenue Fund, or as near thereto as the circumstances of the case will permit, and such money shall be placed to the credit of the Trust Fund under such separate heads as may be directed by the Treasurer.

Payment to public account or private moneys collected by public servants

Unclaimed  
trust fund to  
be carried to  
revenue

36. (1) All sums as shall have been so placed to the credit of the Trust Fund and shall have remained unclaimed for a period of 6 years after becoming payable from the Trust Fund, shall be carried to and form part of the Consolidated Revenue Fund.

(2) No person shall be entitled to receive any such sum which shall have remained unclaimed for 6 years, but no time during which the person entitled to the benefit of such sum shall have been an infant or of unsound mind or out of the Northern Territory shall be taken in account in estimating the period of 6 years.

(3) Notwithstanding sub-section (1), any sum, the claim to which is established to the satisfaction of the Treasurer, after it has been carried to the credit of the Consolidated Revenue Fund may be withdrawn and refunded upon the authority of the Treasurer.

## PART V—PAYMENT OF MONEYS

How moneys  
are to be  
issued

37. No money shall be drawn from the Northern Territory Public Account except in the manner provided by this Ordinance.

Warrant  
procedure in  
relation to  
moneys  
available by  
virtue of  
appropriation  
of  
Consolidated  
Revenue  
Fund or  
Loan Fund

38. (1) Where it appears to the Treasurer that an amount of money, being money lawfully available for expenditure by virtue of an appropriation of the Consolidated Revenue Fund or of the Loan Fund will be required to be drawn from the Northern Territory Public Account for expenditure in respect of services or purposes for which that appropriation was made, he may notify the Auditor-General accordingly by instrument under his hand in accordance with Form 1 in the Second Schedule.

(2) Upon receipt of the instrument, the Auditor-General shall consider whether the amount is lawfully available by virtue of that appropriation for expenditure in respect of those services or purposes.

(3) If the Auditor-General is satisfied that the amount is so lawfully available, he shall—

- (a) give a certificate in relation to the amount by writing under his hand in accordance with Form 2 in the Second Schedule; and
- (b) return the instrument referred to in sub-section (1) and the certificate to the Treasurer.

(4) If the Auditor-General is not so satisfied, he shall not give such a certificate but shall—

- (a) state in writing the amount considered by him to be not so lawfully available and the grounds for his opinion; and
- (b) return the instrument and the statement to the Treasurer.

(5) Where the Auditor-General has given a certificate under this section in relation to an amount specified in relation to an appropriation

in an instrument prepared by the Treasurer under this section, the Administrator may issue to the Treasurer a warrant under his hand in accordance with Form 3 in the Second Schedule authorizing the drawing of that amount from the Northern Territory Public Account for expenditure, in accordance with that appropriation, in respect of the services or purposes referred to in the instrument.

(6) The Administrator may issue a warrant to the Treasurer under sub-section (5) without obtaining the advice of the Executive Council.

(7) Strict compliance with a form referred to in this section is not required and substantial compliance is sufficient.

(8) A reference in this section to the Auditor-General shall, if the Auditor-General has by instrument in writing, appointed a person to act on his behalf for the purposes of this section, be read as a reference to the person so appointed.

**39.** (1) When a warrant has been issued by the Administrator under section 38, the Treasurer may, subject to this section, make payments out of any bank account in which the Northern Territory Public Account is kept in respect of the services or purposes referred to in the warrant.

Treasurer on receipt of warrant may make payments

(2) The sum of the amounts paid under sub-section (1) upon the authority of a warrant shall not exceed the amount specified in the warrant.

(3) For the purposes of sub-section (2), moneys or payments that, in pursuance of section 38 (1), are taken in reduction of expenditure from an appropriation to which a warrant referred to in that sub-section relates shall also be taken in reduction of the sum of the amounts paid upon the authority of the warrant.

(4) Where a payment is made out of a bank account in which the Northern Territory Public Account is kept, the bank is not required to ascertain whether the payment was made upon the authority of a warrant.

**40.** (1) Subject to sub-section (2), a reference in sections 37, or 38 (1) to the drawing of money from the Northern Territory Public Account—

Warrant procedure to apply to transfers within Northern Territory Public Account

(a) shall be read as including a reference to the payment of a cheque drawn on a bank account in which the Northern Territory Public Account is kept, notwithstanding that the amount of the cheque is paid into another such bank account; and

(b) shall be read as including a reference to the making (otherwise than in pursuance of the drawing or payment of a cheque) in the books of account kept for the purpose of recording transactions in relation to the Northern Territory Public Account of an entry debiting that Account, notwithstanding that a corresponding entry is made crediting that Account.

(2) Sub-section (1) does not apply in relation to the payment of a cheque or the making of an entry where the payment or entry does not operate to reduce the amount available for expenditure by virtue of an appropriation.

Warrants not  
required for  
expenditure  
of certain  
moneys out  
of Northern  
Territory  
Public Account

**41.** Sections 38, 39 and 40 do not apply in relation to moneys in the Public Account that are available for expenditure by virtue of—

- (a) an appropriation of the Consolidated Revenue Fund that is to be deemed to be made by virtue of section 43; or
- (b) an appropriation of the Trust Fund.

Duty of  
paying,  
certifying  
and  
authorizing  
officers

**42.** (1) Subject to sub-section (2), no accounting officer shall pay any account unless he shall have been authorized so to do by some person appointed by the Treasurer for that purpose, and unless such account shall have been duly certified as correct by some person appointed by the Treasurer for that purpose.

(2) The Treasurer may permit the payment of an account or an account of a class specified by the Treasurer, before it has been certified, if the account has been checked by a responsible officer and dealt with as prescribed, and if he is satisfied that undue delay in the payment of the account would be caused if, before payment, it had to be dealt with as provided in sub-section (1).

(3) No responsible officer referred to in sub-section (2) shall authorize the payment of an account—

- (a) unless such account shall have been duly certified as required by sub-section (1); and
- (b) until he shall have ascertained that the payment thereof, in addition to any accounts already authorized for payment, will not exceed the amount of the appropriation.

(4) No responsible officer referred to in sub-section (2) shall certify any account until he shall have ascertained that the expenditure has been duly approved in writing by the prescribed authority and that the account is correct in every particular and that the expenditure involved is in accordance with the laws and regulations applicable thereto and is charged against the proper head of expenditure.

(5) Notwithstanding anything contained in this section, an account shall be deemed to have been duly certified and payment authorized if it has been approved in writing by the proper authority and directly sanctioned by the Treasurer and, if chargeable on the Consolidated Revenue Fund or Loan Fund, is covered by any Appropriation Ordinance or an Ordinance authorizing the issue and application of moneys out of either of those Funds in force at the time of payment.

(6) The correctness of an account in regard to rates of charge and faithful performance of the services charged shall be certified by the per-

son incurring the expense or by the person appointed for that purpose by the Executive Member administering the department or branch concerned.

(7) Except as provided in the succeeding provisions of this section, every accounting officer shall, at the time of paying an account, obtain a receipt for the amount so paid, under the hand of the person to whom the account is payable or under the hand of some person or banker authorized in writing by him.

(8) Where an account is paid by cheque the receipt for the amount paid may be given as prescribed.

(9) Where a receipt for the payment of an account, paid by means of a crossed non-negotiable cheque, purports to be under the hand of a person authorized in writing by the person to whom the account is payable to receive payment, the receipt may be accepted without proof of the authority of the person by whom it was given to receive payment.

(10) Notwithstanding anything contained in sub-section (6), it shall not be necessary to obtain receipts for the payment of salaries, wages and allowances, but a certificate in the prescribed form shall be given by the officer who made the payment and by another officer as having witnessed the payment.

**43. (1)** Where an amount that is, or the total of amounts that are, specified in an item, sub-division or division in a Schedule to an Appropriation Ordinance for a financial year is expressed to be—

Certain amounts to be deemed to have been appropriated

- (a) less an amount to be provided from some other appropriation;
- (b) less an amount to be received from a head of the Trust Fund or from a Trust Fund Account; or
- (c) less an amount to be received from some other source, then—
- (d) an amount equal to the amount referred to in whichever of the preceding paragraphs is applicable shall be deemed to have been appropriated for the purposes and services referred to in that item, sub-division or division, as the case may be; and
- (e) the Treasurer is authorized to issue and apply the amount first-mentioned in paragraph (d) accordingly.

(2) Where an amount that is, or the total of amounts that are, specified in an item, sub-division or division in a Schedule to an Appropriation Ordinance for a financial year is expressed to be less amounts to be provided from more than one of the sources referred to in sub-section (a), (b) and (c), then—

- (a) an amount equal to the total of the last-mentioned amounts shall be deemed to have been appropriated for the purposes and services referred to in that item, sub-division or division, as the case may be; and

- (b) the Treasurer is authorized to issue and apply an amount equal to that total accordingly.

(3) Where it is provided by a Schedule to an Appropriation Ordinance for a financial year that moneys of a specified description that are received may be credited to an item, sub-division or division in that Schedule—

- (a) an amount equal to the total of the moneys of that description received in that financial year shall be deemed to have been appropriated for the purposes and services referred to in that item, sub-division or division, as the case may be; and
- (b) the Treasurer is authorized to issue and apply the amount first-mentioned in paragraph (a) accordingly.

(4) In this section “Appropriation Ordinance for a financial year” means any Ordinance appropriating a sum for the service of that year.

Payments  
made after  
close of  
financial  
year

**44.** (1) Subject to sub-section (2), every appropriation made out of the Consolidated Revenue Fund for the service of any financial year shall lapse and cease to have effect for any purpose at the close of that year, and any balance of the moneys so appropriated which may then be unexpended shall lapse and the accounts of the year shall be then closed.

(2) Where—

- (a) an obligation involving expenditure has been incurred or is intended to be incurred outside the Northern Territory; and
- (b) money—
  - (i) to an amount not exceeding the appropriation covering the expenditure has, before the close of the financial year for the service of which the appropriation is made, been transmitted for the purpose of making payments in connexion therewith; or
  - (ii) has been advanced to an accounting officer for the purpose of paying accounts for prescribed services,

the money so transmitted or advanced shall be, and shall be deemed to have been, available for making those payments notwithstanding that the financial year closed before the payments were completed, and for that purpose the appropriation shall be deemed not to have lapsed.

Debiting of  
expenditure  
charged to  
Treasurer's  
advance

**45.** Expenditure in excess of specific appropriation, or not specifically provided for by appropriation, may be charged to such heads as the Treasurer may direct, provided that the total expenditure so charged in any financial year, after deduction of amounts of repayments and transfers to heads for which specific appropriation exists, shall not at any time exceed the amount appropriated for that year under the head “Advance to the Treasurer”.

46. The amount included in any sub-division in a Schedule to an Appropriation Ordinance for the salary in respect of an office or position occupied by an officer shall be available for payment of the officer's salary in any branch the salaries for which are provided in the same sub-division. Salary votes

47. (1) Money received in a financial year in repayment of expenditure made within that year from an annual appropriation in respect of that year shall be taken in reduction of the expenditure from that appropriation. Application of repayments of expenditure

(2) Money received in any financial year in repayment of expenditure from a special appropriation under any Ordinance shall be taken in reduction of expenditure from that appropriation in respect of the year in which the repayment is made.

(3) Payments made for the purpose of adjusting, between Departments, or between branches of Departments, expenditure which was made from an annual appropriation in any financial year, may be taken in reduction of similar expenditure in a subsequent year.

48. (1) If the exigencies of the public service render it necessary to alter the proportions assigned to the particular items comprised under any sub-division in the annual Appropriation Ordinance, the Administrator in Council may, by order, direct that there shall be applied in aid of any item that may be deficient, a further limited sum out of any surplus arising on any other item under the same sub-division unless such sub-division shall be expressly stated to be "unalterable". Power to vary the annual appropriation

(2) An order by which such altered application may be made shall be delivered to the Auditor-General within 7 days after it is made.

(3) Nothing in this section shall authorize the Administrator in Council to direct that any such sum referred to in sub-section (1) shall be applied in augmentation of or as an addition to any salary specifically appropriated by the Legislative Assembly.

49. Where—

- (a) an amount has been received by the Northern Territory and paid into the Consolidated Revenue Fund; and
- (b) the repayment of that amount, or of a part of that amount to any person is required or permitted by or under any Ordinance or otherwise by law, but no appropriation of the Consolidated Revenue Fund to enable the repayment to be made is, apart from this section, made by any Ordinance,

Refunds from Consolidated Revenue Fund

the Consolidated Revenue Fund is hereby appropriated to the extent necessary to make the repayment.

Power of  
Treasurer to  
make certain  
payments  
without  
production  
of probate or  
letters of  
administration

**50. (1) Where—**

- (a) a person has died, whether before or after the commencement of this Ordinance; and
- (b) an amount was, or amounts were, owing by the Northern Territory to the deceased person at the time of his death being an amount not exceeding, or amounts not exceeding in the aggregate, such amount as is prescribed,

the Treasurer may, in his discretion, without production of probate or the will, or letters of administration of the estate of the deceased person, authorize payment of that amount or those amounts to the person whom the Treasurer thinks it proper that the payment should be made.

(2) In determining the person to whom an amount is to be paid under this section, the Treasurer shall have regard to the persons who are entitled to the property of the deceased person under his will or under the law relating to the disposition of the property of a deceased person, as the case requires.

(3) Where an amount is paid in pursuance of this section, the Northern Territory is discharged from all further liability in respect of payment of that amount, but nothing in this section operates to relieve a person to whom any money is paid in pursuance of this section from liability to account for, or deal with, that money in accordance with law.

## PART VI—AUDIT AND INSPECTION

Banker to  
forward  
bank  
statements  
and  
certificates to  
Treasurer  
and Auditor-  
General

**51.** The manager or other person in charge of a bank into which moneys forming part of the Northern Territory Public Account are paid shall—

- (a) at such times as the Treasurer, by instrument in writing, directs, send to the Treasurer, or to a person nominated by the Treasurer, by instrument in writing, for the purpose of this section, a statement showing the debits and credits to the account in which those moneys are kept, other than any debits or credits in respect of which a statement has previously been sent to the Treasurer or to a person so nominated together with a certificate setting out the balance to the debit or credit of that account; and
- (b) at any time when he is requested to do so, by instrument in writing by the Auditor-General or by a person nominated by the Auditor-General by instrument in writing, for the purposes of this section, send to the Auditor-General, or that person, a statement showing the debits or credits in the account in which those moneys are kept, other than any debits or credits in respect of which a statement has previously been sent to the Auditor-General or to the person so nominated, together with a certificate setting out the balance to the debit or credit of that account.

52. An Accounting Officer charged with the duty of disbursing public moneys, if so required by the Auditor-General shall, not later than the fourth day after the expiration of each month, send to the Auditor-General a detailed statement, verified by his statutory declaration, of the payments made by him during the preceding month.

Accounting officers to furnish statements

53. The Treasurer shall keep at the Treasury a book to be called "The Cash Book" and shall enter therein when and as such statements accountable receipts accounts and receipts as aforesaid respectively are received by him, the amount mentioned in the same respectively and shall, as and when required by the Auditor-General send or make available to him the statements accountable receipts accounts and receipts and a copy (to be called "The Cash Sheet") of so much of the book as shall not previously have been sent or made available by him to the Auditor-General.

Treasurer to keep a cash book and send cash sheet, &c. to Auditor-General

54. The Auditor-General shall audit the returns, cash sheet statements, accountable receipts, accounts and receipts sent or made available to him, and shall—

Audit of returns, cash sheets and accounts

- (a) ascertain whether the moneys shown therein to have been disbursed were lawfully available for expenditure in respect of the service or purpose to which they have been applied or charged; and
- (b) ascertain whether the provisions of the *Northern Territory Administration Act* 1910-1974 and of this and any other Ordinance and the regulations relating to public moneys have been in all respects complied with.

55. The Auditor-General shall examine the accounts of the receipts of revenue and other moneys by all Departments and the accounts of every receiver of moneys which are by law payable to the Northern Territory.

Auditor-General to examine accounts of revenue

56. The Auditor-General shall examine the accounts of the receipts of revenue and other moneys by all Departments and the accounts of every receiver of moneys which are by law payable to the Northern Territory.

Auditor-General to examine accounts of revenue

57. The Auditor-General shall examine the accounts of the stores of all Departments and shall take such steps as he considers necessary to satisfy himself that the stores have been properly accounted for and that the regulations and instructions in respect of the control and stocktaking of the stores have been observed.

Auditor-General to examine accounts of stores

58. (1) A Department, shall, if so required by the Treasurer, keep such accounts and prepare such financial statements in respect of such of its operations, and in such form, as the Treasurer determines.

Special operations of Departments

(2) Accounts kept and statements prepared under this section and all books, vouchers and papers relating to those accounts and statements shall be subject to inspection, examination and audit by the Auditor-General.

(3) The provisions of this section shall be read as in addition and not in derogation from the other provisions of this Ordinance.

Auditor-  
General to  
surcharge  
accounting  
officer

**59.** (1) The Auditor-General shall make such queries and observations addressed to the Treasurer or any other person whomsoever, and call for such accounts, vouchers, statements, documents and explanations as he may think necessary.

(2) Every such query or observation received by a person other than the Treasurer shall, within 14 days after its receipt by that person, be returned by him, with the necessary reply, to the Auditor-General.

(3) If it appears to the Auditor-General from an examination, audit or inspection made by him or a person appointed by him—

- (a) that an accounting officer has wilfully or negligently omitted to collect or receive any money;
- (b) that any money shall not have been duly credited to the proper head of revenue or account or not duly accounted for;
- (c) that any money shall have been applied or charged to a service or purpose for which it was not legally available or applicable;
- (d) that an expenditure was not duly authorized or was not duly vouched and certified;
- (e) that there has been any deficiency or loss of public moneys, stores or other property of, or under the control of, the Northern Territory, damage to, or expenditure for the repair or replacement of, stores or other such property, caused or necessitated through the fraud, mistake, default, neglect or error of a person;
- (f) that those returns, statements, accounts and receipts or any of them are in an essential particular defective or imperfect;
- (g) that a material error has been made; or
- (h) that a provision of the *Northern Territory Administration Act* 1910-1974 or of this or any other Ordinance or the regulations have not been complied with,

the Auditor-General shall surcharge the accounting officer or other person concerned with—

- (i) all sums wilfully or negligently omitted to be collected, or not duly accounted for;
- (ii) any deficiency or loss of public moneys, the value of stores deficient, lost or required to be replaced or the expenditure for the repair of stores or other property of or under the control of the Northern Territory; and
- (iii) any expenditure not duly authorized, vouched or certified.

(4) The Auditor-General may at any time revoke any surcharge made by him.

(5) A surcharge that has not been satisfied within a time considered by the Auditor-General to be reasonable in the circumstances shall be reported by him to the Treasurer.

**60.** (1) The Treasurer may take such measures or proceedings as he thinks fit to recover the amount of a surcharge and may order that no account payable to or claimed by the accounting officer or other person surcharged shall be paid until the surcharge is satisfied.

Recovery by Treasurer of amount of surcharge

(2) Without prejudice to any other measures of recovery, the amount of a surcharge may be sued for as money paid by the Northern Territory to the use of the accounting officer or other person surcharged, at the request of the officer or other person, as the case may be.

**61.** (1) Where a notice of a surcharge has been received by an accounting officer or other person in the public service or subject to the provisions of this Ordinance and he is dissatisfied with the surcharge in his accounts made by the Auditor-General, that accounting officer or person may appeal to the Administrator in Council within 3 months after the receipt of the notice.

Accounting officer to have right of appeal to the Administrator in Council

(2) The Administrator in Council, after such investigation as he considers reasonable, may make such order directing the relief of the appellant wholly or in part from the surcharge as shall appear to the Administrator in Council to be just and reasonable, and the order shall be binding on the Northern Territory and all other persons and be acted on accordingly.

**62.** (1) The Auditor-General shall, at such intervals as he thinks fit, and whenever required so to do by the Treasurer, inspect, examine and audit the books and accounts of any accounting officer.

Inspection and audit of books and accounts

(2) The Auditor-General shall report to the Treasurer all irregularities discovered by him which, in the opinion of the Auditor-General, are of sufficient importance to be so reported.

**63.** If the Auditor-General is satisfied that any accounts of receipts, expenditure or stores bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect and that they have been allowed and passed by the proper departmental officers, he may admit them as satisfactory evidence in support of the charges or credits to which they relate.

Power to admit certain accounts

**64.** The Auditor-General may, at his discretion, dispense with all or any part of the detailed audit of any accounts.

Auditor-General may dispense with detailed audit

**65.** (1) No sum shall be allowed in any account to have been duly received or paid without a written voucher for the actual receipt or payment of every sum so claimed to be allowed (notwithstanding any allegation of papers having been lost or destroyed or of the impossibility of obtaining the prescribed voucher) except on application to the Treasurer.

No sum to be allowed without voucher unless by order

who, upon satisfactory evidence being produced that the requisite papers have been lost or destroyed, or that it is not possible to obtain or replace them, may order that the sum shall be allowed or disallowed, as the case may be, and may make such other order in the premises as he shall think fit.

(2) An order made under sub-section (1) shall be binding on the Northern Territory and all other persons and be acted on accordingly.

Imperfect  
vouchers

**66.** (1) Where a voucher produced for a sum of money disbursed is defective from the want of any certificate or other document that ought to have accompanied it, or in any other particular, the Auditor-General or an authorized officer may, upon being satisfied that—

- (a) the accounting officer did not wilfully neglect to procure or produce such certificate or document; and
- (b) that the sum specified in the voucher has been actually and properly disbursed,

admit such voucher as a sufficient discharge and allow the amount of the same.

(2) The Auditor-General, or an authorized officer may admit and allow, in the cases where it appears to him to be reasonable or expedient so to do, a voucher for moneys expressed there-in although the voucher is not stamped according to law.

(3) In this section “authorized officer” means an officer authorized by the Auditor-General to act under this section.

Recovery of  
moneys  
disallowed  
by reason of  
absence or  
imperfection  
of voucher

**67.** (1) Where any sum of money has been disallowed under sections 65 or 66 as a result of the absence or imperfection of a voucher, or the absence or incorrectness of a certificate, the amount so disallowed—

- (a) shall be deemed to be money paid by the Northern Territory to the use of the accounting officer concerned at his request; and
- (b) the money may be—
  - (i) recovered by the Treasurer by such measures or proceedings as he thinks fit to take; or
  - (ii) stopped or retained, either in whole or in part, in accordance with the directions of the Treasurer, from any moneys then or thereafter payable by the Northern Territory to that accounting officer.

(2) Where any moneys payable to an accounting officer have been stopped or retained under this section, he shall have the same right of appeal as he would have had under section 61 if he had been surcharged the amount of those moneys under section 59, and the Administrator in Council may deal with any appeal by the accounting officer as if it were an appeal under section 61.

## PART VII—STATEMENTS AND THEIR AUDIT

68. (1) The Treasurer shall, as soon as conveniently may be after the expiration of each month of each financial year, publish a statement of the receipts and expenditure of the Consolidated Revenue Fund and of the expenditure of the Loan Fund for that month and during that year up to the end of that month.

Treasurer's  
statement of  
receipts and  
expenditure

(2) The Treasurer shall, as soon as conveniently may be after the expiration of the first half of each financial year, publish in the *Gazette* a statement in such detail and in such form as he thinks fit of the receipts and expenditure of the Consolidated Revenue Fund, the Trust Fund and the Loan Fund during that half of that year, together with a comparative statement of the receipts and expenditure of the Consolidated Revenue Fund and the Loan Fund during the corresponding period of the previous financial year.

69. (1) The Treasurer shall, as soon as practicable after the end of every financial year, prepare a full and particular statement, in detail, of the expenditure of the Consolidated Revenue Fund for such year (classified and arranged in the same form and under the same divisions and sub-divisions as shall have been employed in the appropriation thereof) and of the Loan Fund and all other accounts for the same period and of the Trust Fund for the same period under the several heads of account of that fund and also of the receipts of the Consolidated Revenue Fund, Loan Fund and other accounts and Trust Fund for the same year, and shall transmit such statement to the Auditor-General.

Yearly  
statement for  
audit

(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.

70. (1) The Auditor-General shall on receiving the statement referred to in section 70, examine that statement and prepare and sign a report explaining it in full and indicating—

Auditor-  
General to  
audit and  
report

- (a) in what particulars such statement agrees with or differs from the accounts of the Treasurer;
- (b) full particulars of every case in which the provisions of the *Northern Territory Administration Act* 1910-1974 or of this or any other Ordinance or the regulations or any form shall not have been carried out or adopted or shall in any manner have been varied or departed from;
- (c) every case in which default has been made in delivering or sending accounts or collecting or accounting for any moneys or stores;
- (d) every sum exceeding \$1,000 allowed without vouchers or certificates or with imperfect vouchers or certificates;

- (e) any proceeding that may have been taken by or against any person in pursuance of the provisions of this Ordinance or the regulations;
- (f) all surcharges which have been made by the Auditor-General and not satisfied or which have been removed by order of the Administrator in Council;
- (g) such other information as may be prescribed or as the Auditor-General thinks desirable.

(2) Whenever the Auditor-General considers it expedient, he may discharge his obligation to prepare and sign a report under sub-section (1) by preparing and signing a report and later, but as soon as practicable, a report or reports supplementary to the first-mentioned report.

Information  
in respect of  
audits

**71.** The Auditor-General shall include in any report made by him under this Ordinance such information as he thinks desirable in relation to audits, examinations and inspections carried out by him in pursuance of the provisions of this or any other Ordinance.

Certain  
orders and  
legal  
opinions to  
be annexed  
to Auditor-  
General's  
report

**72.** The Auditor-General shall annex to a report under section 70—

- (a) a copy of every order under section 48 (1) by which it has been directed that there shall be applied in aid of any item that was deficient a further sum out of any surplus arising on any other item under the same sub-division; and
- (b) a copy of every case or statement of facts laid by the Auditor-General before the Executive Member for Law for his opinion, together with a copy of the opinion given.

Auditor-  
General's  
reports to be  
tabled

**73.** (1) Forthwith after he signs a report under section 70, the Auditor-General shall forward to the Administrator and to the Treasurer a signed copy of the report, together with—

- (a) a copy of the Treasurer's statement under section 69, except in the case of a supplementary report; and
- (b) any copies referred to in section 72 that are relevant to the report.

(2) The Administrator shall cause the copy of the report and the accompanying papers (if any) that are forwarded to him under sub-section (1) to be forwarded to the Legislative Assembly for tabling on the first sitting day after he receives them.

Auditor-  
General to  
make  
suggestions  
for  
accounting,  
collection  
and payment

**74.** The Auditor-General may in a report under section 70 or in any special report which he may at any time think fit to make, recommend any plan or suggestion for the better collection and payment of public moneys and any improvement in the mode of keeping the public accounts, and generally report upon all matter relating to the public accounts, public moneys and stores.

## PART VIII—THE LOAN FUND

**75.** (1) A separate account shall be kept in the Treasury of all moneys raised by way of loan upon the public credit of the Northern Territory and that have been placed to the credit of the Northern Territory Public Account. Separate account to be kept of Loan Fund

(2) Such account shall be called “the Loan Fund” and shall be kept under such separate heads as are specified in the several Ordinances under which the moneys are raised.

**76.** (1) Subject to this section, the Treasurer shall not expend moneys standing to the credit of the Loan Fund except under the authority of an Ordinance. Loan Fund expenditure to be covered by Ordinance

(2) Such an Ordinance shall show the nature of the work or other object of the proposed expenditure, and the amount of the proposed expenditure in each case, and the total amount proposed to be expended for such work or object.

(3) Where the Northern Territory is liable to repay to any person an amount that has been received by the Northern Territory and paid into the Loan Fund (not being an amount lent to the Northern Territory, provision for the repayment of which is made by an Ordinance other than this Ordinance), the Loan Fund is appropriated to the extent necessary to make that repayment.

**77.** When money is appropriated out of the moneys standing to the credit of the Loan Fund for the purpose of defraying the cost of the purchase of any material, the cost of which may ultimately be chargeable to and divisible amongst more works than one, and it is not known or does not appear to what work the cost of such material ought ultimately to be charged, then the Treasurer may direct that all moneys expended for such material shall be charged, in the first instance, to a “Suspense Account” and shall afterwards be charged to the proper work when it is ascertained. Suspense accounts

**78.** The Treasurer may take in reduction of expenditure charged to the Loan Fund the following receipts: Certain receipts may be credited to the Loan Fund

- (a) money received from the sale of any property purchased or produced, or for work paid for, out of the Loan Fund;
- (b) money received in repayment of advances or loans made out of the Loan Fund; and
- (c) money received as a rebate in respect of expenditure made out of the Loan Fund.

**79.** (1) The provisions of this Ordinance relating to the issue and expenditure of public moneys, and the authority for such issue and expenditure, shall apply to the issue and expenditure of moneys standing Provisions of Ordinance to apply

to the credit of the Loan Fund, and the Administrator in Council has the same authority with respect to such moneys and their expenditure as he has with respect to moneys standing to the credit of the Consolidated Revenue Fund.

(2) The provisions of this Ordinance relating to the collection and receipt of money and the audit of the Public Accounts, and the powers and duties of the Auditor-General with respect to the expenditure of public moneys, and the duties and liabilities of accounting officers and all other persons shall, in like manner, apply to moneys collected, received or expended on account of the Loan Fund.

## PART IX—THE TRUST FUND

**Trust Fund**      **80.** A separate account shall be kept in the Treasury, to be called the Trust Fund, of all moneys that shall be placed to the credit of that fund under such separate heads as may be directed by the Treasurer.

**Expenditure of Trust moneys**      **81.** The Treasurer shall not expend any moneys standing to the credit of the Trust Fund except for the purposes of such fund or under the authority of an Ordinance.

**Provisions of Ordinance to apply in relation to Trust Fund**      **82.** (1) The provisions of this Ordinance relating to the issue and expenditure of public moneys and the authority for such issue and expenditure, shall apply to the issue and expenditure of moneys standing to the credit of the Trust Fund, and the Administrator in Council shall have the same authority with respect to such moneys and their expenditure as he has with respect to moneys standing to the credit of the Consolidated Revenue Fund.

(2) Sub-section (1) has effect subject to section 41.

(3) The provisions of this Ordinance relating to the collection and receipt of moneys and the audit of the Public Accounts, and the powers and duties of the Auditor-General with respect to the expenditure of public moneys and the duties and liabilities of accounting officers and all other persons shall, in like manner, apply to moneys collected, received or expended on account of the Trust Fund.

**Trust Accounts**      **83.** (1) The Treasurer may establish Trust Accounts and define the purposes for which they are established.

(2) All moneys standing to the credit of an account that is a Trust Account established under this section or established under any other Ordinance as a Trust Account for the purposes of within the meaning, of this section, shall be deemed to be money standing to the credit of the Trust Fund.

(3) The Treasurer may direct that a Trust Account shall be closed and, after all liabilities of the Account have been met, the Account shall be closed accordingly.

(4) The Treasurer may direct that moneys standing to the credit of a Trust Account that are not required for the purposes of that Account, and the balance of moneys standing to the credit of a Trust Account closed under sub-section (3) shall be paid as provided in sub-section (5).

(5) Where any amount is required in accordance with sub-section (4) to be paid, that amount shall, to such extent as it was appropriated out of moneys standing to the credit of the Loan Fund, be paid to the Loan Fund, and any balance of that amount shall be paid to the Consolidated Revenue Fund.

(6) The following moneys may be paid to the credit of the Trust Account to which they relate:

- (a) moneys appropriated by law for the purposes of any Trust Account;
- (b) moneys received from the sale to any person or Department of any articles purchased or produced, or for work paid for, with moneys standing to the credit of a Trust Account; and
- (c) moneys paid by any person for the purpose of a Trust Account.

(7) Moneys standing to the credit of a Trust Account may be expended for the purposes of the account.

(8) Where—

- (a) an amount has been received by the Northern Territory and paid to the credit of the Trust Fund; and
- (b) the repayment of that amount, or of a part of that amount, to any person is required or permitted by or under any Ordinance or otherwise by law,

the repayment may be made from moneys standing to the credit of the Trust Fund.

**84.** (1) Moneys standing to the credit of the Trust Fund may be investment by the Treasurer—

- (a) in any security of, or guaranteed by, the Government of the Northern Territory or of Australia or of a State; or
- (b) on deposit in a bank.

Investment  
of moneys  
standing to  
credit of  
Trust Fund

(2) The Treasurer for the time being is, for the purpose of the investment of moneys in pursuance of this section, deemed to be a corporation by the name of "The Treasurer of the Northern Territory", and any securities or deposits taken or made in pursuance of this section may be taken or made by him in his corporate name.

(3) A deposit receipt for moneys deposited under this section for a fixed period with a bank is, for the purpose of this Ordinance, deemed to be a security.

(4) Except where otherwise provided in any Ordinance, interest received from the investment of moneys standing to the credit of the Trust Fund shall be paid to the consolidated Revenue Fund.

## PART X—MONEYS OUTSIDE THE NORTHERN TERRITORY

Moneys &c.,  
outside the  
Northern  
Territory

**85.** (1) The Administrator in Council may give such directions as he considers necessary for and in relation to—

- (a) the collection, receipt, custody, expenditure, care and management, outside the Northern Territory, of public moneys and the due accounting for those moneys;
- (b) the keeping of books and accounts and the furnishing 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 the Northern Territory of Australia for or by the Northern Territory;
- (d) the purchase outside the Northern Territory of chattels and other property for or by the Northern Territory;
- (e) the custody, issue, sale or other disposal and writing off of stores and other property of the Northern Territory outside the Northern Territory and the proper accounting for, and stocktaking of, those stores and that property; and
- (f) the inspection and examination (otherwise than by the Auditor-General), and the departmental check, of books, accounts, statements, returns, records and vouchers prepared or kept outside the Northern Territory in respect of public moneys, stores and other property of the Northern Territory.

(2) Directions given under sub-section (1) have effect notwithstanding any other provision of this Ordinance.

## PART XI—PENALTIES

Misappropriation  
of public  
moneys or  
stores

**86.** (1) An accounting officer shall not—

- (a) misapply, improperly dispose of, or improperly use, any public moneys or any stores; or
- (b) pay any public moneys into his own private account at any bank.

Penalty: Imprisonment for 7 years.

(2) An accounting officer shall not wilfully and unlawfully damage or destroy any stores.

Penalty: Imprisonment for 2 years.

(3) In a prosecution for an offence against section (1) (a), it is not necessary to prove the misapplication, improper disposal or improper use of any specific sum of money or stores if there is proof of a general deficiency on the examination of the books of account or entries kept or made by the defendant or otherwise, and the court or jury is satisfied that the defendant misapplied, improperly disposed of or improperly used all or any of the deficient moneys or all or any of the deficient stores.

**87.** If any person—

(a) forges or counterfeits, or causes or procures to be forged or counterfeited, or knowingly or wilfully acts or assists in forging or counterfeiting—

Forging or  
uttering  
documents

(i) the name, initials, mark or signature of any other person to any writing whatsoever for or in order to receive or obtain any public money or any money out of the Northern Territory Public Account or any stores; or

(ii) any writing made by any such person; or

(b) utters or publishes any such writing knowing it to be forged or counterfeited with an intention to defraud the Northern Territory of any person,

he shall be guilty of an indictable offence, and shall be liable to imprisonment for a period not exceeding 15 years.

**88.** (1) Where the Treasurer has given a certificate in writing that for any reason mentioned in that certificate or document subscribed by a person in a specified part of the Northern Territory may be accepted in lieu of a statutory declaration required by this Ordinance or the regulations, the Administrator in Council may order that a document so subscribed shall be accepted without being declared.

Document in  
lieu of  
statutory  
declaration

(2) A person who subscribes any such document knowing the same to be false, shall be guilty of an indictable offence and shall be liable to imprisonment with or without hard labour for a period not exceeding 4 years.

**89.** (1) A person who fails to attend the Auditor-General for the purpose of being examined, or to produce any accounts, books, vouchers, documents or papers, or to be sworn or make a declaration or affirmation, or to answer a lawful question when required to do so by the Auditor-General, shall be liable to a penalty not exceeding 200 dollars.

Person  
failing to  
attend  
Auditor-  
General or to  
give  
evidence

(2) Where a person is compelled under the provisions of this Ordinance to attend before the Auditor-General, he shall be entitled to be paid such expenses as the Auditor-General may certify to be reasonable.

Persons  
taking false  
oath or  
making a  
false  
declaration  
guilty of  
perjury

**90.** A person who—

- (a) makes or subscribes any statutory declaration or affirmation mentioned in this Ordinance knowing it to be false; or
- (b) wilfully and corruptly gives false evidence in the course of his examination before the Auditor-General,

is guilty of an indictable offence, and is liable to imprisonment with or without hard labour for any period not exceeding 4 years.

Offences  
generally

**91.** A person who is guilty of a wilful act of commission or omission contrary to any of the provisions of this Ordinance for which no penalty is expressly provided is guilty of an offence and, on conviction is liable to a penalty not exceeding 100 dollars.

## PART XII—MISCELLANEOUS

Delegation

**92.** (1) The Treasurer may, in relation to a matter or class of matters, or in relation to a part of the Northern Territory, by writing under his hand, delegate all or any of his powers and functions under this Ordinance (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or the part of the Northern Territory, specified in the instrument of delegation.

(2) Every delegation under this section is revocable at will, and no delegation shall prevent the exercise of a power or function by the Treasurer.

Guarantees  
by Treasurer

**93.** The Treasurer may, for and on behalf of the Northern Territory, guarantee the repayment to the Reserve Bank of Australia, the Commonwealth Trading Bank of Australia or the Commonwealth Development Bank of Australia of any loan (including interest thereon) made for the purposes of the Northern Territory by that bank to any person.

Writing off  
irrecoverable  
amounts

**94.** The Treasurer has power to write off—

- (a) a loss or deficiency of public moneys;
- (b) an irrecoverable amount of revenue;
- (c) an irrecoverable debt or overpayment; and
- (d) the value of lost, deficient, condemned, unserviceable or obsolete stores.

Regulations

**95.** (1) The Administrator in Council may make regulations (not inconsistent with the provisions of this Ordinance) for carrying out the provisions of this Ordinance and in particular for and in relation to—

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care, and management of all public moneys, and the guidance of all persons concerned therein;

- (b) the more effectual record, examination, inspection and departmental check of all receipts and expenditure, and the keeping of books and accounts;
- (c) the forms for books and documents required under the provisions of this Ordinance or the regulations;
- (d) the execution of works and the supply of services for or by the Northern Territory;
- (e) the purchase of chattels and other property for or by the Northern Territory; and
- (f) the custody, issue, sale or other disposal, and writing off of stores and other property of the Northern Territory, and proper accounting for, and stocktaking of, those stores and that property.

(2) The regulations may—

- (a) authorize a person for the time being occupying the office specified in the regulations to give to persons employed in the service of the Northern Territory or to any other person who is subject to the provisions of this Ordinance, directions, not inconsistent with this or any other Ordinance or with any regulations under this or any other Ordinance for or in relation to any of the matters referred to in sub-sections (1) (a) to (f) inclusive;
- (b) authorize a prescribed officer of a Department or branch of a Department to give officers of, or persons employed in, that Department or branch directions, not inconsistent with this or any other Ordinance or with any regulations under this or any other Ordinance, or with any direction referred to in paragraph (a), for or in relation to any of the matters referred to in sub-sections (1) (a) to (f) inclusive; and
- (c) provide that a contravention of, or failure to comply with a direction referred to in either paragraph (a) or (b) shall be deemed to be a breach of regulations.

(3) The regulations may provide for the imposition upon any accounting officer or person subject to the provisions of this Ordinance of a penalty not exceeding 10 dollars for an offence for the breach of a regulation, and such penalty may be recovered either in the same manner as a penalty incurred under this Ordinance, or by deducting the same from money due or thereafter becoming due to such accounting officer or person.

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FIRST SCHEDULE

Section 11

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 the law.

SECOND SCHEDULE

Form 1

Section 38(1)

NOTIFICATION BY TREASURER

To the Auditor-General

I hereby notify you that it appears to me that the amount of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, which is lawfully available for expenditure by virtue of the appropriation of the Consolidated Revenue Fund (or of the Loan Fund) made by (*here specify the relevant provision of the Ordinance by which the appropriation was made*), will be required to be drawn from the Northern Territory Public Account for expenditure in respect of (*here specify the services or purposes, or services and purposes, in respect of which the amount is required to be expended*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Treasurer

Form 2

Section 38(3)

CERTIFICATE OF AUDITOR-GENERAL

I certify that the amount specified in the within (or foregoing) notification by the Treasurer in relation to the appropriation of the Consolidated Revenue Fund (or of the Loan Fund) set out in the notification is lawfully available for expenditure by virtue of that appropriation in respect of the services (or purposes or services and purposes) referred to in the notification.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Auditor-General

Form 3

Section 38(5)

WARRANT OF ADMINISTRATOR

To the Treasurer

You are hereby authorized to draw from the Northern Territory Public Account the amount of \_\_\_\_\_ dollars and \_\_\_\_\_ cents for expenditure in accordance with the appropriation of the Consolidated Revenue Fund (or the Loan Fund) set out in the within (or foregoing) notification in respect of the services (or purposes or services and purposes) referred to in the notification. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Administrator

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Companies Ordinance*.

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

1. This Ordinance may be cited as the *Companies Ordinance* 1976. Short Title

2. Section 198 (1) of the *Companies Ordinance* is amended by omitting from the definition of "special resolution" the word "not". Interpretation

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Encouragement of Primary Production Ordinance*.

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

1. This Ordinance may be cited as the *Encouragement of Primary Production Ordinance* 1976. Short title

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

3. Section 7 of the Principal Ordinance is repealed.

Repeal of  
section 7

4. Section 28 of the Principal Ordinance is repealed.

Repeal of  
section 28

5. Section 30 of the Principal Ordinance is repealed and the following sections substituted:

“30. The moneys of the Board consist of all moneys received by the Board in the exercise of its powers or the performance of its functions under this Ordinance, including moneys advanced by the Treasurer to the Board out of moneys voted by the Parliament for the purposes of this Ordinance. Moneys of  
the Board

“30A. (1) The Board may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank  
accounts

“(2) The Board shall pay all moneys of the Board into an account referred to in this section.

“(3) In this section, ‘approved bank’ means the Reserve Bank of Australia or another bank approved by the Administrator.

“30B. The moneys of the Board may be applied—

(a) in payment of remuneration and allowances payable to members of the Board; and

Application  
of moneys of  
Board

(b) in payment or discharge of the expenses, obligations and liabilities of the Board arising under this Ordinance,  
but not otherwise.

Investment  
&c., of  
moneys of  
the Board

“30C. Moneys of the Board not immediately required for the purposes referred to in section 30B may be—

- (a) invested in securities of or guaranteed by Australia; or
- (b) lodged—
  - (i) in an account at call; or
  - (ii) on fixed deposit with an approved bank for the purpose of section 30A.

Board to  
prepare  
estimates

“30D. The Board shall, not later than the last day of March in each year, submit to the Minister particulars, prepared in such form as the Minister directs, of its expected receipts and proposed expenditure for the financial year commencing on the following first day of July.

Proper  
accounts to  
be kept

“30E. The Board shall cause proper accounts and financial records of the transactions and affairs of the Board to be kept in accordance with accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are properly authorized and correctly made and that adequate control is maintained over the assets of, or in the custody of, the Board and over the incurring of liabilities by the Board.

Audit

“30F. (1) The Auditor-General of Australia may, from time to time, inspect and audit the accounts and records of financial transactions of the Board, and inspect other records relating to the assets of the Board.

“(2) Where the Auditor-General inspects and audits the accounts and records of financial transactions of the Board—

- (a) the Auditor-General shall, forthwith, draw the attention of the Administrator to any irregularity revealed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing; and
- (b) the Auditor-General shall, as soon as possible after the completion of the audit, report to the Administrator the results of the inspection and audit carried out by him in accordance with subsection (1).

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

“(4) The Auditor-General or a person authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

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

“(6) A person who contravenes sub-section (5) is guilty of an offence, punishable, upon conviction, by a fine not exceeding 200 dollars.

“30G. (1) The Board shall, as soon as practicable after the close of each financial year, furnish to the Administrator for tabling in the Legislative Assembly a report of its operations during that year, together with financial statements in respect of that year in such form as the Administrator approves. Annual Report

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

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

“(3) The Administrator shall forward the report and financial statements of the Board, together with the report of the Auditor-General, to the Legislative Assembly for tabling on the first sitting day after their receipt by the Administrator.”.

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Gold Buyers Ordinance* 1953 as amended.

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

1. This Ordinance may be cited as the *Gold Buyers Ordinance* 1976. Short Title
2. The *Gold Buyers Ordinance* 1935 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 6 of the Principal Ordinance is amended by omitting from sub-section (1) "of European race or extraction". Gold buyer's licence

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To establish a Legislative Assembly Executive Authority.

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

1. This Ordinance may be cited as the *Legislative Assembly Executive Authority Ordinance 1976*. Short title
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*. Commence-  
ment
3. In this Ordinance unless the contrary intention appears— Definitions  
“Authority” means the Legislative Assembly Executive Authority as constituted under this Ordinance;  
“executive member” means executive member of the Legislative Assembly appointed under the *Transfer of Executive Powers Ordinance*;  
“property” includes an interest in property.
4. (1) There is established by this Ordinance an Authority by the name of the Legislative Assembly Executive Authority. Executive  
Authority  
(2) The Authority—
  - (a) is a body corporate with perpetual succession;
  - (b) shall have a common seal;
  - (c) may acquire, hold and dispose of real and personal property; and
  - (d) may sue or be sued in its corporate name.  
(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.
5. The Authority consists of the persons for the time being holding office as executive members. Membership  
of Authority
6. (1) The Authority shall hold such meetings as are necessary for the exercise of its powers and the performance of its functions. Meetings

(2) The Authority may appoint a chairman and regulate the procedure for calling and the proceedings at its meetings as it thinks fit.

**Functions**

**7.** (1) The functions of the Authority are—

- (a) to provide staff for the executive members;
- (b) to provide services for the executive members; and
- (c) to deal with such matters as may be referred to it by the Administrator in Council.

**Powers**

**8.** The Authority has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, has power—

- (a) to enter into contracts;
- (b) to employ staff;
- (c) to erect buildings and structures and carry on works;
- (d) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Authority;
- (e) to acquire, hold and dispose of real or personal property;
- (f) to accept gifts, devises and bequests made to the Authority whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Authority upon trust; and
- (g) to do anything incidental to any of its powers.

**Delegation  
by Authority**

**9.** (1) The Authority may, by instrument in writing, delegate to a member of the Authority or to another person, either generally or to the extent provided in the instrument of delegation, all or any of its functions and powers under this Ordinance (except this power of delegation) so that the delegated powers and functions may be exercised and performed by the delegate in accordance with the instrument of delegation.

(2) Every such delegation shall be revocable in writing at will.

(3) A delegation pursuant to sub-section (1) does not prevent the exercise of any function or power by the Authority.

**Employment  
of staff**

**10.** (1) The Authority may employ such persons as it thinks necessary for the purpose of exercising its powers and performing its functions and duties under this Ordinance.

(2) The terms and conditions of employment (including remuneration) of persons employed under sub-section (1) shall be such as are determined by the Authority with the approval of the Administrator in Council.

(3) For the purpose of sub-section (2) the Authority may determine that the terms and conditions of employment (including remuneration) of a person employed under sub-section (1) shall be the terms and conditions of employment of an officer or employee of the Public Service of

the Commonwealth or of the Territory, either at the date of the determination or as varied from time to time.

(4) Notwithstanding sub-section (1) the Authority may, with the consent of the Administrator in Council, engage persons, not being persons referred to in that sub-section, to provide services for the Authority.

11. (1) The Administrator in Council may make arrangements with the Commonwealth Government for officers or employees of the Commonwealth or of an authority of the Commonwealth to perform duties for the Authority.

Officers and employees of Commonwealth Government Authorities

(2) The Authority may make arrangements with the Officer in Charge of a Department of the Public Service of the Territory, or with an authority of the Territory, for the performance of duties for it by officers or employees of the Department or of the authority, as the case may be.

12. The moneys of the Authority consist of—

Finance

- (a) moneys paid to it by the Commonwealth which shall be paid in such amounts and at such times as the Administrator determines; and
- (b) such sums as are received by the Authority in the exercise of its powers under this Ordinance.

13. The moneys of the Authority shall be applied only—

Application of moneys

- (a) in payment or discharge of the costs, expenses and other obligations incurred by the Authority in the performance of its functions; and
- (b) in payment of any remuneration and allowances payable under this Ordinance.

14. (1) For the purposes of this Ordinance, the Authority shall open and maintain at all times at least one account with an approved bank and may open and maintain accounts with other approved banks.

Bank accounts

(2) The Authority shall pay all moneys received by it in the performance of its functions, into the account or accounts referred to in sub-section (1).

(3) In this section “approved bank” means a bank approved by the Administrator.

15. The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all payments are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by the Authority.

Proper accounts to be kept

16. (1) The Authority shall, as soon as practicable after the end of each financial year, prepare and furnish to the Administrator a report of

Annual reports

its operations during that year together with financial statements in respect of that year in such form as the Treasurer approves.

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

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

(3) The Administrator shall cause the report and financial statements of the Authority, together with the report of the Auditor-General, to be forwarded to the Legislative Assembly for tabling on the first sitting day of that Assembly after their receipt by the Administrator.

#### **Audit**

**17. (1)** The Auditor-General shall inspect and audit the accounts and financial records kept under section 15 and shall forthwith draw the Administrator's attention to any irregularity disclosed by the inspection and audit that in the opinion of the Auditor-General is of sufficient importance to justify his so doing.

(2) The Auditor-General 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 financial year, report to the Administrator the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records documents and papers, relating directly or indirectly to the payment of moneys into or out of the Authority's bank accounts or to the acquisition, receipt, custody or disposal of assets by the Authority.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any accounts, records, documents or papers referred to in sub-section (4).

(6) The Auditor-General or a person authorized by him 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 person considers necessary for the purposes of the functions of the Auditor-General under this Ordinance, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding 200 dollars.

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Police and Police Offences Ordinance*.

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

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

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

3. Section 12A (2) (a) of the Principal Ordinance is amended by omitting "the senior judge" and substituting "a Judge of the Supreme Court of the Northern Territory of Australia". Police Arbitral Tribunal

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Prisons Ordinance*.

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

1. This Ordinance may be cited as the *Prisons Ordinance* 1976. Short title
2. The *Prisons Ordinance* is in this Ordinance referred to as the Prin- Principal  
cipal Ordinance. Ordinance
3. Section 11A (2) (a) of the Principal Ordinance is amended by Prison  
omitting “the senior Judge” and substituting “a Judge of the Supreme Officers  
Court of the Northern Territory of Australia”. Arbitral  
Tribunal
4. Section 11S of the Principal Ordinance is amended by omitting Definitions  
the definition of “the senior Judge”.

# RADIOGRAPHERS BILL 1976

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*Clause*

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To provide for the Registration of Radiographers and the Control of the Practice of Radiography, and for related 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 *Radiographers Ordinance* Short title 1976.
2. (1) Except for sections 17 and 18 (1), this Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*. Commence-  
ment
- (2) Sections 17 and 18 (1) shall come into operation at the expiration of a period 6 months from the date of publication of the notice referred to in sub-section (1).
3. In this Ordinance, unless the contrary intention appears— Interpretation
  - “approved” means approved by the Board;
  - “Board” means the Radiographers Registration Board established by section 4;
  - “Chairman” means the chairman of the Board;
  - “member” means a member of the Board;
  - “practising certificate” means a practising certificate issued by the Registrar;
  - “radiographer” means a person who practices radiography;
  - “radiographic procedure” means a procedure in which ionizing or ultrasonic radiations are used for the purpose of—
    - (a) investigating the state of a part of the body of a human being; or
    - (b) treating a condition of such a part;
  - “radiography” means the carrying out of radiographic procedures;

- “register” means the register kept under this Ordinance;
- “registered” means registered under this Ordinance and “registration” has a corresponding meaning;
- “registered medical practitioner” means a medical practitioner registered under the *Medical Registration Ordinance*;
- “Registrar” means the Registrar of Radiographers appointed under this Ordinance;
- “Stipendiary Magistrate” means a Stipendiary Magistrate appointed or holding office under the *Justices Ordinance*.

## PART II—RADIOGRAPHERS REGISTRATION BOARD

### Constitution

4. (1) There is established by this Ordinance a Board which shall be known as the Radiographers Registration Board.

(2) The Board consists of—

- (a) the Chairman, who shall be the person for the time being holding, or acting in or performing the duties of, the office in the Australian Department of Health of Director of Health for the Northern Territory;
- (b) a Senior Specialist-in-charge in that Department who—
  - (i) specializes in radiology; and
  - (ii) is appointed for the purpose of this paragraph by the Administrator in Council on the nomination of the Chairman;
- (c) 2 members who—
  - (i) are registered radiographers;
  - (ii) have at least 3 years post-graduate experience of radiography; and
  - (iii) are appointed for the purpose of this paragraph by the Administrator in Council; and
- (d) one other member appointed for the purpose of this paragraph by the Administrator in Council on the nomination of the Chairman.

(3) Sub-section (2) (c) (i) shall be read, in relation to the first 2 appointments under that sub-paragraph, as if the requirement that the members be registered radiographers were a requirement that they be entitled to apply for registration.

### Fees, allowances and expenses

5. Members shall be paid, in respect of meetings of the Board, or while engaged on the business of the Board, such fees, allowances and expenses, if any, as may be prescribed.

### Term of office and removal of members

6. (1) A member other than the Chairman 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 of a member other than the Chairman is not specified in the instrument of appointment, the member holds office for 3 years.

(3) A member other than the Chairman may resign his office by writing under his hand addressed to the Administrator.

(4) Where the Administrator in Council is satisfied that a member—

(a) has become permanently incapable of carrying out the duties of his office;

(b) has misconducted himself in the performance of those duties;

(c) has, except on leave granted by the Board, been absent from 3 consecutive meetings;

(d) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors or has compounded with his creditors or has made an assignment for their benefit of any of his remuneration under section 5; or

(e) has been convicted in the Territory or elsewhere of an offence of a nature that, in the opinion of the Administrator in Council, renders it improper for him to continue in office,

the Administrator in Council may remove the member from office.

7. The exercise of the functions or powers of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board. Effect of vacancy

8. (1) The Board shall hold such meetings as are necessary for the performance of its functions. Proceedings

(2) The Chairman may at any time convene a meeting of the Board by causing a notice in writing specifying the date, time and place of the meeting to be served, by post or otherwise, on the other members.

(3) Where the Chairman is present at a meeting of the Board, he shall preside at the meeting.

(4) Where the Chairman is not present at a meeting of the Board, the members present shall elect one of themselves to preside at the meeting.

(5) A member so elected has the functions of the Chairman for the purposes of the meeting.

(6) The quorum for a meeting of the Board is 3 members.

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

(8) The Chairman or other member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has also a casting vote.

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

(10) Subject to this Ordinance, the procedure at meetings of the Board is as the Chairman or other member presiding determines.

Personal  
interests

9. A member who is present at a meeting of the Board shall withdraw from the proceedings if a matter directly affecting him is being dealt with.

### PART III—REGISTRATION OF RADIOGRAPHERS

Registrar

10. (1) There shall be a Registrar of Radiographers appointed by the Board.

(2) The Registrar has such functions as are conferred on him by this Ordinance and such other functions as the Board assigns to him for the purposes of this Ordinance.

(3) In the exercise of his functions, the Registrar is subject to the control of the Board.

Register

11. (1) The Registrar shall keep a register to be known as the Register of Radiographers.

(2) The Registrar shall record in the register—

- (a) the name and address of each person to whom registration, or a permit under section 19, is granted and the date of the grant;
- (b) each suspension of a registration and the period of that suspension;
- (c) each cancellation of a registration or permit and the date of that cancellation;
- (d) each restoration of a registration or permit and the date of that restoration;
- (e) where applicable, short details of the procedures specified, and conditions contained, in a permit granted under section 19; and
- (f) such other particulars as are prescribed or as the Board directs.

(3) The Registrar shall, upon the request of a registered radiographer, record in the register particulars of the qualifications held by the radiographer.

(4) The register shall be open to inspection, during ordinary business hours, by a person desiring to inspect the register.

Registration

12. (1) The Board shall grant registration to a person who—

- (a) satisfies the Board that he is a fit and proper person to be registered;
- (b) subject to sub-section (2)—
  - (i) completes a course of training approved by the Board; and
  - (ii) passes an examination approved by the Board;

- (c) makes application, in the approved manner, to the Registrar for the grant by the Board of registration; and
- (d) pays to the Registrar the fee prescribed for the grant of registration.

(2) The Board shall also regard the requirements of sub-section (1) (b) met by an applicant who has qualified for the Certificate of Competence in Radiography granted by the Conjoint Board of the body known as the College of Radiologists of Australasia and of the body known as the Australasian Institute of Radiography.

(3) The Board shall also regard the requirements of sub-section (1) (b) met by an applicant who does not have such a certificate of competence but who, in relation to the practice of radiography, has—

- (a) undergone outside Australia a course of training that the Board considers to be a course of training equivalent to the course of training approved by the Board; and
- (b) passed an examination held outside Australia that the Board considers to be an examination equivalent to the examination approved by the Board.

13. (1) Where a registered radiographer—

Practising  
certificate

- (a) applies, in the approved manner, to the Registrar for the issue of a practising certificate; and
- (b) pays to the Registrar the fee prescribed for the issue of a practising certificate,

the Registrar shall issue to him a practising certificate.

(2) A practising certificate issued under sub-section (1)—

- (a) if issued to a registered radiographer already holding a practising certificate—has effect for the period of 12 months commencing from and including 1 January next following the date of its issue; and
- (b) in any other case—has effect from and including the date of issue to and including 31 December next following the date of its issue.

14. (1) Where, after holding an inquiry, the Board is satisfied that a registered radiographer—

Suspension  
or  
cancellation  
of  
registration

- (a) has failed to comply with a prescribed professional and ethical standard to be maintained in the practice of radiography;
- (b) has been convicted (whether before or after the grant of his registration and whether or not in the Territory) of an offence of such a nature that it is undesirable, in the public interest, for him to continue to practise radiography;
- (c) is, by reason of his taking intoxicating liquor to excess or his habitual taking of drugs, incapable of properly carrying on the practice of radiography;

- (d) is suffering from mental disorder of such a nature or degree as to render him incapable of properly carrying on the practice of radiography; or
- (e) being a person who is registered as a radiographer in another State or Territory of Australia or in another country, has had his registration in that other place cancelled or suspended,

the Board may suspend his registration for such period as it thinks fit or cancel his registration.

(3) Where, after holding an inquiry, the Board is satisfied that a registered radiographer obtained registration by fraud or misrepresentation, the Board shall cancel his registration.

(4) Before holding an inquiry for the purposes of this section, the Board shall serve, by post or otherwise, on the registered radiographer in respect of whom the inquiry is to be held notice in writing—

- (a) specifying the matter in relation to which the inquiry is to be held; and
- (b) requiring him to appear before the Board on the holding of the inquiry, at the place and time specified in the notice, to show cause why his registration should not be suspended or cancelled.

Restoration  
of  
registration

**15.** (1) Where a registration is cancelled, the Board may, on the application of the person whose registration was cancelled, restore the registration.

(2) The Board shall not restore a registration that was cancelled unless the Board is satisfied that to do so—

- (a) is not contrary to the public interest; and
- (b) is otherwise proper in the circumstances.

Appeal  
against  
decision of  
Board

**16.** (1) Where the Board—

- (a) refuses or fails to grant a registration;
- (b) suspends or cancels a registration; or
- (c) refuses to restore a registration that was cancelled,

the person applying for registration or restoration of registration or the person whose registration was cancelled or suspended, as the case may be, may, within a period of 28 days after the Registrar notifies him of the decision of the Board, appeal against the decision of the Board to a Court of Summary Jurisdiction constituted by a Stipendiary Magistrate.

(2) The court hearing an appeal shall investigate fully the matters giving rise to the appeal or relevant to its determination and shall confirm the decision appealed against or—

- (a) in the case of an appeal under sub-section (1) (a), direct the Board to grant the appellant registration;
- (b) in the case of an appeal under sub-section (1) (b), quash the decision appealed against and substitute another decision that the Board could have made; or

- (c) in the case of an appeal under sub-section (1) (c), restore the registration that was cancelled.

#### PART IV—MISCELLANEOUS

**17. (1)** A person other than a registered radiographer shall not—

Offences in  
relation to  
practice

- (a) take or use the title of radiographer;
- (b) represent himself in any way as being a radiographer; or
- (c) do or suffer any act or thing from which it can be reasonably inferred that he is, or is acting as, a radiographer.

Penalty: 100 dollars.

(2) Subject to this Ordinance, a person shall not carry out a radiographic procedure unless—

- (a) he is a registered radiographer holding a current practising certificate; and
- (b) the procedure is carried out at the direction of a registered medical practitioner.

Penalty: 1,000 dollars or imprisonment for 3 months.

**18. (1)** A person who is undergoing an approved course of training in radiographic procedures may, at the direction of a registered medical practitioner, carry out a radiographic procedure under the direction of a person who is a registered radiographer holding a current practising certificate.

Persons  
exempted

(2) Nothing in this Ordinance prevents the use by a physiotherapist, acting under the direction of a registered medical practitioner, of ultrasonic equipment in the treatment of a condition of a part, of the body of a human being.

**19. (1)** The Board may, in its discretion, grant to a person a permit to carry out radiographic procedures specified in the permit.

Permits for  
specific  
radiographic  
procedures

(2) A permit granted under sub-section (1) may contain conditions subject to which the specified radiographic procedures may be carried out.

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

Regulations

- (a) prescribing the fees to be paid for the grant of registration.
- (b) prescribing the fees to be paid for the issue of a practising certificate; and
- (c) prescribing the professional and ethical standards to be maintained by radiographers.

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Registration of Births, Deaths and Marriages Ordinance*.

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

1. This Ordinance may be cited as the *Registration of Births, Deaths and Marriages Ordinance* 1976. Short title
2. The *Registration of Births, Deaths and Marriages 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*. Commencement
4. Section 5 (1) of the Principal Ordinance is amended— Interpretation
  - (a) by omitting paragraph (b) of the definition of “occupier” and substituting the following paragraph:

“(b) where the premises are situated on a reserve as defined by the *Social Welfare Ordinance*, includes the superintendent or other person in actual charge of the reserve;” and
  - (b) by omitting from the definition of “registered nurse” the words “*Nurses Registration Ordinance*” and substituting “*Nursing Ordinance*”.
5. Section 8 of the Principal Ordinance is amended by adding at the end thereof the following sub-section: Registers

“(8) All registers and district registers of births, registers and district registers of deaths and registers and district registers of marriages, other than those referred to in sub-section (6) or (7), being registers and district registers that were kept in the Northern Territory under a law at any time in force in the Northern Territory and that, immediately before the commencement of this Ordinance, were in the custody or control of the Registrar-General of Births, Deaths and Marriages holding office under

the Repealed Ordinances shall be incorporated with, and shall be deemed to form part of, the Register of Births for the Territory, the Register of Deaths for the Territory and the Register of Marriages for the Territory, as the case may be.”

Registers of Births

6. Section 11 (1) (b) of the Principal Ordinance is amended by omitting “section 14” and substituting “section 13A or 14”.

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

Director of Social Welfare may notify birth

“13A. (1) The Director of Social Welfare appointed under the *Social Welfare Ordinance* may, if he has grounds for believing that the birth of a person born in the Territory has not been registered, furnish to the District Registrar for the District in which the person was born such of the particulars that are required to be entered in a Register of Births in relation to the person as are within the knowledge of the Director.

“(2) Where a particular is not ascertainable with accuracy by the Director, he may furnish that particular as accurately as he can, in which case he shall indicate that it may not be accurate.

“(3) Where particulars are furnished to a District Registrar under this section, the District Registrar may, in his discretion and having regard to the reason for the delay in the furnishing of the particulars but notwithstanding that the birth and the particulars have not been conclusively established, register the birth of the person in a volume of the Register of Births for the District that is separate from any other volume of that register.”

Registration of birth more than 28 days after birth

8. Section 14 (3) of the Principal Ordinance is amended by adding at the end thereof “or to or in relation to the registration of the birth of a person where particulars are furnished under section 13A”.

Additional name given at baptism or by notice to the Registrar

9. (1) Section 18 (1) of the Principal Ordinance is amended by inserting after “baptism” (last occurring) the words “or before the expiration of one year after the birth of the child, whichever last occurs,”.

(2) Section 18 (2) of the Principal Ordinance is amended by omitting “21” and substituting “18”.

Registration of change of name

10. Section 21 (1) of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) “One dollar” and substituting “2 dollars”; and

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

“(4) The Registrar may, in his discretion, waive a fee that is payable under this section if the fee is payable by the Government, or by a department or public authority of the Government, of the Territory, of a State, of the Commonwealth or of another country, or if, for any other reason, the collection of the fee would cause undue hardship or inconvenience.”.

11. Section 30 of the Principal Ordinance is amended by omitting all the words before “shall notify” and substituting “Where a coroner dispenses with the holding of an inquest under section 12 of the *Coroners Ordinance*, he”.

Notifi-  
cation where  
inquest  
dispensed  
with

12. Section 33 (5) of the Principal Ordinance is amended by omitting paragraph (h) and substituting the following paragraph:

“(h) died in an institution established or maintained for the purpose of the oversight, care and control of mentally defective persons within the meaning of the *Mental Defectives Ordinance*, in an institution within the meaning of the *Child Welfare Ordinance*, in a prison or police prison within the meaning of the *Prisons Ordinance* or in a lockup or otherwise while in the custody of a member of the Police Force.”.

Certi-  
ficate of  
death to be  
furnished by  
medical  
practitioner

13. Section 42 (4) of the Principal Ordinance is amended by insert- ing after “means” the words “the Family Court of Australia or”.

Notice of  
dissolution  
or  
annulment  
of marriage

14. After section 46 of the Principal Ordinance the following section is inserted:

“46A. Where—

- (a) a person was, under a law at any time in force in the Territory before the date of commencement of this Ordinance, required or permitted, upon receipt of a notice of an event, to make an entry of or in relation to that event in a register;
- (b) that person did not, before the date of commencement of this Ordinance, make an entry that he was required or permitted to make, or would have been required or permitted to make had he received notice of an event; and
- (c) that register is, by force of this Ordinance, incorporated with and deemed to form part of a register that is kept under this Or-  
dinance,

Registrar to  
make entry  
in certain  
circumstances

the Registrar or a District Registrar may, in his discretion, make an entry of or in relation to that event in a register that is kept by him and that is, in his opinion, an appropriate register in which to make the entry.”.

15. Section 50 of the Principal Ordinance is amended by inserting after sub-section (5) the following sub-section:

Searches and  
copies

“(6) The Registrar or the District Registrar for Central Australia may, in his discretion, waive a fee that is payable under this section if the fee is payable by the Government, or by a department or public authority of the Government, of the Territory, of a State, of the Common-  
wealth or of another country, or if, for any other reason, the collection of the fee would cause undue hardship or inconvenience.”.

16. Section 62 of the Principal Ordinance is repealed and the following section substituted:

Adoption of  
Children  
Ordinance  
not affected

“62. Nothing in this Ordinance shall be taken to affect the operation of the *Adoption of Children Ordinance*.”.

Fifth  
Schedule

17. The Fifth Schedule to the Principal Ordinance is repealed and the following schedule substituted:

“FIFTH SCHEDULE

FEES

Section 50

First Column Item	Second Column Matters	Third Column Fees
1	Search in register and issue of copy of entry	\$3.00
2	Search in register and issue of extract from entry	\$3.00
3	Where correct particulars of entry not stated in application, additional fee for searching for and identifying correct entry	\$2.00”

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# ROAD SAFETY COUNCIL BILL 1976

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To establish by Ordinance a Northern Territory Road Safety Council, to confer on it powers, duties and functions for securing the safety of the public and protection of property arising out of the use of vehicles on roads 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 *Road Safety Council* Short title Ordinance 1976.

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

Inter-  
pretation

“Council” means the Northern Territory Road Safety Council as constituted under this Ordinance;

“Deputy Chairman” means a Deputy Chairman appointed under section 8;

“Executive Director” means the Executive Director of Road Safety appointed under section 5 and includes a person appointed to act as Executive Director under section 7(1) while he is so acting;

“member” means a member of the Council;

“public servant” means a person who—

(a) is an officer of the Service constituted under the *Public Service Act* 1922-1973; or

(b) is an officer of the Service constituted under the *Public Service Ordinance*.

3. (1) There is established by this Ordinance a Council by the name Council of the Northern Territory Road Safety Council.

(2) The Council shall consist of 12 members appointed by the Administrator in Council.

**Period of Appointment**      **4.** A member appointed by the Administrator in Council, other than the Executive Director, holds office for a term of 3 years, but is eligible for re-appointment.

**Executive Director**      **5.** (1) The Administrator in Council may appoint a person who is a public servant to be the Executive Director of Road Safety.

(2) Subject to this Ordinance the Executive Director holds office until the expiration of such period, not being less than 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(3) Where a period of appointment is not specified in the instrument of appointment, the Executive Director holds office for 3 years.

**Chairman of Council**      **6.** The Executive Director shall be chairman of the Council.

**Appointment of Acting Executive Director**      **7.** (1) Where the Executive Director is, or is expected to be, unable to attend a meeting or meetings of the Council or where there is a vacancy in the office of the Executive Director, the Administrator may appoint a person to act as Executive Director during that inability or until the vacancy is filled.

(2) The Administrator may at any time terminate an appointment under this section.

**Deputy Chairman**      **8.** (1) The Administrator in Council shall appoint one of the members of the Council to be the Deputy Chairman of the Council.

(2) Unless there is an appointment made under section 7, the Deputy Chairman shall, in the absence at a meeting of the Executive Director, act as Chairman.

**Fees and Allowances to members**      **9.** A member of the Council who is not a public servant shall be paid, in respect of meetings of the Council or while engaged on the business of the Council, such fees and allowances as the Administrator in Council may determine.

**Resignation of members**      **10.** A member may resign his office by writing under his hand addressed to the Administrator.

**Removal of members from office**      **11.** (1) The Administrator in Council may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) If a member—

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

(b) becomes bankrupt or 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) is convicted of a crime in Australia and is punished by imprisonment for one year or longer,

the Administrator in Council shall terminate the appointment of the member.

**12.** The Administrator in Council may fill a casual vacancy occurring in the membership of the Council. Casual vacancies

**13.** No act or proceeding of the Council is invalidated or prejudiced by reason only that there was, at the time of the act or proceeding, a vacancy in the office of any one or more members. Validation of acts in case of vacancies

**14.** (1) The Council shall hold such meetings as are necessary for the performance of its functions. Meetings

(2) The Executive Director or the Deputy Chairman and 7 members shall constitute a quorum for a meeting of the Council.

**15.** (1) Subject to this Ordinance, the Council shall determine the procedure for calling its meetings and for the conduct of business at those meetings. Procedure at meetings

(2) At a meeting of the Council the decision of a majority of the members present and voting is the decision of the Council.

(3) The chairman of a meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**16.** (1) The functions of the Council are to promote—

Functions of the Council

- (a) the safety of the public;
- (b) the protection of property from damage; and
- (c) the prevention of, or minimizing of the effects of accidents, arising from the use of vehicles on roads.

(2) Without limiting the generality of sub-section (1), the functions of the Council are—

- (a) to advise the Administrator on all matters pertaining to road safety;
- (b) to advise the Administrator on any matter referred to it by the Administrator;
- (c) to advise, assist and co-operate with the government, and governmental, municipal and other authorities and persons on road accident prevention practices; and
- (d) to promote and support educational campaigns and competitions relating to road safety.

**Powers of  
the Council**

**17.** In carrying out its functions under this Ordinance, the Council has the power—

- (a) to federate, affiliate or act in conjunction with similar road safety bodies outside the Territory; and
- (b) to make such enquiries and investigations as it considers necessary.

**Employment  
of persons by  
the Council**

**18.** (1) Subject to this section, the Council may employ such persons as it thinks necessary to assist the Council in exercising its powers and performing its functions.

(2) The terms and conditions of employment of persons employed under this section shall be such as are determined by the Council with the approval of the Administrator in Council.

**Sub-  
committees  
and  
Regional  
committees**

**19.** (1) The Council may appoint sub-committees and regional committees to assist it in the performance of its functions.

(2) The membership and nature of a committee or sub-committee appointed under sub-section (1) and the procedures at its meetings shall be such as the Council determines.

(3) A committee or sub-committee appointed under this section shall report to the Council on its activities at such time as the Council may stipulate.

**Report of  
Council**

**20.** (1) At least once in each year, the Council shall forward to the Administrator a report on its activities.

(2) The Administrator shall, after receiving a report under sub-section (1), cause it to be forwarded to the Legislative Assembly for tabling at the first sitting of that Assembly after the report is received by the Administrator.

**Liability of  
members**

**21.** (1) An action or proceedings, civil or criminal, does not lie against the Executive Director, the Deputy Chairman, a member of the Council or any person acting under the direction or control of the Council or the Executive Director for or in respect of a statement made or an act or thing done in good faith by him in his capacity as Executive Director, Deputy Director, Deputy Chairman, member or person so acting.

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

**Vesting of  
property**

**22.** (1) Subject to sub-section (3) all records and all moneys and other property which, immediately before the commencement of this Ordinance, belonged to the unincorporated body known as the Northern Territory Road Safety Council, or were held by or in the name of the un-

incorporated body or by a person for the purposes or objects of that body, become, on the commencement of this Ordinance, the moneys and property of the Commonwealth.

(2) All rights of the unincorporated body known as the Northern Territory Road Safety Council, or which were held by a person on behalf of or for the benefit of that body, subsisting immediately before the commencement of this Ordinance, become, on that commencement, rights of the Commonwealth.

(3) Where on the commencement of this Ordinance there are liabilities of the unincorporated body, or liabilities which have been incurred by or imposed upon a person in the name of that body, then only the amount by which the assets ( being the money and property referred to in sub-section ( 1 ) ) exceed the liabilities shall vest in the Commonwealth.

**23.** On the commencement of this Ordinance, the unincorporated body known as the Northern Territory Road Safety Council shall, subject to its obligations to meet its liabilities, cease to exist.

Unincorporated body ceases to exist

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

Regulations

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# SALVATION ARMY (NORTHERN TERRITORY) PROPERTY TRUST BILL

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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

Relating to The Salvation Army in 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 *Salvation Army (Northern Territory) Property Trust Ordinance 1976*. Short title

2. This Ordinance shall come into operation on the date on which the names of the first Trustees are published in the *Gazette*. Commence-  
ment

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

Definitions

“Deed of Constitution” means the deed poll dated 7 August 1878 under the hand and seal of William Booth and enrolled in the Chancery Division of the High Court of Justice, England, on 13 August 1878;

“first deed poll” means the deed poll dated 26 July 1904 under the hand and seal of William Booth and enrolled in the Supreme Court of Judicature, England, on 27 July 1904;

“General” means the General for the time being of The Salvation Army under its constitution;

“land” includes an interest in land;

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

“second deed poll” means the deed poll dated 1 June 1920 under the hand and seal of William Bramwell Booth;

“The Salvation Army” means the religious society or organization referred to in the Deed of Constitution, the first deed poll and the second deed poll;

“Trust” means the “The Salvation Army (Northern Territory) Property Trust” as incorporated by this Ordinance;

“Trustees” means the persons for the time being constituting the Trust;

“Victorian Trust” means the The Salvation Army (Victoria) Property Trust established by *The Salvation Army (Victoria) Property Trust Act 1930* of the State of Victoria;

“will” includes codicil and every other testamentary disposition.

**Incorporation**

4. (1) There is established by this Ordinance a Trust by the name of “The Salvation Army (Northern Territory) Property Trust”.

(2) The Trust—

- (a) has perpetual succession and a common seal;
- (b) subject to this Ordinance, may acquire, hold, and dispose of and manage control and deal with real and personal property;
- (c) may sue and be sued in its corporate name; and
- (d) has such other incidental powers as a body corporate may by law have.

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

**Number and appointment of Trustees**

5. (1) The Trust shall consist of the Trustees.

(2) The General may, by instrument in writing, appoint a person to be a Trustee.

(3) The number of Trustees holding office at any one time shall be not less than 5 nor more than 7.

(4) The exercise of the functions or powers of the Trust is not affected by reason only that the number of trustees is less than 5, provided that it is not less than 3.

(5) The General shall cause the names of the first Trustees to be published in the *Gazette* as soon as practicable after the passing of this Ordinance.

**Common seal**

6. (1) A Trustee appointed by the Trust, or the secretary, shall have the custody of the common seal of the Trust.

(2) The form of the common seal and all other matters relating to it shall be determined by the Trust.

**Exercise of power by Trust**

7. The Trustees, or any 3 of them, acting in pursuance of a resolution of the Trust, may exercise any power conferred by this Ordinance on the Trustees or the Trust.

**Quorum**

8. At a meeting of the Trust 3 Trustees shall constitute a quorum.

**Removal and appointment of Trustees**

9. (1) The General may, in writing, remove a Trustee from office.

(2) A Trustee may by notice in writing given to the Trust resign as Trustee.

(3) Where a Trustee, either original or substituted—

(a) dies;

(b) is removed from office under sub-section (1); or

(c) resigns,

the General shall, as soon as practicable, appoint another person to be a Trustee in place of that Trustee.

10. (1) All real and personal property which, immediately before the commencement of this Ordinance, is situated in the Territory and held by the Victorian Trust shall, upon that commencement, without any formal assignment, transfer or other documentation, vest in the Trust. Vesting of  
property in  
Trust

(2) All personal property which immediately, before the commencement of this Ordinance, is situated in the Territory and held for or on behalf of The Salvation Army by the Victorian Trust, a person or an unincorporated body shall, without formal assignment, transfer or other documentation, vest, upon the commencement of this Ordinance, in the Trust.

(3) Where any property vested in the Victorian Trust is land registered under the *Real Property Act and Ordinance*, the Registrar-General shall, without formal transfer and without fee, on application in that behalf in writing by one of the Trustees, do all things required by that Act and Ordinance as are necessary to register the Trust as the proprietor of that property.

(4) Where, at the commencement of this Ordinance, the Victorian Trust is, pursuant to an instrument lodged for registration, entitled to be registered under the *Real Property Act and Ordinance* as proprietor of land then, without formal transfer or fee, the Registrar-General shall, upon application in that behalf in writing by one of the Trustees, do all things required by that Act and Ordinance as are necessary to register the Trust as the proprietor of the land.

(5) Upon registration being effected in accordance with sub-section (3) or (4), the Registrar-General shall release to a Trustee on behalf of the Trust or to the Trust such appropriate documents of its title to the land as are provided for under the *Real Property Act and Ordinance*.

(6) Where, under any law in force in the Northern Territory, the Victorian Trust, a person or an unincorporated body is, immediately before the commencement of this Ordinance, registered or recorded as the owner of personal property, or an interest in personal property, in the Territory, the person whose duty it is to keep the register or record of ownership shall, without fee or formal application, at the request of any one of the Trustees, enter the Trust in the register or record book as the owner of that item of personal property or interest.

(7) For the purposes of this section, a statement, whether oral or in writing, by a person that he is one of the Trustees is sufficient evidence of that fact without any further corroboration being required.

(8) In this section a registration in relation to land, includes a registration in accordance with section 93A of the *Real Property Act and Ordinance*.

Trust  
property  
now held

**11.** (1) All real or personal property, vested in the Trust shall, so far as it is not subject to any express trust, be held for the general purposes of The Salvation Army and dealt with in accordance with and subject to such of the trusts, powers and provisions of the Deed of Constitution and the first deed poll as are applicable to those general purposes.

(2) All real or personal property held for the Social Work of The Salvation Army shall be held and dealt with in accordance to the trusts, powers and provisions of the second deed poll.

(3) Notwithstanding sections (1) and (2), a person dealing with the Trust shall not be bound to inquire into the propriety or necessity of a dealing by the Trust with property held by it.

(4) The Trust may, with the consent of the General, enlarge, modify, vary or alter the trusts upon which for the time being any of the property of the Trust is held.

(5) All property shall, subject to any express trust and to any enlargement, modification, variation or alteration from time to time applicable, be held upon either one or other of the trusts mentioned in sub-sections (1) and (2).

(6) Sub-sections (4) and (5) apply to property the subject of an express trust (not being one contained in any of the deeds poll) but only to the extent (if any) and subject to the conditions (if any) in accordance with which that trust could have been altered if this Ordinance has not been passed.

Power to  
mortgage

**12.** The Trust may borrow money and, for that purpose, may mortgage or charge all or any real or personal property for the time being vested in it.

Limitation  
on securing  
debts

**13.** No debt incurred for the general purposes of The Salvation Army shall be secured upon any property which is for the time being held upon trust for the Social Work of The Salvation Army, and money raised on any property which is for the time being held upon trust for the Social Work of The Salvation Army shall be used only for the purposes of the Social Work.

Power to sell

**14.** Real or personal property sold by the Trust shall, upon completion of the sale, be absolutely freed and discharged from the trusts affecting it.

Receipts for  
mortgage  
and  
purchase  
moneys, &c

**15.** (1) A receipt in writing of a majority of the Trustees, or of any person authorized by the Trust in writing to receive moneys for money borrowed or mortgage money raised on property mortgaged by the Trust, or for the purchase money of any property sold by the Trust, or for

any other moneys payable to the Trust, shall exonerate the mortgagee, the purchaser and all other persons for the time being paying moneys to the Trust, or to the person authorized to receive the moneys—

- (a) from seeing to the application of the moneys;
- (b) from all liability as to the misapplication or non-application of the money; and
- (c) from inquiring into the propriety or necessity of any mortgage or sale, lease or other dealing.

(2) This section shall be read in aid of and not in derogation from any other protection afforded to any lender, mortgagee, purchaser or person by any other law in force in the Territory.

16. The proceeds of the sale of any real or personal property held for the purpose of the Social Work of The Salvation Army shall be devoted to the purposes of the Social Work and the Trust may for these purposes purchase or otherwise acquire with the proceeds any property real or personal.

Proceeds of sale of real or personal property held for the Social Work

17. (1) For the purposes of carrying out the powers, functions, duties and obligations of the Trust, the Trustees shall hold regular meetings, and shall cause minutes to be kept of their proceedings and their resolutions, which shall at all times be open for inspection by the General or any person appointed by him.

Meetings of trustees, minutes, &c

(2) The Trust may regulate the time and place of its meetings and the procedure to be followed at the meetings.

(3) A decision of the majority of Trustees at a meeting of the Trust shall be a decision of the Trust.

(4) The Trust shall keep a register of all lands vested in the Trust and shall indicate in this register which lands are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army.

18. (1) The Trust may appoint officers and a certificate under the seal of the Trust of the appointment of a secretary or other officer is *prima facie* evidence and, in favour of the Crown, the Registrar-General, and every person who deals for value with the Trust, is conclusive evidence of his appointment.

Appointment of officers: evidence of resolutions

(2) A certificate, signed by the secretary for the time being of the Trust, as to who are the persons for the time being constituting the Trust, and a certificate of the secretary certifying to any resolutions of the Trust, is *prima facie* evidence and, in favour of the Crown, the Registrar-General and every person who deals for value with the Trust, is conclusive evidence as to who are the Trustees for the time being, and of any resolution (as the case may be).

(3) Judicial notice shall be taken of the signature of the Secretary for the time being appearing on every certificate given under this section.

Vesting in  
Trust of  
property  
given or  
devised &c.,  
for the  
benefit of  
The  
Salvation  
Army

**19.** (1) When by a will, deed, or other instrument, or by a gift or disposition of property made before, but not taking effect until after, the commencement of this Ordinance, or by a will, deed or other instrument, or by a gift or other disposition of property, made after the commencement of this Ordinance, real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army in the Territory, or to or for the benefit of any of its funds, or of any department of its work, or of a branch, corps, auxiliary, or institution of The Salvation Army in the Territory, that real and personal property shall vest in the Trust.

(2) Sub-section (1) does not apply to real or personal property devised, bequeathed, or given to specific Trustees upon trust for The Salvation Army or for any of its funds, departments, branches, corps, auxiliaries or institutions.

Construction  
of wills, &c

**20.** (1) Use in a will, deed or other instrument, or in a gift or disposition of real or personal property, of the words "Salvation Army", or of a reference to the funds of The Salvation Army, or to a department of its work, or a branch, corps, auxiliary or institution of The Salvation Army shall, when it relates to or is concerned with, real or personal property in the Territory, be construed, so far as the context allows, as a reference to the Trust or the particular fund, department, branch, corps, auxiliary or institution (as the case may be) of The Salvation Army in the Territory, and the will, deed, instrument, gift or disposition shall operate and take effect accordingly.

(2) Where pursuant to the operation of sub-section (1) real or personal property is held on trust for the Trust, the Trustees may call for the transfer, assignment or delivery of the property to the Trust.

(3) An acknowledgment or receipt for the property given by the Trustees, or any person authorized by them, is a sufficient discharge.

Delegation  
of powers by  
the General

**21.** (1) The General may, by writing under his hand, delegate any of his powers under this Ordinance (except the power of delegation).

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

(3) A delegation under this section will and does not prevent the exercise of a power by the General.

Saving of  
rights

**22.** (1) Nothing contained in or done under this Ordinance shall affect prejudicially, or deprive any person of, a right which if this Ordinance had not been passed, might have been enforceable against the General or his predecessors in office.

(2) A right to which sub-section (1) refers may, so far as it relates to any property vested in the Trust pursuant to this Ordinance, be enforced against the Trust.

**23.** Without limiting the generality of the powers conferred on the Trust by this Ordinance, the Trust may in the exercise of its functions have the further powers of— Additional powers

- (a) receiving and holding money;
- (b) operating bank accounts; and
- (c) employing servants.

**24.** Rights relating to real or personal property held in trust for or, pursuant to this Ordinance, vested in the Trust, which were, at the time of his death in William Bramwell Booth (referred to in the second deed poll) or immediately before the commencement of this Ordinance, were in the General— Vesting of rights of the General in the Trustees

- (a) by this Ordinance are vested in the Trust; and
  - (b) may be enforced by it in the same manner as William Bramwell Booth, if he were still living, or the General (as the case may be) might have enforced them if this Ordinance had not been passed.
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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Traffic Ordinance* 1949 as amended.

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

1. This Ordinance may be cited as the *Traffic Ordinance* 1976. Short title
2. The *Traffic Ordinance* 1949 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 55B of the Principal Ordinance is amended—Special  
licences to  
drive
  - (a) by adding at the end of paragraph (a) of sub-section (2) the word “and”;
  - (b) by omitting from paragraph (b) the word “and”;
  - (c) by omitting paragraph (c); and
  - (d) by adding after sub-section (2) the following sub-section:—

“(2A) The Registrar may appear upon the hearing of an application under this section and object to the making of an order under sub-section (2).”.

# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Traffic Ordinance*.

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

1. This Ordinance may be cited as the *Traffic Ordinance* 1976. Short title
2. The *Traffic 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*. Commencement
4. Section 5 of the Principal Ordinance is amended— Definitions
  - (a) by inserting after the definition of “carriageway” the following definition:

“ ‘children’s crossing’ means such a portion of the carriageway of a public street as is between 2 parallel broken or unbroken white or yellow lines marked across or partly across a carriageway of a public street and near which a traffic sign bearing the words “CHILDREN CROSSING” is displayed, and includes the area of each of these lines and, where the lines are marked partly across the carriageway, includes the portion of the carriageway between the prolongations of those lines; ”;
  - (b) by inserting after the definition of “pedestrian” the following definition:

“ ‘pedestrian crossing’ means such portion of the carriageway of a public street as is—

    - (a) defined by road markings comprising a series of parallel unbroken white or yellow stripes alternating with black stripes or unpainted areas of the surface of the carriageway, with each stripe lying longitudinally to the public street, whether or not between 2 parallel broken or unbroken white or yellow lines marked laterally across the carriageway; and

- (b) indicated by a traffic sign, bearing the word "CROSS-ING" and no other words, or such a traffic sign and twin alternating flashing amber lights, being a traffic sign, or traffic sign and amber lights, erected on the left hand side of, or above, the public street at or near those road markings so that it faces, or they face, an approaching driver of a motor vehicle on his left,

and, in the case where the stripes are between lateral lines, includes the area between those lateral lines and the area of the lateral lines;"; and

- (c) by inserting after the definition of "speed limit de-restriction sign" the following definition:

" 'stop line' means an unbroken white or yellow line marked across a carriageway at or near traffic lights, a traffic sign or children's crossing;".

Power to  
require  
persons to  
submit to  
breath tests  
and breath  
analyses

5. Section 8B (3) of the Principal Ordinance is amended by omitting "the member of the Police Force" and substituting "a member of the Police Force".

Breath tests  
and breath  
analyses

6. Section 8C of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

"(20) In proceedings in a court in which a person is charged with an offence against section 8B (8)—

- (a) a certificate purporting to be signed by a member of the Police Force and stating that at the place, on the date and at the time specified in the certificate, he had duly required the person named in the certificate to submit to a breath analysis, or was present when the person was so required, is evidence of the matters stated in the certificate;
- (b) a certificate purporting to be signed by an authorized analyst and stating that he supplied a quantity of a solution of standard alcohol in a container and marked by him to a member of the Police Force is evidence of the matters stated in the certificate and of the facts on which they are based;
- (c) a certificate purporting to be signed by a member of the Police Force and stating that—
  - (i) he was present, at the place, on the date and at the time, when a person named in the certificate was required to submit to a breath analysis;
  - (ii) at the time and place referred to in sub-paragraph (i), there was a device of a type referred to in sub-section (6); and

- (iii) the device was capable of producing a result had it been used at the time stated,  
is evidence of the matters stated in the certificate and of the facts on which they are based; and
- (d) a certificate purporting to be signed by the Commissioner of Police and stating that the person named in the certificate has satisfactorily undergone a course of instruction referred to in sub-section (2) is evidence of the matters stated in the certificate.”.

7. Section 35C of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

Motor vehicle to be driven in traffic lane

“(3) Where a portion of a public street is divided longitudinally by single continuous lines into 2 or more lanes, then, subject to sub-section (4), a driver shall not drive his motor vehicle across those lines.

“(4) A driver may drive across an unbroken line if—

- (a) he does so to pass a stationary vehicle, or other obstacle, obstructing the free passage of his motor vehicle; and
- (b) his action in doing so is safe and reasonable in all the circumstances.”.

8. Section 35D of the Principal Ordinance is amended—

Unbroken lines marked on carriageway

- (a) by omitting sub-sections (1), (2) and (3) and substituting—

“(1) Subject to sub-section (2), where a carriageway is marked by a double longitudinal line comprising—

- (a) 2 continuous lines; or
  - (b) a continuous line on the left of a broken or dotted line,
- a driver shall not permit a portion of his vehicle to travel on, over or to the right of the double longitudinal line.

“(2) Sub-section (1) does not apply to a vehicle, part of which overhangs a double longitudinal line, if the vehicle is being driven—

- (a) as near as practicable to the left hand side of the carriageway; and
- (b) in accordance with the conditions, and for the purposes, specified in a permit granted for the motor vehicle under section 23, or granted under the *Control of Roads Ordinance*.”;
- (b) by omitting from sub-section (4)—
  - (i) “an unbroken line” and substituting “a double longitudinal line”; and
  - (ii) “longitudinally”; and
- (c) by omitting from sub-section (5) (a) “an unbroken line” and substituting “a double longitudinal line”.

**Pedestrian crossing**            **9.** Section 35M of the Principal Ordinance is amended by omitting sub-section (3).

**10.** Section 35N of the Principal Ordinance is repealed and the following section substituted:

**Children’s crossing**            “35N. (1) A driver approaching a children’s crossing shall drive his vehicle at such a speed as to be able to stop before reaching the children’s crossing.

   “(2) A driver shall stop his vehicle before it reaches a children’s crossing—

- (a) when a pedestrian is on the children’s crossing; or
- (b) when a sign inscribed with the word “STOP” is displayed to face approaching drivers,

and shall not permit a portion of his vehicle to enter upon the children’s crossing while a pedestrian is on the crossing or while the sign is displayed.

   “(3) A driver shall not permit a portion of his vehicle to enter upon a children’s crossing or to cross a stop line on the approach side of a children’s crossing if a vehicle headed in the same direction is stopped on the approach side of, or upon, the children’s crossing apparently for the purpose of complying with the provisions of sub-section (2).

   “(4) Where there is a stop line on the approach side of a children’s crossing, a stop pursuant to this section shall be made before reaching, and as near as practicable to, the stop line.”.

**Stop signs**                    **11.** Section 35P (1) of the Principal Ordinance is amended—  
   (a) by omitting from paragraph (b) “road marking comprising a line” and substituting “stop line”;  
   (b) by inserting “stop” before “line” (twice appearing); and  
   (c) by omitting “beyond the line.” and substituting “beyond the line or, in the absence of a stop line, at a point as near as practicable to the intersection where he has a clear view of the traffic approaching the intersection.”.

**Traffic lights**                **12.** (1) Section 35R of the Principal Ordinance is amended—  
   (a) by omitting from sub-section (1) (b) “road marking comprising a line” and substituting “stop line”;  
   (b) by inserting the following item in the table in sub-section (2) after item 12:

“13	Amber light circular or with arrows pointing vertically or horizontally with the light flashing regularly	A driver must approach enter and proceed through an intersection with caution
-----	---	---

- (c) by omitting from sub-section (3) "road marking comprising a line marked across or partly across the public street at, near or below that light" and inserting "stop line"; and
- (d) by adding after sub-section (6) the following sub-sections:
  - "(6A) A pedestrian shall not enter a carriageway when—
    - (a) the words "DONT WALK" in steady or flashing red are showing;
    - (b) a red circular light alone is showing; or
    - (c) an amber circular light alone (not accompanied by the word "WALK" in green) is showing,
 as he faces the traffic control signals.
  - "(6B) A pedestrian may proceed across a carriageway if—
    - (a) the word "WALK" in green; or
    - (b) a green circular light alone (not accompanied by the words "DONT WALK" in red),
 is showing, as he faces the traffic control signals."

13. Section 36D. (1) is amended—

- (a) by inserting in sub-section (1) before the definition of "no parking sign" the following definitions:
  - " 'Clearway' means a length of carriageway defined by a Clearway sign at the beginning and an End Clearway sign at the end;
  - " 'Clearway sign' means a white rectangular sign inscribed—
    - (a) in black with the word "CLEARWAY" and words or words and figures indicating days and periods of the day when the sign is in operation, with or without other words or figures; and
    - (b) with a white 'C' on a red background,
 and erected near the left boundary of a carriageway so as to face an approaching driver;";
  - " 'End Clearway sign' means a white rectangular sign inscribed—
    - (a) in black with the words "END CLEARWAY"; and
    - (b) with a white 'C' on a red background,
 and erected near the left boundary of a carriageway so as to face an approaching driver;";
- (b) by adding after sub-section (13) the following sub-section:
  - "(13A) A person shall not stop or park a motor vehicle (except a motor omnibus engaged in the picking up or the setting down of passengers) or park a trailer upon a Clearway on the days and during the periods of the day indicated on the

Stopping  
and parking

Clearway sign as being the days and periods of the day when the Clearway sign is in operation.”; and

- (c) by omitting from sub-section (16) “and (13)” and substituting “, (13) and (13A)”.

14. The Principal Ordinance is amended by inserting in Part V before section 45 the following sections:

Restrictions  
on  
pedestrians

“44A. A person shall not—

- (a) while waiting to board a vehicle, stand on any portion of a carriageway;
- (b) proceed from a footway towards a vehicle for the purposes of boarding it, until it has stopped;
- (c) alight from or board a moving vehicle;
- (d) remain on a pedestrian crossing or children’s crossing longer than is necessary for the purpose of passing over the carriageway with reasonable despatch; or
- (e) stand on a carriageway so as to inconvenience, obstruct, hamper or prevent the free passage of another pedestrian, a motor vehicle or a vehicle.

Pedestrians  
on carriage-  
ways

“44B. (1) A pedestrian shall not proceed along a carriageway if a footpath exists on the road and is in a fit condition for use.

“(2) A pedestrian proceeding along a carriageway where there is no footpath in a fit condition for use shall, when practicable, travel on the carriageway or side of the carriageway used by vehicles travelling in the opposite direction to that in which he is proceeding, and shall keep as close as he can to the boundary of the carriageway on his right.

“(3) A pedestrian shall not proceed along a carriageway abreast of more than one other pedestrian, except in a procession or parade authorized in accordance with section 28.

“(4) A pedestrian shall not enter upon a portion of a carriageway within 20 metres of—

- (a) a pedestrian crossing; or
- (b) a children’s crossing,

except for the purposes of alighting from or boarding an omnibus at an omnibus stopping place within the meaning of section 36D.

“(5) Nothing in sub-sections (1), (2), (3) or (4) applies to a carriageway from which vehicles are for the time being excluded.”.

Speed  
measuring  
device

15. Section 56A of the Principal Ordinance is amended—

- (a) by omitting in paragraph (a) of sub-section (2) all words after “distance” (first appearing) and substituting “of 25 metres plus or minus 75 millimetres or less, the distance being measured by a measuring tape certified as accurate to within one part in one

thousand parts by the Surveyor-General for the Northern Territory appointed pursuant to the *Licensed Surveyors Ordinance* or a person authorized by him in that behalf; and”;

- (b) by omitting paragraph (b) of sub-section (2) and substituting “ensure that the indicator needle on the device is at the zero scale position when the device is switched off and that the indicator needle is at the full scale position when the device is switched on.”;
  - (c) by omitting “and” from the end of paragraph (a) of sub-section (3); and
  - (d) by adding at the end thereof the following word and paragraph:
    - “; and (c) a certificate purporting to be signed by the Surveyor-General, or by a person authorized by him to give the certificate and stating—
      - (i) that the measuring tape described or identified in the certificate is accurate to within the tolerance referred to in sub-section (2) (a); and
      - (ii) where the certificate is given by a person authorized by the Surveyor-General to give the certificate that he is a person so authorized,is evidence of the accuracy of the measuring tape and of the matters stated in the certificate.”.
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# THE NORTHERN TERRITORY OF AUSTRALIA

## A BILL

for

## AN ORDINANCE

To amend the *Venereal Diseases Ordinance*.

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

1. This Ordinance may be cited as the *Venereal Diseases Ordinance* Short title  
1976.

2. The *Venereal Diseases Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

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

“3A. (1) A person who, or the employer of a person who, conducts a pathological test for venereal disease, being a test which gives a positive result, shall immediately in writing, make a report to the Chief Health Officer in accordance with sub-section (2). Obligation to report results of tests

“(2) A report furnished in accordance with sub-section (1) shall give full particulars concerning—

- (a) the name and address of the medical practitioner who furnished the specimen for examination;
- (b) the nature of the specimen;
- (c) the date of the test;
- (d) the result of the test;
- (e) any other test for venereal disease conducted in respect of the same specimen; and
- (f) the name, address, age and sex of the person from whom the specimen was taken.

“(3) It is a defence to a person charged with failing to comply with this section if he proves that a report was furnished by another person obliged, under this section, to furnish a report.”

4. Section 4 of the Principal Ordinance is amended by omitting “section 3” and substituting “section 3 or 3A”. Proceedings on receipt of report