

BILLS INTRODUCED

12-21 August 1975

<i>Serial No.</i>	<i>Title</i>	<i>Sponsor</i>
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THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Crown Lands Ordinance*
1931 as amended

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

1. This Ordinance may be cited as the *Crown Lands Ordinance 1975*. Short title.
2. The *Crown Lands Ordinance 1931* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance.
3. After section 110 of the Principal Ordinance the following section is inserted in Part VI:

“110A. (1) Notwithstanding section 110, the Administrator may grant a licence to occupy for temporary residential purposes Crown Land on which there is or is intended to be an accommodation unit, whether or not it is affixed to the land. Temporary accommodation units.

“(2) A licence under this section, and an agreement for the hire of an accommodation unit on the land—

 - (a) shall be for such term, or terminable upon such notice, and subject to such fees, rent, hiring charges and other conditions and provisions as the Administrator determines and specifies in the grant or agreement; and
 - (b) shall take effect according to its tenor.

“(3) The provisions of the *Landlord and Tenant (Control of Rents) Ordinance* do not apply in respect of—

 - (a) land the subject of a licence under this section; or
 - (b) an accommodation unit the subject of an agreement under this section.”.
 4. Section 118 (2) of the Principal Ordinance is amended by inserting after “of the land” the words “and of any building or accommodation unit that was placed on the land by the Crown”. Power to forcibly eject person in un-lawful occupation of land.
 5. (1) Where, immediately before the commencement of this Ordinance, a person is in occupation of Crown Land or of an accommodation unit on Crown land, whether or not it is affixed to the land, the Administrator may require that person to sign an agreement under the Principal Ordinance Occupation before commencement of Ordinance.

as amended by this Ordinance in respect of his occupation of the land or unit, unless that person occupies the land or unit under the terms of an existing licence or written agreement.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Crown Lands Ordinance 1931*
as amended

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

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

2. The *Crown Lands Ordinance 1931* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance.

3. Section 24BA of the Principal Ordinance is repealed and the following section substituted:

“24BA.(1) Where a lease is subject to a mortgage given for valuable consideration and registered under the Real Property Act and Ordinance, the Administrator shall not cause notice of the forfeiture of the lease to be published in the *Gazette* in pursuance of section 106E(1) until after the expiration of a period of one month after he has caused notice of his intention to do so to be given to the mortgagee. Forfeiture of mortgaged lease.

“(2) The Administrator shall cause a copy of the notice under sub-section (1) to be given to the lessee, and thereafter the lessee ceases, except with the consent in writing of the Administrator, to be entitled to exercise any of the rights or powers conferred by the lease.

“(3) If, upon receipt of a notice under sub-section (1), a mortgagee advises the Administrator that he wishes to exercise his power of sale, the Administrator shall allow him 6 months or such further time as, in the opinion of the Administrator, is reasonable to exercise it.

“(4) Where the Administrator allows a mortgagee time to exercise a power of sale, he shall advise the mortgagee of the extent to which he is prepared to vary the requirements of the lease relating to developmental work, improvements and stocking and, where he does so, he shall, if the lease is transferred following a sale, so vary those requirements.

“(5) Where a mortgagee exercises his power of sale of a lease after receipt of a notice under sub-section (1) in relation to the lease—

- (a) the total of all amounts due and payable to the Crown by the lessee in relation to the lease up to and including the date of the sale is a debt due and payable to the Crown out of the proceeds of the sale, having priority before all debts secured by mortgage;

- (b) the balance of the proceeds of the sale after payment of all debts and expenses payable out of those proceeds, being the amount that would otherwise be payable to the lessee, is a debt due and payable to the Crown and is not payable to the lessee; and
- (c) upon the transfer of the lease following the sale, the transferee holds the lease, as varied in pursuance of sub-section (4), as though the action leading up to the forfeiture of the lease had not been commenced.”.

Position of
Mortgagee.

4. Section 29(1) of the Principal Ordinance is amended by inserting after “he may” the words “, unless the lease is sooner forfeited,”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Explosives Ordinance* 1964
as amended

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

1. This Ordinance may be cited as the *Explosives Ordinance (No. 2)* 1975. Short title.
2. The *Explosives Ordinance* 1964 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance.
3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*. Commencement.
4. The Principal Ordinance is amended by inserting after section 11 the following section:
“11A.(1) The Chief Inspector may, either generally or in relation to a licence or class of licence, and either in relation to the whole or a part of the Territory, by writing under his hand, delegate all or any of his powers and functions under section 11. Delegation.
“(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation and, for the purposes of section 11(6), a direction given to the Chief Inspector is binding on the delegate as though he were the Chief Inspector.
“(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Chief Inspector.
“(4) A delegate who exercises a power or performs a function by virtue of this section shall, within 7 days after the exercise of that power or performance of that function, forward a report in writing to the Chief Inspector of all the circumstances relating to the exercise of the power or performance of the function.”
5. Section 37(2) of the Principal Ordinance is amended by omitting “200 dollars” and substituting “1,000 dollars”. Penalties for offences.
6. Section 46(1)(z) of the Principal Ordinance is amended by omitting “200 dollars” and substituting “1,000 dollars”. Regulations.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Litter Ordinance* 1972
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 *Litter Ordinance* 1975. Short title
2. The *Litter Ordinance* 1972 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 3 of the Principal Ordinance is amended by omitting paragraph (b) from the definition of "officer" and substituting the following paragraph— Definition

"(b) a person employed by—

 - (i) the Northern Territory Reserves Board;
 - (ii) the Northern Territory Port Authority; or
 - (iii) the council of a municipality,

for the purpose of enforcing by-laws made by the Board, Authority or that municipality;
4. (1) Section 4 of the Principal Ordinance is amended by omitting subsection (1) and substituting the following subsection: Applica-
tion

"(1) Except as provided by subsection (2), this Ordinance does not apply in a municipality or to freehold land or to land held under a lease."

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

 - (a) by omitting from paragraph (a) "a public place situated within the municipality" and substitute "that municipality";
 - (b) by omitting paragraph (b) and substituting the following paragraph:

"(b) by the owner of freehold land, or lessee of land held under a lease, in respect of that land,"; and
 - (c) by omitting all the words from and including "in relation to" and substituting "to all, or such part as is specified in the notices, of that municipality or land, as the case may be, and thereupon this Ordinance has that extended application accordingly".

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Local Government Ordinance 1954*
as amended

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

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

2. The *Local Government Ordinance 1954* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance.

After section 165 of the Principal Ordinance the following section is inserted:

“165A. (1) Where ratable land in a municipality is held by an association incorporated under the *Associations Incorporation Ordinance* under a lease granted under the *Special Purposes Leases Ordinance*, and is from time to time made available for the recreation and amusement of the public, the association may apply to the council of the municipality for a determination under this section. Land which is not fully ratable land.

“(2) An association that makes an application under subsection (1) shall lodge with the application an audited copy of its financial statements for the 3 completed financial years immediately preceding the date of the application, or for such longer period as the council may decide, and shall indicate whether it charges a fee to members of the public for admission to the land and, if so, the amount of the fee and the use to which the revenue so derived is put.

“(3) Upon receipt of an application under subsection (1), the council shall consider the application and may, in its discretion, determine that, for a specified period not exceeding 5 years, that land is, in respect of specified rates that are payable after the date of the determination, ratable at a specified percentage of the full rate.

“(4) In exercising its discretion under subsection (3) a council shall have regard to—

- (a) the financial state of the association;
- (b) the privileges enjoyed by members of the public;
- (c) if the association charges a fee to members of the public for admission to the land, the amount of the fee and the use to which the revenue so derived is put; and
- (d) such other matters as, in the opinion of the council, are relevant.”

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Motor Vehicles Ordinance 1949*
as amended

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

1. This Ordinance may be cited as the *Motor Vehicles Ordinance 1975*. Short title.
2. The *Motor Vehicles Ordinance 1949* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. Section 7 of the Principal Ordinance is amended by omitting subsections (2) and (3) and substituting the following subsections: Registrar, Deputy Registrar and other officers.

“(2) Subject to the directions of the Administrator, the registrar may appoint such Deputy Registrars, medical testing officers, inspectors and other officers as he considers necessary for carrying out this Ordinance.

“(3) Appointments made by the Registrar under subsection (2) shall be revocable only by the Administrator.

“(4) Subject to the directions of the Administrator, a Deputy Registrar shall have and may exercise such powers and functions of the Registrar as the Registrar determines.”
4. Section 10A of the Principal Ordinance is amended by adding at the end thereof the following subsections: Exemptions from provisional licences.

“(6) Subsections (3) and (4) do not apply to—

 - (a) a member of the Police Force while he is driving an official police motor vehicle in the course of his duties as a member of the Police Force;
 - (b) an ambulance driver while he is driving an ambulance in the course of his duties as an ambulance driver;
 - (c) a driver of a fire fighting vehicle while he is driving a fire fighting vehicle in the course of his duties as the driver of a fire fighting vehicle;
 - (d) a member of the Police Force, an ambulance driver, or a driver of a fire fighting vehicle who drives any motor vehicle in the course of his duties during an emergency.”
5. After section 11 of the Principal Ordinance the following section is inserted:

Licence for
handicapped
person.

“11A. Where the applicant for a licence or for the renewal of a licence is a person suffering from any bodily defect or incapacity, the Registrar may issue the licence to the applicant on such conditions as the Registrar thinks fit including, where appropriate, a condition that the licence shall relate only to a specified kind of motor vehicle, or to a motor vehicle specially constructed or adapted for the use of the applicant.”

Fees.

6. Section 13 of the Principal Ordinance is amended by adding at the end thereof the following subsection:

“(2) Where a motor vehicle is inspected prior to registration or renewal of registration by an inspector who is not an officer or employee of the Public Service of Australia or of the Northern Territory, the Inspector may charge the fee specified in the Second Schedule for such an inspection.”

Sale of motor
vehicles on
behalf of other
persons.

7. Section 23(1)(a) of the Principal Ordinance is amended by omitting “horsepower” and substituting “kilowattage”.

Conditions of
use of trader's
plates.

8. Section 35(1)(d) of the Principal Ordinance is amended by omitting “weight-carrying” and substituting “mass-carrying”.

Traders to
furnish
particulars as to
sales etc.

9. Section 44(1) of the Principal Ordinance is amended—

(a) by omitting “horse-power” and substituting “kilowattage”; and

(b) by omitting “weight” and substituting “mass”.

Nomination of
authorized
insurer.

10. Section 50A(7) of the Principal Ordinance is amended by adding at the end thereof “, and shall be deemed to continue in force until 15 days after the date on which the registration is expressed to terminate.”

Authorized
insurers.

11. Section 57(9) of the Principal Ordinance is amended—

(a) by omitting from the end of paragraph (a) “or”; and

(b) by adding at the end thereof the following word and paragraph:

“; or (c) any liability as an insurer under a third-party policy issued by the insurer after the date upon which the cancellation or notice of withdrawal takes effect.”

12. Section 58 of the Principal Ordinance is amended by adding at the end thereof the following subsection:

“(3) Nothing in this section shall affect the liability of an insurer under a policy issued by that person acting in contravention of this section,”

Refusal,
cancellation of
suspension of
licence, etc.

13. Section 102(2) of the Principal Ordinance is amended by omitting paragraph (b) and substituting the following paragraph:

“(6) cancel, or suspend or restrict the use of, for such period as the Registrar thinks fit, any licence issued to any person, who, in the opinion of the Registrar, is unfit to hold a licence, whether because that person has been convicted in the Territory or in any State or other Territory of Australia of an offence which in the opinion of the Registrar renders him unfit to hold a licence, or for any other reason;”

Regulations.

14. Section 138(i) of the Principal Ordinance is amended by omitting “weight” and substituting “mass”.

15. (1) The First Schedule to the Principal Ordinance is amended by First Schedule. omitting from Form C "weight" and substituting "mass".

(2) The First Schedule to the Principal Ordinance is amended—

- (a) by omitting "ft. ins." (wherever occurring) and substituting "cm"; and
- (b) by omitting "horsepower" (wherever occurring) and substituting "kilowattage".

16. (1) Item 1 of the Second Schedule to the Principal Ordinance is Second Schedule. amended by omitting sub-item (1) and substituting the following sub-item:

"(1) Registration or renewal of registration of a motor vehicle, being a motor car, motor lorry, motor tractor or public motor vehicle, but not being a mobile crane—

- (a) where the vehicle has pneumatic, semi-pneumatic rubber or super resilient tyres—
 - (i) motor car or public motor vehicle (other than a motor omnibus) at the rate of 37 cents per 25 kilograms of its mass;
 - (ii) motor omnibus—at the rate of 53 cents per 25 kilograms of its mass;
 - (iii) motor lorry or motor tractor—
 - (A) of mass not exceeding 4 tonnes at the rate of 37 cents per 25 kilograms of its mass;
 - (B) of mass exceeding 4 tonnes—at the rate of 37.5 cents per 25 kilograms of its mass;
- (b) where the vehicle has non-pneumatic or solid tyres—at one and one-quarter times the rate applicable to a similar vehicle having pneumatic tyres."

(2) Item 3 of the Second Schedule to the Principal Ordinance is amended—

- (a) by omitting "40 cents per half hundredweight" and substituting "39 cents per 25 kilograms"; and
- (b) by omitting "weight" and substituting "mass".

(3) Item 4 of the Second Schedule to the Principal Ordinance is amended—

- (a) by omitting "half hundredweight" and substituting "25 kilograms"; and
- (b) by omitting "weight" and substituting "mass".

(4) Item 5(2) of the Second Schedule to the Principal Ordinance is amended by omitting "20 hundredweight" and substituting "1 tonne".

(5) The Second Schedule is amended by adding at the end thereof the following item:

"13. Inspection prior to registration or renewal of registration by an inspector who is not a public servant.....\$6.00".

17. (1) Item 7(4) of the Fourth Schedule to the Principal Ordinance is Fourth Schedule. amended by omitting "20 feet" and substituting "6 metres".

(2) Item 13 of the Fourth Schedule to the Principal Ordinance is amended by omitting "8 feet" and substituting "2.5 metres".

(3) Item 16 of the Fourth Schedule to the Principal Ordinance is amended by omitting "weight" and substituting "mass".

(4) Item 21(2)(a) of the Fourth Schedule to the Principal Ordinance is amended—

(a) by omitting "inches" and substituting "millimetres";

(b) by omitting "16" and substituting "400".

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Nursing Ordinance* 1928-1974
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 *Nursing Ordinance* 1975. Short title.
2. The *Nursing Ordinance* 1928-1974 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance.
3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*. Commencement.
4. The long title of the Principal Ordinance is amended by adding at the end thereof "and Mothercraft Nurses". Long title.
5. Section 4 of the Principal Ordinance is repealed and the following section substituted:
"4.(1) In this Ordinance, unless the contrary intention appears— Definitions.
'Board' means the Nurses Board of the Northern Territory;
'Chairman' means the Chairman of the Board;
'Director of Health' means the person for the time being holding or occupying or performing the duties of the office, created under the *Public Service Act* 1922-1975, in the Department of Health, of Director of Health for the Northern Territory;
'enrolled' means enrolled under this Ordinance and 'enrolment' has a corresponding meaning;
'institution' means any hospital (whether public or private) and any maternity or lying-in-hospital or home;
'Medical Superintendent' means the person for the time being holding or occupying or performing the duties of the office, created under the *Public Service Act* 1922-1975, in the Department of Health, of Medical Superintendent of the Darwin Hospital;
'member' means a member of the Board;
'nurse' means a person registered as one or more of the following:
 - (a) a general nurse;
 - (b) a midwife;
 - (c) a child welfare nurse;

(d) a mental deficiency nurse; or

(e) a psychiatric nurse;

'Nurses Register' or 'Register' means the register of general nurses, midwives, child welfare nurses, mental deficiency nurses and psychiatric nurses, being the register kept under this Ordinance;

'psychotropic drug' means a drug that acts on the mind of a person;

'registered' means registered under this Ordinance and 'registration' has a corresponding meaning;

'Registrar' means the person appointed under section 7 to be the Registrar;

'Roll' means the roll of nursing aides and mothercraft nurses being the roll kept

'school of nursing' means any institution approved by the Board under this Ordinance for the education of general nurses, midwives, child welfare nurses, mental deficiency nurses or psychiatric nurses, whether for the whole, or for portion only of the prescribed educational course;

'Supreme Court' means the Supreme Court of the Northern Territory;

'training school' means any institution approved by the Board under this Ordinance for the training of mothercraft nurses or nursing aides, whether for the whole or for portion only of the prescribed course of training.

"(2) In this Ordinance, unless the contrary intention appears, words importing the feminine gender shall include males."

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

Constitution of Nurses Board.

"5. There shall be a Nurses Board of the Northern Territory which shall consist of the following members—

(a) the Director of Health;

(b) the Medical Superintendent;

(c) the person for the time being holding or occupying or performing the duties of the office, created under the *Public Service Act* 1922-1975, in the Department of Health, of Assistant Director (Nursing) of Health; and

(d) 3 persons appointed by the Administrator in Council, namely—

(i) a Matron of a school of nursing;

(ii) a nurse educator; and

(iii) a registered nurse nominated by the Royal Australian Nursing Federation."

Meetings of Board.

7. (1) Section 6(1) of the Principal Ordinance is amended by omitting "Chief Medical Officer" and substituting "Director of Health".

(2) Section 6(4) of the Principal Ordinance is amended by omitting "2" and substituting "4".

Powers and duties of Board.

8. (1) Section 8(d) of the Principal Ordinance is amended by inserting after "training school" the words "or school of nursing".

(2) Section 8(e) of the Principal Ordinance is amended by inserting after "training schools" the words "or schools of nursing".

9. Section 10 of the Principal Ordinance is repealed and the following section Substituted:

Director of Health may order person to cease practising.

“10. (1) The Director of Health may at any time, in any case where it appears necessary to him to do so in order to prevent the spread of disease, by notice in writing served personally or by registered post, order—

(a) any person registered or enrolled under this Ordinance to refrain from or to cease practising; or

(b) any other person to refrain from or to cease acting

as a general nurse, midwife, child welfare nurse, mental deficiency nurse, psychiatric nurse, nursing aide or mothercraft nurse, as the case may be, for such period or until compliance with such instructions (to be specified in the order) as the Director of Health thinks fit.

“(2) A person upon whom an order under subsection(1) has been served shall not contravene or fail to comply with the order.

Penalty: 250 dollars.

“(3) Upon making an order under this section the Director of Health shall immediately report the matter to the Board, and the Board may, if it thinks fit, on the application of the person concerned, confirm, annul or vary the order.”

10. The heading to Part III of the Principal Ordinance is omitted and the following heading substituted:

Heading to Part III.

“PART III—REGISTRATION”

11. (1) Section 11(1) of the Principal Ordinance is amended by omitting paragraph (d) and substituting the following paragraphs:

Register of Nurses.

“(d) Mental deficiency nurses;

(e) Psychiatric nurses.”

(2) Section 11(3) of the Principal Ordinance is amended by omitting “mental nurse” and substituting “mental deficiency nurse or psychiatric nurse”.

12. (1) Section 12 of the Principal Ordinance is amended by omitting “course of training” (wherever occurring) and substituting “course of studies”.

Qualifications required for registration as a general nurse.

(2) Section 12(6) of the Principal Ordinance is amended by omitting “certificate of training” and substituting “certificate of education”.

13. (1) Section 13 of the Principal Ordinance is amended—

(a) by omitting “course of training” (wherever occurring) and substituting “course of studies”; and

(b) by omitting “certificate of training” and substituting “certificate of education”.

Qualifications required for registration as a midwife.

14. (1) Section 13A of the Principal Ordinance is amended by omitting “course of training” (wherever occurring) and substituting “course of studies”.

Qualifications for registration as a child welfare nurse.

(2) Section 13A(b) of the Principal Ordinance is amended by omitting “certificate of training” and substituting “certificate of education”.

Qualifications required for registration as a mental deficiency nurse.

15. (1) Section 14 of the Principal Ordinance is amended—

- (a) by omitting “course of training” (wherever occurring) and substituting “course of studies”; and
- (b) by omitting “mental” (wherever occurring) and substituting “mental deficiency”.

(2) Section 14(b) is amended by omitting “certificate of training” and substituting “certificate of education”.

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

Qualifications required for registration as a psychiatric nurse.

“14A. Subject to section 15, a person shall be qualified to be registered as a psychiatric nurse who proves to the satisfaction of the Board—

- (a) that she has passed such examinations with respect to psychiatric nursing and held from time to time by examiners appointed under this Ordinance as are prescribed, and has passed through such course of studies with respect to psychiatric nursing as is prescribed;
- (b) that she is the holder of a certificate of education as a psychiatric nurse, awarded by an institution or body approved by the Board, and has passed such examinations (if any) with respect to psychiatric nursing as the Board has directed her to pass and has passed through such course of studies (if any) with respect to psychiatric nursing as the Board has directed her to pass through; or
- (c) that she has—
 - (i) in some other part of Her Majesty’s dominions or in some other country, passed examinations with respect to psychiatric nursing and passed through a course of studies with respect to psychiatric nursing; and
 - (ii) in the Territory or elsewhere passed such further examinations (if any) with respect to psychiatric nursing as the Board has directed her to pass and passed through such further course of studies (if any) with respect to psychiatric nursing as the Board has directed her to pass through.”

Qualifications as to age etc.

17. (1) Section 15(1) of the Principal Ordinance is amended—

- (a) by omitting “or 14” and substituting “, 14 or 14A”; and
- (b) by omitting paragraph (a).

(2) Section 15(2) of the Principal Ordinance is amended—

- (a) by omitting “of training” and substituting “of studies”;
- (b) by omitting “training school” (wherever occurring) and substituting “school of nursing”; and
- (c) by omitting “or mental nurse” (wherever occurring) and substituting “, mental deficiency nurse or psychiatric nurse”.

Heading to Part IV

18. The heading to Part IV of the Principal Ordinance is omitted and the following heading substituted:

“PART IV—ENROLMENT”

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

“15A. (1) The Registrar shall keep a roll of nursing aides and mothercraft nurses. Roll of nursing aides and mothercraft nurses.

“(2) Subject to sub-section (1) and except as prescribed, the Roll shall be in such form and contain such particulars as the Board from time to time directs.

“(3) A person shall be enrolled as a nursing aide or mothercraft nurse by the entering in the Roll of the name of that person and the required particulars.”.

20. After section 15C of the Principal Ordinance the following sections are inserted in Part IV:

“15CA. Subject to section 15CB a person is qualified to be enrolled as a mothercraft nurse who proves to the satisfaction of the Board— Qualifications for enrolment as a mothercraft nurse.

- (a) that she has completed the prescribed course for training for mothercraft nurses and has passed the prescribed examination held by examiners appointed under this Ordinance;
- (b) that she is the holder of a certificate awarded by an institution or body approved by the Board indicating—
 - (i) her satisfactory completion of a course of training; and
 - (ii) her passing of an examination or examinations with respect to mothercraft nursing; or
- (c) that she is eligible for the grant of such a certificate and has satisfactorily completed such additional training and passed such additional examinations as the Board requires.

“15CB.(1) Subject to sub-section (2), a person who is qualified under section 15CA shall not be enrolled unless the Board is satisfied that she has the following additional qualifications: Qualifications as to age etc.

- (a) she is of good character;
- (b) she is of sound health, or is of such a state of health that no danger would be involved to her patients; and
- (c) she is able to express herself adequately in the English language.

“(2) Where the Board is satisfied that a person, before she commences a course of training as a mothercraft nurse at a training school—

- (a) is of good character; or
- (b) is of sound health, or is of such a state of health that no danger would be involved to any patients at the training school,

the Board may, in its discretion, exempt that person from compliance with paragraph (a) or (b) of sub-section (1) as the case may be, with respect of her application for enrolment.”.

21. (1) Section 19(a) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”. Certificate of registration or of enrolment.

(2) Section 19 (b) of the Principal Ordinance is amended by adding at the end thereof “or mothercraft nurse, as the case may be”.

22. (1) Section 20(1) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”. Provisional registration on enrolment.

(2) Section 20(2) of the Principal Ordinance is amended by adding at the end thereof “or mothercraft nurse, as the case may be”.

Suspension or cancellation of registration or enrolment.

- 23.** (1) Section 21(1) of the Principal Ordinance is amended—
- (a) by inserting “, 14A(b)” after “14(b)” in paragraph (b); and
 - (b) by omitting “mental nurses or nursing aides” in paragraph (e) and substituting “mental deficiency nurses, psychiatric nurses, nursing aides or mothercraft nurses”.

(2) Section 21(3) of the Principal Ordinance is amended by omitting “mental nurse or nursing aide” and substituting “mental deficiency nurse, psychiatric nurse, nursing aide or mothercraft nurse”.

Correction of Register or Roll.

24. Section 23(2) of the Principal Ordinance is amended by omitting “nurse or enrolled nursing aide” and substituting “registered or enrolled person”.

Recovery of fees.

25. Section 25 of the Principal Ordinance is amended by omitting “mental nurse or nursing aide” and substituting “mental deficiency nurse, psychiatric nurse, nursing aide or mothercraft nurse”.

Persons advertising or holding themselves out as registered or enrolled.

26. (1) Section 28(a) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”.

(2) Section 28 of the Principal Ordinance is amended by omitting paragraphs (e), (f), (g) and (h) and substituting the following paragraphs:

- “(e) a registered mental deficiency nurse, unless she is registered as a mental deficiency nurse;
- “(f) a registered psychiatric nurse, unless she is registered as a psychiatric nurse;
- “(g) an enrolled nursing aide, unless she is enrolled as a nursing aide; or
- “(h) an enrolled mothercraft nurse, unless she is enrolled as a mothercraft nurse.”

Regulations.

- 27.** (1) Section 35 of the Principal Ordinance is amended—
- (a) by inserting after “training” (wherever occurring) “or studies”; and
 - (b) by inserting after “training school” (wherever occurring) “or school of nursing”.

(2) Section 25(k) of the Principal Ordinance is amended by omitting “mental nurses and nursing aides” and substituting “mental deficiency nurses, psychiatric nurses, nursing aides and mothercraft nurses”.

(3) Section 35(n) of the Principal Ordinance is amended by omitting “registered mental nurses and enrolled nursing aides”, and substituting “registered mental deficiency nurses, registered psychiatric nurses, enrolled nursing aides, and enrolled mothercraft nurses”.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the *Prices Regulation 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 *Prices Regulation Ordinance 1975*. Short title.
2. The *Prices Regulation Ordinance 1949* as amended 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. Commencement.
4. Section 4(1) of the Principal Ordinance is amended—Definitions.
 - (a) by inserting after the definition of “authorized officer”, the following definition:
“ ‘Chairman’ means the Chairman of the Tribunal, and includes a person acting as Chairman; ”;and
 - (b) by adding at the end the following definition:
“ ‘Tribunal’ means the Prices Review Tribunal established under section 24. ”.
5. Section 24 of the Principal Ordinance is repealed and the following sections substituted:
“24(1) There is established by this Ordinance a tribunal by the name of the Prices Review Tribunal. Prices Review Tribunal.
“(2) The Tribunal shall consist of the Chief Magistrate within the meaning of the *Justices Ordinance*, or a magistrate nominated by him, who shall be the Chairman of the Tribunal, and 2 other members appointed by the Administrator in Council, of whom—
 - (a) one shall be appointed to represent retail interest in the Northern Territory; and
 - (b) one shall be appointed to represent consumer interests in the Northern Territory.“(3) Before the Administrator in Council appoints a person to be the member representing retail interests, or the member representing consumer interests, the Administrator shall give to all persons and associations claim-

ing to speak on behalf of retail interests or consumer interests, as the case may be, an opportunity to recommend a person to be so appointed.

“(4) Notice of the appointment of members of the Tribunal shall be published in the *Gazette*.

Resignation of officers and termination of appointment.

“24A.(1) Subject to this section, an appointed member of the Tribunal holds office for 3 years but is eligible for reappointment.

“(2) An appointed member of the Tribunal may resign his office by writing under his hand addressed to the Administrator.

“(3) The Administrator in Council may terminate the appointment of a member of the Tribunal for inability, inefficiency, misbehaviour or physical or mental incapacity.

Casual vacancies on the Tribunal.

“24B.(1) Where a member other than the Chairman is, or is expected to be, unable to attend a hearing of the Tribunal, or there is a vacancy in the office of a member, the Administrator may appoint a person who, in his opinion, has the qualifications required by this Ordinance, to act in the place of that member during that inability or until the filling of the vacancy.

“(2) The validity of an act of the Tribunal shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen, or that an appointment under this section had ceased to have effect.

Fees for members.

“24C. The members of the Tribunal, other than the Chairman, shall be paid, in respect of a hearing of the Tribunal, such fees and allowances as are prescribed.

Appeal to Tribunal against an order of the Controller.

“24D.(1) Any person may apply to the Tribunal for the review of an order made by the Controller under section 20.

“(2) An application under sub-section (1) to the Tribunal shall—

- (a) be in writing addressed to the Controller;
- (b) set out the grounds of the application; and
- (c) be lodged with the Controller within one month after the date on which the order, the subject of the application, was published in the *Gazette*.

“(3) On receiving an application under sub-section (2), the Controller shall forthwith deliver it to the Chairman who shall, if he is satisfied that the application is not frivolous, cause a date for the hearing of the application to be fixed for a date not later than 28 days after the expiry of the period for the making of applications for the review of that order.

“(4) The Controller shall cause a notice of the date and place for the hearing of the application to be published in the *Gazette* at least 14 days before the date on which the application is to be heard.

“(5) The notice referred to in subsection (4) shall indicate the order of the Controller to which the application relates and the grounds of the application.

Parties.

“24E. The parties to an application before the Tribunal are—

- (a) the person who applied for the review;

- (b) the Controller; and
- (c) any person who applies to the Tribunal to be joined as a party.

“24F. At the hearing of an application before the Tribunal, a party to the proceedings may appear in person or may be represented by some other person.

A party may be represented at a hearing.

“24G.(1) The Chairman of the Tribunal may, at a hearing of an application, give directions as to the procedure to be followed at or in connexion with the hearing.

Chairman may determine procedure.

“(2) The proceedings of the Tribunal shall be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matter before the Tribunal will permit.

“(3) The Tribunal is not bound by the rules of evidence but may inform itself of any matter in such manner as it thinks appropriate.

“24H.(1) Subject to this section, the hearing of an application before the Tribunal shall be in public.

Hearings to be held in public.

“(2) Where the Tribunal is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the Tribunal may, be order—

- (a) direct that a hearing or part of a hearing shall take place in private and give directions as to the persons who may be present;
- (b) give directions prohibiting or restricting the publication of evidence given before the Tribunal whether in public or in private, or of matters contained in documents lodged with the Tribunal or received in evidence by the Tribunal; and
- (c) give directions prohibiting or restricting the disclosure to some or all of the parties to an application of evidence given before the Tribunal, or of the contents of a document lodged with the Tribunal, in relation to the application.

“24J.(1) The Tribunal may—

Powers of Tribunal.

- (a) take evidence on oath;
- (b) proceed in the absence of a party who has had reasonable notice of the proceeding; and
- (c) adjourn the proceeding from time to time.

“(2) The Chairman may—

- (a) summon a person to appear before the Tribunal to give evidence and to produce such documents (if any) as are referred to in the summons;
- (b) require a person appearing before the Tribunal to give evidence to take an oath; and
- (c) administer an oath or affirmation to a person so appearing before the Tribunal.

“(3) The oath or affirmation to be taken or made by a person for the purposes of this section is an oath or affirmation that the answers he will give to questions asked him will be true.

“24K.(1) A question of law arising in a hearing of an application before the Tribunal (including the question whether a particular question is one of

Manner in which questions to be decided.

law) shall be decided in accordance with the opinion of the Chairman of the Tribunal.

“(2) Subject to sub-section (1), when the members constituting the Tribunal on a particular application are divided in opinion as to the decision to be made on any question—

- (a) if there is a majority of the one opinion—the question shall be decided according to the opinion of the majority; or
- (b) in any other case—the question shall be decided according to the opinion of the Chairman.

Review by
Tribunal.

“24L.(1) For the purpose of reviewing an order of the Controller, the Tribunal may exercise all the powers and discretions that are conferred on the Controller and shall make a decision in writing—

- (a) affirming the order under review;
- (b) varying the order under review; or
- (c) setting aside the order under review and—
 - (i) making an order in substitution for the order so set aside; or
 - (ii) remitting the matter for reconsideration in accordance with any directions or recommendations of the Tribunal.

“(2) The Tribunal shall give reasons in writing for its decision and those reasons shall include its findings on material questions of fact.

“(3) The Controller shall cause a notice of the Tribunal’s decision to be published in the *Gazette*.

“(4) Without prejudice to any other method available by law for the proof of decisions or orders of the Tribunal, a document purporting to be a copy of such a decision or order, and to be certified by the Chairman of the Tribunal to be a true copy of the decision or order, is, in any proceeding, *prima facie* evidence of the decision or order.

“(5) Sub-sections (3) and (4) apply in relation to the reasons given by the Tribunal for its decision as they apply in relation to the decision.

“(6) A decision of the Controller as varied by the Tribunal, or a decision made by the Tribunal in substitution for the decision of the Controller, shall, for all purposes (other than the purposes of applications to the Tribunal for a review), be deemed to be a decision of the Controller and, unless the Tribunal otherwise orders, has effect, or shall be deemed to have had effect, on and from the date on which notice of that decision is published in the *Gazette*.

Protection of
members,
barristers and
witnesses.

“24M.(1) A member of the Tribunal has, in the performance of his duties as a member, the same protection and immunity as a Justice of the High Court.

“(2) A person appearing before the Tribunal as a party or on behalf of a party has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

“(3) Subject to this Ordinance, a person summoned to attend or appearing before the Tribunal as a witness has the same protection, and is, in addition to the penalties provided by this Ordinance, subject to the same liabilities, as a witness in proceedings in the High Court.

“24N. A person served, as prescribed, with a summons to appear as a witness before the Tribunal shall not, without reasonable excuse—

Failure of witness to attend.

- (a) fail to attend as required by the summons; or
- (b) fail to appear and report himself from day to day unless excused, or released from further attendance, by a member.

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

“24P. A person appearing as a witness before the Tribunal shall not, without reasonable excuse—

Refusal to be sworn or to answer questions.

- (a) when required in pursuance of section 24J to take an oath—refuse or fail to comply with the requirement;
- (b) refuse or fail to answer a question that he is required to answer by the Chairman at the hearing of the appeal; or
- (c) refuse or fail to produce a document that he was required to produce by a summons under this Ordinance served on him as prescribed.

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

“24Q. A person shall not—

Contempt of Tribunal.

- (a) insult a member of the Tribunal in or in relation to the exercise of his powers or functions as a member;
- (b) interrupt the proceedings of the Tribunal;
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the Tribunal is sitting; or
- (d) do any other act or thing that would, if the Tribunal were a court of record, constitute a contempt of that court.

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

“24R.(1) A person who is or has been a member of the Tribunal shall not, either directly or indirectly, except for the purposes of this Ordinance—

Secrecy.

- (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by him by reason of his office under this Ordinance; or
- (b) produce to any person a document relating to the affairs of another person furnished for the purposes of this Ordinance.

“(2) A person who is or has been a member of the Tribunal shall not be required to produce in a court any document relating to the affairs of another person of which he has custody or to which he has access, by virtue of his office under this Ordinance, or to divulge or to communicate to a court any information concerning the affairs of another person obtained by him by reason of such an office, except when it is necessary to do so for the purposes of this Ordinance.

“(3) In this section—

‘court’ includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

‘produce’ includes permit access to, and ‘production’ has a corresponding meaning.

“24S.(1) A person summoned to appear as a witness before the Tribunal is entitled to be paid fees, and allowances for expenses, as prescribed.

Fees for witnesses.

- “(2) Subject to sub-section (3), the fees and allowances shall be paid—
- (a) in a case where the witness was summoned at the request of a party other than the Controller—by that party; and
 - (b) in any other case—by the Commonwealth.

“(3) The Tribunal may, in its discretion, order that the fees and allowances of a witness referred to in paragraph (2) (a) shall be paid, in whole or in part, by the Commonwealth.”
