

PART IV

THE BILLS INTRODUCED

BILLS INTRODUCED

28 February to 9 March 1978

<i>Serial No.</i>	<i>Title</i>	<i>Sponsor</i>
31	Aboriginal Land 1978	Mr Everingham
50	Aboriginal Sacred Sites 1978	Mr Everingham
47	Alsatian Dogs Ordinance Repeal 1978.	Mr Robertson
27	Annual Holidays 1977	Mr Isaacs
43	Annual Holidays 1978	Mr Steele
34	Cemeteries 1978	Mr Everingham
39	Coal 1978	Mr Everingham
56	Consumers Protection Council 1978 ..	Mrs O'Neil
32	Crown Lands 1978	Mr Everingham
70	Electrical Workers and Contractors 1978	Mr Perron
67	Electricity Commission 1978	Mr Perron
45	Evidence 1978	Mr Everingham
51	Fire Brigades Arbitral Tribunal 1978	Mr Steele
44	Fisheries 1978	Mr Steele
26	Holidays 1977	Mr Isaacs
42	Interpretation 1978	Mr Everingham
55	Licensing 1978	Mr Tuxworth
52	Local Government 1978	Mr Robertson
54	Lottery and Gaming 1978	Mr Tuxworth
65	Lottery and Gaming (No. 2) 1978	Mr Tuxworth
30	Matrimonial Causes Ordinance Repeal 1978	Mr Everingham
36	Mining 1978	Mr Everingham
63	Motor Vehicles 1978	Mr Steele
41	Oaths 1978	Mr Everingham
62	Petroleum Products Subsidy 1978	Mr Steele
38	Petroleum (Prospecting and Mining) 1978	Mr Everingham
46	Police and Police Offences 1978	Mr Everingham
69	Public Service 1978	Mr Perron
25	Sick Leave 1977	Mr Isaacs
35	Social Welfare 1978	Mr Everingham
33	Special Purposes Leases 1978	Mr Everingham
64	Stamp 1978	Mr Tuxworth
72	Supply of Services 1978	Mr Perron
40	Territory Parks and Wildlife Conservation 1978	Mr Tuxworth
37	Territory Parks and Wildlife Conservation (No. 2) 1978	Mr Tuxworth
61	Town Planning 1978	Mr Perron
66	Traffic 1978	Mr Steele
19	Uniting Church in Australia 1977 ...	Mr Ballantyne
16	Weights and Measures 1978	Mr Robertson
15	Weights and Measures (Packaged Goods) 1978	Mr Robertson

THE NORTHERN TERRITORY OF AUSTRALIA

ABORIGINAL LAND BILL

Table of Provisions

PART I - PRELIMINARY

Clause

1. Short title
2. Commencement
3. Definitions

PART II - ENTRY ONTO ABORIGINAL LAND

4. Entry onto, &c., Aboriginal land
5. Issue of permits
6. The Executive Member may issue permits to government employees on certain conditions
7. Members of Parliament, &c., may enter, &c., Aboriginal land
8. Entry of dwellings
9. Defence in certain circumstances
10. Estates or interests on Aboriginal land protected
11. Open areas

PART III - CONTROL OF ENTRY ONTO SEAS
ADJOINING ABORIGINAL LAND

12. Administrator in Council may close seas
13. Administrator in Council may re-open closed seas
14. Entry onto, &c., closed seas
15. Issue of permits
16. The Executive Member may issue permits to government employees on certain conditions
17. Members of Parliament, &c., may enter, &c., closed seas
18. Permit to be granted to protect existing rights
19. Defence in certain circumstances
20. Seas open to transit vessels

PART IV - OFFENCES

21. No prosecution except on authority of Land Council.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To provide for access to Aboriginal land
and the seas adjacent thereto

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the
Aboriginal Land Ordinance 1978.

Short
title

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

Commence-
ment

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

Defini-
tions

"Aboriginal" means a person who is a
member of the Aboriginal race of
Australia;

"Aboriginal land" has the same meaning as
in the Aboriginal Land Rights
(Northern Territory) Act 1976;

"Aboriginal tradition" has the same mean-
ing as in the Aboriginal Land Rights
(Northern Territory) Act 1976;

"Aboriginal Land Commissioner" means the
Aboriginal Land Commissioner established
by the Aboriginal Land Rights
(Northern Territory) Act 1976;

"closed seas" means seas closed by notice published in the Gazette under section 11;

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

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

"traditional Aboriginal owners" has the same meaning as in the Aboriginal Land Rights (Northern Territory) Act 1976.

PART II - ENTRY ONTO ABORIGINAL LAND

Entry
onto, &c.,
Aboriginal
land

4.(1) Subject to this Part, a person shall not enter onto or remain on Aboriginal land unless he has been issued with a permit to do so in accordance with this Part.

Penalty: 1000 dollars.

(2) An Aboriginal who is entitled by Aboriginal tradition to enter onto an area of Aboriginal land may enter onto that area of Aboriginal land.

(3) An Aboriginal who is entitled by Aboriginal tradition to remain on an area of Aboriginal land may remain on that area of Aboriginal land.

Issue of
permits

5.(1) The Land Council for the area in which Aboriginal land is situated may issue a permit to a person to enter onto and remain on that Aboriginal land subject to such conditions as the Land Council thinks fit.

(2) The traditional Aboriginal owners of an area of Aboriginal land may issue a permit to a person to enter onto and remain on that Aboriginal land subject to such conditions as the traditional Aboriginal owners think fit.

(3) A permit to enter onto and remain on Aboriginal land may be issued orally or in writing.

(4) A Land Council, or the traditional Aboriginal owners, may delegate all or part of its or their authority to issue permits under this section and such delegation may be made upon such conditions as the Land Council, or the traditional Aboriginal owners, as the case may be, think fit.

(5) A Land Council may revoke a permit issued by it, under its authority, by the traditional Aboriginal owners or under the authority of the traditional Aboriginal owners over Aboriginal land which is within the area for which it is established.

(6) The traditional Aboriginal owners of an area of Aboriginal land may revoke a permit issued by them, under their authority, by a Land Council or under the authority of a Land Council, where the permit relates to the area of Aboriginal land of which those Aboriginals are traditional Aboriginal owners.

(7) A Land Council shall, before commencing to issue permits for an area of Aboriginal land, consult with and come to an agreement with the traditional Aboriginal owners of the area as to the terms and conditions upon which the Land Council may issue permits or delegate its authority to issue permits.

The
Executive
Member may
issue
permits
to
govern-
ment
employees
on
certain
conditions

6.(1) Where a person who is employed under or by virtue of an Act or Ordinance has, in the opinion of the Administrator in Council, a need, in the performance of his duties, to enter upon and remain on Aboriginal land, the Executive Member may issue a permit which will, subject to any law in force in the Territory, authorize the person to whom it is issued to enter and remain on Aboriginal land subject to the conditions set out in the permit.

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

- (a) shall be in writing and shall contain the name, the signature and an identification photograph of the person to whom the permit is issued;
- (b) shall specify the area of Aboriginal land that the person to whom the permit is issued is permitted to enter and remain on;
- (c) shall specify that the permit is issued to allow the person to whom it is issued to enter and remain on Aboriginal land in the course of his duty only; and
- (d) may contain conditions and restrictions subject to which the permit is issued.

(3) A permit issued under sub-section (1) may be revoked by the Executive Member upon the request of the relevant Land Council.

Members of
Parliament,
&c., may
enter, &c.,
Aboriginal
land

7. Subject to this Part -

- (a) the Administrator, or an Acting Administrator, acting in the course of his duty;

- (b) a member of the Legislative Assembly engaged on the business of the Assembly;
- (c) a member of either House of the Commonwealth Parliament engaged on the business of the Parliament;
- (d) a candidate for election as a Senator for the Northern Territory or as a member of the House of Representatives for a Northern Territory electorate; and
- (e) a candidate for election as a member of the Legislative Assembly for the purposes of conducting his campaign,

may enter and remain on Aboriginal land.

8.(1) Nothing contained in this Part authorizes the entry of a person to a dwelling without the permission of the owner or the occupant.

Entry of
dwellings

(2) For the purposes of this section "dwelling" includes the living area of a camp occupied by or belonging to an Aboriginal.

9. It shall be a defence to a charge under section 4(1) if the person charged proves that -

Defence
in
certain
circum-
stances

- (a) the entry onto Aboriginal land was due to necessity, or beyond his control;
- (b) it was impractical, in the circumstances, to apply for a permit; and
- (c) he removed himself from the Aboriginal land as soon as it was practicable in the circumstances.

Estates
or
interests
on
Aboriginal
land
protected

10. Where a person other than a Land Trust has an estate or interest in an area of Aboriginal land, this Part shall not authorize an entry or remaining on that area of Aboriginal land of a person if his presence on that area of land would interfere with the use or enjoyment of that estate or interest by the owner of the estate or interest.

Open
areas

11.(1) The Administrator in Council may, on the recommendation of a Land Council, declare by notice in the Gazette, an area of Aboriginal land to be an open area.

(2) Where a declaration is made under sub-section (1), a person may enter and remain on the area of Aboriginal land described in the notice without obtaining a permit.

PART III - CONTROL OF ENTRY ONTO SEAS ADJOINING ABORIGINAL LAND

Adminis-
trator in
Council
may
close
seas

12.(1) The Administrator in Council may, by notice in the Gazette, close the seas adjoining and within 2 kilometres of Aboriginal land to any persons or classes of persons, or for any purpose other than to Aborigines who are entitled by Aboriginal tradition to enter and use those seas and who enter and use those seas in accordance with Aboriginal tradition.

(2) The notice in the Gazette referred to in sub-section (1) shall specify -

- (a) the area closed by the notice by description of the boundaries and by a diagram showing the approximate position of the boundaries;
- (b) the persons or classes of persons to whom the area is closed; and
- (c) the purpose for which the area of the sea is closed.

(3) The Administrator in Council may, before deciding to close a part of the seas in accordance with this section, refer the matter of the closure to the Aboriginal Land Commissioner and request that the Aboriginal Land Commissioner enquire into and report on -

- (a) whether, in accordance with Aboriginal tradition, strangers were restricted in their right to enter those seas;
- (b) whether the use of those seas by strangers is interfering with or may interfere with the use of those seas in accordance with Aboriginal tradition by the Aboriginals who have traditionally used those seas;
- (c) whether the use of those seas by strangers is interfering with or may interfere with the use of the adjoining Aboriginal lands by the traditional Aboriginal owners;
- (d) whether any person would be disadvantaged if the seas were closed to him;
- (e) the commercial, environmental and recreational interests of the public; and
- (f) such other matters as the Aboriginal Land Commissioner considers relevant to the closure of those seas.

(4) The Aboriginal Land Commissioner shall report to the Administrator in Council.

13.(1) The Administrator in Council may, by notice in the Gazette, revoke or vary a notice made under section 12 so as to open the whole or part of an area of closed seas.

Adminis-
trator in
Council
may re-
open
closed seas

(2) Before a notice under sub-section (1) is published the Administrator in Council shall refer the matter of the revocation or variation of the previous notice to the Aboriginal Land Commissioner.

(3) The Aboriginal Land Commissioner may, if he considers that the circumstances require, enquire into and report on the change in circumstances which would justify the revocation or variation of the previous notice.

(4) The Aboriginal Land Commissioner shall, in deciding whether to conduct an inquiry under sub-section (3), have regard to the consent or otherwise of the Land Council and the traditional Aboriginal owners of the land adjoining the seas affected by the intended notice.

Entry
onto, &c.,
closed
seas

14.(1) Subject to this Part, a person shall not enter onto or remain on closed seas unless he has been issued with a permit to do so in accordance with this Part.

Penalty: 1000 dollars.

(2) An Aboriginal who is entitled by Aboriginal tradition to enter and use the seas adjoining an area of Aboriginal land may enter and use the resources of the seas adjoining and within 2 kilometres of that area of Aboriginal land notwithstanding that a notice published under section 12 affects those seas.

Issue of
permits

15.(1) The Land Council for the area in which closed seas are situated may issue a permit to a person to enter onto and remain on those seas subject to such conditions as the Land Council thinks fit.

(2) The traditional Aboriginal owners of an area of Aboriginal land adjoining closed seas may issue a permit to a person to enter onto and remain on that area of closed seas subject to such conditions as the traditional Aboriginal owners think fit.

(3) A permit to enter onto and remain on closed seas may be issued orally or in writing.

(4) A Land Council or the traditional Aboriginal owner may delegate all or part of its or their authority to issue permits under this section and such delegations may be made upon such conditions as the Land Council or the traditional Aboriginal owners, as the case may be, think fit.

(5) A Land Council may revoke a permit issued by it, under its authority, by the traditional Aboriginal owners or under the authority of the traditional Aboriginal owners over seas closed by notice under section 12 which is within the area for which it is established.

(6) The traditional Aboriginal owners of an area of Aboriginal land may revoke a permit issued by them under this section, under their authority, by a Land Council or under the authority of a Land Council, where the permit relates to an area of closed seas which is adjacent to Aboriginal land of which those Aboriginals are the traditional Aboriginal owners.

(7) A Land Council shall, before commencing to issue permits for an area of Aboriginal land, consult with and come to an agreement with the traditional Aboriginal owners of the area as to the terms and conditions upon which the Land Council may issue permits or delegate its authority to issue permits.

The
Executive
Member
may issue
permits
to
government
employees
on certain
conditions

16.(1) Where a person who is employed under or by virtue of an Act or Ordinance has, in the opinion of the Administrator in Council, a need in the performance of his duties to enter upon and remain on closed seas, the Executive Member may issue a permit which will, subject to any law in force in the Territory, authorize the person to whom it is issued to enter and remain on Aboriginal land subject to the conditions set out in the permit.

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

- (a) shall be in writing and shall contain the name, the signature and an identification photograph of the person to whom the permit is issued;
- (b) shall specify the area of closed seas that the person to whom the permit is issued is permitted to enter and remain on;
- (c) shall specify that the permit is issued to allow the person to whom it is issued to enter and remain on closed seas in the course of his duty only; and
- (d) may contain conditions and restrictions subject to which the permit is issued.

(3) A permit issued under sub-section (1) may be revoked by the Executive Member upon the request of the relevant Land Council.

Members
of
Parliament,
&c., may
enter, &c.,
closed
seas

17. Subject to this Part -

- (a) the Administrator or an acting Administrator acting in the course of his duty;
- (b) a member of the Legislative Assembly

engaged on the business of the Assembly;

- (c) a member of either House of the Commonwealth Parliament engaged on the business of the Parliament;
- (d) a candidate for election as a Senator for the Northern Territory or as a member of the House of Representatives for a Northern Territory electorate; or
- (e) a candidate for election as a member of the Legislative Assembly for the purposes of conducting his campaign,

may enter and remain on closed seas.

18.(1) Where a holder of a licence issued under section 15 of the Fisheries Ordinance is able to establish -

- (a) that he has, prior to the publication of a notice under section 12, carried out fishing operations for a reasonable period of time within the area of closed seas; and
- (b) his livelihood may be placed at risk by the closure of those seas,

Permit
to be
granted
to
protect
existing
rights

the Administrator in Council may grant a permit in writing to the holder of the fishing licence to enter and fish in the closed seas described in the permit.

(2) The permit granted under sub-section (1) shall apply to an employee of the holder of the licence which employee holds a licence under section 17 of the Fisheries Ordinance.

Defence
in
certain
circum-
stances

19. It shall be a defence to a charge under section 14(1) if the person charged proves that -

- (a) the entry onto closed seas was due to necessity, or beyond his control;
- (b) it was impractical, in the circumstances, to apply for a permit; and
- (c) he removed himself from the closed seas as soon as it was practicable in the circumstances.

Seas open
to
transit
vessels

20. Nothing in this Part shall prevent the bona fide transit of a vessel through seas which are otherwise open to that vessel.

PART IV - OFFENCES

No pro-
secution
except on
authority
of Land
Council

21.(1) No complaint for an offence against section 4 or section 14 shall be heard unless the hearing of the complaint is supported by a notice in writing given by the Land Council established for the area in which the alleged offence took place.

(2) A Land Council may authorize a person to sign a notice under sub-section (1) and a statement by the person signing a notice under sub-section (1) that he is so authorized shall be prima facie evidence of his authorization.

THE NORTHERN TERRITORY OF AUSTRALIA

ABORIGINAL SACRED SITES BILL

Table of Provisions

PART I - PRELIMINARY

Clause

1. Short title
2. Commencement
3. Definitions

PART II - THE ABORIGINAL SACRED SITES
PROTECTION AUTHORITY

Division 1 - Establishment and Constitution of the Authority

4. The Aboriginal Sacred Sites Protection Authority
5. Constitution of the Authority
6. Termination of membership of the Authority
7. Leave of absence
8. Acting appointments
9. Meetings of the Authority
10. Protection of members of the Authority
11. Chairman's Annual Report
12. Delegation

Division 2 - Functions and Powers of the Authority

13. Functions of the Authority
14. Powers of the Authority
15. Employment of persons
16. The Director

Division 3 - Finances of the Authority

17. Moneys of the Authority
18. Bank accounts
19. Application of moneys
20. Investment, &c., of moneys of the Authority
21. The Authority to prepare estimates
22. Proper accounts to be kept
23. Audit

PART III - REGISTER OF SACRED SITES

- 24. Creation and maintenance of a register
- 25. Sites to be evaluated, &c.
- 26. Investigation before declaration of site
- 27. Administrator in Council may declare a sacred site
- 28. Powers to protect sacred sites
- 29. Custodian and Authority may authorize entry
- 30. Honorary wardens

PART IV - OFFENCES, PENALTIES AND PROCEDURES

- 31. Offences
- 32. Prosecutions may be on complaint of Authority, &c.
- 33. Summary jurisdiction

PART V - MISCELLANEOUS

- 34. Certificate of Authority or Director proof of certain things
- 35. Regulations

THE NORTHERN TERRITORY OF AUSTRALIA A BILL

for

AN ORDINANCE

To provide for the protection of Aboriginal
Sacred Sites

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the
Aboriginal Sacred Sites Ordinance 1978.

Short
title

2. This Ordinance shall come into
operation on the date on which the Aboriginal
Land Ordinance 1978 comes into operation.

Commence-
ment

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

Defini-
tions

"Aboriginal" means a person who is a member
of the Aboriginal race of Australia;

"Aboriginal land" has the same meaning as
in the Aboriginal Land Rights (Northern
Territory) Act 1976;

"Aboriginal Land Commissioner" means the
Aboriginal Land Commissioner established
by the Aboriginal Land Rights (Northern
Territory) Act 1976;

"custodian" means the traditional Aborigi-
nal owner or other Aboriginal to whom
the protection of a sacred site is en-
trusted by and in accordance with
Aboriginal tradition;

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

"sacred site" means a site that is sacred to Aboriginals or is otherwise of significance according to Aboriginal tradition, and includes any land that, under this Ordinance, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition;

"the Authority" means the Aboriginal Sacred Sites Protection Authority.

PART II - THE ABORIGINAL SACRED SITES PROTECTION AUTHORITY

Division 1 - Establishment and Constitution of the Authority

The
Aboriginal
Sacred
Sites
Protection
Authority

4.(1) There shall be an Authority known as the Aboriginal Sacred Sites Protection Authority, which, subject to this Ordinance, shall have and may exercise the rights, powers, authorities and functions conferred on it by this Ordinance and shall be charged with and perform the duties and obligations imposed upon it by this Ordinance.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being 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 any document and shall presume that it was duly affixed.

(4) The exercise of the rights, powers, authorities or functions or the performance of duties or obligations of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

5.(1) The Authority shall consist of a Chairman and 11 other members, all of whom except the Director shall be appointed by the Administrator in Council.

Consti-
tution of
the
Authority

(2) The composition of the Authority shall be such that -

- (a) not less than 7 positions shall be for Aborigines chosen by the Administrator in Council from nominations received from the Land Councils; and
- (b) the other positions shall be for the Director of the Authority and persons who are experienced in anthropology, land use and survey, Aboriginal studies, site conservation or such other fields as the Administrator in Council thinks fit.

(3) All members of the Authority other than the Director shall be appointed for periods not exceeding 3 years and are eligible for re-appointment.

(4) A member of the Authority other than the Director shall be paid from the moneys of the Authority fees, allowances and expenses at rates determined by the Administrator in Council.

(5) The Chairman shall be, for the purposes of this Ordinance, a member of the Authority.

Termination of membership of the Authority

6.(1) A member may resign his office by writing under his hand addressed to the Executive Member.

(2) A resignation by a member submitted in accordance with sub-section (1) does not have effect until it is accepted by the Executive Member.

(3) The Executive Member may remove a member from office for incompetence or misbehaviour.

(4) The Executive Member shall remove a member from office if -

- (a) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) he absents himself without leave granted by the Authority in any 12 months from 3 meetings of the Authority of which reasonable notice and a requirement to attend have been given to him personally or in the ordinary course of post;

(c) he becomes of unsound mind; or

(d) he becomes permanently incapable of performing his duties.

(5) Where the person who ceases to be a member. was a member by virtue of his nomination by a Land Council, the Executive Member shall notify the Land Councils of the cessation of membership of the Authority and call for nominations for a member to fill the vacant position caused by the resignation.

(6) Where a person is a member of the Authority by virtue of his being the Director of the Authority and he ceases to hold the position of Director, he shall thereupon cease to be a member of the Authority.

7. The Authority may grant leave of absence to a member.

Leave of
absence

8.(1) Where -

Acting
appoint-
ments

(a) the Chairman is absent from duty; or

(b) the position of Chairman is vacant,

the Executive Member may appoint a member to act in the place of the Chairman during the period of absence or vacancy.

(2) Where a member is absent from duty with leave, the Executive Member may, if the Authority requests, appoint a person to act in the place of that member during the period of absence.

(3) Where there is no Chairman at a meeting of the Authority, the meeting may elect a Chairman for the conduct of that meeting.

Meetings
of the
Authority

9.(1) Subject to this section, the Chairman shall determine the times and places of the meetings of the Authority.

(2) The Authority shall meet as often as is necessary to carry out the functions of the Authority and, in any event, at least once every 3 months.

(3) The Executive Member may convene a meeting of the Authority.

(4) At a meeting of the Authority 7 members, not less than 4 of whom are appointed on the nomination of the Land Councils, constitute a quorum.

(5) Any question arising at a meeting of the Authority shall be determined by a majority of the votes of the members present.

(6) The Chairman presiding at any meeting of the Authority shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7) The Authority shall cause minutes to be kept of its meetings.

Protection
of members
of the
Authority

10. No action or proceeding, civil or criminal, shall lie against the Chairman or a member for or in respect of an act or thing done or omitted to be done in good faith by a member in his capacity as the Chairman or a member.

Chair-
man's
Annual
Report

11.(1) The Chairman shall, by 31 July in each year, submit to the Executive Member a report on the administration and operation of the Authority during the previous 12 months up to and including 30 June in

that year.

(2) The Executive Member shall lay the report referred to in sub-section (1) before the Legislative Assembly within 3 days from the date of receipt if the Legislative Assembly is sitting, and if it is not, then within 3 days of the commencement of the next sittings.

12.(1) The Authority may, by instrument in writing under its common seal, delegate to the Chairman, a member or an employee engaged in the work of the Authority, either generally or otherwise as provided by the instrument of delegation, all or any of the powers of the Authority under this Ordinance except this power of delegation.

Delegation

(2) A power delegated in accordance with sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Authority.

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

Division 2 - Functions and Powers of the Authority

13. The functions of the Authority are -

Functions
of the
Authority

- (a) to establish and maintain a register of sacred sites;
- (b) to examine and evaluate all claims for sacred sites made to it by Aborigines;

- (c) to record sacred sites, with full details of the significance to the traditional Aboriginals, including any story, of each sacred site and any relevant factors including custodianship of the sacred site;
- (d) to recommend to the Administrator in Council that particular sacred sites be declared protected sites under this Ordinance;
- (e) to enforce the provisions of this Ordinance; and
- (f) to carry out such other functions relating to the protection of sacred sites as the Administrator in Council may, by notice in the Gazette, authorize the Authority to carry out.

Powers of
the
Authority

14. The Authority has power to do all things necessary or convenient to be done in connexion with or as incidental to the performance of its functions and all things related to the performance of its functions.

Employ-
ment of
persons

15.(1) Subject to this section, the Authority may employ such persons as it thinks necessary to assist the Authority in exercising its powers and performing its functions and duties under this Ordinance.

(2) The terms and conditions of employment of persons employed under this section shall be such as are determined by the Administrator in Council with the advice of the Public Service Commissioner for the Northern Territory.

16.(1) The Authority shall employ a person who shall be known as the Director of the Aboriginal Sacred Sites Protection Authority and who shall be charged with the carrying out of the decisions of the Authority.

The
Director

(2) The Director shall be employed upon such terms and conditions as are determined by the Administrator in Council with the advice of the Public Service Commissioner for the Northern Territory.

Division 3 - Finances of the Authority

17. The moneys of the Authority consist of all moneys received by the Authority and include such moneys as are appropriated by the Parliament for the purposes of the Authority, such moneys as are allocated by the Legislative Assembly for the purposes of the Authority and any other moneys collected by the Authority in the course of its operations under this Ordinance.

Moneys
of the
Authority

18.(1) The Authority shall open and maintain an account with an approved bank and shall maintain at all times at least one such account.

Bank
accounts

(2) The Authority shall pay all moneys of the Authority 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 Executive Member.

19.(1) The moneys of the Authority may be applied -

Applica-
tion of
moneys

- (a) in payment of fees, expenses and allowances payable to members of the Authority; and
- (b) in payment or discharge of the expenses, obligations and liabilities of the Authority arising under this Ordinance,

but not otherwise.

(2) Moneys of the Authority shall be expended in accordance with the estimates approved by the Minister for Aboriginal Affairs under section 21.

Invest-
ment, &c.,
of moneys
of the
Authority

20. Moneys of the Authority not immediately required for the purposes referred to in section 19 may be -

- (a) invested in securities of or guaranteed by the Commonwealth;
- (b) lodged -

- (i) in an account at call; or

- (ii) on fixed deposit,

with an approved bank for the purpose of section 18; or

- (c) deposited with a company prescribed for the purpose of section 38(7)(b) of the Companies Ordinance.

The
Authority
to prepare
estimates

21.(1) The Authority shall, not later than 31 March in each year, submit to the Minister for Aboriginal Affairs particulars, prepared in such form as the Minister for Aboriginal Affairs directs, of its expected receipts and proposed expenditure for the

financial year commencing on the following 1 July.

(2) The Minister for Aboriginal Affairs may approve estimates submitted to him under sub-section (1).

22. The Authority shall cause proper accounts and financial records of the transactions and affairs of the Authority 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 Authority and over the incurring of liabilities by the Authority.

Proper
accounts
to be
kept

23.(1) The Minister for Aboriginal Affairs shall appoint a person to be the auditor to inspect and audit the accounts and records of financial transactions of the Authority, and inspect other records relating to the assets of the Authority.

Audit

(2) The auditor shall inspect and audit the accounts and records of financial transactions of the Authority and shall, forthwith, draw the attention of the Minister for Aboriginal Affairs to any irregularity revealed by the inspection and audit that is, in the opinion of the auditor, of sufficient importance to justify his so doing.

(3) The auditor shall, at least once in each year report to the Minister for Aboriginal Affairs the results of the inspection and audit carried out by him in accordance with sub-section (2).

(4) The auditor 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 Authority relating directly or indirectly to the receipt or payment of moneys by the Authority or to the acquisition, receipt, custody or disposal of assets of the Authority.

(5) The auditor or a person authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(6) The auditor or a person authorized by him may require a person being a member of the Authority or an officer or employee of the Authority to furnish him with such information in the possession of that person or to which that person has access as the auditor or authorized person considers necessary for the purposes of an inspection or audit under this Ordinance.

(7) A person shall comply with and shall not contravene a requirement made under sub-section (6).

Penalty: 500 dollars.

PART III - REGISTER OF SACRED SITES

Creation
and main-
tenance
of a
register

24.(1) The Authority shall set up a register known as the Register of Aboriginal Sacred Sites in which it shall record all sites which the Authority accepts as sacred sites.

(2) The record of the sacred site made under sub-section (1) shall, in so far as it is possible, state -

- (a) the boundaries of the sacred site area;
- (b) the name or names of the custodian or custodians and his or their addresses;
- (c) the story of the site according to Aboriginal tradition; and
- (d) any other matters concerning the site as the Authority thinks relevant.

(3) The Authority shall enter in the register set up under sub-section (1), from time to time, details of any changes in custodianship of a site and details of changes to any other matters recorded in the register.

25.(1) The Authority shall examine and evaluate a site referred to it by an Aboriginal as a sacred site.

Sites
to be
evaluated,
&c.

(2) If the Authority is satisfied that the site is a sacred site, the Authority shall record the site and all its particulars in the Register of Aboriginal Sacred Sites.

26.(1) The custodian of a sacred site may request the Authority to take steps to have the sacred site declared a sacred site for the purposes of this Ordinance.

Investi-
gation
before
decla-
ration
of site

(2) The Authority may, if it thinks fit, apply to the Administrator in Council to have a sacred site declared a sacred site for the purposes of this Ordinance.

(3) Where a request is received under sub-section (2), the Administrator in Council shall cause an investigation to be carried out to ascertain -

- (a) the importance of that site to Aboriginal tradition;
- (b) whether the owners, if any, of the land containing the site object to the taking of steps to protect the site;
- (c) whether any other person would be disadvantaged if steps were taken to protect the site;
- (d) whether there is any other person interested in the site, and whether that person has any objections to the taking of steps to protect the site; and
- (e) the most appropriate steps that should be taken, having regard to all the circumstances of the case, to protect the site.

(4) The Administrator in Council shall refer a request made under sub-section (2) to the Aboriginal Land Commissioner and, from time to time, may cause consultation with the Aboriginal Land Commissioner with respect to the request.

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

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

Adminis-
trator in
Council
may de-
clare a
sacred
site

(a) reject the request; or

(b) by notice in the Gazette -

(i) declare the area to be a sacred site; and

(ii) give notice of any proposed steps to protect the sacred site.

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

(a) include a map indicating an area that contains the sacred site, or indicate where such a map may be inspected; and

(b) indicate the nature of the steps (if any) to be taken.

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

Powers to
protect
sacred
sites

(a) for the acquisition of an area of land;

(b) for the reservation of an area of Crown land;

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

(2) The Administrator in Council may authorize the Authority to erect signs on an area to indicate that the area contains a sacred site.

(3) Regulations made under this Ordinance may include regulations providing for or in relation to the protection of a sacred site.

Custodian
and
Authority
may
authorize
entry

29.(1) Where the custodian of a sacred site (if any) and the Authority are satisfied that it is proper to allow a person (other than an Aboriginal who is entitled by Aboriginal tradition to enter) to enter a sacred site, the Authority may issue a permit to that person to enter the sacred site subject to such conditions as the permit may contain.

(2) The Authority may attach any conditions it thinks fit to a permit issued under sub-section (1).

30.(1) The Administrator in Council, with the advice of the Authority, may, by notice in the Gazette, appoint honorary wardens to assist in the protection of sacred sites declared under section 27.

Honorary
wardens

(2) The notice appointing an honorary warden shall specify the sacred site declared under section 27 for which the honorary warden is appointed.

(3) The Executive Member may issue an honorary warden appointed under sub-section (1) with an identification card in the form approved by the Executive Member.

PART IV - OFFENCES, PENALTIES AND PROCEDURES

31.(1) Except in the performance of a function under this Ordinance or otherwise in accordance with this Ordinance or the Aboriginal Land Rights (Northern Territory) Act 1976, a person shall not enter or remain on a sacred site.

Offences

Penalty: 1000 dollars.

(2) Sub-section (1) does not prevent an Aboriginal from entering or remaining on a sacred site in accordance with Aboriginal tradition.

(3) A person shall not knowingly desecrate a sacred site.

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

(4) A person shall not carry out works on a sacred site unless he has written permission from the Authority.

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

(5) A person shall obey the reasonable directions relating to the protection of a sacred site given by an honorary warden appointed under section 30(1) in relation to a sacred site for which that honorary warden is appointed.

Penalty: 1000 dollars.

(6) Subject to sub-section (7), in proceedings for an offence against sub-section (1) or (4), it is a defence if the person charged proves that he had no reasonable grounds for suspecting that the land concerned was a sacred site.

(7) Where the charge relates to a sacred site on Aboriginal land, the defence provided by sub-section (6) shall not be taken to have been established by a person unless he proves that -

- (a) his presence on the land would not have been unlawful if the land had not been a sacred site; and
- (b) he had taken all reasonable steps to ascertain the location and extent of the sacred sites on any part of that Aboriginal land likely to be visited by him.

32. A prosecution for an offence against this Ordinance or the Regulations may be made upon the complaint of the Aboriginal Sacred Sites Protection Authority or a person authorized by the Authority to do so.

Prose-
cutions
may be on
complaint
of
Authority,
&c.

33. Proceedings for an offence against this Ordinance may be instituted and heard in a court of summary jurisdiction.

Summary
juris-
diction

PART V - MISCELLANEOUS

34. A certificate issued under the common seal of the Aboriginal Sacred Sites Protection Authority or the hand of the Director of the Aboriginal Sacred Sites Protection Authority certifying that an area of land is recorded in the Register of Aboriginal Sacred Sites as a sacred site shall be accepted as proof that it is recorded as a sacred site by the Authority, by all courts, judges and persons acting judicially without further proof being required.

Certifi-
cate of
Authority
or
Director
proof
of certain
things

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

Regula-
tions

(2) Regulations made under this Ordinance may provide for penalties for breaches of the Regulations not exceeding 500 dollars.

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To repeal the Alsatian Dogs Ordinance

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

1. This Ordinance may be cited as the Alsatian Dogs Ordinance Repeal Ordinance 1978. Short title

2. The Ordinances listed in the Schedule are repealed. Repeal

SCHEDULE

Section 2

ORDINANCES REPEALED

Number and year	Short title
No. 12, 1934	<u>Alsatian Dogs Ordinance</u> 1934
No. 37, 1957	<u>Alsatian Dogs Ordinance</u> 1957
No. 52, 1970	<u>Alsatian Dogs Ordinance</u> 1970
No. 52, 1972	<u>Alsatian Dogs Ordinance</u> 1972

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Serial 27
Annual Holidays
Mr Isaacs

To amend the Annual Holidays Ordinance

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

1. This Ordinance may be cited as the Annual Holidays Ordinance 1977.

Short
title

2. The Annual Holidays 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. After section 6(1) of the Principal Ordinance the following sub-section is inserted:

"(1A) In addition to the amount prescribed in sub-section (1), an employee shall receive a loading calculated on the rate of wage prescribed by sub-section (3) of this section. The loading shall be as follows:

- (i) Day workers - an employee who would have worked on day work only had he not been on leave - a loading of 17½ per cent;
- (ii) Shift workers - an employee who would have worked on shift work had he not been on leave - a loading of 17½ per cent.

Provided that where the employee would have received shift loadings or payments at penalty rates of pay had he not been on leave during the relevant period and such payments would have entitled him to a greater amount than the loading of 17½ per cent then the payments shall be added to the rate of wage prescribed in sub-section (3) in lieu of the 17½ per cent loading,

Provided further that if the payments would have entitled him to a lesser amount than the loading of 17½ per cent, then such loadings of 17½ per cent shall be added to the rate of wage prescribed by sub-section (3) in lieu of the payments."

Annual Holidays

5. Section 6(4) of the Principal Ordinance is amended by omitting paragraph (b) .

6. The Principal Ordinance is amended by omitting section 17 and substituting the following section:

"17. (1) A person who contravenes, or fails to comply with, a provision of this Ordinance is guilty of an offence punishable by a fine of 400 dollars.

(2) In addition to the fine imposed under sub-section (1), the Court may order that the defendant shall pay to any person in respect of whom such offence was committed, and who is or has been in the employment of such defendant, any sum which, to the satisfaction of the court, is shown to be due from the defendant to the person in connection with such employment."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Annual Holidays Ordinance

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

- | | |
|--|------------------------|
| 1. This Ordinance may be cited as the <u>Annual Holidays Ordinance 1978</u> . | Short
title |
| 2. The <u>Annual Holidays Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 2 of the Principal Ordinance is repealed and the following section substituted: | |
| "2. In this Ordinance, unless the contrary intention appears - | Defini-
tions |
| 'agreement' includes a contract of service of apprenticeship entered into by an employee with an employer; | |
| 'award' means - | |
| (a) an award made under the <u>Conciliation and Arbitration Act 1904</u> ; | |
| (b) a certified agreement which is, for the purposes of that Act, an award; or | |

(c) an industrial agreement made in pursuance of that Act;

'employee' means a person who has entered into and works under a contract of service or apprenticeship with an employer -

(a) whether by way of manual labour, clerical work or otherwise; and

(b) whether that contract is expressed or implied or oral or in writing;

'prescribed officer' means a person who holds office as a prescribed officer for the purposes of this Ordinance;

'shift-worker' means a person -

(a) who is an employee (not being an employee to whom an award applies) and who is rostered or required for the purpose of completing his ordinary hours of work to work for some period of time after 8 o'clock in the evening and before half past 6 o'clock in the morning; and

(b) who, in the normal course of his employment, is rostered for work or is required to work on any of the days of each week, including a day that is a public holiday."

Annual
holiday

4. Section 4 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

"(3) A person is not entitled under this Ordinance to an annual holiday at the end of a year of employment if during the year -

- (a) the average number of hours worked per week by that person did not exceed 24; or
- (b) that person worked as a casual employee within the meaning of sub-section (4) and received or was entitled to receive a payment or payments in substitution for an annual holiday for that year.

"(4) For the purposes of sub-section (3) 'casual employee' means a person who has entered into an arrangement with an employer under which -

- (a) the employment is irregular and not on fixed days or at fixed times;
- (b) employment is available and the person works only when required by the employer; and
- (c) there is no continuing contract of employment with the employer requiring the person to work on a subsequent occasion at a specified time.

5. Section 5(3) of the Principal Ordinance is amended -

Period of holiday

- (a) by omitting "2 months" (first occurring) and substituting "8 weeks"; and

(b) by omitting paragraph (b) and substituting the following paragraph:

"(b) one forty-seventh of the period the employee has been a shift-worker."

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

Holiday
pay

"6.(1) An employee who takes a holiday to which he is entitled under section 4(1) is entitled to receive from his employer payment of an amount equal to 117 and one-half per cent of the ordinary remuneration the employee would have received in respect of the period of the holiday if he had not taken the holiday.

"(2) For the purpose of this section, 'ordinary remuneration', in relation to an employee, means the sum of -

- (a) the salary or wages payable to the employee;
- (b) any allowances payable to the employee in respect of skill, qualifications, board and lodging;
- (c) any amounts payable to the employee under a bonus or incentive scheme, being amounts that are usually paid to the employee with his salary or wages; and

- (d) where the employee is provided with board and lodging by his employer, an amount equal to the value of that board and lodging but not including the value of any board or lodging that is a permanent benefit to the employee continuing irrespective of his being on holiday,

but does not include the value of any board or lodging or the amount of any payment in respect of board or lodging where the board or lodging is provided or the payment is made, not as part of the employee's salary or wages, but because the work done by the employee is in such a locality as to require his sleeping elsewhere than at his normal place of residence.

"(3) In sub-section (2), the expression 'salary or wages' does not include -

- (a) payments in respect of overtime; or
- (b) payments at penalty rates of pay.

"(4) For the purposes of this section -

- (a) the salary or wage of an employee for whom there is not a fixed ordinary time rate of pay shall be the average weekly salary or wage earned by him during the period in respect of which his right to an annual holiday accrues, ascertained by dividing the amount actually earned in that period by the number of weeks that he actually worked; and

- (b) the salary or wage of an employee employed during the whole or part of a year on terms providing for remuneration at a specified rate per hour shall be ascertained by assuming that the employee worked during each week of the year the average of the weekly hours worked by him during the period in respect of which the right to the annual holiday accrued."

Holidays
to be
taken
within 3
years

7. Section 7 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

"(3) An employee may, once a year, request in writing of his employer particulars of -

- (a) the date on which the employee will become entitled to his annual holiday;
- (b) the date on which the period of 3 years referred to in sub-section (2) expires; and
- (c) the date referred to in paragraph (b) in respect of annual holiday entitlements from previous years of employment.

"(4) An employer shall, within 4 weeks of receiving a request under sub-section (3), supply the employee in writing with the information requested.

"(5) An employee shall not lose an annual holiday entitlement if, for any reason, the expiration of the period referred to in sub-section (2) is the result of a failure of his employer to comply with sub-section (4).".

8. Section 9 of the Principal Ordinance is amended by omitting "or award holiday" (wherever occurring).

Public
holidays
not to
count as
leave

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

"10.(1) Where the commencing date of the employee's annual holiday cannot be agreed upon between the employer and the employee and -

Time of
taking of
holiday

(a) the employee gives to his employer notice in writing that he is desirous of taking an annual holiday at the expiration of a period specified in the notice, being a period of not less than 6 weeks after the date on which the notice is given; and

(b) the employee is, or will be, not later than the expiration of the period specified in the notice, entitled to an annual holiday,

the employee is, subject to sub-sections (2) and (3) and section 12, entitled to take an annual holiday at the expiration of the period specified in the notice.

"(2) An employer may, within 7 days of receiving a notice referred to in sub-section (1), give notice in writing to the employee specifying the commencement date of the annual holiday as a date not more than 6 weeks later than the date for which the employee applied.

"(3) Where an employer has given notice in accordance with sub-section (2), an employee shall take his annual holiday on and from the date specified in the notice."

No payment
in lieu of
holidays

10. Section 11(2) of the Principal Ordinance is amended -

- (a) by omitting from paragraph (a) "12 months" and substituting "52 weeks";
- (b) by omitting from paragraph (a) "one month" and substituting "4 weeks"; and
- (c) by omitting from paragraph (b) "month during a" and substituting "week during a second or subsequent".

Close-
down

11.(1) Section 12(3) of the Principal Ordinance is amended -

- (a) by omitting "and specifying a date more than 6 months after the date of commencement of this Ordinance"; and
- (b) by omitting "3 months" and substituting "6 weeks".

(2) Section 12(5)(b)(iii) of the Principal Ordinance is amended by omitting "or award holidays".

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

"15.(1) Subject to sub-section (2), this Ordinance does not apply to an employee employed under an award.

Applica-
tion of
this
Ordinance

"(2) Where, under this Ordinance, an entitlement to an annual holiday has accrued, or is or was accruing to an employee before the making of an award which applies to that employee, this Ordinance applies to that entitlement as though that award had not been made.

"(3) This Ordinance has effect notwithstanding any agreement to the contrary."

13. Section 17 of the Principal Ordinance is repealed and the following section substituted:

"17.(1) A person shall not contravene, neglect or fail to comply with, this Ordinance.

Penalty
and
compen-
sation
for
offences

Penalty: 400 dollars.

"(2) In addition to imposing a fine under sub-section (1), the court convicting a person may order that the defendant pay to a person in respect of whom the offence was committed, and who is or has been in the employment of that defendant, any sum that is shown to the satisfaction of the court to be due from the defendant to that person in connexion with his employment."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Cemeteries Ordinance

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

- | | |
|---|-----------------------------|
| 1. This Ordinance may be cited as the <u>Cemeteries Ordinance</u> 1978. | Short title |
| 2. The Cemeteries Ordinance is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 4 of the Principal Ordinance is amended by inserting before the definition of "Board" the following definition:

" 'Aboriginal land' means Aboriginal land within the meaning of the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976;". | Definitions |
| 5. Section 6 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section: | Establishment of cemeteries |
| "(1A) The Administrator in Council may, by notice in the <u>Gazette</u> , dedicate to the purpose of a public cemetery, Aboriginal land which has been leased in perpetuity at a nominal rental under the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976 to the Commonwealth of Australia for the purpose of a public cemetery". | |

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Coal Ordinance

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

- | | |
|---|---------------------|
| 1. This Ordinance may be cited as the <u>Coal Ordinance</u> 1978. | Short title |
| 2. The <u>Coal Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 3 of the Principal Ordinance is amended - | Definitions |
| (a) by inserting before the definition of "Chief Warden" the following definition: | |
| "'Aboriginal land' has the same meaning as in the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976;"; and | |
| (b) by inserting after the definition of "Chief Warden" the following definition: | |
| "'Land Council' means an Aboriginal Land Council established under the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976;". | |

Applica-
tions for
licences to
search for
mineral oil
and coal

5.(1) Section 5(3) of the Principal Ordinance is amended by omitting "form," and substituting "form, subject to sub-section (5),".

(2) Section 5 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

"(5) The Minister shall not grant a licence in respect of Aboriginal land unless -

(a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented in writing to the making of the grant; or

(b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant be made.

"(6) Where a person applies for a licence over Aboriginal land, he, or any person on his behalf, shall not enter into negotiations with a Land Council with respect to the application or the grant of a licence unless the applicant has received an offer in writing from the Minister of a licence over that land which offer is subject to subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976.

"(7) If a person contravenes or fails to comply with sub-section (6), the Minister may, in his absolute discretion, refuse to

grant a licence to that person, whether over the land the subject of the application referred to in sub-section (6) or otherwise.

"(8) Where the Minister has made an offer in writing to an applicant for a licence over an area of Aboriginal land which offer is subject to the subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976, the Minister shall not make a further offer of a licence over that area of Aboriginal land to another person unless -

- (a) the original applicant has withdrawn his application;
- (b) the land is freed from the operation of the licence by surrender; or
- (c) the Minister is satisfied that negotiations between the applicant and the Land Council and the Minister for Aboriginal Affairs have taken place and the consent of the Land Council or that Minister, as the case may be, has been reasonably withheld."

6. Section 19 of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

Minister
may grant
coal
leases

"(1) Subject to this Ordinance, the Minister may grant a coal lease of any land for the purpose of mining coal.

"(2) Subject to this section, a person is not able to obtain a coal lease over Aboriginal land unless he is, or at the time of applying for the lease was, the

holder of a licence over that land, and -

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented to the coal lease; or
- (b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant of a coal lease be made.

"(3) Where the Minister for Aboriginal Affairs and a Land Council, after considering proposals before it by an applicant for a licence in respect of Aboriginal land, being proposals for the exploration for coal on that land and the recovery of any coal found as a result of that exploration, have, for the purpose of section 5(5), consented to the grant of that licence, sub-section (2) does not apply to a later grant to the applicant or to his successor in title to the lease in respect of that land where that later grant is substantially in accordance with the proposals.".

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Consumers Protection Council Ordinance

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

1. This Ordinance may be cited as the Consumers Protection Council Ordinance 1978.

Short title

2. The Consumers Protection Council Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. The Principal Ordinance is amended by inserting after section 5 the following section:

"5A. No action or proceeding, civil or criminal, shall lie against a member of the Council for or in respect of a statement made or an act or thing done in good faith by him in his capacity as a member."

Member not
liable, &c.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Crown Lands Ordinance

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

- | | |
|--|----------------------------------|
| 1. This Ordinance may be cited as the <u>Crown Lands Ordinance</u> 1978. | Short title |
| 2. The <u>Crown Lands Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 6 of the Principal Ordinance is amended - | How Crown lands may be alienated |
| (a) by omitting from paragraph (c) "or"; and | |
| (b) by adding at the end thereof "; or | |
| (e) the granting of an estate in fee simple under the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976." | |

Leases -
 how
 granted;
 which to be
 perpetual;
 which to
 be subject
 to rental
 re-appraise-
 ment

5.(1) Section 14 of the Principal Ordinance is amended -

- (a) by inserting after sub-section (3)(c) "and";
- (b) by omitting sub-section (3)(e); and
- (c) by omitting sub-section (4).

Reser-
 vations
 in leases

6.(1) Section 24 of the Principal Ordinance is amended -

- (a) by adding at the end of paragraph (c) "and";
- (b) by omitting at the end of paragraph (d) "and"; and
- (c) by omitting paragraph (e).

(2) Section 24 of the Principal Ordinance is amended by adding the following sub-sections:

"(2) Subject to sub-section (3), in any lease under this Ordinance a reservation in favour of the Aboriginal inhabitants of the Northern Territory shall be read as a reservation permitting the Aboriginal inhabitants of the leased land and the Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land -

- (a) to enter and be on the leased land;

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

"(3) Subject to sub-section (4), a reservation in favour of the Aboriginal inhabitants of the Northern Territory in any lease under this Ordinance does not apply to that part of the leased land which is within 2 kilometres of a homestead.

"(4) Where an Aboriginal or a group of Aborigines was at the date of commencement of the Aboriginal Land Ordinance 1978 residing within 2 kilometres of a homestead and was entitled to use educational, medical or other facilities provided for his or their use within that area, the Aboriginal or group of Aborigines may reside within 2 kilometres of the homestead and use the educational, medical and other facilities provided for him or them until the Aboriginal or group of Aborigines ceases to reside permanently within 2 kilometres of the homestead or until adequate facilities of a similar nature are provided on a site suitable to the Aboriginal or group of Aborigines.

"(5) For the purposes of sub-section (3), 'homestead' means a group of buildings and other facilities of a substantial nature built for residential, administrative and management purposes and used for residential, administrative and management purposes connected with the legitimate use of the leased land.

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

Penalty: 2,000 dollars.

"(7) For the purposes of sub-section (6) 'just cause' includes reasonable acts taken by or on behalf of a lessee or another person having an interest in a lease to ensure the proper management of the lease for the purposes for which it was granted."

7. Section 24B of the Principal Ordinance is repealed and the following section substituted:

Sub-
leases for
Aboriginal
communities

"24B.(1) Notwithstanding the provisions of section 23(1)(f), the lessee of a pastoral lease may, with the consent of the Administrator, sub-lease part of his pastoral lease for Aboriginal community living purposes to an incorporated body set up for the management of the Aboriginal community by whom the area sub-leased is or is to be used.

"(2) For the purposes of this section 'Aboriginal community living purposes' include residential, educational and medical purposes and the keeping of livestock and poultry and the growing of fruit and vegetables for use by the Aboriginals within the community.

"(3) Where the Commonwealth erects improvements on an area within a pastoral lease sub-leased for Aboriginal community living purposes, it may, within 3 months of the expiration or sooner determination of the sub-lease, remove any improvements including fixtures so erected by the Commonwealth without liability for compensation to the lessee.

"(4) Where a lessee would otherwise be entitled to payment under section 45, the lessee shall not be entitled to be paid any amount in relation to any improvements made at the expense of any person other than the lessee on a sub-leased portion of the pastoral lease, unless the lessee has previously acquired the improvements by purchase or agreement.

8. Section 25DA(1) of the Principal Ordinance is amended by omitting "Special Purposes Leases Ordinance" and substituting "Special Purposes Leases Ordinance, other than a special purposes lease within an Aboriginal reserve which is not part of the lands described in Schedules 1, 2 and 3 of the Aboriginal Land Rights (Northern Territory) Act 1976,".

Surrender
of a lease
in ex-
change for
alter-
native
lease

Re-appraisal of rent, &c.

9. Section 32(4) is amended by omitting "or lease under Part IIIA for pastoral purposes".

Repeal of Part IIIA

10. Sections 91 to 100R inclusive of the Principal Ordinance are repealed.

Resumption and reservation of Crown land

11. Section 103 of the Principal Ordinance is amended by omitting sub-section (8).

Control and management of reserved land

12. Section 103B of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "section 103C" and substituting "section 103C, by an Act";
- (b) by omitting from sub-section (1) "no such Ordinance" and substituting "no such Act or Ordinance"; and
- (c) by omitting from sub-section (2) "and no Ordinance or Regulations" and substituting "and no Act, Ordinance or Regulations".

Grazing licences

13. Section 107 of the Principal Ordinance is amended -

- (a) by omitting from sub-section (2)(c) "except to an approved person who has obtained the right to, or is a lessee of, a lease for pastoral purposes under Part IIIA;"; and

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

14. Section 107A is amended by omitting sub-section (5).

Improvements on lands in respect of which grazing licences are held

15. Section 109A of the Principal Ordinance is amended by omitting sub-sections (1A), (1C), (3) and (4).

Licences in respect of reserved land

16. Section 112 of the Principal Ordinance is repealed.

Repeal of section 112

THE NORTHERN TERRITORY OF AUSTRALIA

ELECTRICAL WORKERS AND CONTRACTORS BILL

TABLE OF PROVISIONS

PART I - PRELIMINARY

Clause

1. Short title
2. Commencement
3. Definitions
4. Crown

PART II - THE ELECTRICAL WORKERS AND
CONTRACTORS LICENSING BOARD

5. Establishment of Board
6. Composition of Board
7. Appointment of members
8. Tenure of office
9. Resignation
10. Dismissal
11. Remuneration
12. Deputies of members
13. Chairman
14. Executive Officer
15. Acting Chairman
16. Meetings

PART III - LICENCES AND PERMITS

Division 1 - Electrical Mechanics' Licences

17. Application for electrical mechanic's licence grade A
18. Application for electrical mechanic's licence grade B
19. Application for electrical mechanic's licence grade R
20. Lodging of application
21. Issue of licence

22. Term of licence
23. Effect of licence

Division 2 - Permits for Electrical Wiring Work

24. Application for permit
25. Lodging of application
26. Issue of permit
27. Term of permit
28. Effect of permit

Division 3 - Electrical Contractors' Licences

29. Application for electrical contractor's licence
30. Lodging of application
31. Issue of licence
32. Term of licence
33. Effect of licence
34. Application for renewal of licence
35. Lodging of application for renewal
36. Renewal of licence
37. Term of renewal

Division 4 - Suspension and Cancellation of Licences

38. Grounds for suspension or cancellation
39. Notice to show cause
40. Right to be heard
41. Board may cancel or suspend a licence

Division 5 - Appeals

42. Appeal
43. Grounds of appeal
44. Jurisdiction to hear appeals

PART IV - MISCELLANEOUS

45. Registers
46. Licences and permits to be returned
47. Copy of licence
48. Unlicensed workers
49. Unlicensed contractors

50. Production of licence

51. Regulations

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To provide for the licensing of electrical workers and contractors and for other purposes

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the Electrical Workers and Contractors Ordinance 1978.

Short
title

2. This Ordinance shall come into operation on the date on which the Electricity Commission Ordinance 1978 comes into operation.

Commence-
ment

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

Definitions

"Board" means the Electrical Workers and Contractors Licensing Board established by this Ordinance;

"Chairman" means the Chairman of the Board;

"Commission" means the Northern Territory Electricity Commission established by the Electricity Commission Ordinance;

"electrical contractor" means a person who in the course of carrying on business carries out electrical wiring work for other persons or holds himself out as prepared to carry out such work;

"electrical installation" means an electrical installation within the meaning of the Electricity Commission Ordinance;

"electrical mechanic" means a person engaged in electrical wiring work;

"electrical mechanic's licence" means an electrical mechanic's licence, grade A, B or R issued under this Ordinance;

"electrical wiring work" means the actual physical work of installing an electrical installation or altering or repairing an electrical installation;

"electrical work" means all operations in or in connexion with the installation or repairing of electrical lines, meters, accumulators, fittings or apparatus for the generation, transmission, supply or utilisation of electric energy;

"Executive Officer" means the Executive Officer of the Board;

"member" means member of the Board.

Crown

4. This Ordinance binds the Crown.

PART II - THE ELECTRICAL WORKERS AND CONTRACTORS LICENSING BOARD

Establish-
ment of
Board

5. There is established by this Ordinance a Board by the name of the Electrical Workers and Contractors Licensing Board.

Composi-
tion of
Board

6.(1) The Board consists of 5 members, namely -

- (a) a duly qualified electrical engineer who is a full member of the Institution of Engineers of Australia;
- (b) an employee, within the meaning of the Public Service Ordinance, who is employed in the service of the Commission;
- (c) a representative of institutions providing apprenticeship training for apprentice electrical wiring workers;
- (d) a representative of electrical contractors; and
- (e) a representative of electrical wiring workers.

(2) The exercise of a power or the performance of a function by the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

7.(1) Subject to this section, the Executive Member may appoint a person to be a member of the Board.

Appoint-
ment of
members

(2) The Executive Member shall not appoint a person for the purposes of section 6(1)(c), (d) or (e) unless -

- (a) he has first given to all members of the interest group that that person is to represent, and to persons and associations claiming to speak on behalf of any of those members, an opportunity to recommend persons to be so appointed; and

- (b) the person appointed is the holder of an electrical mechanic's licence grade A.

Tenure of
office

8.(1) Subject to this Ordinance -

- (a) a member who is an employee within the meaning of the Public Service Ordinance holds office during the pleasure of the Executive Member; and
- (b) a member who is not such an employee holds office until the expiration of such period not exceeding 3 years as is specified in the instrument of appointment, but is eligible for re-appointment.

(2) Where a period of appointment is not specified in the instrument of appointment of a member who is not an employee within the meaning of the Public Service Ordinance, the member holds office, subject to this Ordinance, for 3 years.

Resigna-
tion

9. A member may resign his office by writing signed by him and delivered to the Executive Member.

Dismissal

10.(1) The Executive Member may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) If a member is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board, the Executive Member shall terminate the appointment of the member.

11. The members of the Board who are not employees within the meaning of the Public Service Ordinance shall be entitled to receive, in respect of their services as members, such fees, allowances and expenses and at such rates as the Administrator in Council determines.

Remunera-
tion

12.(1) The Executive Member may appoint a person who would be eligible, if there was a vacancy in the membership of the Board, to fill that vacancy to be the deputy of the member whose position he would be eligible to fill.

Deputies
of members

(2) A deputy of a member holds office, subject to this Ordinance, while the member for whom he is the deputy holds office.

(3) A deputy may resign his office by writing signed by him and delivered to the Executive Member.

(4) The Executive Member may terminate the appointment of a deputy at any time.

(5) Where a member is absent or unable to act, the deputy of that member may act in the place of the member and while so acting he has all the powers and may exercise all the functions of that member.

13. The member referred to in section 6(1)(a) shall be the Chairman of the Board.

Chairman

14. The member referred to in section 6(1)(b) shall be the Executive Officer of the Board.

Executive
Officer

Acting
Chairman

15. In the absence of the Chairman and of the deputy of the Chairman from a meeting of the Board, the members present may elect one of their number to chair the meeting and that member, while so acting, has all the powers and may exercise all the functions of the Chairman.

Meetings

16.(1) At a meeting of the Board -

(a) the Chairman shall preside;

(b) 3 members constitute a quorum;

(c) all questions shall be decided by a majority vote of the members present and voting;

(d) the Chairman has a deliberative, but not a casting, vote;

(e) the Executive Officer shall keep a record of the proceedings of the Board; and

(f) subject to this Ordinance, the Board shall determine its own procedures.

(2) In the performance of its functions and the exercise of its powers, the Board is subject to the directions, if any, given it by the Northern Territory Electricity Commission.

PART III - LICENCES AND PERMITS

Division 1 - Electrical Mechanics' Licences

17. A person may apply to the Board in the prescribed form for an electrical mechanic's licence grade A if he -

Applica-
tion for
electrical
mechanic's
licence
grade A

- (a) has completed an apprenticeship as an electrical mechanic, an electrical fitter mechanic or an electrical fitter, and holds a certificate stating that he has successfully completed an appropriate technical college trades course and passed the final examination;

- (b) has passed an examination set or approved by the Board for the purpose and has had 5 years experience in electrical wiring work under direct supervision; or

- (c) prior to the date of commencement of this Ordinance held an A grade electrical mechanic's licence under the Electricity Supply Regulations.

18. A person may apply to the Board in the prescribed form for an electrical mechanic's licence grade B if he -

Applica-
tion for
electrical
mechanic's
licence
grade B

- (a) has passed an examination set or approved by the Board for the purpose and has had 4 years experience in electrical wiring work under direct supervision; or

- (b) prior to the date of commencement of this Ordinance held a B grade electrical mechanic's licence under the Electricity Supply Regulations.

Applica-
tion for
electrical
mechanic's
licence
grade R

19. A person who understands and is able to perform work of an electrical nature with safety to himself and others may apply to the Board in the prescribed form for an electrical mechanic's licence grade R licensing him to carry out a specified class or type of electrical wiring work under the direct supervision of the holder of an electrical mechanic's licence grade A.

Lodging
of appli-
cation

20. An application for an electrical mechanic's licence shall be accompanied by -

- (a) evidence of service of apprenticeship, if any;
- (b) evidence of examinations passed;
- (c) evidence of experience in electrical wiring work;
- (d) not less than 2 references as to character and fitness to hold the licence applied for;
- (e) evidence that the applicant has obtained satisfactory results in a colour vision test;
- (f) a statutory declaration of all licences and permits to carry out electrical wiring work that are held by him or that have been held by him in the 2 years immediately preceding the date of the application, indicating whether those licences and permits are current, have expired or

have been suspended, cancelled or otherwise dealt with; and

(g) the prescribed fee.

21. (1) Upon receipt of an application for an electrical mechanic's licence, the Board may, if it is satisfied, after considering the application and making such further enquiries as it thinks fit, that the applicant is a fit and proper person to hold the licence applied for, issue the licence.

Issue of
licence

(2) The Board -

(a) shall endorse on an electrical mechanic's licence grade R the class or type of electrical wiring work that the holder is licensed to carry out;
and

(b) may endorse on that licence such further restrictions, requirements and conditions as it thinks fit.

(3) Where the Board refuses an application for an electrical mechanic's licence grade A, it may, if it thinks fit, issue to the applicant an electrical mechanic's licence, grade B or grade R.

(4) Where the Board refuses an application for an electrical mechanic's licence grade B, it may, if it thinks fit, issue to the applicant an electrical mechanic's licence grade R.

22.(1) An electrical mechanic's licence, grade A or Grade B, remains in force, subject to this Ordinance, for life.

Term of
licence

(2) An electrical mechanic's licence grade R remains in force, subject to this Ordinance, for such term as is specified in the licence.

(3) An electrical mechanic's licence grade B ceases to have effect if the holder becomes the holder of an electrical mechanic's licence grade A.

(4) An electrical mechanic's licence grade R ceases to have effect if the holder becomes the holder of an electrical mechanic's licence, grade A or grade B.

Effect of
licence

23.(1) An electrical mechanic's licence grade A licenses the holder to carry out any electrical wiring work where the work is carried out -

- (a) otherwise than for fee or reward;
- (b) for the purpose of wiring his own or his employer's premises or capital equipment; or
- (c) as an employee of the holder of an electrical contractor's licence.

(2) An electrical mechanic's licence grade B licenses the holder to carry out electrical wiring work where -

- (a) the work is carried out -
 - (i) otherwise than for fee or reward;
 - (ii) for the purpose of wiring his own or his employer's premises or capital equipment; or

(iii) as an employee of the holder of an electrical contractor's licence;
and

(b) the work -

(i) is electrical wiring work on an electrical installation for the use of a single phase supply of electricity having a working pressure not exceeding 250 volts;
or

(ii) is carried out under the direct supervision of the holder of an electrical mechanic's licence grade A.

(3) An electrical mechanic's licence grade R has effect according to its tenor to license the holder to carry out electrical wiring work under the direct supervision of the holder of an electrical mechanic's licence grade A where the work is carried out -

(a) otherwise than for fee or reward; or

(b) as an employee of the holder of an electrical contractor's licence.

Division 2 - Permits for Electrical Wiring Work

24. A person who understands and is able to perform work of an electrical nature with safety to himself and others may apply to the Board for a permit to carry out specified electrical wiring work.

Applica-
tion for
permit

Lodging of
applica-
tion

25. An application for a permit to carry out electrical wiring work shall be accompanied by such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider.

Issue of
permit

26.(1) Upon receipt of an application for a permit to carry out electrical wiring work, the Board may issue the permit if it is satisfied, after considering the application and making such further enquiries as it thinks fit -

- (a) that special circumstances exist that make it desirable that a permit should be issued in respect of the work; and
- (b) that the applicant is a fit and proper person, having regard to those circumstances, to hold the permit.

(2) The Board -

- (a) shall endorse on a permit to carry out electrical wiring work the particular work that the holder is permitted to carry out; and
- (b) may endorse on that permit such restrictions, requirements and conditions as it thinks fit.

Term of
permit

27.(1) A permit to carry out electrical wiring work remains in force, unless sooner revoked, for such period as is specified in the permit.

(2) The Board may, for any sufficient reason, revoke a permit to carry out electrical wiring work.

28. A permit to carry out specified electrical wiring work has effect according to its tenor.

Effect of
permit

Division 3 - Electrical Contractors' Licences

29.(1) A natural person may apply to the Board in the prescribed form for an electrical contractor's licence if he -

Applica-
tion for
electrical
contract-

(a) is the holder of an electrical mechanic's licence grade A and has held that licence, or a licence that in the opinion of the Board is equivalent to that licence, for a period of not less than 2 years; and

(b) is competent, by reason of experience in carrying out electrical wiring work and supervising others in carrying out such work, to carry on business as an electrical contractor.

(2) An incorporated or unincorporated body or other association of persons may apply to the Board in the prescribed form for an electrical contractor's licence if-

(a) it is empowered by the instrument defining its powers to carry on business as an electrical contractor; and

(b) its electrical wiring business in the Northern Territory will be managed and controlled by a natural person who is the holder of an electrical contractor's licence.

Lodging of
applica-
tion

30.(1) An application by a natural person for an electrical contractor's licence shall be accompanied by -

(a) such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider; and

(b) the prescribed fee.

(2) An application by a body or other association of persons for an electrical contractor's licence shall be accompanied by -

(a) a copy of the instrument defining its powers;

(b) a list of its directors, partners, committee or other governing body;

(c) a list of its secretary, managers and other executives;

(d) such evidence as the applicant wishes the Board to consider -

(i) of the applicant's good reputation and fitness to carry on business as an electrical contractor; and

(ii) that the person managing and controlling the applicant's electrical wiring business in the Northern Territory will have a free hand in that management and control; and

(e) the prescribed fee.

31. Upon receipt of an application for an electrical contractor's licence, the Board may, if it is satisfied, after considering the application and making such further enquiries as it thinks fit, that the applicant is a fit and proper person, body or association to hold the licence, issue the licence.

Issue of
licence

32.(1) An electrical contractor's licence issued to a natural person remains in force, subject to this Ordinance, for life.

Term of
licence

(2) An electrical contractor's licence issued to a body or other association of persons remains in force, subject to this Ordinance, for one year.

(3) If a natural person who is the holder of an electrical contractor's licence ceases to be the holder of an electrical mechanic's licence grade A, or if his electrical mechanic's licence grade A is suspended, his electrical contractor's licence is thereby revoked.

(4) If a body or other association of persons that is the holder of an electrical contractor's licence ceases to be managed and controlled, in its electrical wiring business in the Northern Territory, by a natural person who is the holder of an electrical contractor's licence, the electrical contractor's licence of that body or association is thereby suspended until it is again managed and controlled, in its electrical wiring business in the Northern Territory, by a natural person who is the holder of an electrical contractor's licence.

(5) Where an application is made for renewal of an electrical contractor's licence and the application has not been dealt with before the term of the licence expires, the licence continues in force, subject to this Ordinance, until the application is dealt with.

Effect of
licence

33. An electrical contractor's licence licenses the holder to carry out any electrical wiring work.

Applica-
tion for
renewal of
licence

34. A body or other association of persons that is the holder of an electrical contractor's licence may apply to the Board in the prescribed form for renewal of that licence.

Lodging of
applica-
tion for
renewal

35. An application made under section 34 for renewal of an electrical contractor's licence shall be accompanied by -

- (a) a statement whether the instrument defining the applicant's powers has been amended since the applicant was licensed or the licence was last renewed, as the case may be, and, if that instrument has been so amended, a statement of the amendments;
- (b) a statement whether there has been a change in the applicant's directors, partners, committee or other governing body since the applicant was licensed or the licence was last renewed, as the case may be, and, if there has been such a change, a statement of the changes;
- (c) a statement whether there has been a change in the applicant's secretary, managers or other executives since

the applicant was licensed or the licence was last renewed, as the case may be, and, if there has been such a change, a statement of the changes;

(d) such evidence as the applicant wishes the Board to consider -

(i) of the applicant's continued good repute and continued fitness to carry on business as an electrical contractor; and

(ii) that the person managing and controlling the applicant's electrical wiring business in the Northern Territory will continue to have a free hand in that management and control; and

(e) the prescribed fee.

36. Upon receipt of an application made under section 34 for renewal of an electrical contractor's licence, the Board shall renew the licence unless it is satisfied, after considering the application and making such further enquiries as it thinks fit, that the applicant is not a fit and proper body or association to hold the licence.

Renewal
of licence

37. The renewal of an electrical contractor's licence has effect to continue the licence in force, subject to this Ordinance, for a further year after the date on which, if the application for renewal had not been lodged, the licence would have expired.

Term of
renewal

Division 4 - Suspension and Cancellation
of Licences

Grounds
for sus-
pension or
cancella-
tion

38.(1) The grounds upon which the Board may suspend or cancel an electrical mechanic's licence are -

- (a) that the licence was granted in error or as a result of a false or misleading statement;
- (b) that the holder or a person working under his direct supervision has carried out electrical wiring work in contravention of or otherwise than in compliance with a law (including a provision of this Ordinance) or other rule of good practice relating to electrical wiring work;
- (c) that the holder or a person working under his direct supervision has made a false or misleading statement, to the Northern Territory Electricity Commission or a person employed in the service of that Commission, in respect of electrical wiring work or an electrical installation;
- (d) that the holder has failed to exercise proper and adequate supervision over a person who should have been working under his direct supervision; or
- (e) that the holder is no longer a fit and proper person to hold the licence.

(2) The grounds upon which the Board may suspend or cancel an electrical contractor's licence are -

- (a) that the licence was granted in error or as a result of a false or misleading statement;
- (b) that the holder has failed to exercise proper and adequate supervision over a person employed by him or it to carry out electrical wiring work;
- (c) in the case of an electrical contractor's licence held by a body or other association of persons -
 - (i) that the holder has improperly attempted to interfere in the work of the person managing its electrical wiring business in the Northern Territory; or
 - (ii) that the holder has knowingly permitted the person managing its electrical wiring business in the Northern Territory to act improperly in his management of that business; or
- (d) that the holder is no longer fit and proper to hold the licence.

39.(1) The Board may give not less than 14 days notice, by post or otherwise, to the holder of a licence under this Ordinance requiring him or it to show cause why that licence should not be cancelled or suspended.

Notice
to show
cause

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

- (a) state, and give particulars of, the grounds on which the Board proposes to consider cancelling or suspending the licence;
- (b) specify the date and time when and the place where the Board will consider cancelling or suspending the licence; and
- (c) be accompanied by a copy of this Division.

Right
to be
heard

40. At a meeting of the Board at which a proposal to cancel or suspend a licence is considered, the holder of the licence may appear or be represented and be heard, and may call evidence and examine and cross-examine witnesses.

Board may
cancel or
suspend a
licence

41.(1) Where the Board has given notice to show cause why a licence under this Ordinance should not be cancelled or suspended and, after considering the proposal to cancel or suspend the licence, it is satisfied that there are grounds for doing so, it may -

- (a) cancel the licence;
- (b) suspend the licence for such period as the Board thinks fit; or
- (c) warn the holder of the licence.

(2) Where the Board cancels or suspends an electrical mechanic's licence grade A, it may, if it thinks fit, issue to the holder of that licence an electrical mechanic's licence, grade B or grade R.

(3) Where the Board cancels or suspends an electrical mechanic's licence grade B, it may, if it thinks fit, issue to the holder of that licence an electrical mechanic's licence grade R.

(4) A licence issued under sub-section (2) or (3) upon the suspension of a licence ceases to have effect at the end of the period of the suspension.

Division 5 - Appeals

42. Where the Board -

Appeal

- (a) refuses to issue or renew a licence under this Ordinance; or
- (b) cancels or suspends a licence issued under this Ordinance,

the person, body or association aggrieved may, within 21 days after receiving notice of the Board's decision, lodge an appeal to a Local Court.

43. The grounds on which an appeal may be made under section 42 are -

Grounds
of appeal

- (a) that the Board acted improperly or made an error; or
- (b) that the Board acted with undue severity.

44.(1) A Local Court has jurisdiction to hear and determine an appeal lodged under section 42.

Jurisdic-
tion to
hear
appeals

(2) Upon the hearing of an appeal under this Ordinance -

- (a) the Court has and may exercise all the powers of the Board; and
- (b) a decision of the Court has effect as though it was a decision of the Board.

PART IV - MISCELLANEOUS

Registers

45. The Board shall maintain a register or registers in such form as it thinks fit of licences and permits issued under this Ordinance.

Licences and permits to be returned

46. Where a licence is suspended or a licence or permit, for any reason, ceases to have effect, the holder of the licence shall forthwith return that licence or permit to the Board.

Penalty: 10 dollars.

Copy of licence

47. Where the Executive Officer is satisfied that a licence or permit issued under this Ordinance has been lost or destroyed, he may, on payment of the prescribed fee, issue a copy of that licence or permit.

Unlicensed workers

48. A person shall not carry out electrical wiring work unless he is the holder of a license or permit issued under this Ordinance authorizing him to carry out that work and he is acting under and in accordance with the terms of that licence or permit.

Penalty: 1000 dollars or imprisonment for 6 months, or both.

49. A person, body or association of persons shall not carry on the business of an electrical contractor unless he or it is the holder of an electrical contractor's licence issued under this Ordinance.

Unlicensed
contractors

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

50. A person who is carrying out electrical wiring work shall, upon being required to do so by an inspector appointed under the Electricity Commission Ordinance state whether he has a licence to carry out that work and produce the licence, if any.

Production of
licence

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

Regulations

THE NORTHERN TERRITORY OF AUSTRALIA

ELECTRICITY COMMISSION BILL

TABLE OF PROVISIONS

PART I - PRELIMINARY

Clause

1. Short title
2. Commencement
3. Definitions

PART II - THE NORTHERN TERRITORY
ELECTRICITY COMMISSION

Division 1 - Establishment and
Constitution of the Commission

4. Northern Territory Electricity Commission
5. Constitution of Commission
6. Termination of membership of the Commission
7. Leave of absence
8. Acting appointments
9. Persons not to act as member where interested
10. Meetings of the Commission
11. Protection of members of the Commission
12. Chairman's annual report
13. Delegation

Division 2 - Functions and Powers of the Commission

14. Functions of Commission
15. Powers of Commission
16. Entry on land
17. Entry onto, &c., roads
18. Exemption from rates, &c.

Division 3 - Finances of the Commission

19. Moneys of the Commission
20. Bank accounts

21. Application of moneys of the Commission
22. Investment, &c., of moneys of the Commission
23. Commission to prepare estimates
24. Proper accounts to be kept
25. Commission not to borrow, &c., without consent of Executive Member
26. Audit

PART III - ELECTRICAL INSPECTORS

27. Electrical inspectors
28. Duties of inspector

PART IV - ELECTRICAL INSTALLATIONS AND EQUIPMENT

29. By-laws may control electrical equipment
30. Electrical equipment may be inspected and tested
31. A person may request an inspection
32. Person may request Commission to test meter

PART V - APPOINTMENT OF AGENTS

33. Commission may appoint agents

PART VI - BY-LAWS

34. By-laws

PART VII - OFFENCES

35. Sale of electricity
36. Obstruction, &c.
37. Penalty for tampering with meter, &c.
38. Impersonation
39. Unlawful use of Commission's, &c., electricity, &c.

PART VIII - CHARGES FOR ELECTRICITY

40. Charges for the supply of electricity
41. Executive Member may assess

PART IX - MISCELLANEOUS

- 42. Commission not liable in certain circumstances
- 43. Protection of employees from personal liability
- 44. Proof of certain matters
- 45. Service of proceedings
- 46. Authentication of documents
- 47. Money due to Commission
- 48. Ordinance binds the Crown
- 49. Regulations

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To establish a Northern Territory Electricity Commission and to control the generation, sale and the safe use of electricity

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 Electricity Commission Ordinance 1978.

Short
title

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

Commence-
ment

3. In this Ordinance unless the contrary intention appears -

Defini-
tions

"Chairman" means the Chairman of the Commission and includes an acting Chairman;

"Commission" means the Northern Territory Electricity Commission established by this Ordinance;

"electrical installation" includes any appliances, wires, fittings or other apparatus used for the generation, storage, reticulation or consumption of electricity but does not include any appliances, wires, fittings or apparatus connected to or beyond any electrical outlet socket which is installed for the purpose of connecting portable

electrical appliances and at which socket fixed wiring terminates;

"Inspector" means an electrical inspector appointed under this Ordinance.

PART II - THE NORTHERN TERRITORY ELECTRICITY COMMISSION

Division 1 - Establishment and Constitution of the Commission

Northern
Territory
Electricity
Commission

4.(1) There shall be a Commission known as the Northern Territory Electricity Commission, which, subject to this Ordinance, shall have and may exercise the rights, powers, authorities and functions conferred on it by this Ordinance and shall be charged with and perform the duties and obligations imposed upon it by this Ordinance.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

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

(4) The exercise of the rights, powers, authorities or functions or the performance of duties or obligations of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

(5) The Commission is a "prescribed authority" for the purposes of the Public Service Ordinance.

5.(1) The Commission shall consist of a Chairman and 2 members, all of whom shall be appointed by the Administrator in Council.

Constitu-
tion of
Commission

(2) The Chairman shall be appointed for a period not exceeding 7 years.

(3) The members shall be appointed for periods not exceeding 5 years.

(4) The Chairman and members are eligible for re-appointment.

(5) The Chairman shall -

(a) be paid, from the revenue of the Commission, salary, allowances and expenses at rates determined by the Administrator in Council;

(b) be employed on terms and conditions determined by the Administrator in Council; and

(c) in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

(6) A member shall be paid from the revenue of the Commission fees, allowances and expenses at rates determined by the Administrator in Council.

6.(1) The Chairman or a member may resign his office by writing under his hand addressed to the Executive Member.

Termina-
tion of
member-
ship of
the
Commission

(2) A resignation under sub-section (1) does not have effect until accepted by the Executive Member.

(3) The Administrator in Council may remove the Chairman or a member from office -

- (a) for misbehaviour or incompetence; or
- (b) if he becomes incapable of performing his duties and the Administrator in Council is of the opinion that it is reasonable in the circumstances to terminate the appointment.

(4) The Administrator in Council shall remove the Chairman or a member from office if -

- (a) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) he absents himself without leave granted by the Executive Member in any 12 months from 3 meetings of the Commission of which reasonable notice and a requirement to attend have been given to him personally or in the ordinary course of post; or
- (c) he becomes of unsound mind.

Leave of
absence

7. The Executive Member may grant leave of absence to the Chairman or a member.

Acting
appoint-
ments

8.(1) Where -

- (a) the Chairman is absent from duty;
- (b) the position of Chairman is vacant; or
- (c) the Executive Member refuses to direct the Chairman to act under section 9(2),

the Executive Member may appoint an employee of the Northern Territory Public Service to act in the place of the Chairman during the period of absence or vacancy or for the purpose of dealing with the contingency.

(2) Where -

(a) a member is absent from duty; or

(b) a member is precluded from acting by section 9(2),

the Executive Member may appoint a person to act in the place of that member during the period of absence or for the purpose of dealing with the contingency.

9.(1) Where the Chairman, or a member, or the spouse, child or parent of the Chairman, or member, has a financial interest in any matter which affects the Commission, he shall not act in relation to that matter unless he first discloses the interest to the Executive Member, and the Executive Member directs the Chairman, or the member, in writing, to act.

Persons
not to
act as
member
where
interested

Penalty: 1000 dollars.

(2) Where the Chairman or a member discloses an interest to the Executive Member pursuant to sub-section (1), the Executive Member may, in his absolute discretion, direct or refuse to direct the Chairman or the member to act in relation to that matter.

(3) Where the Chairman or a member acts as a member of the Commission in any matter in which the Chairman or the member or the spouse, child or parent of the Chairman or the member has a financial interest and the Executive Member has not consented in writing to the Chairman or the member so acting, the Administrator in Council may dismiss the Chairman or the member from office.

Meetings
of the
Commission

10.(1) Subject to this section the Chairman shall determine the times and places of the meetings of the Commission.

(2) The Commission shall meet as often as it is necessary to carry out the functions of the Commission and in any event at least once every 3 months.

(3) The Executive Member may convene a meeting of the Commission.

(4) The Executive Member may attend and observe at a meeting of the Commission.

(5) The Chairman shall preside at all meetings of the Commission.

(6) At a meeting of the Commission the Chairman and one member constitute a quorum.

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

(8) The Chairman presiding at a meeting of the Commission shall have a deliberative vote and in the event of an equality of votes, shall also have a casting vote.

(9) The Commission shall cause minutes to be kept of its meetings.

(10) The Executive Member shall be entitled to receive a copy of minutes of any meeting of the Commission.

Protection
of members
of the
Commission

11. No action or proceeding, civil or criminal, shall lie against the Chairman or a member for or in respect of an act or thing done or omitted to be done in good faith by him in his capacity as the Chairman or a member.

12.(1) The Chairman shall, by 30 September in each year, submit to the Executive Member a report on the administration and operation of the Commission during the previous 12 months up to and including 30 June in that year.

Chairman's
annual
report

(2) The Executive Member shall lay the report referred to in sub-section (1) before the Legislative Assembly within 3 days from the date of receipt if the Legislative Assembly is sitting, and if it is not, then within 3 days of the commencement of the next sittings.

13.(1) Subject to this Ordinance, the Commission may, by instrument in writing under its common seal, delegate to the Chairman, a member or an employee engaged in the work of the Commission, either generally or otherwise as provided by the instrument of delegation, all or any of the powers of the Commission under this Ordinance except this power of delegation and its power to make by-laws.

Dele-
gation

(2) A power delegated in accordance with sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation, and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Commission.

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

(4) The Commission may, with the consent of the Executive Member, delegate a power to an agent in accordance with and subject to this section.

Division 2 - Functions and Powers of
the Commission

Functions
of
Commission

14. The functions of the Commission are -
- (a) to supply electricity within the Northern Territory;
 - (b) to plan and co-ordinate the generation and supply of electricity in the Northern Territory;
 - (c) to promote the safe use of electricity in the Northern Territory;
 - (d) to control the supply of electricity in the Northern Territory;
 - (e) to purchase and sell electricity;
 - (f) to set and enforce standards of electrical installation, apparatus, equipment, implement or thing used or available for use within the Northern Territory in the generation, reticulation or consumption of electricity;
 - (g) to enforce standards set under any law in force in the Northern Territory relating to electrical workers or contractors; and
 - (h) to advise the Executive Member on all matters concerning electricity.

Powers of
Commission

15.(1) Subject to sub-section (3), the Commission has power to do all things necessary or convenient to be done in connexion with or incidental to the performance of its functions and all things related to the performance of its functions.

(2) Without limiting the generality of sub-section (1), the Commission has power -

- (a) to generate electricity in the Northern Territory;
- (b) to transmit and reticulate electricity in the Northern Territory;
- (c) to determine the conditions, other than tariffs, upon or subject to which any electricity will be supplied by the Commission;
- (d) to appoint agents for the purpose of generating and supplying electricity on behalf of the Commission;
- (e) to acquire by lease, purchase or other means any land, buildings, easements and other property (real or personal) and rights and privileges which it thinks necessary for the purposes of this Ordinance;
- (f) to sell, exchange, lease, dispose of, turn to account or otherwise deal with any property, rights and privileges of the Commission;
- (g) to enter into contracts for the purchase and sale of electricity;
- (h) to enter into contracts with agents for the supply of electricity on behalf of the Commission;
- (i) subject to section 25, to raise loans from public and other sources and to give security by way of mortgage or charge over its real and personal property for the purpose of securing those loans;
- (j) to participate in research projects related to electricity;
- (k) to prohibit the sale of certain goods prescribed by by-laws;

- (l) to collect fees and charges for the supply of electricity or other services under this Ordinance;
 - (m) to receive moneys by way of grant or subsidies from any authority;
 - (n) to hire out plant or equipment of the Commission that is not immediately needed for use by the Commission; and
 - (o) to call for and let out tenders for the carrying out of the functions of the Commission.
- (3) The Commission shall not without the consent of the Executive Member -
- (a) acquire any property, the cost of acquisition of which exceeds the sum of 100 000 dollars;
 - (b) dispose of any property having an original or book value exceeding the sum of 100 000 dollars; or
 - (c) enter into any agreement involving any expenditure by the Commission in excess of 100 000 dollars, or extending over a period of more than 10 years.

Entry on
land

16.(1) A person authorized by the Commission to act under this section or an inspector may, at all reasonable times, with or without workmen under his supervision, enter upon any land or premises -

- (a) to which electricity is being, has been or will be supplied by the Commission or an agent of the Commission, or through which electricity of the Commission is being or has been conducted, for the purposes of inspecting, testing, obtaining information from, repairing, re-

placing or removing any electrical installation, apparatus, equipment or thing, the property of the Commission;

(b) on which electricity is capable of being generated or to which electricity is being, has been or will be supplied by a person other than the Commission for the purposes of inspecting and testing any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity; or

(c) from which equipment or things that are used in the generation, reticulation or consumption of electricity are sold for the purposes of inspecting and testing that equipment or those things.

(2) A person who enters upon land or premises in pursuance of sub-section (1) is not authorized to remain on the land or premises if, on request by the occupier of the land or premises he does not produce -

(a) his electrical inspector's identification card;

(b) a certificate in writing in a form approved by the Commission stating that he is authorized by the Commission to act under this section; or

(c) where the person is a workman, the person supervising the workman does not produce -

(i) the supervisor's electrical inspector's identification card; or

(ii) a certificate in writing in a form approved by the Commission stating that the supervisor is

authorized by the Commission to act under this section.

(3) A person shall not, without reasonable excuse, obstruct a person acting in accordance with this section.

Penalty: 1000 dollars.

Entry onto,
&c., roads

17.(1) Subject to this section the Commission may, in the exercise of its powers, enter upon any road and subject to its carrying out adequate safety precautions, temporarily close the road for the purposes of carrying out construction of, maintenance on or repairs to apparatus, equipment or thing used in the reticulation of electricity by causing -

(a) fences or barriers to be erected on or across the road or a part of the road; and

(b) a notice to be published in the Gazette at least 7 days before the road is to be temporarily closed, prohibiting the passage of vehicles, horses and cattle over the road or part of the road described in that notice.

(2) Where, by reason of an emergency, it is impracticable for the Commission to cause the notice to be published at least 7 days before the road is to be temporarily closed, the Commission may temporarily close the road or part of the road by causing barriers to be erected on or across the road or part of the road and causing warning signs to be erected at a reasonable distance from the boundaries of the closed section of the road.

(3) The Commission may temporarily close a road or a part of a road under sub-section (2) for a maximum period of 14 days.

(4) Where the Commission exercises its powers under sub-section (2) it shall report the temporary closure within 7 days of the commencement of the closure to the Executive Member.

18.(1) Land vested in, committed to the care, control and management of, or acquired by the Commission under this Ordinance is exempted from municipal rates, charges and taxes.

Exemption
from
rates, &c.

(2) The provisions of sub-section (1) do not apply so as to exempt the Commission from payment of charges for any commodity or service provided or supplied by a municipal authority whether the charge made be assessed upon the value of land occupied or owned by, vested in, committed to the care, control and management of, or acquired by the Commission or otherwise.

(3) Where land vested in, committed to the care, control and management of, or acquired by the Commission is leased or let to a person, that land is not exempt from rates, charges or taxes under this section but any rates, charges or taxes payable in respect of the land are not payable by the Commission, but if the law authorizing the imposition or levy of the rate, charge or tax so allows, are payable by the lessee or tenant of that land.

Division 3 - Finances of the Commission

19. The moneys of the Commission consist of all moneys received by the Commission in the exercise of its powers or the performance of its functions under this Ordinance.

Moneys of
the
Commission

20.(1) The Commission 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 Commission shall pay all moneys of the Commission 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 Executive Member.

Applica-
tion of
moneys of
the
Commission

21. The moneys of the Commission may be applied -

- (a) in payment of fees, expenses and allowances payable to members of the Commission; and
- (b) in payment or discharge of the expenses, obligations and liabilities of the Commission arising out of the performance of its functions under this Ordinance,

in accordance with the estimates of expenditure approved by the Executive Member, but not otherwise.

Invest-
ment, &c.,
of moneys
of the
Commission

22. Moneys of the Commission not immediately required for the purposes referred to in section 21 may be-

- (a) invested in securities of or guaranteed by the Commonwealth;
- (b) lodged -
 - (i) in an account at call; or
 - (ii) on fixed deposit,
 with an approved bank for the purpose of section 20; or
- (c) deposited with a company prescribed for the purpose of section 38(7)(b) of the Companies Ordinance.

23. The Commission shall, not later than 31 March in each year, submit to the Executive Member particulars, prepared in such form as the Executive Member directs, of its expected receipts and proposed expenditure for the financial year commencing on the following 1 July.

Commission
to pre-
pare
estimates

24. The Commission shall cause proper accounts and financial records of the transactions and affairs of the Commission 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 Commission and over the incurring of liabilities by the Commission.

Proper
accounts
to be
kept

25. The Commission shall not borrow money, or charge or mortgage any of its real or personal property, without the consent of the Executive Member.

Commission
not to
borrow, &c.,
without
consent of
Executive
Member

26.(1) The Executive Member shall appoint an auditor to inspect and audit the accounts and records of financial transactions of the Commission, and inspect other records relating to the assets of the Commission.

Audit

(2) The auditor shall inspect and audit the accounts and records of financial transactions of the Commission and shall, forthwith, draw the attention of the Executive Member to any irregularity revealed by the inspection and audit that is, in the opinion of the auditor, of sufficient importance to justify his so doing.

(3) The auditor shall, at least once in each year, report to the Executive Member the results of the inspection and audit carried out by him in accordance with sub-section (2).

(4) The auditor 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 Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets of the Commission.

(5) The auditor or a person authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(6) The auditor or a person authorized by him may require a person being a member of the Commission or an officer or employee of the Commission to furnish him with such information in the possession of that person or to which that person has access as the auditor or authorized person considers necessary for the purposes of an inspection or audit under this Ordinance, and that 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 500 dollars.

(8) The Executive Member shall lay the report referred to in sub-section (2) before the Legislative Assembly within 3 days of the date of receipt if the Legislative Assembly is sitting, and if it is not, then within 3 days of the commencement of the next sittings.

PART III - ELECTRICAL INSPECTORS

27.(1) The Commission may appoint an employee to be an electrical inspector.

Electrical
inspectors

(2) A person appointed under this section shall be issued with an identification card by the Commission in a form approved by the Commission.

28.(1) An inspector shall -

Duties of
inspector

- (a) inspect or test, as required by the Commission, any electrical installation, apparatus, equipment, implement or thing used or capable of being used in the generation, storage, reticulation or consumption of electricity;
- (b) examine and test electricity meters; and
- (c) perform such other duties as are required of him by the Commission.

(2) An inspector shall produce his electrical inspector's identification card when reasonably requested to do so by a person who owns, or has in his possession, any electrical installation, apparatus, equipment or thing which the inspector has requested to be produced for inspection or testing in pursuance of a power under this Ordinance.

(3) A person, who owns or has in his possession any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity shall, at the request of an inspector produce or allow an inspector access to that electrical installation, apparatus, equipment or thing.

Penalty: 1000 dollars.

PART IV - ELECTRICAL INSTALLATIONS
AND EQUIPMENT

By-laws
may
control
electrical
equipment

29. The Commission may make by-laws prohibiting the sale or exposure or advertising for sale or hire of any class, description or type of wire, cable, appliance, fitting, meter, insulator, apparatus, equipment or thing which is intended, suggested or designed for use in the generation, storage, reticulation or consumption of electricity or otherwise intended, suggested or designed for use in any electrical installation unless that wire, cable, appliance, fitting, meter, insulator, apparatus, equipment or thing, as the case may be, has been approved by the Commission.

Electrical
equipment
may be
inspected
and
tested

30.(1) The Commission may, from time to time, cause any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity to be inspected and tested for the purpose of determining whether that electrical installation, apparatus, equipment or thing can be used with safety.

(2) Where the Commission is satisfied that any electrical installation, apparatus, equipment or thing cannot be used with safety, it may by order, prohibit the use or sale of that installation, apparatus, equipment or thing, as the case may be, until such time as the Commission is satisfied that it is no longer unsafe.

(3) Where any electrical installation, apparatus, equipment or thing referred to in sub-section (1) consists of several component parts, the Commission, if it is satisfied that it is safe to do so, may order that a part of that installation, apparatus, equipment or thing, as the case may be, be used or sold while prohibiting the use or sale of another component part.

(4) The Commission may, in an order issued under this section, specify a reasonable period of time in which the owner or such other person who may have possession or control of the electrical installation has to repair or otherwise make safe the electrical installation, or the part of it, specified in the order.

(5) The Commission may, upon or after the expiration of the period specified in an order issued under this section cause an electrical installation or a part of the electrical installation to be disconnected where that electrical installation or part of it, which had been specified in the order, is found to be unsafe.

(6) A person shall not knowingly use an electrical installation, apparatus, equipment or thing, or suffer or permit it to be used, in contravention of an order made under this section.

Penalty: 1000 dollars or 12 months imprisonment or both.

(7) A person shall not sell an electrical installation, apparatus, equipment or thing, or suffer or permit it to be sold, in contravention of an order under this section.

Penalty: 1000 dollars or 12 months imprisonment or both.

31.(1) A person may request the Commission to test an electrical installation, apparatus, equipment or thing owned by or under the control of that person and that is used in the generation, storage, reticulation or consumption of electricity.

A person may request an inspection

(2) The Commission may charge a prescribed fee for an inspection made pursuant to a request made under sub-section (6).

Person
may
request
Commission
to test
meter

32.(1) Where a person requests the Commission to do so, upon payment of the prescribed fee the Commission shall test a meter which is used by the Commission or an agent of the Commission to determine the quantity of electricity consumed by that person.

(2) Where the meter tested under sub-section (1) is found to be accurate, the fee deposited pursuant to sub-section (1) shall be forfeited to the Commission.

(3) Where the meter tested under sub-section (1) is found to be inaccurate, the fee deposited pursuant to sub-section (1) shall be refunded to the person who made the request.

PART V - APPOINTMENT OF AGENTS

Commission
may
appoint
agents

33.(1) The Commission may appoint an agent in an area to generate, store and reticulate electricity for sale and use in that area.

(2) Where the Commission appoints an agent under sub-section (1), it shall enter into a contract in writing determining the terms and conditions upon which electricity for the area the subject of the agency shall be generated and supplied.

(3) An agent appointed under sub-section (1) may be appointed to collect charges rendered for the sale of electricity by the Commission.

(4) Where an agent breaches a term or condition of the contract referred to in sub-section (2) the Commission may cancel the agency arrangement thereupon and without further notice.

PART VI - BY-LAWS

34.(1) The Commission may make by-laws not inconsistent with this Ordinance for those matters specifically referred to in this Ordinance and further may make by-laws - By-laws

- (a) for regulating the method of calling meetings and the procedure at meetings of the Commission;
- (b) for prescribing the form of contracts and agreements which may be entered into with the Commission;
- (c) for prescribing the conditions of orders made under section 30;
- (d) for fixing the terms and conditions of supply of electricity, other than tariffs, by the Commission or its agents;
- (e) for prescribing and regulating standards of safety in construction, operation, maintenance and use of electrical installations, apparatus, equipment or thing used in the generation, storage, reticulation and consumption of electricity;
- (f) for regulating the supply of, including connection to and disconnection from, electricity supplied by the Commission or an agent of the Commission; and
- (g) for providing for penalties not exceeding 500 dollars for a breach of the By-laws.

(2) The By-laws may adopt any standard code or procedure laid down by the Standards Association of Australia or any other authority approved by the Commission in relation to the construction, maintenance or

operation of plant or machinery, the carrying out of processes or any other matter or thing within the functions of the Commission and thereupon compliance with the code or procedure shall be deemed to be compliance with the relevant provisions of this Ordinance or the By-laws or of any order under this Ordinance.

(3) In adopting a standard code or procedure under sub-section (2), the By-laws may adopt it subject to such modifications, conditions or restrictions as are prescribed in the By-laws.

(4) A by-law made by the Commission under this section -

(a) shall be signed by the Chairman;

(b) has no effect as a law of the Territory unless it is confirmed by the Administrator in Council and notice of confirmation is published in the Gazette; and

(c) comes into operation -

(i) subject to sub-paragraphs (ii), (iii) and (iv), on the day on which notice of the confirmation of the by-law by the Administrator in Council is published in the Gazette;

(ii) if a later day is specified in that notice as the day upon which it comes into operation, on that later day;

(iii) if a later day is specified in a by-law as the day on which it comes into operation, on that later day; or

- (iv) if a by-law, confirmed at the same time as that by-law, provides that it shall come into operation on a day to be fixed by the Commission by notice in the Gazette, on the day so fixed.

(5) Subject to this section, by-laws under this Ordinance confirmation of which as provided by sub-section (4) is notified in the Gazette shall be deemed to be regulations for the purposes of the Interpretation Ordinance and the Regulations Publication Ordinance as if they were made by the Administrator in Council.

PART VII - OFFENCES

35.(1) Subject to this Ordinance, a person shall not sell electricity.

Sale of
electricity

Penalty: 2000 dollars.

(2) The Commission may sell electricity.

(3) An agent of the Commission may sell electricity on behalf of the Commission subject to the terms of the contract entered into between him and the Commission.

(4) A person may sell electricity to the Commission.

36. A person shall not hinder or obstruct a person in the performance of his functions or the exercise of his powers under this Ordinance.

Obstruction, &c.

Penalty: 1000 dollars.

37.(1) A person who -

(a) wilfully or fraudulently -

- (i) injures or suffers to be injured an electric line or any pillar, post, lamp, meter, sealing device,

Penalty
for
tampering
with
meter, &c.

fitting, insulator, apparatus or works connected with or relating to the generation, storage, reticulation or consumption of electricity by the Commission or an agent of the Commission;

(ii) alters the index of a meter; or

(iii) prevents a meter from duly registering the quantity of electricity supplied; or

(b) fraudulently abstracts, causes to be wasted or diverted, consumes or uses electricity supplied by the Commission or an agent of the Commission,

is guilty of an offence and is liable upon conviction to a penalty of 1000 dollars or imprisonment for 12 months or both.

Imper-
sonation

38. A person shall not hold himself out to be -

(a) an inspector; or

(b) a person authorized by the Commission to carry out duties imposed by this Ordinance or to exercise rights conferred by this Ordinance,

unless -

(c) he has been appointed as an inspector; or

(d) he has otherwise been appointed to carry out those duties or to exercise those rights.

Penalty: 1000 dollars or 12 months imprisonment or both.

39.(1) A person shall not -

- (a) use, consume, waste or divert electricity generated by the Commission; or
- (b) use any electrical installation, equipment, apparatus or thing owned by the Commission,

Unlawful
use of
Commission's,
&c., elec-
tricity,
&c.

except with the consent of the Commission.

Penalty: 1000 dollars.

(2) A person who is convicted of an offence against sub-section (1) shall, for each such offence, forfeit and pay to the Commission such sum as the court which convicts him considers reasonable by way of damages.

(3) Sub-section (2) shall not affect any other right or remedy for the protection of the Commission or the punishment of the offender.

(4) The existence of artificial means for causing the alteration of the index of a meter, or for preventing a meter from duly registering the quantity of electricity supplied, or for abstracting, wasting, diverting or using electricity supplied by the Commission or the agent, when the meter is in the custody or control of the consumer, is prima facie evidence that the alteration, prevention, abstraction, waste, diversion, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer.

PART VIII - CHARGES FOR ELECTRICITY

Charges
for the
supply of
electricity

40.(1) The Administrator in Council may, from time to time, make regulations fixing or varying the charges that are, subject to this section, to be payable to the Commission for or in connexion with the supply of electricity.

(2) The Administrator in Council may by regulation prescribe different charges for or in connexion with the supply of electricity for different uses, in different localities or in different circumstances by the Commission or by an agent of the Commission.

(3) Where some or all of the electricity supplied by the Commission to a person is passed through a meter for the purpose of ascertaining the quantity of electricity so supplied and, during the period between one reading of the meter on behalf of the Commission and the next such reading of the meter, a regulation made under this section affecting charges applicable to electricity passed through the meter commences to have effect, the quantity of electricity ascertained, by reference to the meter, as having been supplied by the Commission to the person during that period shall be charged for -

- (a) as if the whole of that electricity had been supplied before the date on which the regulation commenced to have effect; or
- (b) as if the whole of that electricity had been supplied on or after that date,

whichever results in the lower charge.

(4) A person to whom electricity is supplied by the Commission or an agent of the Commission is liable to make payments to the Commission or its agent in accordance with the Regulations.

41.(1) Where -

Executive
member may
assess

(a) electricity is supplied to a consumer otherwise than through a meter; or

(b) the meter through which electricity is supplied to a consumer is found to be inaccurate, otherwise not functioning properly or has been destroyed or damaged,

the Executive Member may assess the amount of electricity used by the consumer and the consumer is thereupon liable to pay at the rates prescribed for the amount of electricity so assessed.

(2) The Executive Member may delegate by instrument in writing his power under this section.

(3) A power delegated under this section may be exercised by the delegate in accordance with the instrument of delegation, and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Commission.

(4) A delegation under this section is revocable at will and does not prevent the exercise of the power by the Executive Member.

PART IX - MISCELLANEOUS

Commission
not
liable in
certain
circum-
stances

42. The Commission or an agent of the Commission shall not be liable for damages arising out of a failure to supply electricity.

Protection
of
employees
from
personal
liability

43. An employee or agent of the Commission is not personally liable for any act or default of himself or the Commission done or omitted to be done in good faith in the course of the operations of the Commission or for the purposes of this Ordinance.

Proof of
certain
matters

44. In any proceeding by or against the Commission, proof is not required, unless evidence is given to the contrary, of -

- (a) the constitution of the Commission;
- (b) a resolution of the Commission;
- (c) the appointment of a member, officer, servant or agent of the Commission;
or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Commission.

Service
of pro-
ceedings

45. A notice, summons, writ or other proceeding required to be served on the Commission may be served by being left at the office of the Commission or, in the case of a notice, by post.

46. A summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Commission is sufficiently authenticated without the seal of the Commission if signed by the Chairman.

Authenti-
cation of
documents

47. Any money due to the Commission under this Ordinance may be recovered by the Commission as a debt.

Money due
to
Commission

48. This Ordinance binds the Crown.

Ordinance
binds the
Crown

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

Regula-
tions

(2) Regulations may provide for penalties not exceeding 500 dollars for breach of the Regulations.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Evidence Ordinance

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

1. This Ordinance may be cited as the
Evidence Ordinance 1978.

Short
title

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

Principal
Ordinance

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

Commence-
ment

4. The Principal Ordinance is amended by
inserting after Part II the following Part:

"PART IIA - EXAMINATION OF WITNESSES
OTHERWISE THAN AT A HEARING

"21A. In this Part -

Interpre-
tation

'corresponding court' -

- (a) in relation to a court in a pre-
scribed country, means a court
in the Territory that is declared
by the Administrator by publication
in the Gazette to be a court in
the Territory that corresponds to
the court in the prescribed
country; and

(b) in relation to a court in the Territory, means a court in a prescribed country that is declared by the Administrator by publication in the Gazette to be a court in the prescribed country that corresponds to the court in the Territory;

'court' includes a person acting judicially;

'examiner' means a judge, judge's associate, magistrate, clerk of a Local Court or any duly qualified legal practitioner;

'prescribed country' means -

(a) a State or Territory of the Commonwealth;

(b) New Zealand; and

(c) any other State, Territory or country that is declared by the Regulations to be a prescribed country for the purposes of this Part.

Applica-
tion of
Part

"21B.(1) Subject to sub-section (2), this Part applies in respect of both civil and criminal proceedings.

"(2) No deposition or document shall be tendered, in pursuance of this Part, in proceedings that are being tried in the Territory before a jury unless all parties to the proceedings agree.

"(3) Nothing in this Part limits the power of a court to require a witness to attend in person before the court.

"(4) This part is supplementary to, and does not derogate from, the provisions of any other law in force in the Territory.

"21C.(1) Where a court in the Territory is authorized by or under any law to authorize or order evidence to be taken otherwise than at the hearing of the legal proceedings in respect of which the evidence is required, that court, if it is satisfied that it is necessary in the interest of justice to do so, may, on the application of a person who desires to lead evidence, request a corresponding court to order the examination of a witness or the production of documents by a person, or both such an examination and production.

Power of court to request corresponding court in a prescribed country to take evidence for use in a Territory

(2) Subject to any just exception -

(a) depositions received from a corresponding court may be put in as evidence at the hearing of the proceedings to which they relate; and

(b) any documents received from a corresponding court may be put in at the hearing of the proceedings to which they relate as if produced at the hearing by the person who produced them pursuant to the order of the corresponding court.

"(3) A court shall take judicial notice of the seal of a corresponding court and of the signature of an examiner appointed by a corresponding court.

Power to
take
evidence
on
request
from
corres-
ponding
court of
a
prescribed
country

"21D.(1) Where, by or under any law of a prescribed country, the evidence of a person that is required in connexion with legal proceedings is permitted to be taken by a court otherwise than at the hearing of those proceedings, a court in the Territory that is a corresponding court to that court may, upon receipt of a request in writing from the court in the prescribed country (furnishing an address for service on each of the parties concerned), make an order for the examination of a witness and the production of documents by a person or for both such an examination and production before an examiner named in the order at a time and place specified in the order.

"(2) An order made under sub-section (1) shall require reasonable notice to be given by post to each party to the legal proceedings at the address shown in the request referred to in sub-section (1) of the time when and place where the examination is to take place or the documents are to be produced.

Witness
to comply
with
order
as a
summons

"21E. Upon -

(a) service on a person of an order made under section 21D; and

(b) the payment or tender to that person of a reasonable sum for expenses,

that person shall attend at the time and place appointed and shall have and be subject to the same rights and liabilities as if he were summoned before the court by which the order was made.

"21F.(1) Subject to any directions contained in an order for examination made under this Part -

Examina-
tion,
cross-
examina-
tion and
re-exam-
ination

- (a) a person ordered to be examined before an examiner may be cross-examined and re-examined; and
- (b) the examination, cross-examination and re-examination of a person before an examiner shall be conducted in the same manner as they would have been conducted before the court that made the order for the examination.

"(2) An examiner appointed under this Part may put any question to a person examined before him as to the meaning of any answer made by that person or as to any matter arising in the course of the examination.

"(3) An examiner has, and may exercise, such of the powers of the court by whom he is appointed as are necessary for the proper exercise of his functions under this Part and may administer oaths and adjourn the examination from time to time as he thinks fit.

"21G. If a person being examined before an examiner under this Part objects to answering a question put to him, or if objection is taken to a question -

Objec-
tions

- (a) that question, the ground for the objection and any answer to the question to which objection is taken shall be set out in the deposition of that person; and

- (b) the validity of the ground for objecting to answering the question or for objecting to the question shall not be determined by the examiner but by the corresponding court at whose request the examination is being conducted.

Depositions to be signed

"21H.(1) Where, pursuant to an order made in pursuance of this Part, a witness has given evidence to an examiner, his deposition shall be signed by him and by the examiner or, where the witness refuses to sign or requires alterations that the examiner considers to be unjustified, the deposition shall be signed by the examiner who shall certify that the deposition is a correct record and the reasons for the deposition not being signed by the witness.

"(2) Where, pursuant to an order made in pursuance of this Part, documents have been produced to the examiner by a person not giving evidence, the examiner shall attach to those documents a certificate signed by him stating the name of that person.

"(3) All depositions and documents taken before or produced to an examiner pursuant to an order made under this Part shall be delivered by the examiner to the court by which the order was made for transmission to the corresponding court.

Court's power to transmit requests to other places

"21J. Where a court receives a request from a corresponding court for the examination of a witness or the production of documents by a person and it appears to the court that the witness or person is not in the Territory and is not proceeding to the Territory but is in or proceeding to another country the law of which includes provisions similar to this Part, the court -

- (a) may transmit the request to a court in that other country that is a corresponding court to the court from which the request was received together with such information as it possesses concerning the whereabouts and intended movements of the person; and
- (b) shall give notice to the corresponding court from which it received the request that the documents have been so transmitted."

5. Section 42A(a) of the Principal Ordinance is amended by omitting subparagraph (ii).

Statement
of wages
to be
evidence

6. The Principal Ordinance is amended by adding at the end the following section:

"66. 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 prescribing fees and expenses that may be claimed in the taking of evidence under this Part."

Regula-
tions

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Fire Brigades Arbitral
Tribunal Ordinance

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

- | | |
|--|------------------------|
| 1. This Ordinance may be cited as the <u>Fire Brigades Arbitral Tribunal Ordinance</u> 1978. | Short
title |
| 2. The <u>Fire Brigades Arbitral Tribunal Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commence-
ment |
| 4. Section 2A of the Principal Ordinance is amended by omitting from the definitions of "firefighter" and "fire officer" the words "Station Officer" and substituting "Sub-station Officer". | Defini-
tions |
-

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Fire Brigades Arbitral
Tribunal Ordinance

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

1. This Ordinance may be cited as the
Fire Brigades Arbitral Tribunal Ordinance
1978.

Short
title

2. The Fire Brigades Arbitral Tribunal
Ordinance is in this Ordinance referred to
as the Principal Ordinance.

Principal
Ordinance

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

Commence-
ment

4. Section 2A of the Principal Ordinance
is amended by omitting from the definitions
of "firefighter" and "fire officer" the
words "Station Officer" and substituting
"Sub-station Officer".

Defini-
tions

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Fisheries Ordinance

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

1. This Ordinance may be cited as the
Fisheries Ordinance 1978.

Short
title

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

Principal
Ordinance

3. Section 15 of the Principal Ordinance
is amended -

Licences

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

"(1A) A licence granted under sub-
section (1)(a), (b), (c) or (d) may be
limited to the taking of fish other
than the species specified in the
licence.";

(b) by omitting from sub-section (2)(b)
"the regulations; or" and substituting
"the regulations, unless the Chief
Inspector considers that it would be
unduly harsh not to grant the licence;
or";

- (c) by omitting from sub-section (3A) "fish";
- (d) by inserting after "or (h)" (last appearing) in sub-section (3A) "the fish that he is licensed to take";
- (e) by omitting from sub-section (3B) "fish"; and
- (f) by inserting after "or (h)" (last appearing) in sub-section (3B) "the fish that he is licensed to take".

Cancellation of
licence

4. Section 15A of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) all words from and including "any licence" and substituting "the court convicting him may cancel a licence held by him under this Ordinance, or may suspend that licence for such period as the court sees fit.";
- (b) by omitting from sub-section (2) all words from and including "a licence held" and substituting "the Chief Inspector may cancel the licence held by that person under this Ordinance, or may suspend that licence for such period as the Chief Inspector sees fit.";
- (c) by omitting from sub-section (3) all words from and including "any such licence" and substituting "that licence or suspend it for such period as he sees fit.";

- (d) by inserting in sub-section (4) after "cancels" the words "or suspends";
- (e) by inserting in sub-section (4) after "cancellation" (wherever occurring) the words "or suspension";
- (f) by inserting in sub-section (5)(a) after "cancellation" (wherever occurring) the words "or suspension";
- (g) by inserting in sub-section (5)(b) after "licence" the words "or annul the suspension";
- (h) by omitting from sub-section (6) all words from and including "a licence held" and substituting "the Chief Inspector may cancel the licence held by that person, or may suspend that licence for such period as he sees fit."; and
- (j) by adding at the end the following sub-section:

"(10) A licence suspended in accordance with this section shall, during the term of the suspension, be of no effect, and, subject to section 17 -

- (a) a person whose licence is suspended shall, during the period of suspension, be disqualified from obtaining any licence, or a renewal of a licence, under this Ordinance; and

- (b) a licence or renewal of a licence purporting to be granted to any such person shall be of no effect."

Renewal
of
licences

5. Section 15B of the Principal Ordinance is amended -

- (a) by omitting from sub-section (4) "The" and substituting "Subject to sub-section (5), the"; and
- (b) by adding at the end the following sub-sections:

"(5) If, in pursuance of sub-section (4), a licence is not renewed, the holder of the licence may, after the expiry of 12 months from the date of refusal to renew, apply for the grant of a new licence under section 15, and the Chief Inspector may, if he considers it would be unduly harsh to do otherwise, grant that person a new licence.

"(6) The information contained in a document, paper or other record produced to the Chief Inspector under sub-section (3) is for the purpose of this Ordinance only and shall not be disclosed to any person other than a person under this Ordinance entitled to have or know that information."

6. Section 17(3) of the Principal Ordinance is amended -

Employee's
licence

- (a) by omitting "sub-section (7) of section 15A" and substituting "section 15A(7) or (10)";
- (b) by omitting "sub-section (1) or (3) of section 15A" and substituting "section 15A(1) or (3)"; and
- (c) by omitting from paragraphs (a) and (c) "section 15A(7)" and substituting "section 15A(7) or (10)".

7. Section 47 of the Principal Ordinance is amended by adding the following sub-section:

Returns

"(2) The information contained in a return furnished under sub-section (1) is for the purpose of this Ordinance only and shall not be disclosed to any person other than a person under this Ordinance entitled to have or know that information."

8. As soon as practicable after the date of commencement of this Ordinance, the Chief Inspector shall review all cancellations -

Review of
cancelled
licences

- (a) that were effected within the 3 years immediately before that date, if the cancellations were by virtue of the operation of section 15A(1) or (3) of the Principal Ordinance; or
- (b) that were effected within the 2 years immediately before that date if the cancellations were by virtue of the operation of section 15A(6) of the Principal Ordinance,

and, in his discretion and notwithstanding sub-sections (7) and (9) of that section, may grant to a person whose licence was cancelled a licence of a kind similar to the cancelled licence or, at the request of that person, a licence of another kind that may be granted under the Principal Ordinance as amended by this Ordinance.

THE NORTHERN TERRITORY OF AUSTRALIA

Serial 26
Holidays
Mr Isaacs

A BILL

for

AN ORDINANCE

To amend the Holidays Ordinance

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

- | | | |
|------|--|------------------------|
| 1. | This Ordinance may be cited as the <u>Holidays Ordinance</u> 1977. | Short
title |
| 2. | This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 3. | The <u>Holidays Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 4. | After section 8 of the Principal Ordinance the following sections are inserted: | |
| "9. | An employee shall be paid by his employer for all work done on the days specified in the Schedule to this Ordinance, or on any other day appointed by the Administrator to be a public holiday, at the rate of double time and a half the ordinary rate of pay. | |
| "10. | An employee who is granted a holiday on the days specified in the Schedule to this Ordinance, or on any other day appointed by the Administrator to be a public holiday, shall be paid by his employer at his ordinary single time rate. | |
| "11. | (1) A person who contravenes, or fails to comply with, a provision of this Ordinance is guilty of an offence punishable by a fine of 400 dollars, | |
| | (2) In addition to the fine imposed under sub-section (1), the Court may order that the defendant shall pay to any person in respect of whom such offence was committed, and who is or has been in the employment of such defendant, any sum which, to the satisfaction of the court, is shown to be due from the defendant to the person in connection with such employment." | |
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Interpretation Ordinance

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

1. This Ordinance may be cited as the
Interpretation Ordinance 1978.

Short
title

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

Principal
Ordinance

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

"6A.(1) Where -

(a) in any law in force in the Northern
Territory other than a Commonwealth
Act or Regulations thereunder; or

Changes
in
reference
to
Ministers

(b) in any instrument made under a law to
which paragraph (a) applies,

there is a reference to a Minister of State
and where, by virtue of a change in adminis-
trative arrangements, the Administrator is
satisfied that the reference to the Minister
should be read as a reference to another
Minister, the Administrator may, by notice in
the Gazette, direct that the reference to the

Minister be read as a reference to the other Minister specified in the notice, and that reference shall be so read.

"(2) The Administrator may, in a notice published under sub-section (1), specify a date, being a date later than the date of the notice, from which the reference to the Minister shall read as a reference to the other Minister.".

=====

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Licensing Ordinance

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

- | | |
|---|------------------------|
| 1. This Ordinance may be cited as the <u>Licensing Ordinance</u> 1978. | Short
title |
| 2. The <u>Licensing Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 15(1) of the Principal Ordinance is amended - | Publican's
licence |
| (a) by omitting from paragraph (d) "and" (last occurring); and | |
| (b) by adding at the end thereof the following word and paragraph: | |
| "; and | |
| (f) subject to section 163A, at any time to persons holding or attending by invitation a function or activity on the premises, being a function or activity of which notice has been given under that section, for consumption in that part of the premises that is being used for the function or activity." | |

Registration of clubs 4. Section 74 of the Principal Ordinance is amended by inserting after "this Ordinance, and" the words ", subject to section 74A(2)(f),".

Extension of permitted hours for certain clubs 5. Section 74A(2) of the Principal Ordinance is amended -

(a) by omitting from paragraph (d) "and" (last occurring); and

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

"; and

(f) subject to section 163A, at any time to persons holding or attending by invitation a function or activity on the premises, being a function or activity of which notice has been given under that section, for consumption in that part of the premises that is being used for the function or activity.".

Rules of club 6. Section 76(f) of the Principal Ordinance is amended by omitting "a visitor" and substituting "except in pursuance of section 74A(2)(f), a visitor".

7. Section 163B of the Principal Ordinance is repealed and the following section substituted:

Functions and activities "163A.(1) Sections 15(1)(f) and 74A(2)(f) do not authorize the sale, supply or disposal of liquor on premises unless the person who is or is deemed to be the licensee of those premises has given to the member of the Police Force in charge of the police station nearest to the licensed premises in which the function

or activity will take place not less than 48 hours notice of intention to hold a function or activity, specifying -

- (a) the nature of the function or activity;
- (b) the part of the premises where it will be held;
- (c) the date on which and the times during which it will be held;
- (d) who will be holding it; and
- (e) the persons or classes of persons who will be invited to attend it.

"(2) Sections 15(1)(f) and 74A(2)(f) do not authorize the sale, supply or disposal of liquor -

- (a) after 2 o'clock in the morning on Sunday, Good Friday or Christmas Day;
- (b) between the hours of 2 o'clock in the morning and 10 o'clock in the morning; or
- (c) on more than 2 days, where a day is a period of 24 hours ending at 2 o'clock in the morning, in any one calendar week."

8. After section 183B of the Principal Ordinance the following section is inserted in Part VI:

"183C.(1) A licensee or a club may hire its premises or a part of its premises to a person or body for the purpose of holding a function or activity.

Hire of
premises

"(2) Where premises, or a part of premises, are hired in pursuance of sub-section (1), the licensee is not obliged, otherwise than by the agreement for hire, to receive any person on to the hired part of the premises, but, in all other respects, this Ordinance applies to and in respect of the hired part of the premises as though they had not been hired."

Repeal of
Schedules

9. The Twenty-fourth and Twenty-fifth Schedules to the Principal Ordinance are repealed.

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Local Government Ordinance

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

- | | |
|---|---------------------------|
| 1. This Ordinance may be cited as the <u>Local Government Ordinance</u> 1978. | Short
title |
| 2. The <u>Local Government Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 32(2) of the Principal Ordinance is amended by omitting "2 aldermen" and substituting "the same number of aldermen". | Composition
of council |
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Lottery and Gaming Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Lottery and Gaming Ordinance</u> 1978. | Short
title |
| 2. The <u>Lottery and Gaming Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. Section 23 of the Principal Ordinance is amended - | Lotteries
by or for
approved
associa-
tions |
| (a) by omitting from sub-section (1) "conduct a lottery" (wherever occurring) and substituting "conduct a lottery other than bingo"; and | |
| (b) by adding at the end the following sub-section: | |
| "(3) An approved association may (so long as the association is conducted in good faith and for the purposes for which it is approved) conduct the game of bingo or any version of that game irrespective of the name by which it is called for the purposes of raising funds for its aid or support." | |

Details
to be
disclosed
in
statutory
declaration

4. Section 26 of the Principal Ordinance
is amended -

- (a) by omitting all words from and
including "Penalty:"; and
- (b) by adding at the end the following
sub-section:

"(2) An approved association conducting
the game of bingo or a version of that
game shall, not later than 7 days after the
last day of each month during which that
game was conducted, deliver to the
Administrator a statutory declaration
setting out in relation to that month -

- (a) the days on which the game was
conducted;
- (b) the number of games conducted on each
of those days;
- (c) the price at which tickets were sold
for each game;
- (d) the number of tickets sold in each
game;
- (e) details of prizes allotted in respect
of each game; and
- (f) details of amounts expended in the
conduct of the game on each day,
other than as or for prizes.

Penalty: 100 dollars and in addition
10 dollars for each day during which failure
to comply with this section continues."

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Lottery and Gaming Ordinance

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

- | | |
|--|------------------------------------|
| 1. This Ordinance may be cited as the <u>Lottery and Gaming Ordinance (No. 2) 1978.</u> | Short
title |
| 2. The <u>Lottery and Gaming Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette.</u> | Commence-
ment |
| 4. Sections 93 and 94 of the Principal Ordinance are repealed. | Repeal of
sections
93 and 94 |
| 5. Section 94A of the Principal Ordinance is amended - | Defini-
tions |
| (a) by inserting after the definition of "official starting price" the following definition: | |
| " 'permit' means a permit to conduct the business of a registered bookmaker, being a permit issued under section 94TA;"; | |

(b) by omitting from the definition of "registered bookmaker" the word and figure "section 93" and substituting "section 94TA; and

(c) by omitting from the definition of "tax ticket" the words "and issued by the Commonwealth".

Restrictions on betting under this Part

6. Section 94B of the Principal Ordinance is amended by inserting after "licensed bookmaker" (twice occurring) "or a registered bookmaker".

7. Section 94H of the Principal Ordinance is repealed and the following section substituted:

Moneys of the Board

"94H. The moneys of the Board consist of such moneys as are received by the Board under or in pursuance of this Ordinance."

Reports

8. Section 94KC of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) "Legislative Council" and substituting "Legislative Assembly"; and

(b) by omitting from sub-section (3) "Legislative Council" and substituting "Legislative Assembly".

Moneys payable to racing bodies and charities

9. Section 94KD of the Principal Ordinance is amended -

(a) by omitting from sub-section (1) -

(i) "by the Commonwealth" (twice occurring); and

- (ii) "of the Commonwealth" (twice occurring);
- (b) by omitting from sub-section (1A) "to the Commonwealth";
- (c) by omitting from sub-section (2) "of the Commonwealth";
- (d) by omitting from sub-section (3) -
 - (i) "of the Commonwealth" (first occurring);
 - (ii) "to the Commonwealth"; and
 - (iii) paragraphs (b) and (c);
- (e) by inserting after paragraph (a) the following paragraphs:
 - "(b) an amount equal to the costs and expenses of the Board in that financial year arising out of the exercise of its powers and the performance of its functions under this Ordinance; and
 - (c) an amount equal to the remuneration and allowances paid to members of the Board in that financial year under section 94D.";
- (f) by omitting from sub-section (5) "Treasurer" and substituting "Board";
- (g) by omitting from sub-section (5) "he" (twice occurring) and substituting "it";

- (h) by omitting from sub-section (6) "to the Commonwealth"; and
- (i) by omitting from sub-section (6) "Treasurer" (twice occurring) and substituting "Board".

Applica-
tions for
licences
under this
Part

10. Section 94M(3) of the Principal Ordinance is amended -

- (a) by omitting "Commonwealth" (first occurring) and substituting "Board"; and
- (b) by omitting "a fee of 500 dollars, and has furnished to the Board the receipt issued by the Commonwealth in respect of that payment" and substituting "the prescribed fee".

Security
may be
required

11. Section 94N of the Principal Ordinance is amended -

- (a) by inserting in sub-section (1) -
 - (i) after "licence" the words "or a permit"; and
 - (ii) after "licensed bookmaker" the words "or a registered book-maker";
- (b) by inserting in sub-section (1A) -
 - (i) after "licensed bookmaker" the words "or a registered book-maker"; and
 - (ii) after "licence" the words "or a permit";

(c) by inserting in sub-section (2) after "licensed bookmaker" the words "or a registered bookmaker"; and

(d) by inserting in sub-section (3) after "licence" (twice occurring) "or the permit, as the case may be,".

12. Section 94R of the Principal Ordinance is amended -

Cancellation of licences

(a) by inserting after "licence" (wherever occurring) "or permit";

(b) by inserting after "a licensed bookmaker" (wherever occurring) "or a registered bookmaker"; and

(c) by inserting after "the licensed bookmaker" (wherever occurring) "or the registered bookmaker".

13. Section 94S(3) of the Principal Ordinance is amended by omitting "500 dollars" and substituting "such fee as is prescribed".

Renewal of licences

14. After section 94T of the Principal Ordinance the following sections are inserted:

"94TA.(1) A person may apply to the Board for a permit to operate as a book-maker -

Book-makers' permits

(a) at a race meeting or race meetings conducted by a club on a specified licensed race-course; or

(b) at a dog racing meeting or dog racing meetings conducted by a club on a specified licensed dog racing ground.

"(2) The Board may grant or refuse to grant a permit applied for under sub-section (1).

"(3) Where a permit is granted to a person who has applied for the permit on behalf of and for the benefit of himself and other persons, the permit shall contain an endorsement of the names and addresses of the persons other than the registered bookmaker in respect of whom the permit is granted.

"(4) Where a permit is endorsed under sub-section (3), a person whose name is not endorsed on the permit shall not, without the approval of the Board, acquire or hold any interest in or derive any benefit from the business carried on by the registered bookmaker.

Penalty: 1000 dollars or imprisonment for 6 months.

"(5) A permit granted under sub-section (2) -

- (a) shall be subject to such terms and conditions and to the payment of such fees as are prescribed; and
- (b) may authorize the holder to operate as a bookmaker at a race meeting or a dog racing meeting specified in the permit or at any race meeting or dog racing meeting conducted by the club specified in the permit on the licensed race-course or dog racing ground specified in the permit during a period specified in the permit.

"(6) A person, not being under the age of 18 years, who at any race meeting or dog racing meeting, bets with a bookmaker to whom a permit to operate as a bookmaker at that race meeting or dog racing meeting has been granted under this section, shall not be liable to any penalty or punishment under any law relating to gaming, betting or wagering in respect of betting.

"94TB.(1) A person, not being the holder of a bookmaker's permit granted under section 94TA, shall not operate as a bookmaker on a licensed race-course or licensed dog racing ground.

Penalty for operating as a bookmaker on a race-course &c., without a permit

"(2) The holder of a bookmaker's permit granted under section 94TA shall not operate as a bookmaker on any licensed race-course or licensed dog racing ground other than the licensed race-course or dog racing ground specified in the permit.

Penalty: 200 dollars for the first offence, and for any subsequent offence, imprisonment for 6 months."

15. Section 94V of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

Bets placed with licensed bookmakers

"(1) A licensed bookmaker shall record on ledger sheets kept by him for the purpose, in a form approved by the Board, all bets placed with him or with someone on his behalf in the order in which they were accepted."

Tax
tickets

16. Section 94W of the Principal Ordinance is amended by omitting "Commonwealth" and substituting "Board".

Licensed
or regis-
tered
bookmakers
not to do
certain
things

17. Section 94X of the Principal Ordinance is amended -

- (a) by inserting after "licensed bookmaker" (first occurring) "or a registered bookmaker"; and
- (b) by inserting after "licence" (twice occurring) "or permit".

Record of
bets

18. Section 94Z of the Principal Ordinance is amended by adding the following sub-section:

"(2) A registered bookmaker shall record on ledger sheets kept by him for the purpose, in a form approved by the Board, all bets placed with him or with someone on his behalf in the order in which they were accepted.".

Odds to
be on tax
ticket

19. Section 94AB of the Principal Ordinance is amended -

- (a) by inserting after "a licensed bookmaker" (twice occurring) "or a registered bookmaker"; and
- (b) by inserting after "the licensed bookmaker" the words "or the registered bookmaker".

20. Section 94AE(2A) of the Principal Ordinance is amended -

Times during which licensed premises may be open for betting

- (a) by omitting "if the licensed bookmaker - " and substituting "if the licensed bookmaker pays to the Board such additional fee as is prescribed in respect of that day."; and

- (b) by omitting paragraphs (a) and (b).

21. Section 94AR of the Principal Ordinance is amended -

Absence of bookmaker

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

"(1A) A registered bookmaker shall be personally in attendance at all times when a bet is accepted in his name or placed with someone on his behalf at any race meeting or dog racing meeting unless he has first obtained permission in accordance with this section for a person to act for him during his absence.

Penalty: 40 dollars.";

- (b) by inserting in sub-section (2) -

- (i) after "a licensed bookmaker" the words "or a registered bookmaker"; and

- (ii) after "the licensed bookmaker" (twice occurring) "or the registered bookmaker";

- (c) by inserting in sub-sections (6), (8), (9) and (10) after "licence" (wherever occurring) "or permit";

(d) by omitting from sub-section (7)
 "The person so permitted" and
 substituting "A person so permitted
 to act for a licensed bookmaker"; and

(e) by inserting after sub-section (7)
 the following sub-section:

"(7A) A person so permitted to act for a
 registered bookmaker shall cause a notice
 stating -

- (a) the fact that the permission has
 been granted;
- (b) the period for which the permission
 has been granted; and
- (c) his name,

to be displayed prominently at the place at
 which and at all times during which he is in
 attendance for the purpose of accepting bets
 at any race meeting or dog racing meeting
 during the absence of the person for whom he
 is permitted to act."

False or
 misleading
 statements
 in appli-
 cations,
 &c.,
 forbidden

22. Section 94AV of the Principal
 Ordinance is amended -

- (a) by inserting after "licensed
 bookmaker" the words "or a
 registered bookmaker"; and
- (b) by inserting after "licence" the
 words "or permit, as the case may
 be,".

23. After Part VIIA of the Principal
 Ordinance the following Part is inserted:

"PART VIIB - TURNOVER TAX

"94BA. In this Part unless the contrary intention appears -

Defini- tions

'Board' means the Betting Control Board established under Part VIIA;

'licence' means a licence to conduct the business of a bookmaker issued under Part VIIA;

'licensed bookmaker' means a bookmaker licensed under Part VIIA;

'licensed premises' means a building or a part of a building used for the purpose of betting and in respect of which a licensed bookmaker holds a licence under Part VIIA;

'registered bookmaker' means a bookmaker who has been approved by a club and to whom a permit has been issued under section 94TA.

"94BB.(1) A person who is a licensed bookmaker or a registered bookmaker shall pay to the Board, on or before the Wednesday of each week, a tax calculated at the rate of one and one-half per cent of the sum of the amounts wagered by persons with him or by persons with someone on his behalf in the week ending at midnight on the immediately preceding Saturday.

Turnover tax

Penalty: 1000 dollars or imprisonment for 12 months or both.

"(2) A tax payable under sub-section (1) is recoverable as a debt from the bookmaker in a court of competent jurisdiction.

"(3) Where a court convicts a person of an offence under sub-section (1) it may, in addition to any penalty imposed, order the defendant to pay to the Board the amount of the tax to which the conviction relates.

"(4) A certificate setting out the terms of an order made under sub-section (3) may be filed in a court of competent jurisdiction and may be enforced as if it were a judgment of that court.

Bookmakers
to lodge
return

"94BC.(1) A person who is a licensed bookmaker or a registered bookmaker shall, at the same time that he makes the payment referred to in section 94BB(1), on or before Wednesday of each week, lodge with the Board a return showing details of all bets made with him or with someone on his behalf in the week ending at midnight on the immediately preceding Saturday.

"(2) The return referred to in sub-section (1) shall be in the form of a copy of the ledger sheets kept in pursuance of section 94V(1) or section 94Z(2) as the case may be during the week to which a payment under section 94BB(1) relates.

Penalty: 500 dollars.

Procedure
for pay-
ments and
returns

"94BD.(1) A person who is a licensed bookmaker or a registered bookmaker who is required to make a payment under section 94BB(1) and to lodge a return under section 94BC(1) may make the payment and lodge the return -

- (a) by delivering the payment and the return to the office of the Board; or
- (b) by delivering the payment and the return to an office of Australia Post for transmission by certified mail to the office of the Board.

"(2) Where a person makes a payment and lodges the return by delivering them to an office of Australia Post in accordance with sub-section (1)(b), the payment is deemed to be made to the Board and the return is deemed to be lodged with the Board when a receipt for them is issued by Australia Post.

"94BE. Where a licensed bookmaker or a registered bookmaker fails to make a payment in compliance with section 94BB(1), or fails to lodge the return in compliance with section 94BC(1), his licence or permit, as the case may be, is of no effect until he makes that payment or lodges that return in the required form with the Board."

Suspension
of licence
or permit

24. Section 99 of the Principal Ordinance is amended by -

Regu-
lations

- (a) omitting from paragraph (p) "and"; and
- (b) by adding at the end the following word and paragraph:

";and

- (r) the fixing of fees for licences, permits and authorities under this Ordinance."

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To repeal the Matrimonial Causes Ordinance

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

1. This Ordinance may be cited as the Matrimonial Causes Ordinance Repeal Ordinance 1978. Short title
2. The Ordinances listed in the Schedule are Repeal
repealed.

SCHEDULE

Section 2

ORDINANCES REPEALED

Number and Year	Short Title
No. 15, 1932	<u>Matrimonial Causes Ordinance 1932</u>
No. 18, 1934	<u>Matrimonial Causes Ordinance 1934</u>
No. 22, 1939	<u>Matrimonial Causes Ordinance 1939</u>
No. 1, 1947	<u>Matrimonial Causes Ordinance 1947</u>
No. 3, 1949	<u>Matrimonial Causes Ordinance 1949</u>
No. 40, 1957	<u>Matrimonial Causes Ordinance 1957</u>
No. 14, 1959	<u>Matrimonial Causes Ordinance 1959</u>
No. 6, 1960	<u>Matrimonial Causes Ordinance 1960</u>

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Mining Ordinance

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

- | | |
|--|------------------------|
| 1. This Ordinance may be cited as the <u>Mining Ordinance</u> 1978. | Short
title |
| 2. The <u>Mining Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commence-
ment |
| 4. Section 3 of the Principal Ordinance is amended by omitting "the Schedule" and substituting "Schedule 1". | Repeal |
| 5. Section 7 of the Principal Ordinance is amended - | Defini-
tions |
| (a) by omitting the definition of "aboriginal reserve" and substituting the following definition: | |
| " 'Aboriginal reserve' means land that - | |

(a) is, or is a part of, a reserve within the meaning of the Social Welfare Ordinance; and

(b) is not Aboriginal land;"; and

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

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

Rights
conferred
by miner's
right

6. Section 23(1) of the Principal Ordinance is amended by omitting "Soil Conservation and Control Ordinance" and substituting "Soil Conservation and Land Utilization Ordinance, section 75 of the Aboriginal Land Rights (Northern Territory) Act 1976".

Adminis-
trator may
grant or
renew ex-
ploration
licence

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

(a) by inserting in sub-section (1) after "Ordinance" the words "and to Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976";

(b) by omitting from sub-section (1)(a) (iii) the word "and";

(c) by inserting after sub-section (1)(a) (iii) the following sub-paragraph:

"(iv) Aboriginal land; and";

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

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

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented in writing to the making of the grant; or
- (b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant be made."; and
- (e) by inserting after sub-section (6) the following sub-sections:

"(6A) Where a person applies for an exploration licence over Aboriginal land, he, or any person on his behalf, shall not enter into negotiations with a Land Council with respect to the application or the grant of an exploration licence unless the applicant has received an offer, in writing from the Administrator, of an exploration licence over that land which offer is subject to subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976.

"(6B) If a person, to whom sub-section (6A) applies, fails to comply with any requirement of sub-section (6A), the Administrator may, in his absolute discretion, refuse to grant an exploration licence to that person, whether over the land the subject of the application referred to in sub-section (6A) or otherwise.

"(6C) Where the Administrator has made an offer in writing to an applicant for an exploration licence over an area of Aboriginal land which offer is subject to the subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976, the Administrator shall not make a further offer of an exploration licence over that area of Aboriginal land to another person unless -

- (a) the original applicant has withdrawn his application;
- (b) the land is freed from the operation of the exploration licence by surrender; or
- (c) the Administrator is satisfied that negotiations between the applicant and the Land Council and the Minister for Aboriginal Affairs have taken place and the consent of the Land Council or that Minister, as the case may be, has been reasonably withheld."

Applica-
tion for
grant or
renewal
of ex-
ploration
licence

8.(1) Section 38E(5) of the Principal Ordinance is amended by omitting paragraph (b) and substituting the following:

- "(b) advertise the application in a newspaper printed in the Northern Territory and at the office of the Director of Mines and, if the land in respect of which the application is made is or includes private land or Aboriginal land, give notice of the application, by post or otherwise, to the owner of that private land or to the Land Council for the area in which that Aboriginal land is situated, as the case may be."

(2) Section 38E(6) of the Principal Ordinance is amended by omitting paragraph (d) and substituting the following:

"(d) appoint a date, not being earlier than 28 days after the advertisement is posted at the office of the Director of Mines and, if the land in respect of which the application is made is or includes private land or Aboriginal land, not being earlier than 14 days after notice of the application is given to the owner of the private land or the Land Council for the area in which the Aboriginal land is situated, as the case may be, on or before which objections may be lodged against the grant of a licence."

9.(1) Section 38H(1)(b) of the Principal Ordinance is amended by inserting after "but" the words ", subject to paragraph (ba),".

Processing
of appli-
cation
for grant
of ex-
ploration
licence

(2) Section 38H(1) is amended by inserting after paragraph (b) the following:

"(ba) shall not consider priority of applications where the land the subject of the applications is or includes Aboriginal land and the applications were lodged at the office of the Director of Mines after 15 December 1972 and before a date of which the Administrator gives notice in the Gazette for the purpose of terminating the period for which priority shall not be considered under this paragraph;".

Part IVB

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

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

Mining
leases,
etc., on
Aboriginal
land

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

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented to the mining lease, special mineral lease or claim; or
- (b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant of a mining interest be made.

"(2) Where the Minister for Aboriginal Affairs and a Land Council, after considering proposals before it by an applicant for an exploration licence in respect of Aboriginal land, being proposals for the exploration for minerals on that land and the recovery of any minerals found as a result of that exploration, have, for the purpose of section 38B(1A), consented to

the grant of that licence, sub-section (1) does not apply to a later grant to the applicant or to his successor in title or to the registration of a mining lease, special mineral lease or claim in respect of that land where that later grant or registration is substantially in accordance with the proposals.

"(3) Sub-section (1) does not apply to or in relation to an application for a mining lease, special mineral lease or claim lodged before 4 June 1976 by a person who, at the time of lodging the application, was the holder of an exploration licence or prospecting authority in respect of the land for which the mining lease, special mineral lease or claim had been applied.

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

"(5) A person shall not be required to be the holder of an exploration licence over Aboriginal land in order to explore for or to apply for a mineral lease to extract -

(a) sand, gravel or clay; or

(b) stone that is appropriate for use as crushed rock,

being sand, gravel, clay or stone that is appropriate for use in construction or building, but, where a person exercises his right so to apply and he obtains a mineral lease, the mineral lease does not confer a right to mine for other minerals.

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

Special
provisions
concerning
royalty on
washed
bauxite

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

- (a) by omitting from sub-section (1) ", 50 and 50B" and substituting "and 50";
- (b) by omitting from sub-section (1) all the words from and including "comprised in" and substituting "comprised in -
 - (a) a mining lease; or
 - (b) a claim registered under the regulations.";
- (c) by omitting from sub-sections (2), (3), (4) and (5) "specified in sub-section (1)"; and
- (d) by omitting from sub-section (6) all the words from and including "specified in" and substituting "is one and one quarter cents in the dollar on the value of washed bauxite as determined in accordance with this section.".

Royalty
in respect
of leases
and claims
on
Aboriginal
land

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

- (a) by omitting "and 50 , but subject to section 50A," and substituting ", 50 and 50A,";
- (b) by omitting ", or at any time after the date of the commencement of the Mining Ordinance 1953 has been, an

aboriginal reserve or included in an aboriginal reserve" and substituting "an Aboriginal reserve or included in an Aboriginal reserve, or is Aboriginal land or included in Aboriginal land";

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

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

Royalty
on gold
found on
mineral
lease or
claim

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

Definitions 15. Section 106 of the Principal Ordinance is amended by inserting after "any land" the words ", other than Aboriginal land,".

First Schedule 16. The heading to the Schedule to the Principal Ordinance is omitted and the following heading substituted:

"SCHEDULE 1".

Second Schedule 17. The Principal Ordinance is amended by adding at the end thereof the following Schedule:

"SCHEDULE 2

Section 38Z(6)

Part I

RANGER PROJECT AREA

All that piece of land in the Northern Territory of Australia containing an area of 83 square kilometres more or less bounded by lines described as follows:

Commencing at the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132

degrees 53 minutes 30 seconds thence proceeding to the intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 53 minutes thence proceeding to the intersection of latitude 12 degrees 35 minutes with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of latitude 12 degrees 35 minutes with a line joining the intersections of latitude 12 degrees 29 minutes with longitude 132 degrees 51 minutes and latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to intersection of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 56 minutes 22 seconds with a line joining the intersections of latitude 12 degrees 36 minutes with longitude 132 degrees 55 minutes and latitude 12 degrees 33 minutes 20 seconds with longitude 133 degrees thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 56 minutes 22 seconds thence proceeding to the intersection of latitude 12 degrees 43 minutes 20 seconds with longitude 132 degrees 53 minutes thence proceeding to a point which lies at the intersection of longitude 132 degrees 53 minutes with a line joining the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds and latitude 12 degrees 39 minutes 50 seconds with longitude 132 degrees 49 minutes thence proceeding to the intersection of latitude 12 degrees 38 minutes with longitude 132 degrees 53 minutes 30 seconds.

Part II

EASTERN AREAS OF GROOTE EYLANDT

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

Firstly

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

Secondly

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

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

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Motor Vehicles Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Motor Vehicles Ordinance 1978</u> . | Short
title |
| 2. The <u>Motor Vehicles Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. The several provisions of this Ordinance shall come into operation on such dates as are respectively fixed by the Administrator by notice in the <u>Gazette</u> . | Commence-
ment |
| 4. The Administrator in Council may make Regulations before the commencement of section 13 of this Ordinance prescribing fees under the Principal Ordinance as amended by that section to be payable on and from the date on which that section comes into operation, but those Regulations shall not come into operation until that section comes into operation. | Transi-
tional |
| 5. Section 9 of the Principal Ordinance is amended - | Provisions
for persons
learning
to drive |

- (a) by omitting from sub-section (1A) "28 days" and substituting "the duration of the course of driving instruction determined by the Director of Education";
- (b) by omitting from sub-section (1A)(b) "and Science"; and
- (c) by omitting sub-section (2) and substituting the following sub-section:

"(2) Prior to the grant of a permit licence, payment shall be made to the Commonwealth of the prescribed fee."

Granting
of licences

6. Section 10(1A)(d) of the Principal Ordinance is amended by omitting "and Science" (twice occurring).

Fees

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

- (a) by inserting after "section 10" the words "or the grant or renewal of a special licence under section 55B of the Traffic Ordinance"; and
- (b) by omitting "the case:" and substituting "the case."; and
- (c) by omitting the proviso.

Transfer
of number
plates to
another
vehicle of
the same
class

8. Section 22 of the Principal Ordinance is amended -

- (a) by omitting "within 14 days"; and
- (b) by omitting "or such further time" and substituting "within such time".

Fee for in-
structor's
licence

9. Section 25E of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-section:

"(1) Prior to the grant or renewal of an instructor's licence, payment shall be made to the Commonwealth of the prescribed fee.".

10. Section 28 of the Principal Ordinance is amended by omitting sub-section (4).

Licence
for the
carriage
of
tourists

11. Section 98 of the Principal Ordinance is amended -

Return of
certifi-
cate, &c.,
upon can-
cellation
of regis-
tration,
&c.

- (a) by omitting from sub-section (1)
"or within 28 days after the
expiration of the registration or
licence, as the case may be"; and

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

12. Section 101 of the Principal Ordinance is repealed.

Repeal of
section
101

13. Section 138 of the Principal Ordinance is amended -

Regula-
tions

- (a) by omitting from paragraph (ad) "and"
(last occurring); and

- (b) by inserting at the end the following:

"; and

- (af) the fees to be paid for and in relation to the registration, renewal of registration or transfer of registration of motor vehicles, the grant, renewal, transfer or replacement of licences and the issue, transfer or replacement of number plates.".

Repeal of
Second
Schedule

14. The Second Schedule to the Principal Ordinance is repealed.

Amendment
of certain
sections

15. The Principal Ordinance is further amended as set out in the Schedule.

SCHEDULE

Section 15

AMENDMENTS TO PRINCIPAL ORDINANCE

Provision	Omit	Insert
Sections 13(1), 23(3), 27(3), 135(5), 136(4)	the fees specified in the Second Schedule, or such fees as are prescribed in lieu thereof, which are applicable to the case	the prescribed fees
Section 13(2)	the fee specified in the Second Schedule	the prescribed fee
Sections 17(2), 18(2), 132(3)	the sum of 50 cents	the prescribed fee
Sections 20(5), 96(2), 100(3)	a fee of 25 cents	the prescribed fee

Provision	Omit	Insert
Sections 30(10), 38(2)	a fee of 50 cents	the prescribed fee
Section 137	a fee of 10 cents	the prescribed fee

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To amend the Oaths Ordinance

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

- | | |
|---|---------------------|
| 1. This Ordinance may be cited as the <u>Oaths Ordinance</u> 1978. | Short title |
| 2. The <u>Oaths Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3.(1) Subject to sub-section (2) this Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| (2) Section 4 shall be deemed to have come into operation on the date of commencement of the <u>Oaths Ordinance</u> 1939. | |
| 4. Section 2 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section: | |
| "(1A) Section 8 of the <u>Acts Interpretation Act</u> 1901 in its application to Ordinances by virtue of section 4 of the <u>Interpretation Ordinance</u> has effect as if the Acts of the State of South Australia specified in the First Schedule were Ordinances and had been repealed by this Ordinance." | Repeal |
| 5. Section 3 of the Principal Ordinance is repealed. | Repeal of section 3 |
| 6. The Principal Ordinance is amended by inserting after section 23, the following Part: | |

"PART VA - STATUTORY DECLARATIONS

Statutory
declara-
tions

"23A.(1) A person may, if he so desires, make a statutory declaration in relation to any matter.

"(2) Subject to sub-section (3) a statutory declaration may be used -

- (a) for the purposes of a law in force in the Northern Territory other than a Commonwealth Act or regulations thereunder;
- (b) in connexion with a matter arising under any such law;
- (c) in connexion with the administration of any department or other unit of administration established by or under the Public Service Ordinance; or
- (d) in connexion with a commercial transaction in the Territory.

"(3) Sub-section (2) does not authorize a statutory declaration to be used as evidence in a judicial proceeding but nothing in this section prevents a statutory declaration from being so used.

Reference
to statu-
tory
declara-
tions

"23B. A reference to a statutory declaration in a law in force in the Northern Territory other than a Commonwealth Act or regulations thereunder includes a reference to a statutory declaration made by virtue of this Ordinance.

Form of
statutory
declara-
tion

"23C.(1) A statutory declaration may be made in accordance with the form in the Eighth Schedule and may be made before -

- (a) a person authorized by this Ordinance to administer an oath for any purpose;
- (b) a justice of the peace appointed under the Justices Ordinance;
- (c) a commissioner for declarations appointed by the Attorney-General of the Commonwealth under the Statutory Declarations Act 1959;

- (d) a barrister or solicitor;
- (e) a member of the Police Force of the Northern Territory;
- (f) a bank manager;
- (g) a judge;
- (h) a magistrate;
- (i) a notary public;
- (j) a commissioner for taking affidavits in the Supreme Court of a State or Territory; or
- (k) a clerk of the court appointed under the Local Courts Ordinance.

"(2) A person who makes a statutory declaration may identify any thing referred to in that declaration by attaching to the thing to be identified an annexation clause made in accordance with the form in the Ninth Schedule and signed by the person before whom the declaration is made.

"23D. A person shall not wilfully make a false statement in a statutory declaration.

False
statements
in declara-
tions

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

7. The First Schedule of the Principal Ordinance is amended -

The First
Schedule

(a) by omitting "sections 2, 4, 5 and 7" and substituting "The whole"; and

(b) by adding at the end thereof:

"787 of 1902 An Act to amend The whole".
the Law relating
to Statutory
Declarations

8. The Principal Ordinance is amended by adding at the end the following Schedules:

The Eighth
and Ninth
Schedules

" THE EIGHTH SCHEDULE

OATHS ORDINANCE

STATUTORY DECLARATION

Section 23C(1)

I, (1) do solemnly and sincerely
declare (2)

And I make this solemn declaration by virtue of the
Oaths Ordinance and conscientiously believing the
statements contained in this declaration to be true in
every particular.

Declared at
the day of 19
(3)

Before me

(4)

(5)

NOTE: A person wilfully making a false statement in a
statutory declaration is liable to a penalty of
400 dollars or imprisonment for 6 months, or
both.

-
- (1) Name and address of person making the declaration
 - (2) Here insert the matter declared to either directly
following the word "declare" or, if the matter is
lengthy, insert the words "as follows" and
thereafter set out the matter in numbered
paragraphs
 - (3) Signature of the person making the declaration
 - (4) Signature of the person before whom the declaration
is made
 - (5) Title of the person before whom the declaration is
made

"THE NINTH SCHEDULE

OATHS ORDINANCE

ANNEXATION CLAUSE

Section 23C (2)

This is the (1) referred to in
the statutory declaration of (2)

Declared at
the day of 19

Before me
(3)
(4)

-
- (1) Description of thing to be identified
(2) Name and address of person making the declaration
(3) Signature of the person before whom the declaration
is made
(4) Title of person before whom the declaration is
made ".
-
-

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for
AN ORDINANCE

To amend the Petroleum Products Subsidy Ordinance

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

1. This Ordinance may be cited as the
Petroleum Products Subsidy Ordinance 1978.

Short
title

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

Principal
Ordinance

3. Section 2 of the Principal Ordinance is amended by omitting from the definition of "the Minister" the words "of State for Customs and Excise" and substituting "for Business and Consumer Affairs".

Defini-
tions

4. Section 4 of the Principal Ordinance is amended -

Power of
Minister
to formu-
late
scheme

(a) by omitting from paragraph (a) "and";
and

(b) by omitting paragraph (b) and
substituting the following
paragraphs:

"(b) amend a scheme so formulated
(including a scheme that has been
previously amended);

(c) revoke a scheme so formulated (including a scheme that has been amended); and

(d) where a scheme has been so revoked - formulate a new scheme in place of the scheme so revoked."

Provisions
of scheme

5.(1) Section 5(2) of the Principal Ordinance is amended by inserting after "Minister" the words ", or an officer of the Australian Public Service appointed by the Minister in writing to exercise powers under the provision,".

(2) Section 5 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

"(3) The scheme shall -

- (a) contain a provision authorizing the Minister, or an officer of the Australian Public Service appointed by the Minister in writing to exercise powers under the provision, to register persons as distributors of eligible petroleum products for the purposes of the scheme and authorizing the Minister or such an officer to revoke the registration of a person so registered; and
- (b) contain a provision that the persons to whom payments may be made under the scheme shall be such distributors of eligible petroleum products as are so registered under the scheme.

"(3A) An application may be made to the Administrative Appeals Tribunal for a review of -

- (a) a direction by the Minister or an officer under a provision contained in a scheme in accordance with sub-section (2); or
- (b) a refusal by the Minister or an officer to register a person as a distributor of eligible petroleum products under a provision contained in the scheme in accordance with sub-section (3)(a) or the revocation by the Minister or an officer of the registration of a person as such a distributor of eligible petroleum products under a provision contained in the scheme in accordance with sub-section (3)(b).".

6. Section 23(1)(b) of the Principal Ordinance is amended by omitting "5,".

Delegation

=====

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Petroleum (Prospecting and Mining) Ordinance

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

1. This Ordinance may be cited as the Petroleum (Prospecting and Mining) Ordinance 1978.

Short
title

2. The Petroleum (Prospecting and Mining) Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. This Ordinance shall come into operation on the date on which the Aboriginal Land Ordinance 1978 comes into operation.

Commence-
ment

4. Section 4 of the Principal Ordinance is amended -

Definitions

(a) by inserting before the definition of "arbitration" the following definition:

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

(b) by inserting in the definition of "private land" after "means land" the words", other than Aboriginal land,".

Power to
acquire or
resume
land

5. Section 11(1) of the Principal Ordinance is amended by inserting after "applies," the words "or Aboriginal land,".

Issue, &c.,
of permits,
licences
and leases

6. Section 12(1) of the Principal Ordinance is amended by inserting after "whether that land is" the words "Aboriginal land,".

Issue of
permits

7. Section 21 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

"(4) The Administrator shall not issue a permit to a person in respect of Aboriginal land unless -

(a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented in writing to the issue of the permit; or

(b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the permit be issued.

"(5) Where a person applies for a permit over Aboriginal land, he, or any person on his behalf, shall not enter into negotiations with a Land Council with respect to the application unless the applicant has received an offer in writing from the Administrator of a permit over that land which offer is subject to subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976.

"(6) If a person, to whom sub-section (5) applies, fails to comply with any requirement of sub-section (5), the Administrator may, in his absolute discretion, refuse to grant a permit to that person, whether over the land the subject of the application referred to in sub-section (5) or otherwise.

"(7) Where the Administrator has made an offer in writing to an applicant for a permit over an area of Aboriginal land which offer is subject to the subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976, the Administrator shall not make a further offer of a permit over that area of Aboriginal land to another person unless -

- (a) the original applicant has withdrawn his application;
- (b) the land is freed from the operation of the permit by surrender; or
- (c) the Administrator is satisfied that negotiations between the applicant and the Land Council and the Minister for Aboriginal Affairs have taken place and the consent of the Land Council or that Minister, as the case may be, has been reasonably withheld."

8. Section 28 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

"(1A) An authority does not authorize entry on to Aboriginal land without a permit under the Aboriginal Land Ordinance 1978."

Authority to enter on land to make a geological investigation

Grant of
leases

9. Section 46 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

"(4) Subject to this section, a person is not able to obtain a lease over Aboriginal land unless he is, or at the time of applying for the lease was, the holder of a permit over that land and -

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented to the lease; or
- (b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant of a lease be made.

"(5) Where the Minister for Aboriginal Affairs and a Land Council, after considering proposals before it by an applicant for a permit in respect of Aboriginal land, being proposals for the exploration for petroleum on that land and the recovery of any petroleum found as a result of that exploration, have, for the purpose of section 21(4), consented to the issue of that permit, sub-section (4) does not apply to a later grant to the applicant or to his successor in title to the lease in respect of that land where that later grant is substantially in accordance with the proposals.

"(6) Sub-section (4) does not apply to or in relation to an application for a lease lodged before 4 June 1976 by a person who, at the time of lodging the application,

was the holder of a permit in respect of the land in respect of which the lease had been applied for.".

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 1978.

Short
title

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

Principal
Ordinance

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

Commence-
ment

4. Section 63 of the Principal Ordinance is amended by adding at the end the following sub-section:

Malicious
injury to
property

"(4) Where a justice makes an order requiring a person to pay a sum of money for compensation, the justice shall make and sign a minute or memorandum of the order and, on the request of the person entitled to receive the compensation, shall cause that minute or memorandum to be transmitted to the clerk of a Local Court designated by the person making the request, and, upon registration of that minute or memorandum in the Local Court, it has effect as though it were a judgment of that Local Court."

Amendments
of various
sections

5. The Principal Ordinance is further
amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS TO PRINCIPAL ORDINANCE

Provision	Omit	Substitute
Section 43(2)	200 dollars	1000 dollars
	6 months	6 months, or both
43(3)	200 dollars	1000 dollars
	6 months	6 months, or both
44	200 dollars	1000 dollars
	6 months	6 months, or both
45A	100 dollars	200 dollars
45B	100 dollars	200 dollars
47	50 dollars	500 dollars
	2 months	3 months, or both
47A(1)	10 dollars	200 dollars
47A(2)	10 dollars	200 dollars

Provision	Omit	Substitute
Section 48	20 dollars	500 dollars
	7 days	3 months
49	20 dollars	200 dollars
49A	400 dollars	1000 dollars
	6 months	6 months, or both
49B	200 dollars	500 dollars
	6 months	3 months, or both
50	40 dollars	200 dollars
51	10 dollars	200 dollars
51A	10 dollars	200 dollars
52	50 dollars	1000 dollars, or imprison- ment for 6 months, or both
53(9)	100 dollars	500 dollars
	2 months	3 months, or both
54	100 dollars	200 dollars

Provision	Omit	Substitute
Section 55(1)	not less than 10 dollars or more than 100 dollars	500 dollars
	3 months	3 months, or both
56	Imprisonment for 2 months	500 dollars or imprison- ment for 3 months, or both
57	Imprisonment for 6 months	1000 dollars, or imprison- ment for 6 months, or both
60	Imprisonment for one year	2000 dollars, or imprison- ment for 12 months, or both
60A	Imprisonment for one year	2000 dollars, or imprison- ment for 12 months, or both
61(1)	400 dollars	2000 dollars
	one year	12 months or both

Provision	Omit	Substitute
Section 62(1)(a)	400 dollars	2000 dollars
	12 months	12 months, or both
62(1)(b)	400 dollars	2000 dollars
	12 months	12 months, or both
62(1)(c)	400 dollars	2000 dollars
	12 months	12 months, or both
62(2)	400 dollars	2000 dollars
	12 months	12 months, or both
63(1)	50 dollars	1000 dollars
	2 months	6 months, or both
	(not exceeding 1000 dollars)	
64(1)(a)	50 dollars	500 dollars
	one month	3 months

Provision	Omit	Substitute
Section 64(1)(b)	10 dollars	500 dollars
	50 dollars	500 dollars
	one month	3 months
64(1)(c)	20 dollars	500 dollars
	100 dollars	500 dollars
65A	\$100	200 dollars
66(1)	40 dollars	200 dollars
67	20 dollars	200 dollars
68A(1)	400 dollars	500 dollars, or imprisonment for 3 months, or both
69	40 dollars	500 dollars
	one month	3 months, or both
70(2)	100 dollars	500 dollars, or imprisonment for 3 months, or both
74(3)	40 dollars	200 dollars
75(1)	20 dollars	200 dollars

Provision	Omit	Substitute
Section 75(1A)	100 dollars	500 dollars, or imprisonment for 3 months, or both
76(2)	10 dollars	200 dollars
76(3)	10 dollars	200 dollars
77(2)	50 dollars	200 dollars
78	20 dollars	200 dollars
80	50 dollars	1000 dollars, or imprisonment for 6 months, or both
81	20 dollars not less than 2 dollars	200 dollars
82(1)	50 dollars	1000 dollars, or imprisonment for 6 months, or both
82(2)	50 dollars	500 dollars, or imprisonment for 3 months, or both
82(3)	20 dollars	200 dollars

Provision	Omit	Substitute
Section 83(3)	10 dollars	200 dollars
84(1)	any Justice may commit that person to gaol for any period not exceed- ing 30 days, to be com- puted from the day of commit- ment	that person shall be liable to a penalty of not more than 200 dollars
85	20 dollars	200 dollars
87	20 dollars	200 dollars
88	40 dollars	200 dollars
89	40 dollars	200 dollars
90	one dollar	10 dollars
91	40 dollars	200 dollars

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Public Service Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Public Service Ordinance</u> 1978. | Short
title |
| 2. The <u>Public Service Ordinance</u> is in this Ordinance referred to as the Principal Ordinance | Principal
Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Electricity Commission Ordinance</u> comes into operation. | Commence-
ment |
| 4. The Second Schedule to the Principal Ordinance is amended by inserting after - | Second
Schedule |
| "Museums and Art
Galleries Board | <u>Museums and Art
Galleries Ordinance"</u> |
| the following entry - | |
| "Northern Territory
Electricity Commis-
sion | <u>Electricity
Commission Ordinance"</u> . |
-
-

THE NORTHERN TERRITORY OF AUSTRALIA

Serial 25
Sick Leave
Mr Isaacs

A BILL

for

AN ORDINANCE

To make minimum provisions for sick leave of employees

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

1. This Ordinance may be cited as the Sick Leave Ordinance 1977.

Short

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

Commencement

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

Interpre-
tation

"employee" means any person employed for remuneration in any industry;

"employer" means any person or body, whether corporate or incorporate, who or which on behalf of himself or itself or another employs one or more employees in any industry;

"industry" means any undertaking, trade, business, occupation or calling in which persons are employed or engaged for remuneration; and

"Inspector" means an Inspector appointed or deemed to have been appointed under section 7 of this Ordinance.

4. This Ordinance does not apply to -

Application

(a) an employee in relation to whom an industrial agreement, award, order or determination is in force under the Conciliation and Arbitration Act 1904;

(b) an employee who, in the written terms of his employment, receives an allowance or loading in lieu of sick leave.

5. (1) Every employee to whom this Ordinance applies who is unable to attend or remain at his place of employment by reason of illness shall be granted by his employer paid leave not exceeding the sick leave credit of that employee.

Sick
leave

(2) In respect of

- (a) the first year of service with an employer that follows the commencement of this Ordinance, an employee shall be entitled to a grant of leave under this section by that employer at the rate of ten days on full pay per year; and
- (b) the succeeding years of continuous service with that employer, an employee shall, on or after the commencement of each such year, be entitled to a grant of leave under this section by that employer equal to ten days on full pay.

(3) For the purposes of calculating the amount of leave to which an employee is entitled pursuant to paragraph (a) of sub-section (2) of this section the service of that employee with his employer shall be regarded as the number of complete weeks service served by that employee with that employer.

(4) Every employee absent from work through illness on the production of a certificate from a duly qualified medical practitioner specifying the period or approximate period during which the employee will be unable to work, or of other evidence of illness to the satisfaction of his employer, and subject to his having promptly notified his employer of his illness and of the approximate period aforesaid shall, subject as herein provided in this section, be entitled to payment in full for all time he is so absent from work, but it shall not be necessary for an employee to produce such a certificate if his absence from work on account of illness does not exceed two days.

(5) All of that part of an employee's sick leave credit which he does not take in the year it becomes due to him shall be accumulative.

(6) There shall be no limit on the amount of sick leave credits an employee may accumulate.

6. (1) Every employer engaged in an industry shall make a true record of the sick leave credited to, or granted to, each of his or its employees on the day such leave is to be credited to, or is taken by, each such employee.

Employers'
records

(2) An employer shall retain a record referred to in sub-section (1) of this section until the expiration of a period of two years after the date on which the person to whom the record relates ceased to be employed by him,

(3) Subject to sub-section (4), an employer shall, at the request of an Inspector, make available for inspection by that Inspector a record kept or retained for the purposes of this section,

(4) An employer is not required by sub-section (3) to make a record available for inspection otherwise than at a place of business of the employer during the hours during which the employer's business is normally conducted at that place.

7. For the purposes of this Ordinance, the Administrator may, by instrument in writing, appoint a person to be an Inspector,

Inspectors

8. A person who contravenes, or fails to comply with, a provision of this Ordinance is guilty of an offence punishable by a fine of 500 dollars.

Penalty
for
offences

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

Regulations

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Social Welfare Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Social Welfare Ordinance 1978</u> . | Short
title |
| 2. The <u>Social Welfare Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance 1978</u> comes into operation. | Commence-
ment |
| 4. Section 3 of the Principal Ordinance is repealed. | Repeal |
| 5. Before section 17 of the Principal Ordinance the following section is inserted in Part IV: | |
| "16A. This Part does not apply to or in respect of a reserve or a part of a reserve which is granted as Aboriginal land under the <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> ." | This Part
not to
apply to
Aboriginal
land |
-

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Special Purposes Leases Ordinance

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

- | | |
|--|---------------------|
| 1. This Ordinance may be cited as the <u>Special Purposes Leases Ordinance</u> 1978. | Short title |
| 2. The <u>Special Purposes Leases Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 3 of the Principal Ordinance is amended - | Definitions |
| (a) by inserting before the definition of "aboriginal reserve" the following definition: | |
| "'Aboriginal Land Council' means the Aboriginal Land Council established under section 21 of the <u>Aboriginal Land Rights (Northern Territory) Act</u> 1976 for the area that contains the particular area of land;"; and | |

(b) by omitting the definition of "the Board".

Repeal of
certain
provisions

5. Sections 4A, 4B, 4C and 4D of the Principal Ordinance are repealed.

Lessee may
transfer,
&c., his
lease

6. Section 6 of the Principal Ordinance is amended by omitting "the Board" (wherever occurring) and substituting "the Aboriginal Land Council".

Acquisi-
tion of
land in a
reserve
by a non-
approved
person

7. Section 6A of the Principal Ordinance is amended by omitting "the Board" (wherever occurring) and substituting "the Aboriginal Land Council".

THE NORTHERN TERRITORY OF
AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Stamp Ordinance

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

1. This Ordinance may be cited as the
Stamp Ordinance 1978.

Short
title

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

Principal
Ordinance

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

Commence-
ment

4. The Schedule to the Principal
Ordinance is amended by omitting the words
"Tax ticket issued under Part VIIA of the
Lottery and Gaming Ordinance.....
.....0.05" and substituting "Tax ticket
issued under Part VIIA of the Lottery
and Gaming Ordinance.....0.10".

The
Schedule

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Supply of Services Ordinance

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

- | | |
|--|---|
| 1. This Ordinance may be cited as the <u>Supply of Services Ordinance</u> 1978. | Short
title |
| 2. The <u>Supply of Services Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal
Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Electricity Commission Ordinance</u> 1978 comes into operation. | Commence-
ment |
| 4. Section 4 of the Principal Ordinance is amended by omitting from the definition of "services" the word "electricity," and the words "and the hiring of electrically operated appliances". | Defini-
tions |
| 5. Section 5B of the Principal Ordinance is amended by omitting "electricity,". | Fittings,
&c., to
be as pre-
scribed |

Notice of
intention
to cease
supply of
service to
be given

6. Section 5D of the Principal Ordinance is amended by omitting "electricity or".

Repeal of
Electricity
Supply
Regulations

7. The Electricity Supply Regulations, being Regulations 1953, No. 11, as amended by Regulations 1954, No. 7; 1958, Nos 6 and 13; 1962, No. 9; 1963, No. 6; 1967, No. 2; 1970, No. 11; 1971, No. 4; 1975, No. 17; and 1976, No. 16 are repealed.

Savings

8.(1) An installation that was lawfully installed before the commencement of this Ordinance shall not be held to be in need of alteration by reason only of the repeal effected by section 7.

(2) Notwithstanding the amendments and repeals effected by this Ordinance and the provisions of the Electricity Commission Ordinance, the regulations repealed by this Ordinance relating to charging and payment of charges for the supply of electricity continue to apply in respect of the supply of electricity to particular premises or a particular consumer until the expiration of the charge period that, on the date of commencement of this Ordinance, is unexpired in respect of those premises or that consumer.

(3) An application made under the regulations repealed by this Ordinance and not disposed of before the commencement of this Ordinance may be dealt with, changing what needs to be changed, unless the Executive Member considers that a fresh application should be called for, as though it had been lodged under the Electricity Commission

Ordinance or the Electrical Workers and Contractors Ordinance or subordinate legislation made under one of those Ordinances.

(4) A deposit lodged under the regulations repealed by this Ordinance may, at the discretion of the Executive Member, be retained as though it had been lodged under the Electricity Supply Ordinance or subordinate legislation made under that Ordinance for a purpose similar to the purpose for which it was lodged.

(5) An amount of money owing under the regulations repealed by this Ordinance on the date of commencement of this Ordinance, may be recovered under those regulations as though this Ordinance had not come into operation.

(6) Proceedings for an offence committed before the date of commencement of this Ordinance may be commenced or continued as though this Ordinance had not come into operation.

(7) An approval given under the regulations repealed by this Ordinance may be acted upon as though this Ordinance had not come into operation, and an action so taken shall not be held to be inadequate by reason only of the repeal of those regulations.

(8) A notice served on a consumer before the commencement of this Ordinance has effect as though the regulations repealed by this Ordinance had not been repealed, and any action that could have been taken in pursuance of or further to that notice if those regulations had not

been repealed may be taken as though they had not been repealed.

(9) A licence issued under the regulations repealed by this Ordinance and in force immediately before the commencement of this Ordinance continues in force until 31 December 1978 and has effect until then as though this Ordinance had not come into operation.

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Territory Parks and Wildlife
Conservation Ordinance and for other
purposes

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

1. This Ordinance may be cited as the
Territory Parks and Wildlife Conservation
Ordinance 1978.

Short
title

2. The Territory Parks and Wildlife
Conservation Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

3. Section 9(1) of the Principal
Ordinance is amended -

Interpre-
tation

(a) by omitting from the definition of
"honorary conservation officer" the
symbols "(i)" and "(ii)" and
substituting "(a)" and "(b)"
respectively;

(b) by inserting in the definition of
"sanctuary" after "by" the words
"or under"; and

(c) by omitting the definition of
"Service".

Parks and
reserves
established
by Admin-
istrator
in Council

4. Section 12 of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

"(1) Subject to this section and to section 14, the Administrator in Council may -

(a) by notice in the Gazette, declare -

(i) an area of land in respect of which all right, title and interest is vested in the Commonwealth; or

(ii) an area of land in respect of which the Commission, as lessee, holds a lease in perpetuity at a nominal rental, being the area specified in the notice,

to be a park or reserve; and

(b) by the same or by another notice in the Gazette, declare the whole or a specified part of the park or reserve to be a wilderness zone.

"(2) The Commission may, after receiving a report from the Place Names Committee, assign a name to a park or reserve or a proposed park or proposed reserve."

Revocation
of parks,
reserves
or sanc-
tuaries

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

(a) by omitting from sub-section (1)(b) "by this Ordinance" and substituting "by or under section 25A";

- (b) by inserting in sub-section (3) after "any land" the words ", other than land leased by the Commission as lessee,"; and

(c) by adding the following sub-section:

"(4) If, by virtue of a notice given under sub-section (1), any land leased by the Commission as lessee ceases to be land within a park or reserve, the lease of that land is, by force of this sub-section, surrendered."

6. Section 14(1) of the Principal Ordinance is amended by omitting "section 12 or 13" and substituting "section 12, 13 or 25A".

Report by
Commission

7. Section 15 of the Principal Ordinance is repealed.

Repeal of
section 15

8. Section 17 of the Principal Ordinance is amended -

(a) by omitting from sub-section (6) -

(i) "scientific research authorized by the Commission and such other"; and

(ii) "sanctuary or"; and

(b) by omitting from sub-section (7) "place" (wherever occurring) and substituting "park or reserve".

Mining
works,
forestry,
&c., in
parks,
reserves
and
wilderness
zones

9. Section 25A of the Principal Ordinance is amended by adding the following sub-sections:

Sanctu-
aries

"(2) Subject to section 14, the Administrator in Council may, by notice in

the Gazette, declare -

- (a) any area of unoccupied Crown land in the Northern Territory; or
- (b) an area of land in respect of which the Commission, as lessee, holds a lease in perpetuity at a nominal rental,

to be a sanctuary.

"(3) The Commission may, after receiving a report from the Place Names Committee, assign a name to a proposed sanctuary."

10. The Principal Ordinance is amended by inserting after section 64 the following section:

Trans-
action of
business
by circula-
tion of
papers

"64A. The Commission may, if it thinks fit, transact any of its business by the circulation of papers amongst the members, and a resolution in writing approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Commission by the votes of the members so approving the resolution."

Functions

11. Section 66(1) of the Principal Ordinance is amended -

- (a) by omitting from paragraph (a) "parks and reserves;" and substituting "parks, reserves, sanctuaries and protected areas;"; and
- (b) by omitting from paragraph (g)(i) "and naming of parks and reserves" and substituting "of parks, reserves, sanctuaries and protected areas".

12. Section 91(1) of the Principal Ordinance is amended by omitting "officers of employees" and substituting "officers or employees".

Officers
and
employees
of
Australia
and govern-
ment autho-
rities

13. Section 110 of the Principal Ordinance is amended by omitting "warden" and substituting "conservation officer".

Saving

14. Section 113(1) of the Principal Ordinance is amended by omitting "protected area, sanctuary or wilderness area" and substituting "protected area or sanctuary".

Authorized
destruction
of animals
in sanc-
tuary, &c.

15. Section 115 of the Principal Ordinance is amended -

Averment
in
relation
to parks

(a) by omitting from paragraph (a) "park or reserve;" and substituting "park, reserve, sanctuary or protected area;"; and

(b) by omitting from paragraph (c) "park or reserve," and substituting "park, reserve, sanctuary or protected area,".

16. The Schedule to the Principal Ordinance is amended -

The
Schedule

(a) by inserting after -

"No. 59 of 1974 National Parks and
Gardens Ordinance
 (No. 2) 1974"

the following -

"No. 35 of 1976 National Parks and
Gardens Ordinance
1976"; and

(b) by adding at the end thereof -

"No. 4 of 1976 Wildlife Conservation
and Control Ordinance
1975".

Amendment
of
Territory
Parks and
Wildlife
Conser-
vation
Ordinance
(No. 2)
1976

17. Section 17(b) of the Territory Parks
and Wildlife Conservation Ordinance (No. 2)
1976 is amended by omitting "warden or
ranger" and substituting "warden or a
ranger".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Territory Parks and Wildlife
Conservation Ordinance

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

1. This Ordinance may be cited as the
Territory Parks and Wildlife Conservation
Ordinance (No. 2) 1978.

Short
title

2. The Territory Parks and Wildlife
Conservation Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

3. This Ordinance shall come into
operation on the date on which the
Aboriginal Land Ordinance 1978 comes into
operation.

Commence-
ment

4. Section 9(1) of the Principal
Ordinance is amended by inserting after the
definition of "Aboriginal" the following
definitions:

Interpre-
tation

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

'Aboriginal Land Council' means the Aboriginal Land Council established under section 21 of the Aboriginal Land Rights (Northern Territory) Act 1976 for the area that contains the particular area of Aboriginal land;"

5. Section 73 of the Principal Ordinance is repealed and the following section substituted:

Aboriginal
land

"73.(1) The Commission may enter into negotiations and finalize agreements with an Aboriginal Land Council relating to schemes for the protection and conservation of wildlife in and the protection of the natural features of Aboriginal land.

"(2) Where, at the expiration of 2 years from the date of execution of a deed of grant of an estate in fee simple by the Governor-General under section 12 of the Aboriginal Land Rights (Northern Territory) Act 1976, no agreement under sub-section (1) has been entered into between the Commission and an Aboriginal Land Council, a then existing declaration of a sanctuary or a protected area over the land contained in the deed of grant or a part of that land is, by operation of this sub-section, revoked."

6. Section 122 of the Principal Ordinance is repealed and the following section substituted:

"122.(1) Subject to sub-section (2), nothing in this Ordinance prevents Aborigines who have traditionally used an area of land or water from continuing to use the area of land or water for hunting, for food gathering (otherwise than for purposes of sale) and for ceremonial and religious purposes.

Tradition-
al use of
land and
water by
Aborigi-
nals

"(2) The operation of sub-section (1) is subject to regulations made for the purposes of conserving wildlife in any area and expressly affecting the traditional use of the area by Aborigines.".

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL
for
AN ORDINANCE

To amend the Town Planning Ordinance

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

- | | |
|---|------------------------|
| 1. This Ordinance may be cited as the
<u>Town Planning Ordinance</u> 1978. | Short
title |
| 2. The <u>Town Planning Ordinance</u> is in this
Ordinance referred to as the Principal
Ordinance. | Principal
Ordinance |
| 3. Section 18(1) of the Principal
Ordinance is amended - | Defini-
tions |
| (a) by omitting from the definition of
"subdivide" the word "by" and
substituting "into 2 or more parcels
of freehold land by, or for the
purposes of"; | |
| (b) by omitting from paragraph (c) "or"
(last occurring); | |
| (c) by omitting from paragraph (d) "of
another person" and substituting "to
another person"; and | |

(d) by inserting after paragraph (d) the following paragraph:

"; or (e) obtaining 2 or more
Certificates of Title
issued under the Real
Property Act and Ordinance
each comprising portion of
the land,".

Approval
required
for sub-
division
of free-
hold land

4. Section 18A of the Principal Ordinance is amended -

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

"(1) The owner of a parcel of freehold land shall not subdivide the land without the approval of the Administrator granted in accordance with this Part.

Penalty: 2,000 dollars.";

(b) by omitting from sub-section (1A) "400 dollars" and substituting "2,000 dollars"; and

(c) by omitting sub-section (2).

Registra-
tion of
interest,
&c., in
subdivided
freehold
land

5. Section 27(1) of the Principal Ordinance is amended by omitting paragraph (a).

6. Section 38A(2A) of the Principal Ordinance is amended by omitting "4 column inches" and substituting "10 column centimetres".

Applica-
tions for
amendment
of town
planning
scheme

=====

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 1978.

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.

Commence-
ment.

4.(1) Section 19(1) of the Principal
Ordinance is amended -

Driving
abreast

(a) by omitting from paragraph (a) "or";
and

(b) by inserting after paragraph (b) the
following:

"; or

(c) where a vehicle is driven abreast
of another vehicle on a portion of the
carriageway of a public street that
is divided into traffic lanes."

(2) Section 19 of the Principal Ordinance is amended by omitting sub-section (3).

Projecting
loads

5. Section 24 of the Principal Ordinance is amended -

(a) by omitting paragraph (a) and substituting the following paragraph:

"(a) upon which the load is not safely and securely fastened, arranged, contained or covered to prevent either the load, in whole or in part, from falling or otherwise escaping from the vehicle;" and

(b) by omitting from paragraph (b) "or" (last occurring).

Special
licences
to drive

6. Section 55B(4) of the Principal Ordinance is amended -

(a) by inserting before "licence" (first occurring) "special"; and

(b) by omitting "of the class for which the special licence is issued".

=====

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

To amend the Uniting Church in Australia
Ordinance

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

1. This Ordinance may be cited as the
Uniting Church in Australia Ordinance (No. 2)
1977.

Short
title

2. The Uniting Church in Australia
Ordinance is in this Ordinance referred to
as the Principal Ordinance.

Principal
Ordinance

3.(1) Section 13 of the Principal
Ordinance is amended by inserting after sub-
section (1) the following sub-section:

Vesting
of certain
property
in the
Trust

"(1A) The real property described in the
Third Schedule shall, upon the date of
commencement of this Ordinance, without any
formal assignment, transfer or other
documentation, vest in the Trust to the
extent that it was vested in the Presbyterian
Church (New South Wales) Property Trust and
shall be held by the Trust in accordance with
the provisions of this Ordinance.".

(2) Section 13(2) of the Principal
Ordinance is amended -

(a) by inserting after "sub-section (1)"
the words "and (1A)"; and

(b) by inserting in paragraph (e) after
"appointed day" the words "or the
date on which sub-section (1A) came
into operation".

Second
Schedule

4. The Second Schedule to the Principal Ordinance is amended by omitting "Section 19(1)" and substituting "Section 13(1)".

Third
Schedule

5. The Third Schedule to the Principal Ordinance is amended by omitting "Section 19(1)(c)" and substituting "Section 13(1)(c)".

Serial 16
Weights and
Measures
Mr Robertson

THE NORTHERN TERRITORY OF AUSTRALIA

WEIGHTS AND MEASURES BILL

TABLE OF PROVISIONS

PART 1 - PRELIMINARY

CLAUSE

1. Short title
2. Commencement
3. Repeal and savings
4. Interpretation
5. Application to Crown

PART II - STANDARDS OF MEASUREMENT

6. Provision of standards
7. Standards not to be used unless verified

PART III - ADMINISTRATION

8. Superintendent and Inspectors
9. Superintendent may approve forms
10. Superintendent in relation to Commonwealth Act and Regulations
11. Delegation

PART IV - INSPECTION, VERIFICATION AND STAMPING

12. Powers of Inspectors
13. Inspectors not to do certain things
14. Measuring instruments which may be verified
15. Testing, verification and stamping
16. Exemptions
17. Only verified and correct measuring instruments to be used for trade
18. Defective or repaired measuring instruments
19. Manufacturer's standards
20. Offences in connexion with measuring instruments

21. Offences in connexion with Inspectors

PART V - MEASUREMENT IN TRADE

22. Units of measurement
23. Contracts made in connexion with incorrect measuring instruments
24. Contracts to be in terms of the metric system of measurement
25. Sales by quantity
26. Packaging of bread
27. Bread

PART VI - MISCELLANEOUS

28. Summary procedure
29. Offences
30. Onus of proof
31. Evidentiary provisions
32. Defences
33. Preservation of civil remedies
34. Penalty where fraud involved
35. Forfeiture
36. Recovery of fees, etc.
37. Regulations

SCHEDULE

Repealed Ordinances

THE NORTHERN TERRITORY OF AUSTRALIA

A BILL

for

AN ORDINANCE

Relating to Weights and Measures

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 Weights and Measures Ordinance 1978.

Short
title

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

Commencement

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

Repeal and
savings

(2) Notwithstanding the repeal effected by sub-section (1), the provisions of the repealed Ordinance and Regulations continue to apply, as if this Ordinance had not come into operation, to and in respect of an offence committed against the repealed Ordinance or Regulations before the commencement of this Ordinance.

(3) An Inspector appointed under the repealed Ordinance is deemed to have been appointed an Inspector under section 8(2).

(4) Subject to sub-section (5), the due date for the inspection and verification of a measuring instrument verified or re-verified under the repealed Ordinance shall be ascertained in accordance with section 15 as if this Ordinance had applied on the day of the last verification or re-verification under the repealed Ordinance.

(5) Where under sub-section (4) the date so ascertained occurred before the commencement of this Ordinance the due date for the purpose of sub-section (4) is the date of commencement of this Ordinance.

(6) It is a defence to a prosecution for an offence against sections 22, 24 or 26 if the person charged proves that the article in respect of which the alleged offence was committed was in his possession, was manufactured or was packed before this Ordinance came into force and that the act that constituted the alleged offence would not have been an offence if this Ordinance had not come into operation.

Interpreta-
tion

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

"article" includes quantity of a substance;

"Commonwealth Act" means the Weights and Measures (National Standards) Act 1960;

"Commonwealth Regulations" means the Regulations under the Commonwealth Act;

"contract" includes agreement, bargain, sale, purchase, dealing and any other transaction on which payment in money or kind depends;

"inspection" in relation to any measuring instrument includes the examination, testing, comparison and verification under this Ordinance or the Regulations of a measuring instrument by an Inspector;

"Inspector" means an Inspector of Weights and Measures appointed under this Ordinance and includes a person whose appointment is continued by section 3(3);

"Inspector's Standard" means a subsidiary standard of measurement that is maintained in pursuance of section 6(1);

"mass" means the quantity of matter contained in an object;

"measuring instrument" means an instrument within the meaning of the Commonwealth Act and includes weights;

"metric system of measurement" means the system of measurement in Commonwealth legal units of measurement related to the metre, the kilogram or the cubic metre;

"Northern Territory Primary Standard" means a working standard of measurement that is maintained in pursuance of section 6(1);

"owner" includes, in respect of a measuring instrument, the person having it in his possession for use for trade;

"package" includes -

- (a) a container, wrapper or other thing in which an article is packed, or 2 or more articles are packed, for sale as a single item;
- (b) a holder to which an article is attached for the purpose of sale; and
- (c) a band that is fixed round an article or articles as part of the preparation of that article or those articles for sale;

"place" includes shop, factory, home and any other place whatsoever, whether a building or in open air, and whether open or enclosed;

"quantity" means -

- (a) in the case of an article ordinarily sold by mass - the mass of the article;
- (b) in the case of an article ordinarily sold by volume - the volume of the article;
- (c) in the case of an article ordinarily sold by number - the quantity of the article as counted by number; and

(d) in the case of an article ordinarily sold by reference to its dimensions - the dimensions of the article;

"repealed Ordinance" means the Ordinance comprising the Ordinances repealed by section 3(1);

"sell" includes -

- (a) offer or expose for sale;
- (b) keep or have in possession for sale;
- (c) barter or exchange;
- (d) deal in or agree to sell;
- (e) send forward or deliver for sale or on sale; and
- (f) the act of authorizing, directing, causing, permitting or suffering any of the acts referred to in this definition;

"stamp" means impress, engrave, etch, brand, seal or otherwise mark a measuring instrument in such a manner as to be, so far as practicable, indelible;

"Superintendent" means the Superintendent of Weights and Measures appointed under this Ordinance and includes a person for the time being holding or acting in, or performing the duties of the office of Superintendent of Weights and Measures;

"use for trade" includes "have in possession for trade" and means use in connexion with or with a view to a transaction for -

- (a) the transferring or rendering of money or money's worth in consideration of money's worth or money; or
- (b) the making of a payment in respect of any tax, rate, toll, duty or impost,

where -

(c) the transaction is by reference to quantity in terms of measurement of a physical quantity, or is a transaction for the purposes of which there is made or implied a statement of the quantity in such terms of articles to which the transaction relates; and

(d) the use is for the purpose of determination or statement of that quantity;

and a measuring instrument that -

(e) is used in relation to such a transaction; or

(f) is made available for use by or on behalf of the public, whether on payment or otherwise, for making measurements of a physical quantity or for the grading of articles by reference to the measurement of a physical quantity,

shall be deemed "in use for trade";

"verification certificate" means any certificate in the form approved by the Superintendent which is issued by an Inspector in respect of a measuring instrument for the purpose of signifying that the measuring instrument has been found upon inspection and testing to be in accordance in every respect with the requirements of this Ordinance and the Regulations;

"verification stamp" means any stamp approved by the Superintendent for use by an Inspector for stamping any measuring instrument for the purpose of signifying that the measuring instrument has been found upon inspection and testing to be in accordance in every respect with the requirements of this Ordinance and the Regulations;

"verified measuring instrument" means -

- (a) in the case of a measuring instrument exempted under the Regulations from being stamped - a measuring instrument in respect of which there is a current verification certificate or current interim verification certificate; or
- (b) in the case of a measuring instrument which is not exempted from being stamped - a measuring instrument which is stamped with a current verification stamp and in respect of which there is a current verification certificate or current interim verification certificate;

"verify" means -

- (a) in the case of a measuring instrument exempted under the Regulations from being stamped - to issue in respect of that measuring instrument a verification certificate; or
- (b) in the case of a measuring instrument which is not exempted from being stamped -
 - (i) to stamp that measuring instrument with a verification stamp; and
 - (ii) to issue in respect of that measuring instrument a verification certificate;

"weigh" means to determine the apparent mass of an object when weighed in air;

"weight" means an object of known mass which is used to determine the apparent mass of another object.

(2) Unless the contrary intention appears, a word or an expression used in this Ordinance that is used in the Commonwealth Act or Regulations has the meaning in this Ordinance that it has in that Act or those Regulations.

(3) Unless the contrary intention appears, a reference in this Ordinance to the quantity of an article shall be read as a reference to the quantity of that article exclusive of the quantity of the package in which the article is contained.

5. This Ordinance binds the Crown.

Application
to Crown

PART II - STANDARDS OF MEASUREMENT

6.(1) The Superintendent shall provide and maintain, or arrange for the provision and maintenance of, such working standards of measurement and subsidiary standards of measurement as in the opinion of the Executive Member are desirable to provide means by which measurements of physical quantities, for which there are Commonwealth legal units of measurement, may be made in the Northern Territory in terms of those units.

Provision
of
standards

(2) A working standard of measurement maintained in pursuance of sub-section (1) may be called a Northern Territory Primary Standard.

(3) A subsidiary standard of measurement maintained in pursuance of sub-section (1) may be called an Inspector's Standard.

7. A person shall not use a Northern Territory Primary Standard or an Inspector's Standard for the purposes of this Ordinance or the Regulations -

Standards not
to be used
unless
verified

- (a) unless it has been verified and, if so required, re-verified in accordance with the Commonwealth Act and Regulations;
- (b) unless in the case of an Inspector's Standard it is deemed pursuant to the Commonwealth Regulations to be of a value equal to its denomination; or
- (c) after it has become defective through use or accident or has been broken or repaired, until it has been re-verified in accordance with the Commonwealth Act and Regulations.

PART III - ADMINISTRATION

8.(1) The Executive Member may, by notice

Superinten-
dent and

Inspectors published in the Gazette, appoint a person to be the Superintendent of Weights and Measures.

(2) The Executive Member may, by notice published in the Gazette, appoint such persons as he thinks fit to be Inspectors of Weights and Measures.

(3) The Superintendent is, by virtue of his appointment as Superintendent, an Inspector.

(4) Where the Superintendent -

(a) is absent from duty; or

(b) in the course of his duty, is absent from the Territory,

the Executive Member may, by notice published in the Gazette, appoint an Inspector to act in the office of Superintendent during that absence of the Superintendent.

(5) While the appointment of a person to act in the office of Superintendent of Weights and Measures remains in force, that person has all the powers and functions under this Ordinance of the Superintendent of Weights and Measures.

Superinten- 9. The Superintendent may approve of forms that
dent may are to be used for the purposes of this Ordinance and
approve forms the Regulations.

Superinten- 10. (1) For the purposes of the Commonwealth Act
dent in and Regulations the Superintendent is -

relation to (a) the appropriate authority; and

Commonwealth (b) the person responsible for the administration
Act and of this Ordinance and the Regulations.

Regulations (2) The Superintendent may, with the approval of the Executive Member, hold any appointment made under the Commonwealth Regulations and may have and exercise any powers, authorities, duties and functions conferred or imposed upon him by virtue of that appointment or under those Regulations.

11.(1) The Executive Member may, either generally or as otherwise provided by the instrument of delegation, in writing signed by him, delegate any of his powers under this Ordinance or the Regulations, other than this power of delegation.

Delegation

(2) A power delegated pursuant to sub-section (1) when exercised by the delegate in accordance with the instrument of delegation shall, for the purposes of this Ordinance and the Regulations, be deemed to have been exercised by the Executive Member.

(3) A delegation under sub-section (1) is revocable in writing at will and does not prevent the exercise of any power or function by the Executive Member.

PART IV - INSPECTION, VERIFICATION AND STAMPING

12.(1) An Inspector may at all reasonable times, for the purpose of ascertaining whether or not the provisions of this Ordinance and the Regulations are being complied with -

Powers of
Inspectors

- (a) enter and search any premises, building or other place or any vessel where or in connexion with which he has reasonable cause to believe measuring instruments are in use for trade;
- (b) stop, enter and search any vehicle in which or in connexion with which he has reasonable cause to believe measuring instruments are in use for trade;
- (c) inspect any measuring instruments found in any place, vehicle, vessel or in the possession of any person having a pack, basket or other receptacle containing articles for sale;
- (d) break, open and examine any pack, basket or other receptacle in which articles are being conveyed;
- (e) examine any articles kept or exposed for sale or in course of delivery in or on any place, vehicle, vessel, pack, basket or receptacle;

(f) determine the quantity or cause the quantity to be determined of any articles examined under paragraph (e); and

(g) on payment or tender to the person apparently in charge of the place, vehicle, vessel, pack, basket or receptacle in or on which articles were examined under paragraph (e) of the current market value or of the rate prescribed, demand and procure any of those articles.

(2) An Inspector may seize and retain any article and its package in respect of which the Inspector has reasonable grounds to suspect that a contravention of this Ordinance or the Regulations has been committed.

(3) If upon inspection at any time of a measuring instrument, it appears to an Inspector that -

(a) the measuring instrument is not a verified measuring instrument; or

(b) the measuring instrument is incorrect or otherwise unjust,

the Inspector may -

(c) test and verify the measuring instrument;

(d) seize the measuring instrument or any part of it;

(e) give to the owner of the measuring instrument, notice in writing, in accordance with the Regulations, requiring the owner to have it corrected and made accurate; or

(f) if the Inspector is authorized under section 13(3) to adjust the measuring instrument, adjust it.

Inspectors
not to do
certain
things

13. (1) An Inspector shall not -

(a) otherwise than in the performance of his duties disclose or permit directly or indirectly to be disclosed any information that comes to his knowledge in the course of the performance of his duties; or

- (b) verify a measuring instrument otherwise than in accordance with the provisions of this Ordinance or the Regulations.

(2) Subject to sub-section (3), an Inspector shall not derive any profit from, or be employed in the making, adjusting, or selling of measuring instruments.

(3) Subject to sub-section (4), the Superintendent may authorise with or without limiting conditions, an Inspector to adjust any measuring instrument submitted to the Inspector for testing and verification, or inspected by the Inspector pursuant to section 12.

(4) An adjustment of a measuring instrument as referred to in sub-section (3) -

- (a) shall not be done other than at the request of the owner of that measuring instrument; and
- (b) is done at the risk of the person requesting the adjustment.

14.(1) A measuring instrument shall not be verified in pursuance of this Ordinance unless it is calibrated in Commonwealth legal units of the metric system of measurement and unless it is of a pattern for which an approval has been given by or on behalf of the National Standards Commission under the Commonwealth Regulations.

Measuring
instruments
which may
be
verified

(2) Notwithstanding that an approval as referred to in sub-section (1) has been given, the Superintendent may, if he has reasonable grounds for believing that the use of a measuring instrument for trade might give rise to incorrect or unjust measuring, by notice in writing served by registered post upon the owner, specify a period, the purposes and the circumstances in which the measuring instrument may be in use for trade.

(3) A person shall not -

- (a) contravene; or

(b) fail to comply with,

a specification in a notice issued under sub-section (1) that is applicable to him.

Penalty: 500 dollars.

Testing,
verification
and
stamping

15.(1) Subject to this section, the owner of a measuring instrument in use for trade shall apply, within the period prescribed for the making of such an application, in writing to the Superintendent for an inspection and testing for verification of that measuring instrument.

(2) The Regulations may prescribe the period for which verification certificates are current for particular measuring instruments or classes of measuring instruments.

(3) Upon the testing for verification of a measuring instrument in use for trade and the finding of that measuring instrument as being in compliance with the provisions of this Ordinance and the Regulations the Inspector who tested that measuring instrument shall -

(a) issue a verification certificate in respect of it; and

(b) subject to any exemption applicable to that measuring instrument, stamp it with a verification stamp.

(4) A measuring instrument in use for trade which is tested for verification and found not to comply with the provisions of this Ordinance and the Regulations shall be stamped with a stamp of rejection.

(5) There shall be stated on the verification certificate of a measuring instrument such things as are prescribed.

(6) Where the owner of a measuring instrument in use for trade applies to the Superintendent in accordance with sub-section (1), the Superintendent shall, if an Inspector is unable to inspect the measuring instrument before the expiration of the

current verification certificate, issue an interim verification certificate.

(7) An interim verification certificate is current until the measuring instrument, in respect of which it was issued, is inspected and tested for verification by an Inspector.

16. The Regulations may, subject to such conditions as may be prescribed, exempt wholly or in part measuring instruments or classes of measuring instruments from any of the requirements of this Ordinance. Exemptions

17. A person shall not use for trade any measuring instrument that - Only verified and correct measuring instruments to be used for trade

(a) is not a verified measuring instrument; or

(b) is incorrect or unjust.

Penalty: For a first offence - 500 dollars
For a second or subsequent offence - 1,000 dollars.

18.(1) Subject to sub-section (3), a person shall not use for trade a measuring instrument - Defective or repaired measuring instruments

(a) that has become defective;

(b) that has been repaired; or

(c) in respect of which a notice has been issued under section 12(3)(e),

until it has been tested and re-verified.

Penalty: 500 dollars.

(2) A person repairing or adjusting a measuring instrument shall, before carrying out the repair or adjustment, obliterate any existing stamp on it.

Penalty: 500 dollars.

(3) Notwithstanding sub-section (1), but subject to the Regulations, a person may temporarily use a

measuring instrument which has been repaired but not tested for re-verification.

Manufactu-
rer's
standards

19. A measuring instrument that -

- (a) belongs to or is in the possession of a person or firm engaged in the business of the manufacturing, repairing, adjusting or selling of measuring instruments;
- (b) is used in the business of the manufacturing, repairing, adjusting or selling of measuring instruments; and
- (c) has been verified by the Superintendent as being within the permissible variation in accuracy allowed under regulation 82 or 83 of the Commonwealth Regulations for a subsidiary standard of its type and denomination as to enable it to be deemed to be of a value equal to its denomination,

may be known as a Manufacturer's, Repairer's or Retailer's Standard, as the case may be.

Offences in
connexion
with
measuring
instruments

20. (1) A person shall not -

- (a) forge or counterfeit or cause to be forged or counterfeited, or assist in forging or counterfeiting, a stamp used for stamping under this Ordinance or the Regulations;
- (b) subject to sub-section (2), have in his possession a stamp used for stamping under this Ordinance or the Regulations;
- (c) unless duly authorized under this Ordinance or the Regulations, make on a measuring instrument an impression purporting to be the impression of a stamp under this Ordinance or the Regulations or alter any date mark used in connexion with the impression of any such stamp;
- (d) in any way alter or tamper with a verified measuring instrument so as to cause it to measure incorrectly or unjustly but nothing in

this paragraph shall apply to any person who increases or diminishes any stamped measuring instrument when he adjusts it and entirely obliterates the stamp on it;

- (e) use, sell or hire out a measuring instrument -
 - (i) that has been altered as referred to in paragraph (d);
 - (ii) that has been tampered with; or
 - (iii) that has a forged or counterfeit stamp on it;
- (f) forge or counterfeit or cause to be forged or counterfeited, or assist in forging or counterfeiting a verification certificate;
- (g) issue a verification certificate otherwise than in accordance with this Ordinance or the Regulations;
- (h) alter in any way a verification certificate issued by an Inspector under this Ordinance or the Regulations;
- (i) make, or sell, or cause to be made or sold a measuring instrument which is incorrect or unjust; or
- (j) sell a measuring instrument for use for trade which is not a verified measuring instrument or is not in a state as would enable it to be verified under this Ordinance and the Regulations.

Penalty: For a first offence - 500 dollars

For a second or subsequent offence -
1,000 dollars.

(2) It is a defence to a prosecution under sub-section (1)(b) for the defendant to prove that the stamp in question was in his possession in accordance with a law in force in the Territory.

Offences in
connexion
with
Inspectors

21. A person shall not -

- (a) hinder or obstruct an Inspector in the execution of his duty;
- (b) fail to produce, when reasonably requested by an Inspector, all measuring instruments in his possession for inspection;
- (c) refuse on request to state his name and address to an Inspector or state to an Inspector a false name or address;
- (d) use abusive language to, or directly or indirectly threaten, an Inspector;
- (e) assault an Inspector while he is executing his duties under this Ordinance or the Regulations;
- (f) impersonate an Inspector; or
- (g) pretend to be engaged in or associated with the administration of this Ordinance.

Penalty: For a first offence - 500 dollars
For a second or subsequent offence -
1,000 dollars.

PART V - MEASUREMENT IN TRADE

Units of
measurement

22. A person shall not use a unit of measurement of a physical quantity in trade unless that unit is a Commonwealth legal unit of the metric system of measurement.

Penalty: 500 dollars.

Contracts
made in
connexion
with
incorrect
measuring
instruments

23.(1) Subject to this section, a contract made in reference to an incorrect, unjust or unverified measuring instrument is void.

(2) In a proceeding in which the validity of a contract, as referred to in sub-section (1), comes into question, the court shall not hold the contract to be void if it is proved to the satisfaction of the court that the use of the incorrect, unjust or unverified measuring instrument was due to -

- (a) a bona fide mistake;
- (b) an accident of which the parties to the contract were unaware; or
- (c) any other cause beyond the control of the parties to the contract,

and in spite of all reasonable precautions having been taken and all due diligence having been exercised by those parties.

24.(1) Subject to sub-section (3), a person shall not enter into a contract for any work, article or other thing that is to be done, sold, carried or agreed for by measurement of a physical quantity, unless that contract is made or entered into by reference to Commonwealth legal units of the metric system of measurement of that physical quantity. Contracts to be in terms of the metric system of measurement

Penalty: 500 dollars.

(2) A contract that is entered into in contravention of sub-section (1) is void.

(3) This section does not apply -

(a) to a contract made or had by any person in the Territory with a person carrying on business in any other Territory, State or country when the contract is made or had in the course of such business and in accordance with the legal units of measurement of that Territory, State or country; or

(b) to or in connexion with timber in the log.

25.(1) A person who is selling an article by quantity shall not sell that article otherwise than by net quantity. Sales by quantity

Penalty: 500 dollars.

(2) Subject to sub-section (4), a person who sells by quantity an article in any place, vehicle or vessel shall have in a convenient position, capable of being readily seen by the purchaser, a suitable

measuring instrument for determining the quantity of the article and shall, at the request of a purchaser of any article sold by quantity, determine the quantity of it in the presence of the purchaser.

(3) A person to whom sub-section (2) applies -

(a) shall have a measuring instrument in a position as required by sub-section (2); or

(b) shall not refuse to determine the quantity of an article as required by sub-section (2).

Penalty: 500 dollars.

(4) Sub-section (2) applies to bread where bread is sold in a shop or like place, but not otherwise.

(5) A person shall not by means of words, description or other indication, directly or indirectly-

(a) make a false declaration or statement; or

(b) wilfully mislead a person,

as to the quantity of an article sold or delivered by him.

Penalty: For a first offence - 500 dollars
For a second or subsequent offence - 1,000 dollars.

(6) A person shall not sell an article where the actual quantity of that article is less than its purported quantity.

Penalty: For a first offence - 500 dollars
For a second or subsequent offence - 1,000 dollars.

(7) A person shall not sell an article by quantity at a stated price per unit of quantity where the price charged for the article exceeds the price correctly computed from the actual quantity of the article and the stated price per unit of quantity.

Penalty: For a first offence - 500 dollars
 For a second or subsequent offence -
 1,000 dollars.

26. A baker, in respect of each loaf of bread exceeding 125 grams in mass which he bakes for sale, shall legibly and prominently - Packaging of bread

- (a) impress upon that loaf; or
- (b) stamp or print upon the material wrapping that loaf,

the mass that the loaf is intended to be.

Penalty: For a first offence - 500 dollars
 For a second or subsequent offence -
 1,000 dollars.

27. (1) An Inspector may at all times enter any place where he reasonably believes bread is being baked or prepared for sale or is sold and may stop and search any cart or other means used for the carriage or delivery of bread by or for any baker or seller of bread and may determine the mass of all bread, wherever found. Bread

(2) An Inspector acting in pursuance of sub-section (1) who discovers a loaf of bread which has a mass less than the mass impressed upon it, or less than the mass stamped or printed upon the material wrapping that loaf, shall determine the mass of 4 or more like loaves of the same size excluding the loaf discovered, selected from the loaves which are found upon entry or search.

(3) Subject to sub-section (4), if, on the determining of the mass of the loaves in pursuance of sub-section (2), the total mass is less than the total purported mass of those loaves, the baker is guilty of an offence and is liable on conviction -

- (a) for a first offence to a penalty not exceeding 500 dollars; or
- (b) for a second or subsequent offence to a penalty not exceeding 1,000 dollars.

(4) In a prosecution for an offence against sub-section (3), it is a defence if the defendant proves that one or more of the 4 or more loaves, the mass of which was determined, was not baked within the period of 24 hours immediately preceding the time of the mass being determined by the Inspector.

(5) Where bread is weighed in pursuance of this section, the proof that it was not baked within the period of 24 hours last preceding the time of the mass being determined by the Inspector shall be upon the baker of the bread.

PART VI -MISCELLANEOUS

Summary procedure

28. All proceedings for offences against this Ordinance or the Regulations shall be heard and determined summarily.

Offences

29.(1) A person, including an Inspector, employed, licensed or authorized to act in any capacity under this Ordinance shall report to the Superintendent every offence against the Ordinance or the Regulations of which he has notice.

(2) A prosecution for an offence against this Ordinance or the Regulations may be instituted at any time within 12 months after the commission of the offence comes to the knowledge of the Superintendent.

(3) A prosecution for an offence against this Ordinance or the Regulations shall not be commenced except on the complaint of the Superintendent or with his consent.

(4) Where a person is convicted of an offence against this Ordinance or the Regulations and the court by which he is convicted is of the opinion that some person was defrauded or suffered pecuniary loss by reason of the commission of the offence the court may, in addition to imposing any penalty, order that the defendant shall pay to such last-mentioned person by way of compensation of his loss such sum as the court thinks fit.

(5) Where a court makes an order under

sub-section (4) requiring a person to pay a sum of money for compensation, the Justice or Magistrate shall make and sign a minute or memorandum of the order and, on the request of the person entitled to receive the compensation, shall cause that minute or memorandum to be transmitted to the Clerk of a Local Court designated by the person making the request, whereupon that minute or memorandum has effect as though it were a judgment of that Local Court.

(6) Proceedings under this Ordinance or the Regulations for a penalty for any offence by a body corporate may be taken against any person who -

- (a) is the manager of that body corporate in the Territory; or
- (b) is the person in the body corporate responsible for the aspect of the body corporate's operations out of which the offence arose.

30. In any prosecution or legal proceedings under this Ordinance or the Regulations in respect of a measuring instrument the onus shall be on the defendant to prove that the measuring instrument was tested and verified as required by this Ordinance or the Regulations.

Onus of
proof

31.(1) In any prosecution or legal proceedings under this Ordinance or the Regulations no proof shall, unless evidence is given to the contrary, be required of the appointment of the person purporting to have been appointed under this Ordinance.

Evidentiary
provisions

(2) A document certifying that -

- (a) specified measuring instruments in the possession of an Inspector are Inspector's Standards;
- (b) the measuring instruments referred to in paragraph (a) have been verified within the prescribed period under the Commonwealth Regulations;
- (c) a specified person is or was acting under this Ordinance or the Regulations in the capacity stated therein; or

- (d) for the purposes of section 29(2), the Superintendent has not had knowledge of the commission of the offence for a period equal to, or exceeding the 12 months prior to the institution of the prosecution,

and any other document relating to or arising out of the administration of this Ordinance or the Regulations shall, if purporting to be signed by the Superintendent, be received as evidence in all courts and be deemed to be issued or written by or under the direction of the Superintendent without proof unless the contrary is shown.

(3) Any verification certificate purporting to be signed by an Inspector is prima facie evidence that the measuring instruments referred to in it are verified measuring instruments.

(4) When a measuring instrument is found -

- (a) in the possession of a person carrying on trade;
- (b) in a place used by a person for trade; or
- (c) on, or in, a vehicle or vessel used by a person for trade,

that person shall be deemed for the purposes of this Ordinance, until the contrary is proved, to have that measuring instrument in his possession for trade.

Defences

32. It is a defence in any proceedings for an offence against this Ordinance or the Regulations if the defendant proves to the satisfaction of the court that that offence was due to -

- (a) a bona fide mistake;
- (b) an accident;
- (c) a cause beyond his control; or
- (d) the action of a person over whom the defendant had no control,

and that the offence occurred in spite of all reasonable precautions having been taken by him and all due diligence having been exercised by him to prevent the occurrence of the offence.

33.(1) Subject to this section, no proceeding or conviction for any offence against this Ordinance or the Regulations shall affect any civil right or remedy to which any person aggrieved by the offence may be entitled.

Preservation
of civil
remedies

(2) In a proceeding for any civil right or remedy, as referred to in sub-section (1), the court shall take into account any compensation awarded under section 29(4).

34. Where a person is convicted of an offence against this Ordinance or the Regulations and the court by which he is convicted is of the opinion that such offence was committed with intent to defraud, he shall be liable, in addition to any other fine, to a fine not exceeding 2,000 dollars, or imprisonment for 6 months, or both.

Penalty
where
fraud
involved

35.(1) A measuring instrument or article, in connexion with which an offence against this Ordinance or the Regulations has been committed, may, on conviction of a person guilty of that offence, be forfeited by order of the court.

Forfeiture

(2) Subject to sub-section (3), if the court does not convict a person in a prosecution for an offence against this Ordinance or the Regulations all measuring instruments and articles which have been seized and detained under this Ordinance or the Regulations in connexion with that prosecution shall be returned to their owner.

(3) The Superintendent may, without instituting a prosecution or further prosecution, apply to a court for the forfeiture of a measuring instrument or article seized and detained under this Ordinance or the Regulations or which has been the subject of a prosecution under this Ordinance or the Regulations and the court in its discretion may make such order as it thinks fit.

(4) Where a measuring instrument or article has been seized and detained under this Ordinance or the Regulations and at the expiration of 3 months from such seizure -

- (a) no prosecution has been instituted in relation to it; and
- (b) no application has been made for an order under sub-section (3),

the Superintendent shall return it to its owner.

(5) All measuring instruments and articles forfeited under this Ordinance or the Regulations shall become the property of the Crown and may be disposed of as the Executive Member thinks fit.

Recovery of
fees, etc.

36. Any fees, charges or expenses payable under this Ordinance or the Regulations and not paid shall be recoverable in any court of competent jurisdiction by the Executive Member by action as for a debt due to the Crown.

Regulations

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

- (a) providing for the supply, custody, care, identification, verification and certification of verification of standards of measurement;
- (b) prescribing the permissible ranges of variation in accuracy of subsidiary standards and the accuracy of measuring instruments to be used for the verification of subsidiary standards;
- (c) prescribing conditions relating to the duties, responsibilities and qualifications of Inspectors and providing for identification certificates for Inspectors;
- (d) regulating and controlling the inspection, testing and verification of measuring

instruments for the purposes of this Ordinance and without limiting the generality thereof prescribing any method or methods by which or the manner in which and the means by which and the persons by whom the inspection, testing or verification shall or shall not be done;

- (e) prescribing verification certificates and stamps including verification stamps and rejection stamps for the purposes of this Ordinance;
- (f) prescribing the circumstances and conditions under which and the manner in which and the persons by whom verification certificates may be cancelled or verification stamps or rejection stamps may be affixed or obliterated;
- (g) prescribing the shape, dimensions and proportions to be required of measuring instruments and the materials of which they shall be made;
- (h) prescribing what measuring instruments or classes of measuring instruments shall or shall not be admitted to verification;
- (i) prescribing the tests to be applied to measuring instruments or classes of measuring instruments to ascertain their accuracy and efficiency;
- (j) prescribing the amount of error which may be tolerated in measuring instruments or classes of measuring instruments;
- (k) prescribing which measuring instruments shall be used for the testing for verification of other measuring instruments or classes of measuring instruments;
- (l) prescribing the purposes or trades for or in which prescribed measuring instruments or classes of measuring instruments may lawfully be used;

- (m) prescribing the method of use and limiting or regulating the use in trade of prescribed measuring instruments;
- (n) providing for the marking on measuring instruments of their denomination, capacities and other markings;
- (o) providing for the obliteration of stamps on measuring instruments found to be incorrect, unjust or not in accordance with the Ordinance or the Regulations;
- (p) prescribing the denominations of measuring instruments permissible for use in trade;
- (q) prescribing the classes of weights to be used in connexion with prescribed measuring instruments;
- (r) prescribing the conditions to be observed in the giving and taking of mass tickets;
- (s) prescribing the procedure to be followed in the weighing of articles;
- (t) providing for the taking of tare masses of any vehicle used for the conveyance of articles sold or carried by mass;
- (u) providing for the issue and production of tickets showing the mass or the mass of the loading on a vehicle or the mass of both the loading and the vehicle, as referred to in paragraph (t);
- (v) providing for the weighing, as referred to in paragraph (t), on demand by a purchaser or an Inspector;
- (w) providing for the prevention of frauds in connexion with articles conveyed on vehicles and sold or carried by mass;
- (x) prohibiting the sale of prescribed articles by measure or capacity;

- (y) prescribing the method by which prescribed classes or articles shall be sold;
 - (z) prescribing conditions under which measuring instruments may be repaired or adjusted;
 - (aa) providing for the qualifications, supervision and control of repairers and adjusters of measuring instruments or any like trade;
 - (ab) prescribing fees chargeable for the inspecting, verification or adjusting of measuring instruments by Inspectors;
 - (ac) prescribing fees chargeable for the issuing of interim verification certificates;
 - (ad) providing for the registration of principals in the business of repairing and adjusting of measuring instruments and of employees in that business;
 - (ae) prescribing fees chargeable for registrations of the types referred to in paragraph (ad);
 - (af) providing for the payment and collection of the fees prescribed under paragraphs (ab), (ac) and (ae);
 - (ag) regulating the selling of measuring instruments;
 - (ah) providing for exemptions in pursuance of this Ordinance; and
 - (ai) for imposing penalties not exceeding 200 dollars for any breach of any regulation.
-

SCHEDULE

Section 3(1)

Repealed Ordinances

Weights and Measures Ordinance 1936
Weights and Measures Ordinance 1949
Weights and Measures Ordinance 1965
Weights and Measures Ordinance 1970
Weights and Measures Ordinance 1973
Weights and Measures Ordinance (No. 2) 1973

THE NORTHERN TERRITORY OF
AUSTRALIA
A BILL

for

AN ORDINANCE

To amend the Weights and Measures
(Packaged Goods) Ordinance

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

1. This Ordinance may be cited as the
Weights and Measures (Packaged Goods)
Ordinance 1978.

Short
title

2. The Weights and Measures (Packaged
Goods) Ordinance is in this Ordinance
referred to as the Principal Ordinance.

Principal
Ordinance

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

Interpre-
tation

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

"'quantity' means, where used in
relation to a pre-packed article -

(a) in the case of an article
ordinarily sold by mass - the
mass of the article contained
in the package;

(b) in the case of an article
ordinarily sold by volume - the
volume of the article contained
in the package;

- (c) in the case of an article ordinarily sold by number - the quantity of the article contained in the package as counted by number; and
 - (d) in the case of an article ordinarily sold by reference to its dimensions - the dimensions of the article contained in the package;";
- (b) by omitting the definition of "the metric system of measurement" and substituting the following definition:
- "'the metric system of measurement' means the system of measurement in Commonwealth legal units of measurement within the meaning of the Weights and Measures (National Standards) Act 1960 related to the metre, the kilogram or the cubic metre;"; and
- (c) by adding at the end thereof the following definition:
- "'weigh' means to determine the apparent mass of an object when weighed in air.".
- (2) Section 3 of the Principal Ordinance is amended by omitting sub-section (5).

Name, &c.,
of packer
to be
marked
on
packages

4. Section 7(1) of the Principal Ordinance is amended by inserting after "mark" the words ", in the prescribed manner,".

5.(1) Section 9(2) of the Principal Ordinance is amended by omitting "a statement of the weight or measure" and substituting ", in the prescribed manner, a statement of the quantity".

Packages to be marked with particulars of quantity

(2) Section 9(3) of the Principal Ordinance is amended by omitting "a statement of the weight or measure" and substituting ", in the prescribed manner, a statement of the quantity".

6. Section 11(5)(a) of the Principal Ordinance is amended -

Incorrect quantity of pre-packed articles

(a) by omitting "8 ounces or"; and

(b) by omitting "8 fluid ounces or".

7. Section 14 of the Principal Ordinance is amended -

Provisions applicable where quantity marked in different units of measurement

(a) by omitting sub-paragraph (i) from sub-section (1)(a) and substituting the following sub-paragraph:

"(i) in terms of the metric system of measurement;"; and

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

8. The Principal Ordinance is amended by inserting after section 15 the following section:

Marking
of price
per unit
of
quantity

"15A.(1) A person who packs an article shall, if the package containing that article is required by the regulations to be marked with a price per unit of quantity, mark that package with that price per unit in the prescribed manner.

Penalty: 200 dollars.

"(2) Subject to section 19, a person shall not sell an article, whether packed in or outside the Territory, the package of which is required by the regulations to be marked with a price per unit of quantity, unless that article is marked in the prescribed manner.

Penalty: 200 dollars."

Defences

9. Section 19(3) of the Principal Ordinance is amended -

(a) by omitting from paragraph (f) "or"; and

(b) by inserting after paragraph (f) the following paragraph:

"(fa) section 15A(2); or".

Penalties

10. Section 26(2) of the Principal Ordinance is amended by omitting "100" and substituting "200".

Regula-
tions

11. Section 29(m) of the Principal Ordinance is amended by omitting "100" and substituting "200".

12. The Principal Ordinance is amended as set out in the Schedule.

SCHEDULE

Section 12

1. The following sections of the Principal Ordinance are amended by omitting "weight or measure" (wherever occurring) and substituting "quantity":

Sections 3(4), 5(a), 5(b), 5(c), 6(1), 8(2)(a), 8(2)(b), 8(3)(a), 8(3)(b), 10(3)(a), 10(3)(b), 11(1)(a), 11(1)(b), 11(2), 11(3), 11(4), 11(5), 11(5)(a), 11(5)(b), 11(6)(a)(i), 14(1), 14(1)(a), 14(1)(b), 15(1)(a), 15(1)(c), 15(2), 15(2)(a), 16(1), 16(4)(a), 19(5)(d)(ii), 20(1)(c), 20(3), 20(3)(a), 27(3)(a), 28(a), 28(b), 29(f), 29(g), 29(h) and 29(k).

2. The following sections of the Principal Ordinance are amended by omitting "weight" (wherever occurring) and substituting "mass":

Sections 12(2)(a), 12(2)(b), 12(4)(a), 12(5)(a), 12(6), 12(6)(a), 12(6)(b), 12(7), 12(7)(a), 12(7)(b), 12(8), 12(9)(a)(i), 12(9)(b), 12(10), 12(10)(b), 12(11)(a)(i), 13(1)(a), 13(2)(a), 13(2)(b), 13(2)(c), 13(2)(d), 13(3), 13(3)(b), 13(3)(d), 13(4), 13(4)(a), 13(4)(c), 13(5)(a)(i), 13(6)(a), 13(6)(b) and 13(7).

3. Sections 11(6)(b), 14(1) and 29(b) of the Principal Ordinance are amended by omitting "weights or measures" (wherever occurring) and substituting "quantities".

4. Sections 12(2)(a), 12(9)(b), 12(11)(b) and 13(5)(b) are amended by omitting "weights" (wherever occurring) and substituting "masses".
